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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 4 November 2021

Time: 4.00 pm

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

Membership

Councillor George Reynolds (Chairman)

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

Councillor David Hughes (Vice-Chairman)

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

Substitutes

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

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

AGENDA

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

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

3. **Requests to Address the Meeting**

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

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

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

4. **Minutes** (Pages 5 - 16)

To confirm as a correct record the Minutes of the meeting of the Committee held on 7 October 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** (Page 17)

The Committee to consider requests for and proposed pre-committee site visits.

Requests received in advance of the meeting are included with the agenda. Any further requests or proposed site visits will be published as part of the written update.

Planning Applications

8. **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury** (Pages 20 - 25) **21/00218/DISC**
9. **Bicester Leisure Centre, Queens Avenue, Bicester** (Pages 26 - 33) **21/02924/CDC**
10. **Dovecote Approximately 50 Metres South of Old Place Yard House, Old Place Yard, Bicester** (Pages 34 - 42) **21/02394/LB**
11. **Bignell Park Barns, Kirtlington Road, Chesterton OX26 1TD** (Pages 43 - 63) **21/02317/F**

12. **OS Parcel 0030 adjoining and South East of Cradle House Farm, Wigginton**
(Pages 64 - 73) **21/02406/F**
13. **Land Adj To Cotswold Country Club and South of Properties on Bunkers Hill, Shipton on Cherwell** (Pages 74 - 82) **21/02503/M106**
14. **37 Woodhall Drive, Banbury, OX16 9TY** (Pages 83 - 90) **21/02614/F**

Review and Monitoring Reports

15. **Appeals Progress Report** (Pages 91 - 98)

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 27 October 2021

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 7 October 2021 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor David Hughes (Vice-Chairman)
Councillor Maurice Billington
Councillor Andrew Beere
Councillor John Broad
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Dorothy Walker
Councillor Sean Woodcock

Substitute Members:

Councillor Bryn Williams (In place of Councillor Hugo Brown)

Apologies for absence:

Councillor Hugo Brown
Councillor Colin Clarke
Councillor Patrick Clarke
Councillor Ian Corkin
Councillor Sandy Dallimore
Councillor Simon Holland
Councillor Mike Kerford-Byrnes
Councillor Tony Mepham

Officers:

Alex Chrusciak, Senior Manager - Development Management
Andy Bateson, Team Leader – Major Developments
Lewis Knox, Planning Officer
Karen Jordan, Deputy Principal Solicitor
Lesley Farrell, Democratic and Elections Officer
Natasha Clark, Governance and Elections Manager

72

Declarations of Interest

9. OS Parcel 7400 Adjoining and South of Salt Way, Banbury.

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

11. 71 Bretch Hill, Banbury, OX16 0LE.

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

73 **Requests to Address the Meeting**

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

74 **Minutes**

The Minutes of the meeting held on 9 September 2021 were agreed as a correct record and signed by the Chairman.

75 **Chairman's Announcements**

The Chairman made the following announcement:

1. There are currently 2 consultations taking place
 - Oxfordshire 2050 which ends on 8 October 2021; and
 - A Reg.18 Issues & Options review of the Local Plan which ends on 10 November 2021

76 **Urgent Business**

There were no items of urgent business.

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

1. **Application 21/02890/F – Land south west of Queens Avenue, and Kingsclere Road, Bicester.**

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

Resolved

- (1) That a site visit take place prior to the meeting at which application 21/02890/F, at land south west of Queens Avenue and Kingsclere Road, Bicester will be considered by the Planning Committee.
2. **Application 21/01818/F – Pakefield House, St Johns Street, Bicester**

It was proposed by Councillor Sibley and seconded by Councillor Pratt that a site visit take place at Pakefield House, St Johns Street, Bicester as this site was of major concern to residents of Bicester and not all of the proposed development could be seen from the street.

Resolved

- (1) That a site visit take place prior to the meeting at which application 21/01818/F, at Pakefield House, St Johns Road, Bicester will be considered by the Planning Committee.

78

Oxford Technology Park, Langford Lane, Kidlington

The Committee considered application 21/02278/F for a 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 at Oxford Technology Park, Langford Lane, Kidlington for Oxford Technology Park Limited.

Matthew Sobic agent for the applicant, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officer's report and presentation, the address of the public speaker and the written update, including the applicant's unilateral offer to increase the number of proposed EV charging points from 10 up to 20.

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/02278/F subject to:
 - i) The completion of a Linking Agreement to the original Planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991
 - ii) The following conditions (and any amendments to those conditions deemed necessary):

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.

79 **OS Parcel 7400 Adjoining and South of Salt Way, Banbury**

The Committee considered application 20/01048/DISC for the discharge of condition 6 (Design Parameters Code) of application 14/01932OUT at OS Parcel 7400 Adjoining land South of Salt Way, Banbury for Mrs Sarah Griffiths.

Francesca Parmenter of David Lock Associates addressed the Committee in support of the application.

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

Resolved

- (1) That Planning Condition 6 (Design Parameters Code) of application 14/01932/OUT be discharged based upon:
 - Land at Wykham Park Farm – Design Parameter Code – August 2021 (Version 23).
 -

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

The Committee considered application 21/02408/F for the erection of a building to form a covered riding area at Spring Well Farm, Kirtlington Road, Chesterton, OX26 1TW for Mr and Mrs Pharaon.

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

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 21/02408/F subject to the following conditions (and any amendments to those conditions deemed necessary):

CONDITIONS

Time Limit

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

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

Compliance with Plans

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

81 **71 Bretch Hill, Banbury, OX16 0LE**

The Committee considered application 21/02481/F for a single storey rear extension to 71 Bretch Hill, Banbury, OX16 0LE for Mrs Sarah Parker.

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 21/02481/F subject to the following conditions (and any amendments to those conditions deemed necessary):

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to the 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.

82 **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which gave information on planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 5.35 pm

Chairman:

Date:

Cherwell District Council

Planning Committee

Thursday 4 November 2021

Proposed Committee Site Visits

Application 21/01123/F, Hatch End, Old Poultry Farm, Steeple Aston Road, Middle Aston, Bicester.

A request has been received from Cllr Kerford-Byrnes for a committee site visit to be held for application 21/01123/F which proposes the construction of replacement business units at Hatch End, Old Poultry Farm, Steeple Aston Road, Middle Aston, Bicester.

In accordance with Section 11.3 of the Council's Planning Committee Procedure Rules, the following reasons has been put forward: "The setting and surroundings are particularly relevant to the determination or conditions being considered. In particular, I wish the members to experience the traffic congestion and road safety issues arising from drop-off and collection at Dr. Radcliffe's School, which are already a significant problem in the narrow country lane adjacent to the application site. The request is made that any formal site visit is conducted when the perceived impact/risk is greatest - that is at school set-down and pick-up time. Therefore it may be appropriate to hold the visit on a date other than day of the Committee."

Officer comments:

The site and the surrounding area is publicly accessible and a formal committee site visit is not required to secure access. The stated issues regarding the issues around the school can be viewed by individual members. A formal visit at this time would increase the number of people in the vicinity creating the concern that the problems may be exacerbated by the Committee visiting all together.

Any further proposed committee site visits will be published with the written update.

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee - 4 November 2021

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

Background Papers

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

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury	21/00218/DISC	Banbury Cross & Neithrop	*Grant Permission	Samantha Taylor
9	Bicester Leisure Centre, Queens Avenue, Bicester	21/02924/CDC	Bicester West	*Grant Permission	Emma Whitley
10	Dovecote Approximately 50 Metres South of Old Place Yard House, Old Place Yard, Bicester	21/02394/LB	Bicester South and Ambrosden	*Grant Permission	Shona King
11	Bignell Park Barns, Kirtlington Road, Chesterton OX26 1TD	21/02317/F	Fringford and Heyfords	*Grant Permission	John Cosgrove
12	OS Parcel 0030 adjoining and South East of Cradle House Farm, Wigginton	21/02406/F	Deddington	*Grant Permission	Shona King
13	Land Adj To Cotswold Country Club and South of Properties on Bunkers Hill, Shipton on Cherwell	21/02503/M106	Launton and Otmoor	Refusal	Shona King
14	37 Woodhall Drive, Banbury, OX16 9TY	21/02614/F	Banbury Calthorpe & Easington	*Grant Permission	Lewis Knox

*Subject to conditions

Agenda Item 8
21/00218/DISC

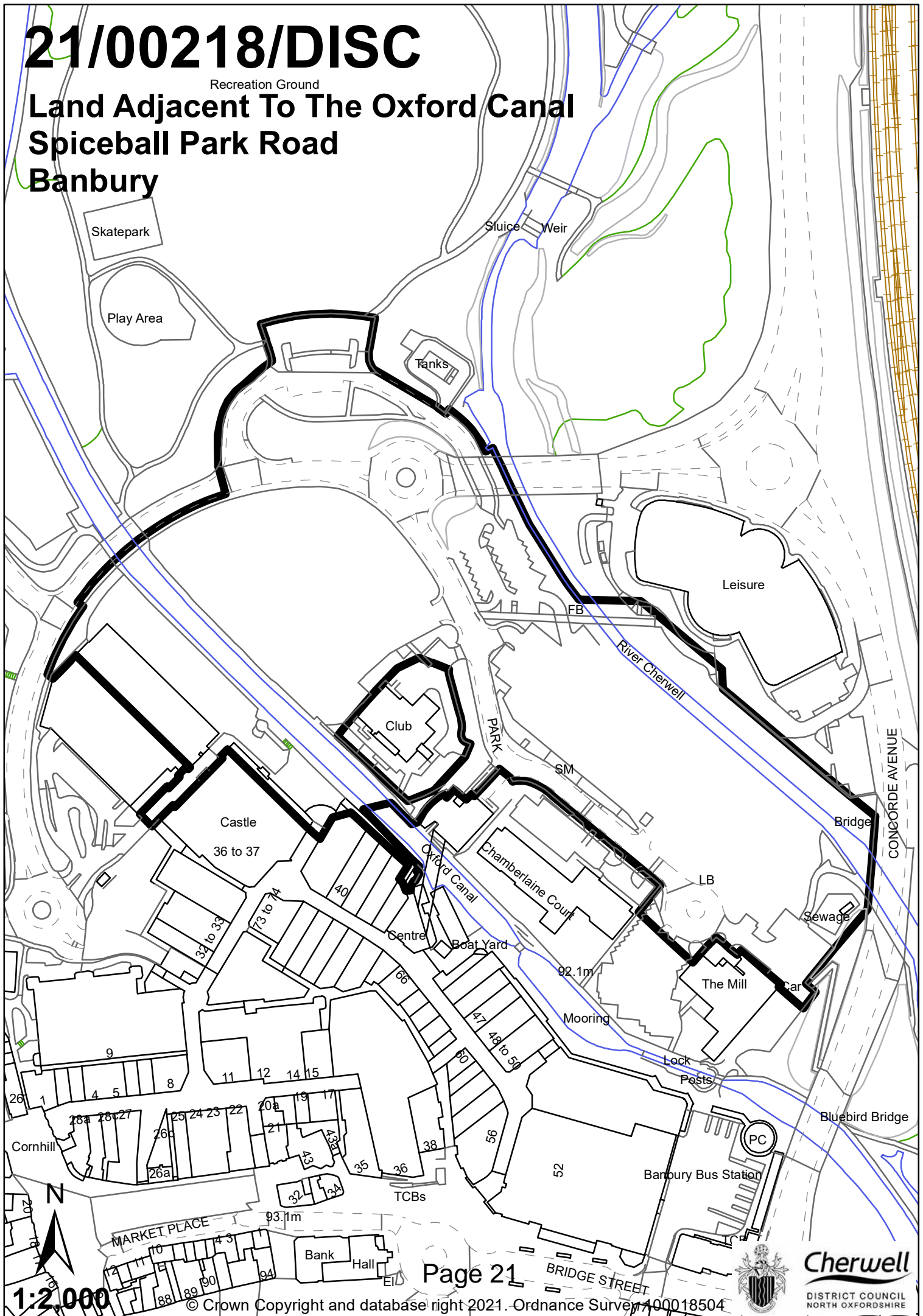
**Land Adjacent To The Oxford Canal
Spiceball Park Road
Banbury**



21/00218/DISC

Recreation Ground

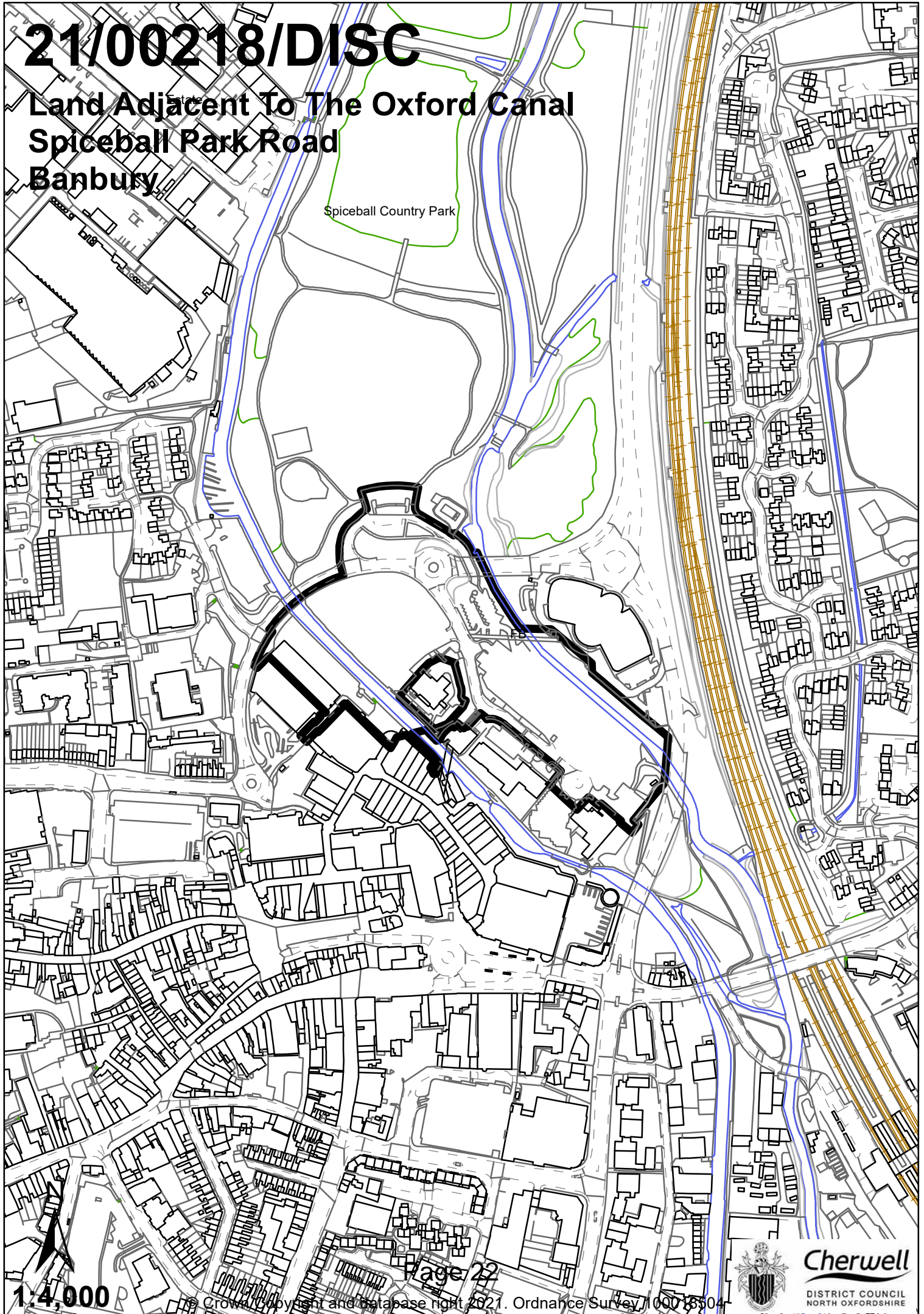
Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



21/00218/DISC

Land Adjacent To The Oxford Canal Spiceball Park Road Banbury

Spiceball Country Park



Case Officer: Samantha Taylor

Applicant: Cherwell District Council

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

Ward: Banbury Cross and Neithrop

Councillors: Councillor Banfield, Councillor Hodgson and Councillor Perry

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

Expiry Date: 17 March 2021

Committee Date: 12 August 2021

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

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

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

2. CONDITIONS PROPOSED TO BE DISCHARGED

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

3. RELEVANT PLANNING HISTORY

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

20/00329/CDC - Change of use from coach parking to car parking modifications to layout of hard surfacing and landscaping. Resolved to grant planning permission, subject to a S106 Legal Agreement. Approved.

16/02366/OUT - Removal/Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to

maximum deviations in block; and Condition 9 to be removed, as no longer justified.
Approved

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

4. RESPONSE TO PUBLICITY

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

5. RESPONSE TO CONSULTATION

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

CONSULTEES

- 5.2. OXFORDSHIRE COUNTY COUNCIL – Comments received. The Highways Officer notes that within relatively close proximity to the site, the coach park at Compton Road was the subject of application 20/00329/CDC for the change of use to a standard car park. The Planning Committee resolved to grant permission in March 2020, but the necessary s106 has not yet been finalised. The signage contained within this application includes directional signs to the coach park. As such, the officer queries whether the signage should be amended to remove reference to the coach park and instead, direct to public car parking.
- 5.3. *Officer Comments: Noted and addressed in the 'Appraisal' section of this report.*

6. APPRAISAL

- 6.1. Condition 27 of the approved application 16/02366/OUT requires the submission of an acceptable Highway Signage Strategy.

- 6.2. The application includes the submission of the positioning and details of the highway signs that are proposed. The proposed road, markings and signs are shown, and include various directional signs for car parking, one-way systems, loading areas, pedestrian and bicycle routes and other standard highway signs.
- 6.3. The design of the signage panels is consistent with other highway signage in the local area and officers consider the visual appearance to be appropriate.
- 6.4. The strategy has been developed in accordance with the '*Traffic Signs Regulations and General Directions 2016*' and has been discussed with Oxfordshire County Council (OCC). Technical Approval has been received from OCC and this has been provided as part of the application submission. Comments have been received from OCC in respect of the signs and confirm that the drawings were approved as part of the Technical S.278 works. As such, officers consider that the signage details do not cause harm to highway safety, having been granted technical approval by OCC as highways authority.
- 6.5. The application under consideration was deferred from the Planning Committee meeting on 12th August 2021 to allow for the adjacent application at Compton Road (20/00329/CDC) to be determined and for amendments to be made to the signage to remove reference to the coach park. The Compton Road application for the change the use of the coach park to a standard car park has been determined and a decision issued in line with the Committee's resolution. Planning permission has been granted subject to conditions and a s.106 agreement. However, due to the delays in determining the Compton Road Coach Park, the signage panels as submitted (and granted technical approval by OCC) indicating the current coach park have been put up. As such, the application is now retrospective.
- 6.6. Planning permission 20/00329/CDC for the car park at Compton Road requires a financial contribution to the provision of amended signs directing coaches to alternative locations within the town centre. It is understood that the contribution has been paid to OCC. It is now for the County Council to erect replacement signs once the car park is operational.
- 6.7. With regard to the current proposal, the signage panels erected as shown on the submitted plans comply with the technical requirements of the County Council as highway authority and are acceptable in terms of highway safety and appearance. Officers do not consider that there is any harm caused by what is now a retrospective application. The submitted scheme as implemented is acceptable, notwithstanding the fact that the County Council would look to replacing the signs upon formal operation of the approved Compton Road Car Park.

7. RECOMMENDATION

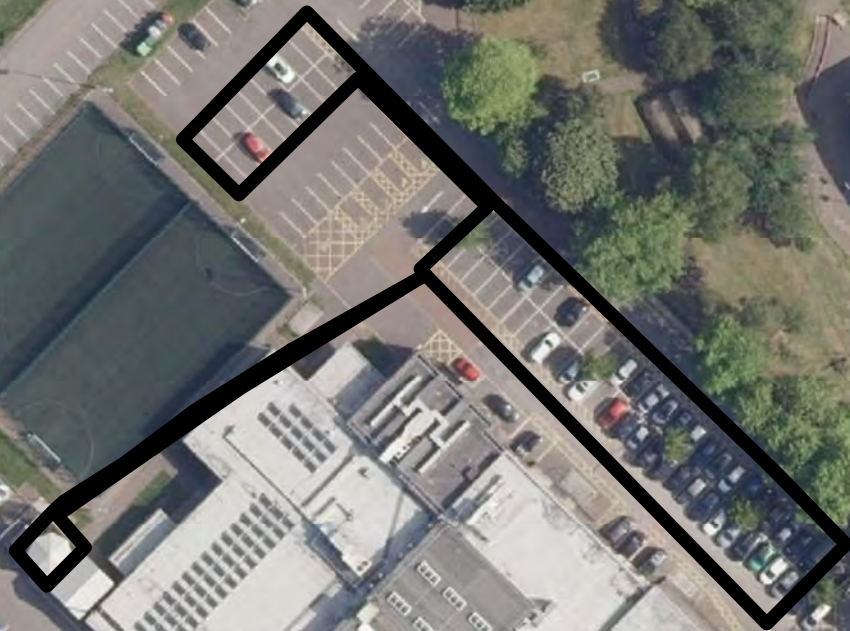
- 7.1. That Planning Condition 27 of Application 16/02366/OUT be discharged based upon the following:

Condition 27 (Highway Signage Strategy)

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

Agenda Item 9
21/02924/CDC

**Bicester Leisure Centre
Queens Avenue
Bicester
OX26 2NR**

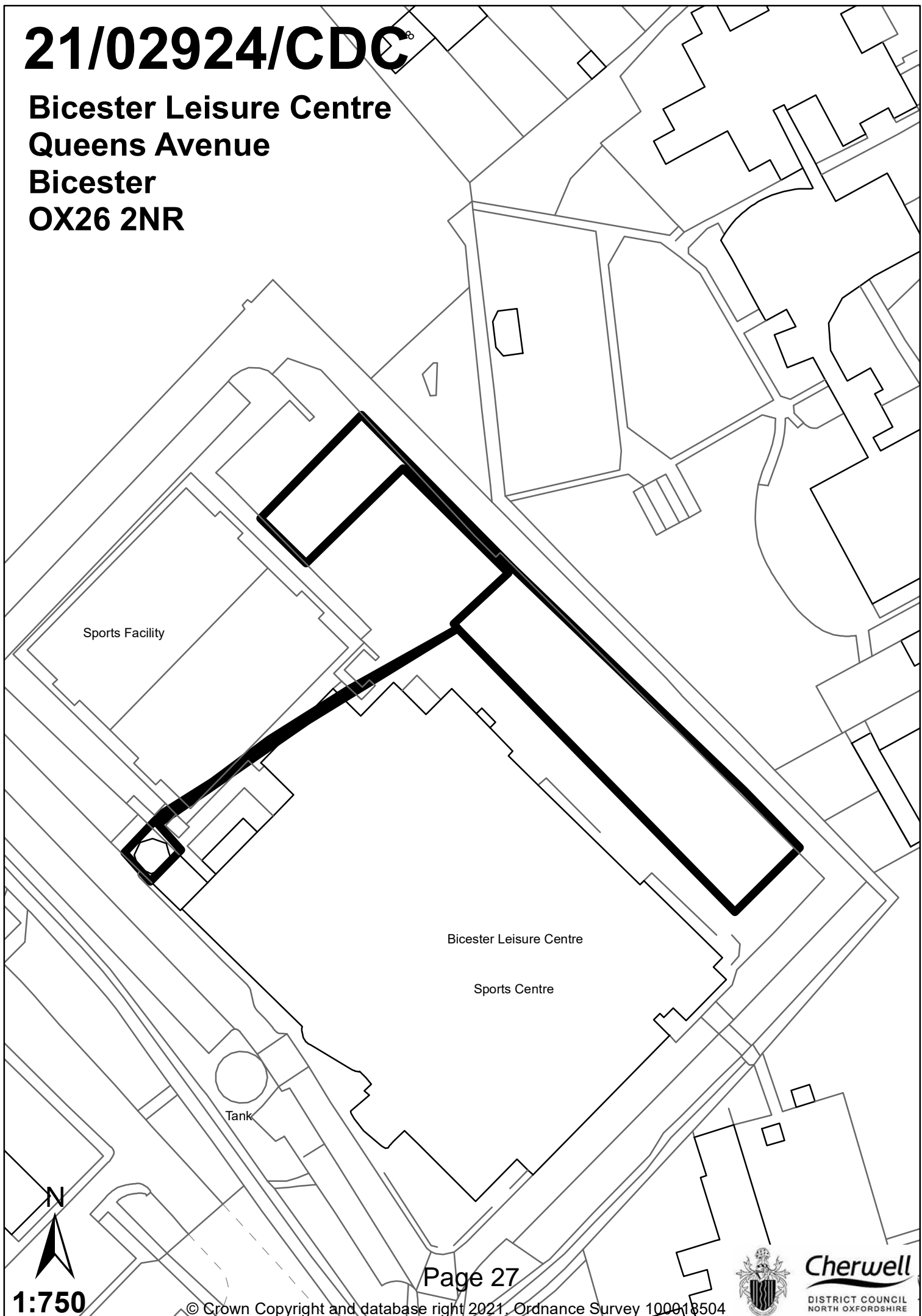


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21/02924/CDC[®]

**Bicester Leisure Centre
Queens Avenue
Bicester
OX26 2NR**



Sports Facility

Bicester Leisure Centre

Sports Centre

Tank

N



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Page 27

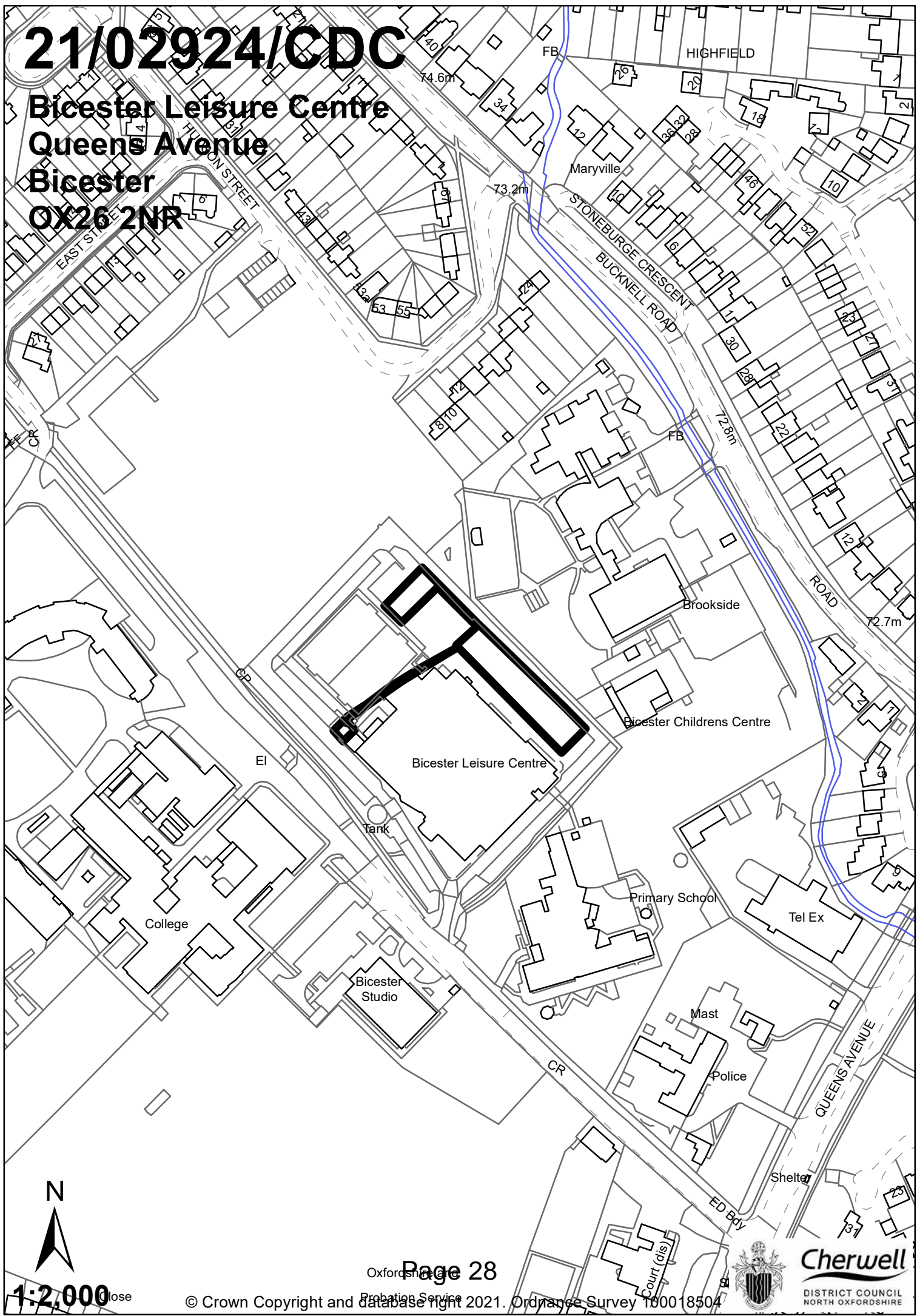
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

21/02924/CDC

Bicester Leisure Centre Queens Avenue Bicester OX26 2NR



1:2,000



Case Officer: Emma Whitley

Applicant: Cherwell District Council

Proposal: Removal of existing biomass equipment, installation of air source heat pump and car port PV panels

Ward: Bicester West

Councillors: Cllr Broad, Cllr Sibley and Cllr Webster

Reason for Referral: Council is the applicant

Expiry Date: 12 November 2021 **Committee Date:** 4 November 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site is centrally sited and is adjacent to Bicester Community College, St Mary's Catholic Primary School, Brookside Primary School and associated playing fields. The Sports Centre is accessed off a road some 200 metres from the main entrance off Queens Avenue on its north east side. This vehicular access road is also a public footpath. The sports centre is constructed from brick and steel cladding.

2. CONSTRAINTS

2.1. The building is not listed, and no listed buildings are in close proximity to the site. The site is not within a conservation area. There are no other site constraints considered directly relevant to this proposal.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The applicant seeks planning permission for the erection of car ports within the rear area of the existing car park which will incorporate solar photovoltaics on the roof. Planning permission is also sought for the installation of an air source heat pump and extension to boundary fencing to surround the pump.

4. RELEVANT PLANNING HISTORY

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

15/00021/CDC

Material Amendment to 13/01598/CDC - Extension of the chimney flue by 600mm.
Application Permitted 20 March 2015.

13/01598/CDC

Construction of biomass boiler house and fuel silo.

Application Permitted 10 January 2014.

12/00012/F

Installation of roof mounted solar panels.

Application Permitted 24 February 2012.

09/00517/ADV

Retrospective - Fascia signage to leisure centre and bowling alley.

Application Permitted 1 June 2009.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site and by advertisement in the local newspaper. The final date for comments was **15 October 2021**.

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.

- Bicester Town Council – In support of the application but comments that works should not interfere with opening times and that community assets be honoured.
- Environmental Protection (CDC) – No comments.
- Local Highways Authority (OCC) – No objections.
- Ecology (CDC) – No objections.
- Arboriculture (CDC) – No objections, subject to tree replacement scheme.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1 – Presumption in Favour of Sustainable Development

- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 – The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C31 – Compatibility of proposals in residential areas

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:

- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Renewable energy
- Trees and ecology
- Other matters

Design, and impact on the character of the area

9.2. The proposed car ports would not be directly visible within the public realm but would be visible behind the fencing surrounding the astro-pitches from the adjacent footpath south of the site. The structures would be constructed from galvanised steel, with photovoltaics to form the roof of the structures. Whilst this element would result in a change in appearance of the car park, there would be limited harm given the context of the site as a car park. The dark grey cantilevered canopy adds a bold defining element to the site and would align with the commercial appearance of the sports centre and school structures within the vicinity.

9.3. The air source heat pump would be largely obscured from view within the site and from the public realm by a fenced enclosure. It would have no greater impact on the built environment than the existing heating system.

9.4. The proposed development would tie in with the existing building and would have a neutral impact on visual amenity. The car ports are of a size, scale and design that would look acceptable against the backdrop of the existing building. The proposals are therefore considered to comply with Policy ESD15 of the CLP 2031 Part 1, saved Policy C28 of the CLP 1996 and Government guidance contained within the NPPF.

Residential amenity

9.5. The car ports would be situated a substantial distance from residential properties (over 50m). The immediate surroundings with regard to the car ports and air source heat pump are not residential in nature. The proposals are therefore considered to comply with Policy ESD15 of the CLP 2031 Part 1, saved Policy C31 of the CLP 1996 and Government guidance contained within the NPPF.

Highway safety

- 9.6. The Local Highway Authority raised no objections to the proposals. The applicant has confirmed that no parking spaces would be lost as a result of the development (currently 179 no. car parking spaces and 4 no. accessible parking spaces are provided within the site). The proposals are therefore considered to comply with Policy ESD15 of the CLP 2031 Part 1 and Government guidance contained within the NPPF.

Renewable energy

- 9.7. In accordance with Policy ESD5 of the CLP 2031 Part 1 which promotes the use of renewable energy, the application incorporates sustainable technology within the scheme through photovoltaics above the car ports.
- 9.8. The applicant has confirmed that car charging ports cannot be provided as part of this application given that the funding for the proposals is provided as a grant to decarbonise the building and electrical vehicle charging points would be outside the scope of the grant. However, the applicant has confirmed that a provision would be made to ensure that electrical vehicle charging points can be accommodated here in the future.

Trees and ecology

- 9.9. Although the proposal would not impact on the buffer of trees along the edge of the site between the leisure centre site and Brookside Primary School, a total of 5 no. trees would be lost in the parking area as a result of the installation of the car ports. The Council's Arboricultural Officer has accepted that the loss of the trees could however be justified if an acceptable replacement scheme, secured by condition, were to be agreed.
- 9.10. The removal of the trees is not considered to result in any significant ecological issue, particularly as the trees are not mature enough to house bat roosts. The applicant is nonetheless advised that the removal of trees should not take place during the nesting season.
- 9.11. The proposals are therefore considered to comply with Policy ESD10 of the CLP 2031 Part 1 and Government guidance contained within the NPPF.

Other matters

- 9.12. Bicester Town Council wanted a reassurance that the works would not adversely affect the opening times of the centre. The applicant confirmed that all the relevant interested parties were working closely together to ensure that any closures or partial closures resulting from the replacement of the heating system were kept to an absolute minimum.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF.
- 10.2. The proposal would have a positive impact in promoting and reducing the carbon footprint of the leisure centre and its users whilst having a limited visual impact on the surrounding area. It is acknowledged that the proposal would result in some limited harm through the loss of 5 no. trees within the existing car park. Whilst unfortunate, the applicant has agreed to mitigate their loss by planting additional trees elsewhere on the site. On balance, therefore, the significant benefits of the

proposal are considered to outweigh its limited adverse impacts and it is therefore recommended that planning permission be granted.

11. RECOMMENDATION

GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: application form and drawing numbers 104 Rev A (Air Source Heat Pump Proposed Plans), 106 (Air Source Heat Pump Proposed Elevations), 107 (Air Source Heat Pump Site Plan), 109 Rev A (Car Ports – Proposed Site Plan), 110 (car port plans/ 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.

Tree Planting

3. During the first planting season (mid-November to end of March) following the removal of the trees; as labelled on the site plan submitted with the application, replacement trees shall be planted. Full details of the replacement trees, including siting/species/girth, and their location shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and if, within a period of five years from being planted the replacement tree dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the current/next planting season in accordance with the approved details.

Reason - In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government guidance contained within the National Planning Policy Framework.

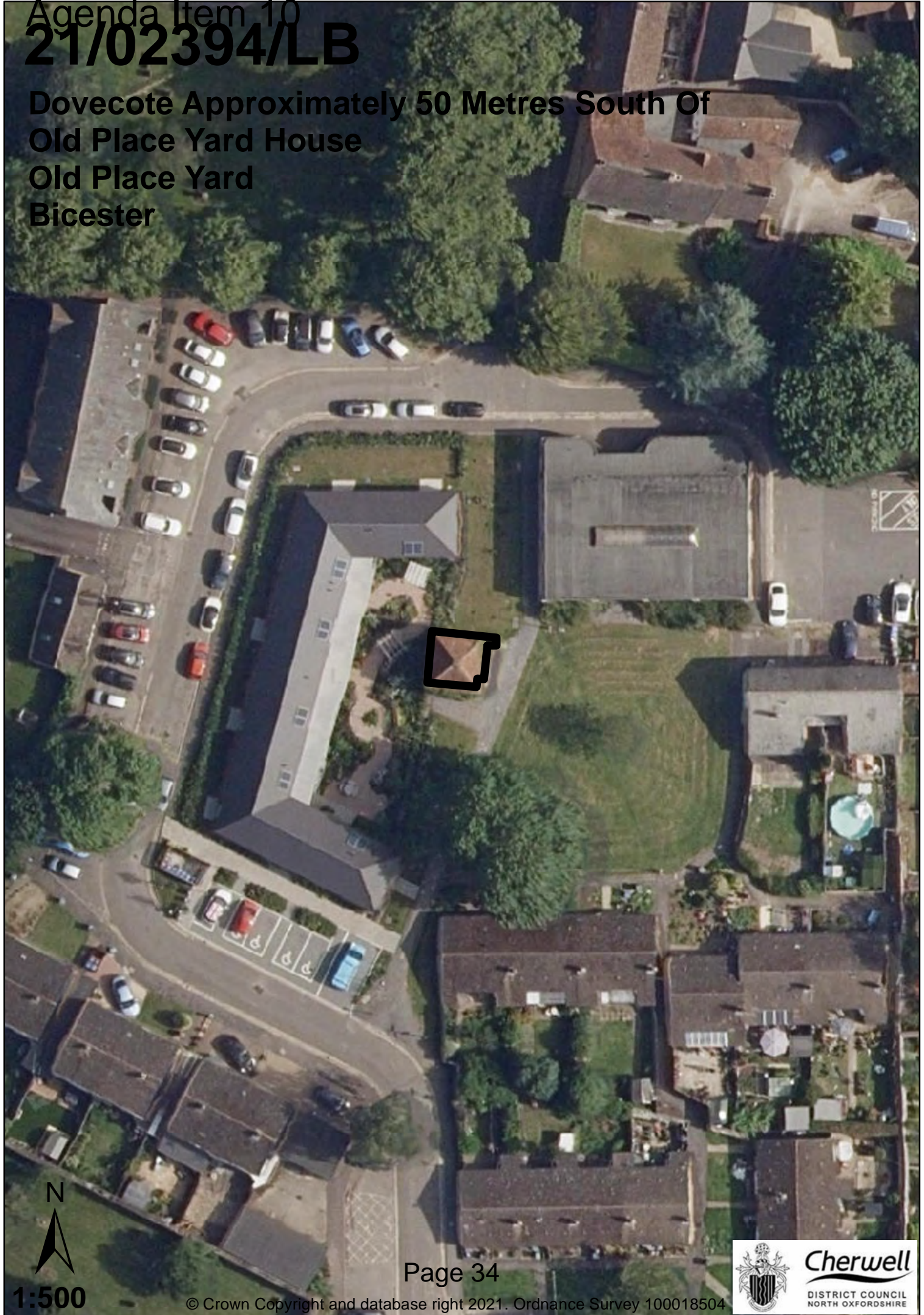
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Nesting Birds

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.

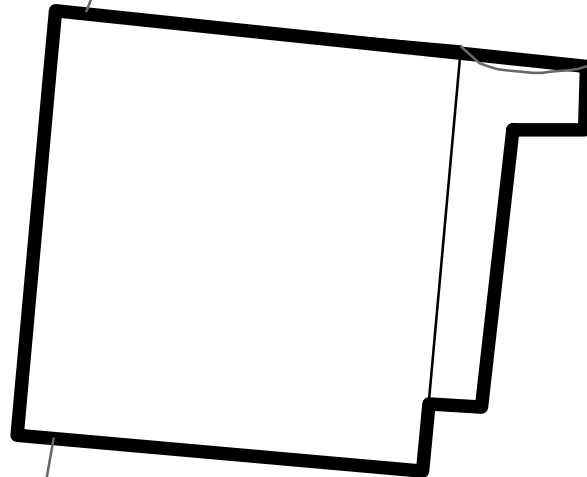
Agenda Item 10
21/02394/LB

**Dovecote Approximately 50 Metres South Of
Old Place Yard House
Old Place Yard
Bicester**



21/02394/LB

Dovecote Approximately 50 Metres South Of
~~Old Place Yard House~~
Old Place Yard
Bicester



1:100

Page 35

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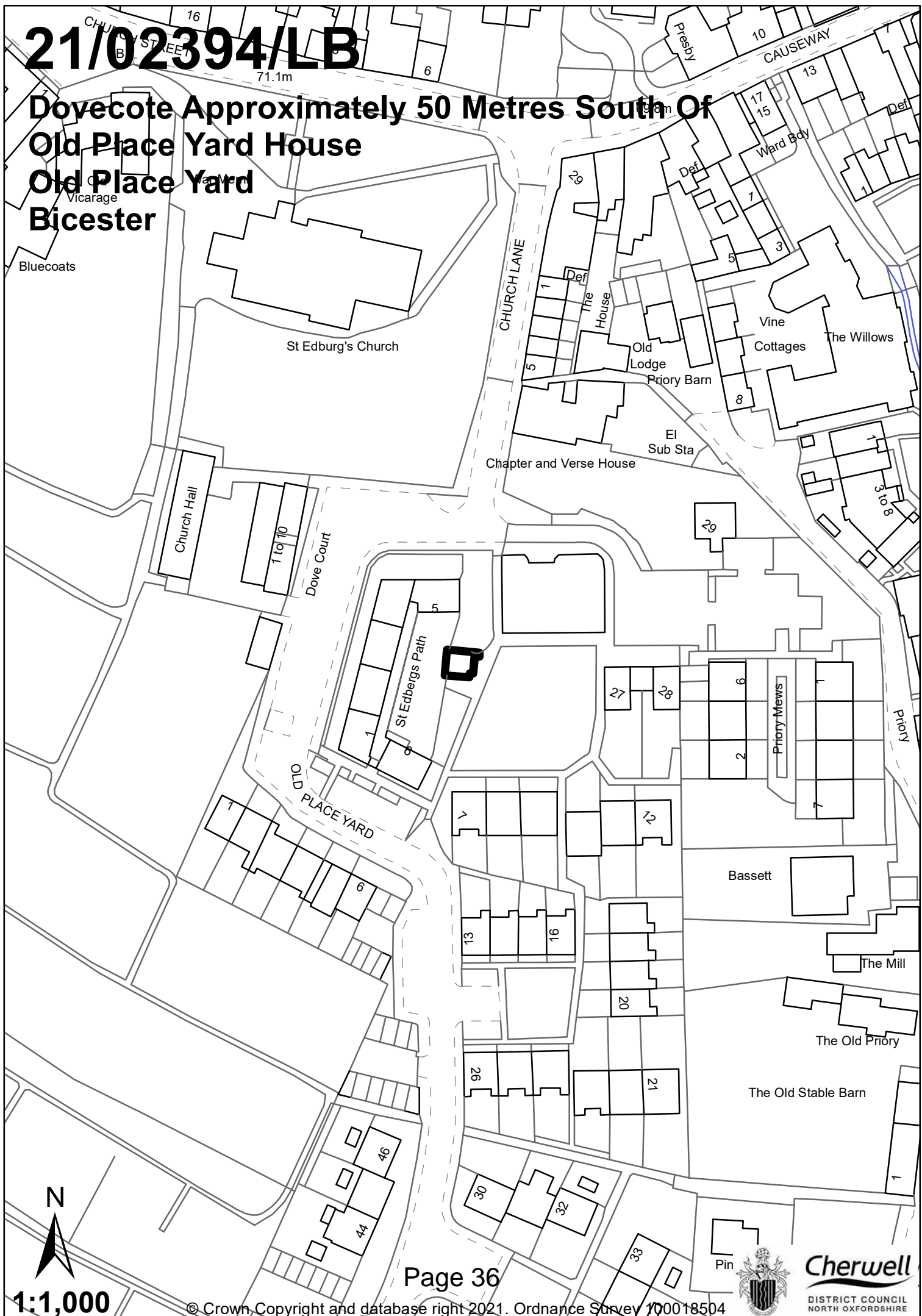


Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

21/02394/LB

Dovecote Approximately 50 Metres South Of
Old Place Yard House
Old Place Yard
Bicester

71.1m



1:1,000



Case Officer: Shona King

Applicant: Cherwell District Council

Proposal: Removal of the roof tiles and set aside for re-use, replacing any damaged tiles to match existing; remove remaining ivy growth to roof; inspect roof timbers and replace where decayed and damaged; replace roofing felt; replace timber fascias and soffits to match existing; replace PVCu rainwater goods to match existing. Remove Asbestos surrounds to stained glass and vents at first floor level; re-bed stained glass and vents within holes with mortar to match existing. Repair first floor concrete landing to staircase. Remove corrosion to stair balustrade and decorate. Strip out all electrical services back to distribution board and replace with new. Replace heating and lighting throughout

Ward: Bicester South and Ambrosden

Councillors: Councillor Cotter, Councillor Sames and Councillor Wing

Reason for Referral: The Council is the applicant

Expiry Date: 30 September 2021

Committee Date: 4 November 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located within the built-up area of Bicester to the west of the town centre.

2. CONSTRAINTS

- 2.1. The application relates to a Grade II Listed building, which is adjacent to Bicester Conservation Area, within the setting of listed buildings and is of high archaeological interest.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Listed building consent is sought for the refurbishment of the building with works including repairs to the roof of the building, replacement of fascias/soffits and rainwater goods, removal of asbestos from the building, repair of window surrounds and re-bedding of stained glass and vents, repair of a concrete landing and removal of corrosion to stair balustrade. It is also proposed to rewire the building and replace the heating and lighting.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site and by advertisement in the local newspaper. The final date for comments was **30 August 2021**.

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

- Suitable place to provide new habitat for swifts and other birds.
- Could be achieved when replacing the east and west facing soffits

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

7. RESPONSE TO CONSULTATION

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

7.2. BICESTER TOWN COUNCIL: No objections. Pleased to see 'making good' existing issues.

7.3. BICESTER LOCAL HISTORY SOCIETY: Welcome decision to carry out repairs and refurbish the interior. Opportunity to have a replacement cupola and the building would be more in keeping with its original design.

7.4. Conservation Officer: No objection, subject to conditions.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 – Development proposals affecting a listed building

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- Managing Significance in Decision-Taking in the Historic Environment: Historic England Good Practice (2015)
- The Setting of Heritage Assets: Historic England Good Practice (2015)

9. APPRAISAL

- 9.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed building.
- 9.2. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Further, under Section 72(1) of the same Act the Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 9.3. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 195 of the NPPF states that: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.*
- 9.4. Paragraph 199 of the NPPF directs that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.5. The Dovecote is Grade II listed and dates from the C17. The building was altered in the 1960s to give the building a new use as a meeting room and store and whilst the alterations allowed for the re-use of the building unsympathetic additions were introduced, namely the external concrete stair. However, Historic England, in response to a National Lottery Heritage Fund bid, argued that the 1960s scheme was an important part of the significance of the Dovecote's history and these alterations should be retained.
- 9.6. It is considered that the building is in need of safeguarding as a significant historic structure and an important marker for the adjacent Augustinian Priory site.
- 9.7. The proposed repair works are considered to be acceptable and sympathetic to the character of the building subject to the conditions set out below.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report. The proposals conserve this designated heritage asset and so listed building consent should therefore be granted

11. RECOMMENDATION

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

Time Limit

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

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990

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 and documents:
 - Drawings: Site Location Plan, NTBS3589/TDB/01, NTBS3589/TDB/02 and NTBS3589/TDB/05
 - Design and Access Statement

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

Ecology

3. The development hereby approved shall be carried out in accordance with the recommendations set out in section 6 of the Ecology Survey prepared by Landscape Science Consultancy LTD dated August 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.

Materials Finishes and Methodology

4. Prior to the removal of any roof tiles a condition survey of the tiles shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the preservation and retention of all parts of the existing historic building(s) and to comply with saved Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. All the existing tiles that are shown to be re-useable in the condition survey submitted under Condition 4 shall not be disposed of but shall be conserved and re-used in the re-roofing of the building as part of the works hereby approved.

Reason - To safeguard the preservation and retention of all parts of the existing historic building(s) and to comply with saved Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the re-roofing of the building a sample of any new tiles required to re-roof the building shall be submitted to and approved in writing by the Local Planning Authority. The re-roofing of the building shall be carried out in accordance with the approved samples.

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

conserves the special character of the existing historic building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Any roof timbers that are decayed or damaged shall be replaced in accordance with details that shall first be approved in writing by the Local Planning Authority.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the replacement of the roofing felt full details of the eaves shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the replacement of the timber fascias and soffits, full details of the timber fascias and soffits shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Notwithstanding the proposed details for the rainwater goods the rainwater goods to be replaced shall be replaced with cast iron. Details of the replacement rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter the development shall be completed in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the removal of corrosion to the balustrading details of the method to be used for the said corrosion removal shall be submitted to and approved in writing. Thereafter the development shall be completed in accordance with the approved details.

Reason - To safeguard the preservation and retention of all parts of the existing historic building(s) and to comply with saved Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the painting of the repaired balustrade the specification and colour of the proposed paint shall be submitted to and approved in writing by the Local Planning Authority and thereafter the works shall be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the rewiring and installation of heating and lighting details of the wiring routes and fittings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

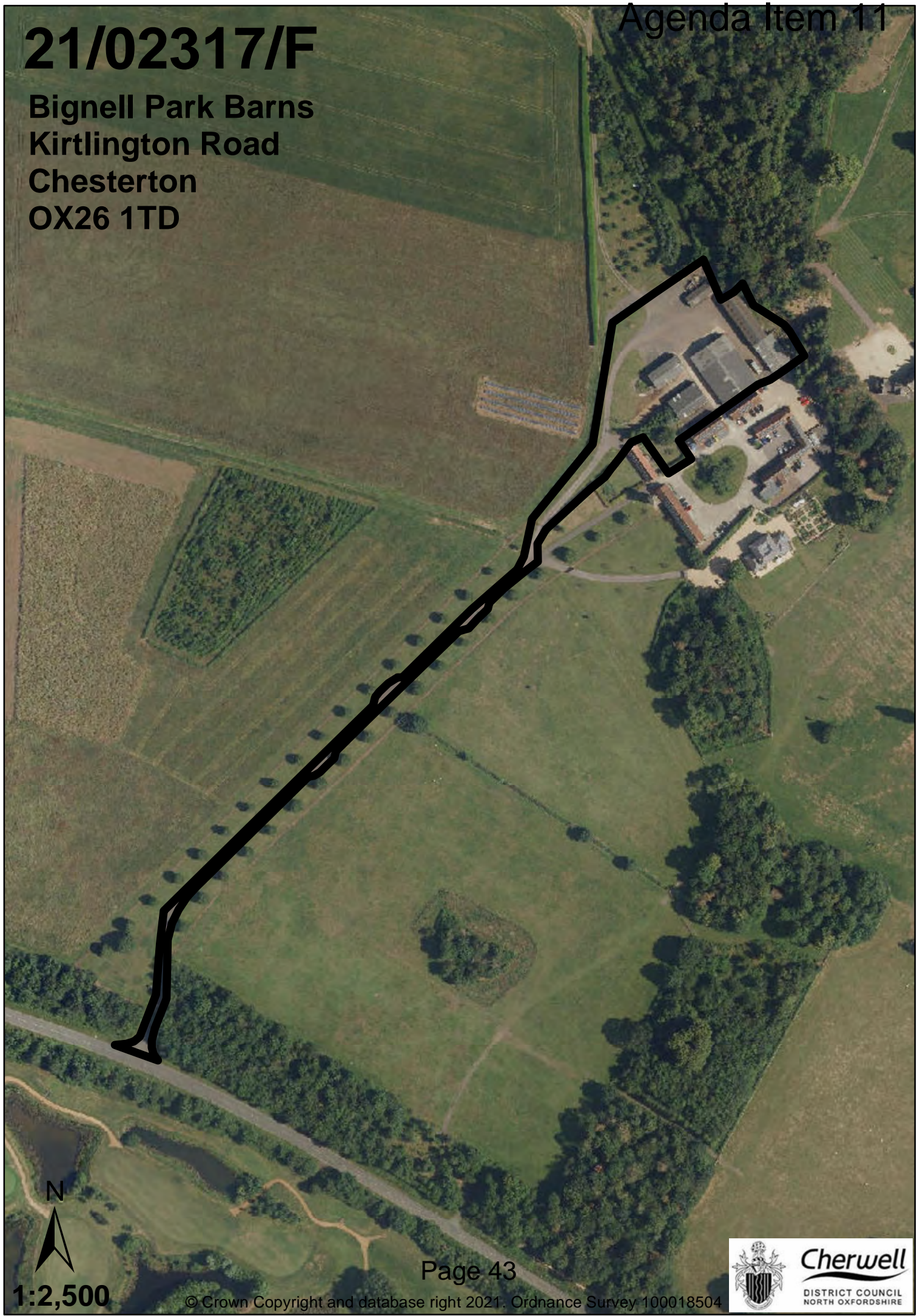
Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. Prior to the repointing of the building a sample of the lime mortar shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the repointing shall be carried out in accordance with the approved sample.

Reason - To safeguard the preservation and retention of all parts of the existing historic building(s) and to comply with saved Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21/02317/F

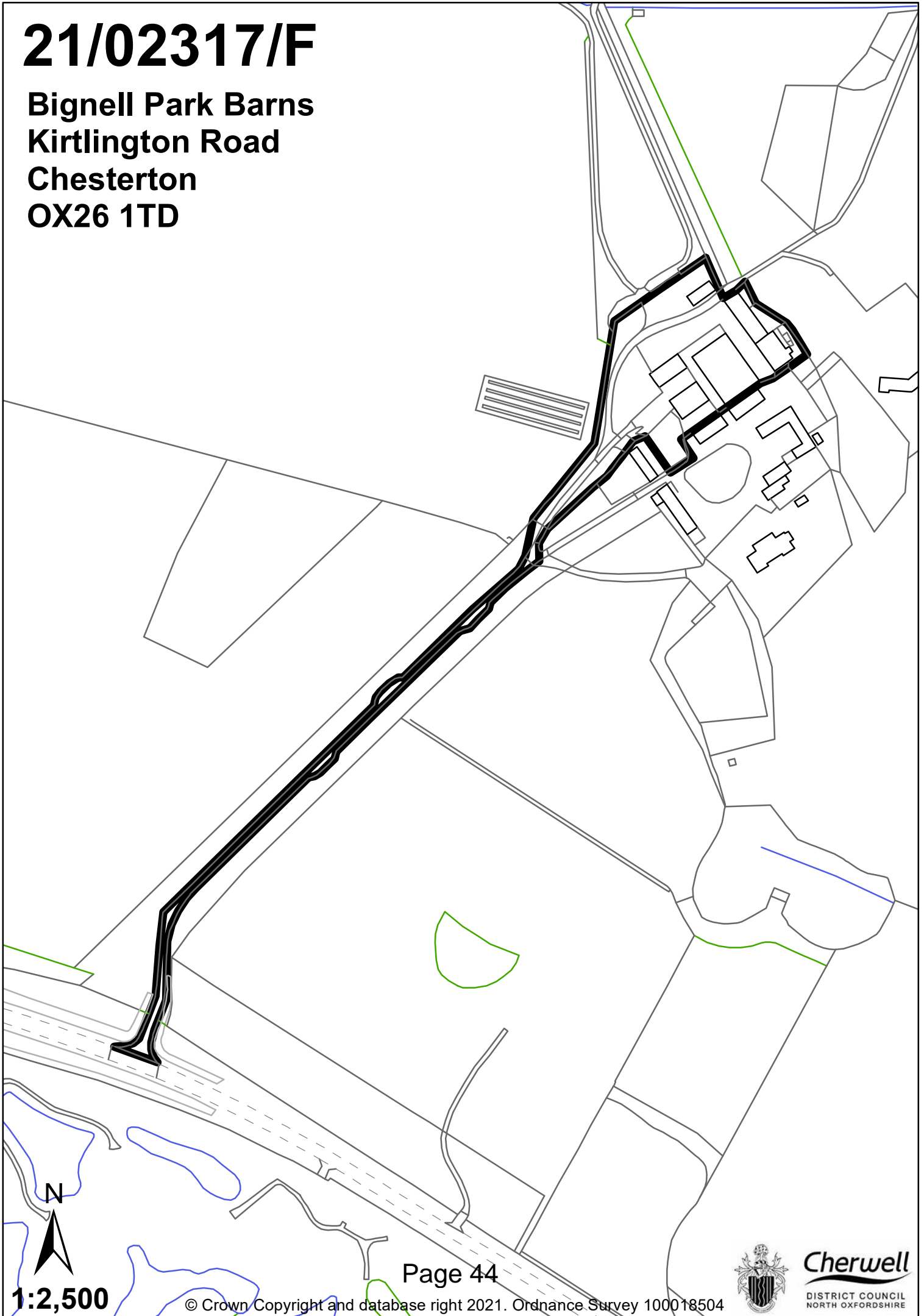
Bignell Park Barns
Kirtlington Road
Chesterton
OX26 1TD



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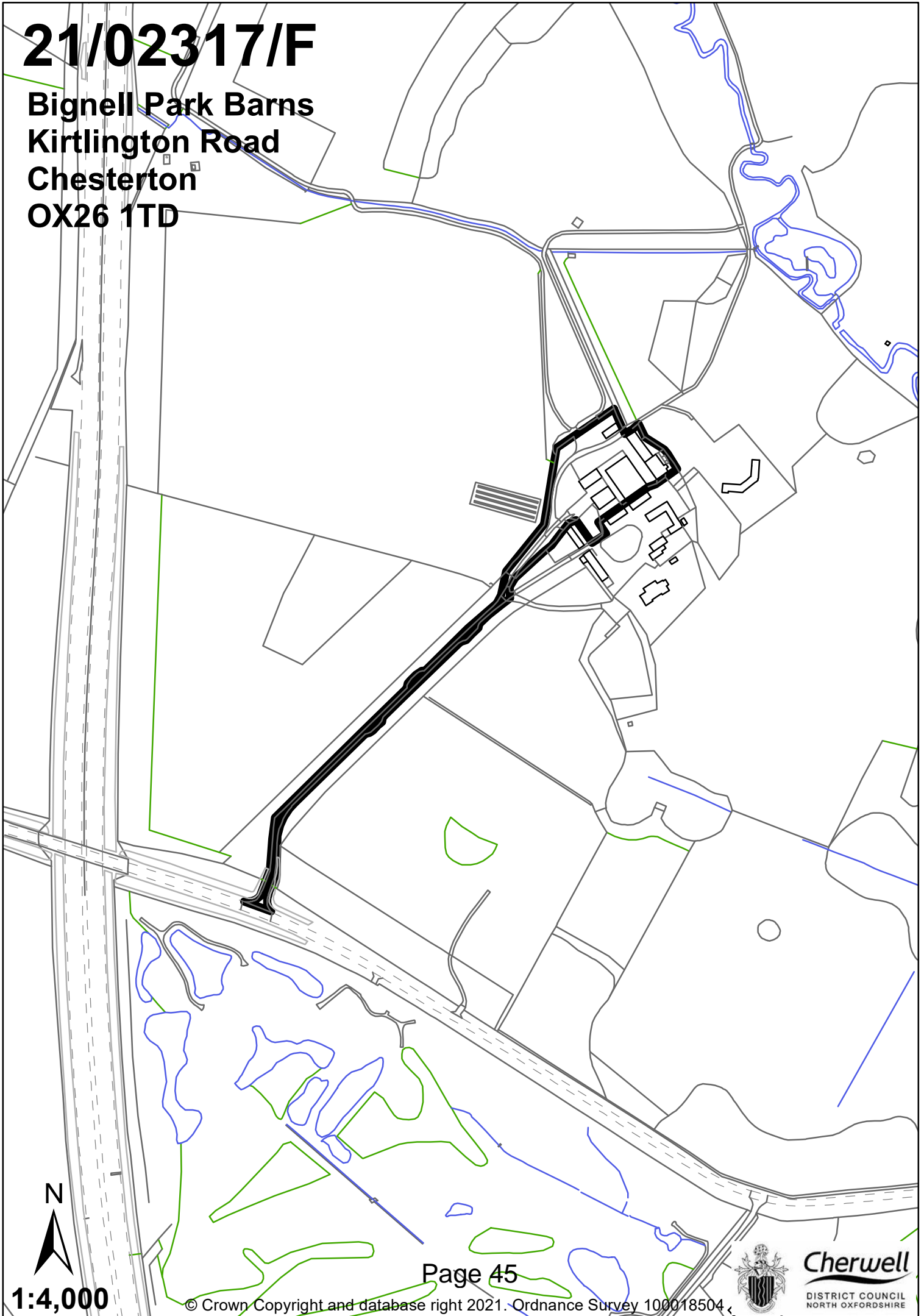
21/02317/F

**Bignell Park Barns
Kirtlington Road
Chesterton
OX26 1TD**



21/02317/F

**Bignell Park Barns
Kirtlington Road
Chesterton
OX26 1TD**



1:4,000



Case Officer: John Cosgrove

Applicant: Dalcour Maclaren & Mr C.J. Lane Fox

Proposal: Demolition of agricultural buildings (some with existing office/storage use) and construction of new offices, associated car parking and landscaping

Ward: Fringford and Heyfords

Councillors: Cllr P. Clarke, Cllr Corkin and Cllr Wood

Reason for Referral: Major development

Expiry Date: 12 October 2021

Committee Date: 4 November 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1 The application site is located close to the village of Chesterton and approximately 2½ miles south west of Bicester. The site is situated east of the M40 motorway and accessed directly from the A4095 via a long driveway. The site contains a complex of traditional/modern farm buildings, in a range of uses, a significant proportion of which are in B1 office use.

2. CONSTRAINTS

2.1. The application site is within the open countryside and within an area of Archaeological Interest. The site is within Flood Zone 1 (Lowest Risk) and contains a number of former agricultural buildings that represent potential habitat for protected species.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks planning permission for the demolition of agricultural buildings (some with existing office/storage use) and construction of new offices, associated car parking and landscaping.

4. RELEVANT PLANNING HISTORY

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

20/01350/R56

Change of Use of agricultural barn to B1(a) office, as one of the flexible uses defined by Class R

Application Permitted

20/00113/CLUE

Certificate of Lawful Use Existing for a former agricultural barn which has been used for ancillary office storage (B1(a)) since 1995
Application Permitted

11/01636/F
Installation of Solar Panels
Permitted: 05/01/2012.

01/01137/F
Demolition of existing barn and erection of new single storey office accommodation
Permitted: 27/07/2001.

00/02476/F Taking down of existing redundant agricultural shed and erection of new two storey office accommodation
Approved

CHS.586/90
Construction of access and change of use of redundant agricultural buildings for business use (Class B1)
Approved

5. PRE-APPLICATION DISCUSSIONS

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

5.2. 20/02876/PREAPP
Redevelopment of the site with new purpose-built offices. This would involve the demolition of all five existing buildings and the creation of approximately 1,100 sqm of office floor space, associated car parking (provided to standard) and landscaping (follow up to 19/02145/PREAPP)
Response Sent: 13/11/2020.

5.3. The above pre-application advice concluded that the principle of development is considered to be acceptable, subject to the scale of any increase in floorspace remaining minor. Further details of the design of the building are required, but the replacement of the agricultural buildings with well designed, single storey office buildings would result in an improvement to the character and appearance of the area. Highways, ecological and drainage information would need to be submitted with any future application.

5.4. 19/02145/PREAPP
Proposed expansion of office uses - redevelopment of agricultural barns
Response Sent: 08/11/2019.

5.5. The above pre-application advice concluded that any future planning application for these proposals is very unlikely to be considered favourably, as the development conflicts with policy ESD1 and SLE1 and is unacceptable in principle. Options for proposals to provide additional B1 floor space should be reviewed under Part 3 of the General Permitted Development Order.

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 **10 August 2021**.

- 6.2. A total of 13 letters of support from local residents have been received on this application. The comments raised by third parties are summarised as follows:
- Will provide much needed additional office space and employment.
 - Site enjoys excellent access and buildings to be demolished are an eyesore.
 - Appearance in keeping with the setting, no adverse impact on the area.
 - Local resident keen to work closer to home.
 - Sustainable development well screened from surrounding land.
 - Easily accessible additional office space on previously developed land.
 - Green space in keeping with the advice given in the RTPPI report 'Mental health and town planning: Building in resilience'. Clean air and open space will support employees' mental health.
 - Would not add to issues of traffic congestion.
 - Would encourage cycling or walking to work and reduce car travel.
 - Will reduce traffic in Bicester.
- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. CHESTERTON PARISH COUNCIL: Supports - very much would like to support local businesses.
- 7.3. OCC HIGHWAYS: Object – as site inaccessible by any form of sustainable transport, and due to intensified use of access and lack of visibility splay details. Request conditions requiring details of visibility splays, parking layout and cycle parking.
- 7.4. THAMES WATER: No objections.
- 7.5. CDC ENVIRONMENTAL HEALTH: No comments on noise, contaminated land, odour or light, request condition on unexpected land contamination and would like to see some provision made for EV charging.
- 7.6. CDC BUILDING CONTROL: A Full Plans Building Regulation application will be required for the proposals.
- 7.7. CDC ECONOMIC DEVELOPMENT: No response.
- 7.8. THAMES VALLEY POLICE: No response.
- 7.9. CDC LAND DRAINAGE: No response.
- 7.10. OCC DRAINAGE(LLFA): No objection subject to conditions requiring submission of drainage details and details of SuDS (Sustainable Urban Drainage System) measures.

- 7.11. OCC ARCHAEOLOGY: No objections subject to conditions requiring submission and approval of an Archaeological Written Scheme of Investigation and following from this a staged programme of archaeological evaluation and mitigation.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE4: Improved Transport and Connections
- ESD1: Climate Change
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD6: Flood Risk
- ESD7: Sustainable Drainage Systems
- ESD10: Protection and Enhancement 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
- C28: New development design
- ENV1: Pollution Control

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

9. APPRAISAL

- 9.1. The key issues for consideration in this case are:
- Principle of development
 - Design, and impact on the character of the area
 - Residential amenity
 - Landscaping
 - Ecology impact
 - Highway Safety
 - Land Drainage
 - Renewable Energy
 - Archaeology

Principle of Development

- 9.2. Planning law requires that planning decisions are determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF reinforces this and states the planning system should be genuinely plan led in seeking to deliver sustainable development. The Council has an up-to-date Development Plan consisting of the Cherwell Local Plan 2011- 2031 Part 1 ('CLP 2031') and the Saved Policies of the Cherwell Local Plan 1996.

Policy Context

- 9.3 The most relevant policy in respect of the principle of new employment development is Policy SLE1 of the CLP 2031 Part 1. This policy outlines the Council's strategy for employment land and seeks to guide new employment development in the most sustainable manner and is in accordance with the NPPF which states that the economic, social and environmental aspects of sustainable development should be sought jointly and not in isolation. This policy has a strong urban focus for new employment development to reduce the need to travel amongst other objectives. Policy ESD1 also states to mitigate the impact of development on climate change - the Council will seek to deliver development which reduces the need to travel, and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars. In relation to existing employment sites Policy SLE1 states that intensification will be permitted subject to compliance with other policies in the plan and other material considerations.

Assessment

- 9.4 The site is located directly adjacent to the existing office units at Bignell Park Farm but the site historically has been in agricultural use. Since the previous pre-application enquiry on the site, two applications have been permitted for change of use to B1(a) which would amount to 700 sqm. Class B1(a) no longer exists as a use class following the changes to the Use Classes Order in September 2020. However, given that the wording of Policy SLE1 still relates to B class uses under the former Use Classes Order, it is considered that at least part of the site now has permitted business use. It is therefore considered that the proposals would partly constitute an intensification of a permitted business use. There would be an increase of 600 sqm on that currently approved.
- 9.5 Policy SLE1 states that unless exceptional circumstances are demonstrated, employment development in the rural area should be located within or on the edge of Category A villages. It then lists several criteria for which new development proposals within rural areas on non-allocated sites will be considered. The most relevant are that sufficient justification is provided to demonstrate why the development should be located in a rural area; that the design will be a very high standard; that the scale of the development will be small; and, that the proposal will not give rise excessive or inappropriate traffic and contribute to the general aim of reducing the need to travel and that there are no suitable plots or premises within existing employment sites.
- 9.6 The proposal seeks planning permission for 1,300 sqm of office floor space on the site, which would be an increase of 600 sqm over that already approved. The proposal would also involve the removal of the existing agricultural buildings on the site and would result in a decrease in the overall built footprint of 400 sqm. The wider site is in mixed business and agricultural use and now benefits from the approval of the two recent applications.

Conclusion

- 9.7 The overall scale of the development on the site would be significant. However, taken in context the proposed increase in commercial floorspace over that which is already approved is considered acceptable given the siting of the development

directly adjacent to the existing business site and the approved office uses on the site itself. The design of the development and its impact on highway safety shall be considered in the subsequent sections of this report. Given the approval of the business uses on the site, the relatively minor increase in floorspace and its siting adjacent to an existing business site, it is considered that the principle of development is acceptable subject to compliance with the other relevant Development Plan Policies.

Design, and impact on the character of the area

Policy Context

- 9.8 Guidance contained within paragraph 126 of the NPPF covering good design states that *good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.*
- 9.9 Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.10 Policy ESD13 of the CLP 2031 Part 1 states proposals will not be permitted if they would cause undue visual intrusion into the open countryside, be inconsistent with local landscape character or harm the setting of listed buildings.
- 9.11 Policy ESD15 of the CLP 2031 Part 1 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and ensuring a high-quality design.
- 9.12 Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*

Assessment.

- 9.13 The application proposes the demolition of the existing modern agricultural buildings on the site, which are of no particular architectural merit, and their replacement with a single storey office building with a 'H' shaped form. The proposed building would be constructed from limestone walling & timber cladding for the main built form, with zinc standing seam roofs. The building has been oriented to maximise solar gain and to facilitate the use of solar panels. Overall, the proposed design is considered acceptable as the proposal would integrate well into the wider site and would have a positive impact on the character and appearance of the site and would not have a detrimental impact on the wider area.

Conclusion

- 9.14 The design of the proposal is considered acceptable as it would function well, be visually attractive and would be sympathetic to local character, including the surrounding built environment and landscape setting and therefore the proposal is considered to accord with the design elements of Policies: ESD13 and ESD15 of the LP 2011-2031, saved Policy C28 of the CLP 1996 and the design guidance contained within the NPPF.

Impact on Neighbouring Amenity

Policy Context

- 9.15 Policy ESD15, requires new development to consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

Assessment

- 9.16 The proposed development would provide a good standard of amenity for any future occupants of the site. While it is noted that there are a number of dwellings within the wider Bignell Park Farm site, the proposed development would however, be located a sufficient distance away from these dwellings so to not cause harm to the their residential amenity. It is recognised that the proposal would have a positive impact on the visual amenity of the wider site.

Conclusion

- 9.17 The proposed development would provide a good standard of visual amenity for its future occupants and would not have any adverse impacts on the amenity of any neighbouring properties and therefore is considered to accord with the provisions of Policy: ESD15 of the CLP 2031 Part 1.

Landscaping

Policy Context

- 9.18 Policy ESD13 of the CLP 2031 Part 1 requires development to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 9.19 Policy ESD15 of the CLP 2031 Part 1 requires development to contribute positively to an area's character and identity including respecting local topography and landscape features such as significant trees.

Assessment

- 9.20 The applicant has submitted an illustrative masterplan detailing a comprehensive landscaping scheme for the proposal and a proposed planting plan detailing the position and species of the proposed planting on the site. The submitted details are considered acceptable and would contribute positively to the character of the area.

Conclusion

- 9.21 The development would not give rise to significant landscape and visual environmental impacts, and the proposed planting scheme would have a positive impact on the character and appearance of the site and the proposals are therefore considered to be in accordance with policies ESD13 and ESD15 of the CLP 2031 Part 1 in this regard.

Ecology Impact

Legislative context

- 9.22 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.
- 9.23 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.
- 9.24 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.
- 9.25 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.
- 9.26 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

- 9.27 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.

- 9.28 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.
- 9.29 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.
- 9.30 Policy ESD10 of the CLP 2031 Part 1 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.
- 9.31 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.
- 9.32 The Planning Practice Guidance dated 2014 postdates 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

- 9.33 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')
- 9.34 The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains buildings of agricultural construction and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, and invertebrates.

- 9.35 In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.36 In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.37 The application is supported by a Preliminary Ecological Appraisal (PEA) and a Bat Preliminary Roost Assessment (PRA) which concluded that as the site is dominated by buildings and hardstanding it has little value to local wildlife. No bats or evidence of bats were found by the Bat Preliminary Roost Assessment which assessed that all buildings had negligible potential to support roosting bats.

Conclusion

- 9.38 Officers are satisfied, on the basis of the submitted Preliminary Ecological Appraisal (PEA) 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.

Highway Safety

Policy Context

- 9.39 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.
- 9.40 Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that: a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;* b) *safe and suitable access to the site can be achieved for all users;* and c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.* In addition to this paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Assessment

- 9.41 The site is situated east of the M40 motorway and accessed directly from the A4095 via a long driveway. The applicant has submitted a Transport Statement and Travel Plan in support of the proposal. The Highways Authority was consulted on the application and has objected on grounds that the development would result in the significant intensification of the use of the access and that adequate visibility splays have not been shown from the access and on the grounds that the site is inaccessible by public transport and is likely to remain so until such time as the

adjacent Great Wolf Lodge resort site is open and the bus service associated with that commences. The Transport Statement notes that a footway to be provided by Great Wolf terminates 100m east of the development access. As a result, the Highway Authority considered that there would be no safe access between the site and this public transport service even once it is in operation and stated that without some form of tie-in to the proposed shared use footway/cycleway, the site would not appropriately accessible by any form of sustainable transport.

- 9.42 Following discussions with the applicant a drawing showing an additional pedestrian and cycle access to the site adjacent to the proposed footway has been submitted and it is considered that the Highway Authority's objections on grounds of public transport accessibility can be overcome by way of a condition requiring the submission and approval of details of the route and surfacing of a track suitable for pedestrians and cyclists linking this access to the existing hard surfacing within the site.
- 9.43 The Highways Authority has questioned the visibility splay distances achievable from the established access to the site and have stated that the proposal would represent a significant intensification of use of the existing access and objects in the absence speed and topographic surveys be carried out to determine the visibility splay requirement. However, it is noted that the Highways Authority did not object to previous applications for office development at the site and the applicant has submitted a transport statement stating that the proposal would result in an increase in vehicle movements of 113 movements per day with 20 movements per hour at peak times. The applicant has provided further information in response and the Highway Authority was re-consulted. A response has not been received at time of writing.
- 9.44 It is noted that the Highways Authority has stated that the proposed quantum of car and cycle parking is acceptable, that its Travel Plans Team recommends that the actions listed in the supplied Travel Plan be implemented and that the cycle parking and electric vehicle charging spaces are welcomed. It has stated that in the event that permission is to be given, transport related planning conditions should be attached requiring submission and approval of details of vision splays, a plan of car parking provision and a plan showing cycle parking provision.
- 9.45 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In view of the previous permissions, the further information provided by the applicant which confirmed the proposed number of traffic movements and, and the potential to attach a planning condition requiring the details of vision splays to be submitted for approval, it is considered that safe access arrangements can be secured. It is considered that the proposed intensification of use of the access would not result in an unacceptable impact on highway safety and that there would not be severe residual cumulative impacts on the road network.

Conclusion

- 9.46 Having regard to the above, and subject to conditions requiring submission and approval of details of details of the additional pedestrian and cycle access and route and surfacing of a track suitable for pedestrians and cyclists linking this access to the existing hard surfacing within the site, and of details of the achievable vision splays and car and cycle parking, it is considered that the proposed development would not have any significant adverse impacts with regard to parking or highways safety and can therefore be considered acceptable in highway terms.

Flood Risk and Drainage

Policy Context

- 9.47 The NPPF states at paragraph 163 that *when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.* Paragraph 165 also requires that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 9.48 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

- 9.49 The site lies within Flood Zone 1, and the applicant has submitted a Flood Risk and Drainage Assessment in support of the application which addresses the strategy for surface and foul water drainage. OCC Drainage engineers have stated that they have no objections to the proposal subject to conditions.
- 9.50 Thames Water have also raised no objection to the application. The Lead Local Flood Authority was consulted on the application and has stated that it has no objections to the proposal subject to conditions requiring the submission and approval of a detailed surface water drainage scheme and submission of a record of the installed SuDS and site wide drainage scheme.

Conclusion

- 9.51 Subject to the submission and approval of the above drainage details the proposals are considered to be in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2031 Part 1 and therefore no objections are raised with regard to drainage or flood risk.

Renewable Energy

Policy Context

- 9.52 Policy ESD 5 of the CLP 2031 Part 1 requires new commercial development of over 100sqm floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD4 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.
- 9.53 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

- 9.54 An Energy Statement has been submitted to support the current application which addresses how the development will seek to comply with policies ESD1–5 of the CLP 2031 Part 1 and the achievement of BREEAM 'Very Good'. The application is also supported by a Photovoltaic Report which proposes an extensive array of photovoltaic panels across the roof space of the building, the proposals states that the photovoltaic panels would generate sufficient energy to render the building almost self-sufficient in energy terms and it is further noted that EV charging points are proposed within the car parking area.

Conclusion

- 9.55 Subject to compliance with the submitted Energy Statement, officers are satisfied that the proposed development will achieve sustainability through construction, be energy efficient and utilise renewable energy in accordance with the requirements of policies ESD3, ESD4 and ESD5 of the CLP 2031 Part 1.

Archaeology

Policy Context

- 9.56 Policy: ESD15 of the CLP 2031 Part 1 states that new development proposals should conserve, sustain and enhance designated and non-designated Heritage Assets (as defined by the NPPF) including archaeology and where archaeological potential is identified this should include an appropriate desk-based assessment and where necessary a field evaluation.

Assessment

- 9.57 The applicant has submitted an archaeological desk-based assessment in support of the application. The County Archaeologist was consulted on the application and has stated that the site is located in an area of archaeological interest. The submitted archaeological desk-based assessment highlights the potential for the site to contain previously unrecorded archaeological deposits and recommends a programme of archaeological evaluation and mitigation. The County Archaeologist has stated that they have no objection to the proposal subject to conditions requiring the submission and approval of a Written Scheme of Archaeological Investigation and that a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Conclusion

- 9.58 Having regard to the above, and the archaeological elements of Local Plan Policy: ESD15, it is considered that the proposed development is acceptable in archaeological terms subject to conditions requiring the submission and approval of a Written Scheme of Archaeological Investigation and a staged programme of archaeological evaluation and mitigation being carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2 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. The NPPF supports the plan-led system and advises that planning applications which accord with an up-to-date development plan should be approved without delay.
- 10.3 Having regard to the above, it is considered that the proposed development would provide economic benefits by way of provision of additional high quality and environmentally sustainable office space and would not have any significant detrimental impacts on the wider area and would have a positive impact on the character and appearance of the site and on the visual amenity of neighbouring residents. The proposed development is considered to represent sustainable

development and therefore it is recommended that planning permission be granted on this occasion.

11 RECOMMENDATION

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

Time Limit

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

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

Compliance with Plans

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

Drawing No: 19117 – L0001 – D, Entitled: Location Plan, Dated: 24/09/10 and received by the Local Planning Authority on the 13/07/2021.

Drawing No: 19117 – PP1012 – E, Entitled: Proposed Site Layout, Dated: 23/02/21 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117 - PP1014 – A, Entitled: Floor Plans, Dated: 20/05/21 and received by the Local Planning Authority on the 12/07/2021.

Drawing No: 19117 – PP1016 – A, Entitled: Landlord Building Proposal. Dated: 02/06/21 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117- PP1018, Entitled: Site Use Plan, Dated: 11/06/2021 and received by the Local Planning Authority on the 12/07/2021.

Drawing No: 19117 – PE0010 – D, Entitled: Proposed Elevations, Dated: 18/01/21 and received by the Local Planning Authority on the 12/07/2021.

Drawing No: 19117 – PE-0011 - D, Entitled: Proposed Elevations, Dated: 22/01/21 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117 – PE0012 – B, Entitled: Proposed Elevations, Dated: 07/04/21 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117- PV1010 – B, Entitled: Proposed Redevelopment - General Update, Dated: 18/05/2021 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117 – PV1011, Entitled: Proposed Redevelopment – Undated, and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117- PV1012, Entitled: Proposed Redevelopment – Undated, and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117 – PV1013, Entitled: Proposed Redevelopment – Undated, and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117 – PV1020, Entitled: Concept Visual 01, Dated: 03/06/2021 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117 – PV1021, Entitled: Concept Visual 02, Dated: 03/06/2021 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: NL.21.1 Rev: A, Entitled: Masterplan – Updated existing trees and planting, Dated: 11/06/2021 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: NL.21.2 Rev: A, Entitled: Planting Plan, Dated: 11/06/2021 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: NL.21.3, Entitled: Lighting Plan, Dated: 15/06/2021 and received by the Local Planning Authority on the 02/07/2021.

Flood Risk and Drainage Statement by Glanville Consultants, Dated: 11 June 2021 and received by the Local Planning Authority on the 02/07/2021.

Transport Statement by Glanville Consultants, Dated: 30 June 2021 and received by the Local Planning Authority on the 02/07/2021.

Travel Plan by Glanville Consultants, Dated: 30 June 2021 and received by the Local Planning Authority on the 02/07/2021.

Design and Access Statement by Anderson Orr Architects Dated: May 2021 and received by the Local Planning Authority on the 02/07/2021.

Archaeological Desk – Based Assessment by Thames Valley Archaeological Services, Dated: January 2021 and received by the Local Planning Authority on the 02/07/2021.

Preliminary Ecological Appraisal by Ecology by Design, Dated: January 2021 and received by the Local Planning Authority on the 02/07/2021.

Preliminary Bat Roost Assessment by Ecology by Design, Dated: 20th September 2019 and received by the Local Planning Authority on the 02/07/2021.

Planning Statement by Oxford and Country Planning Dated: June 2021 and received by the Local Planning Authority on the 02/07/2021.

Energy Statement by Blew Burton Ltd. Dated: July 2021 and received by the Local Planning Authority on the 20/07/2021.

Drawing No: 1803047-03 Rev: E, Entitled: Proposed Access Arrangement, Undated, and received by the Local Planning Authority on the 21/10/2021.

PVSol Report by BeBa Energy, Dated: 21/06/2021 received by the Local Planning Authority on the 21/10/2021.

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

Unexpected Land Contamination

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

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

Construction Environmental Management Plan (CEMP)

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

- construction works;
- i) Delivery, demolition and construction working hours;

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

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

Schedule of Materials

5. A schedule of materials and finishes to be used in the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development 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.

Vision Splays

6. Prior to the occupation of the building hereby permitted vision splays shall be provided at the access to give clear visibility over a distance of at least 120 metres to the West and 215 metres to the East from a point at least 1.5 metres back from the centre line of the access, measured from and along the near edge of the carriageway. The vision splays shall be kept clear of all obstructions, levelled and maintained at a height not exceeding 0.6 metres above the adjacent carriageway level

Reason: To ensure that adequate visibility is retained in the interest of road safety in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Plan of Parking Provision

7. Notwithstanding the details submitted, no development shall commence until and unless a plan detailing the proposed parking and turning, loading and unloading provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), has been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning, loading and unloading facilities shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking, turning and loading/unloading spaces shall be retained for the parking, turning, and loading/unloading of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking and turning, loading and unloading and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Cycle Parking

8. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning

Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Detailed Drainage Details

9. Construction shall not begin 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 be 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 development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework

Sustainable Drainage SuDS

10. Prior to first occupation, 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:
 - (a) As built plans in both .pdf and .shp file format;
 - (b) Photographs to document each key stage of the drainage system when installed on site;
 - (c) Photographs to document the completed installation of the drainage structures on site;
 - (d) The name and contact details of any appointed management company information.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policies ESD6 and ESD7 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.

Scheme of Written Archaeological Investigation

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with Government guidance contained within the National Planning Policy Framework.

Archaeological Evaluation and Mitigation

12. Following the approval of the Written Scheme of Investigation referred to in condition 11, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

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.

Pedestrian and Cycle Access

13. Prior to the first use or occupation of the development hereby permitted a plan showing the additional pedestrian and cycle access as indicated on Drawing No: shall be submitted to and approved in writing by the Local Planning Authority the submitted plan shall provide details of the route and surfacing of a track suitable for pedestrians and cyclists linking this access to the existing hard surfacing within the site. The track and access shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of Highway Safety and of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Agenda Item 12
21/02406/F

**OS Parcel 0030 Adjoining And South East Of
Cradle House Farm
Wigginton**



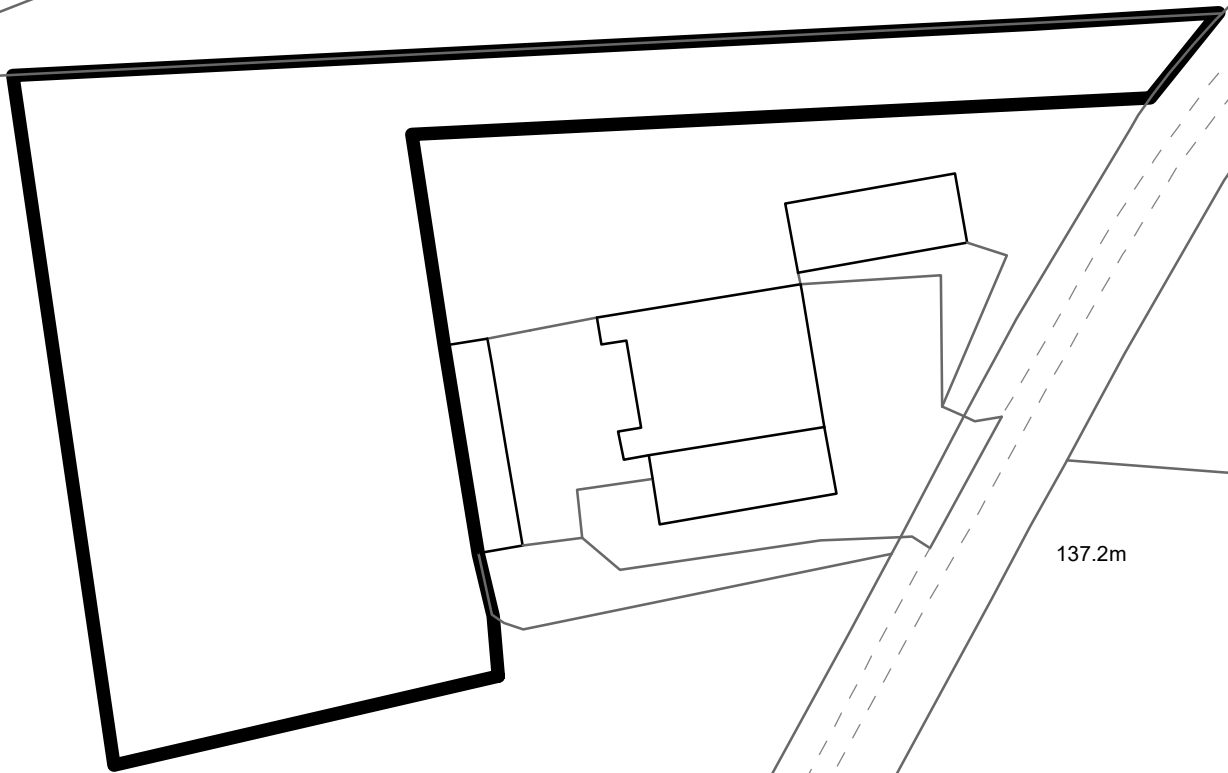
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21/02406/F

OS Parcel 0030 Adjoining And South East Of
Cradle House Farm
Wigginton

139.6m



137.2m



1:1,000

Page 65

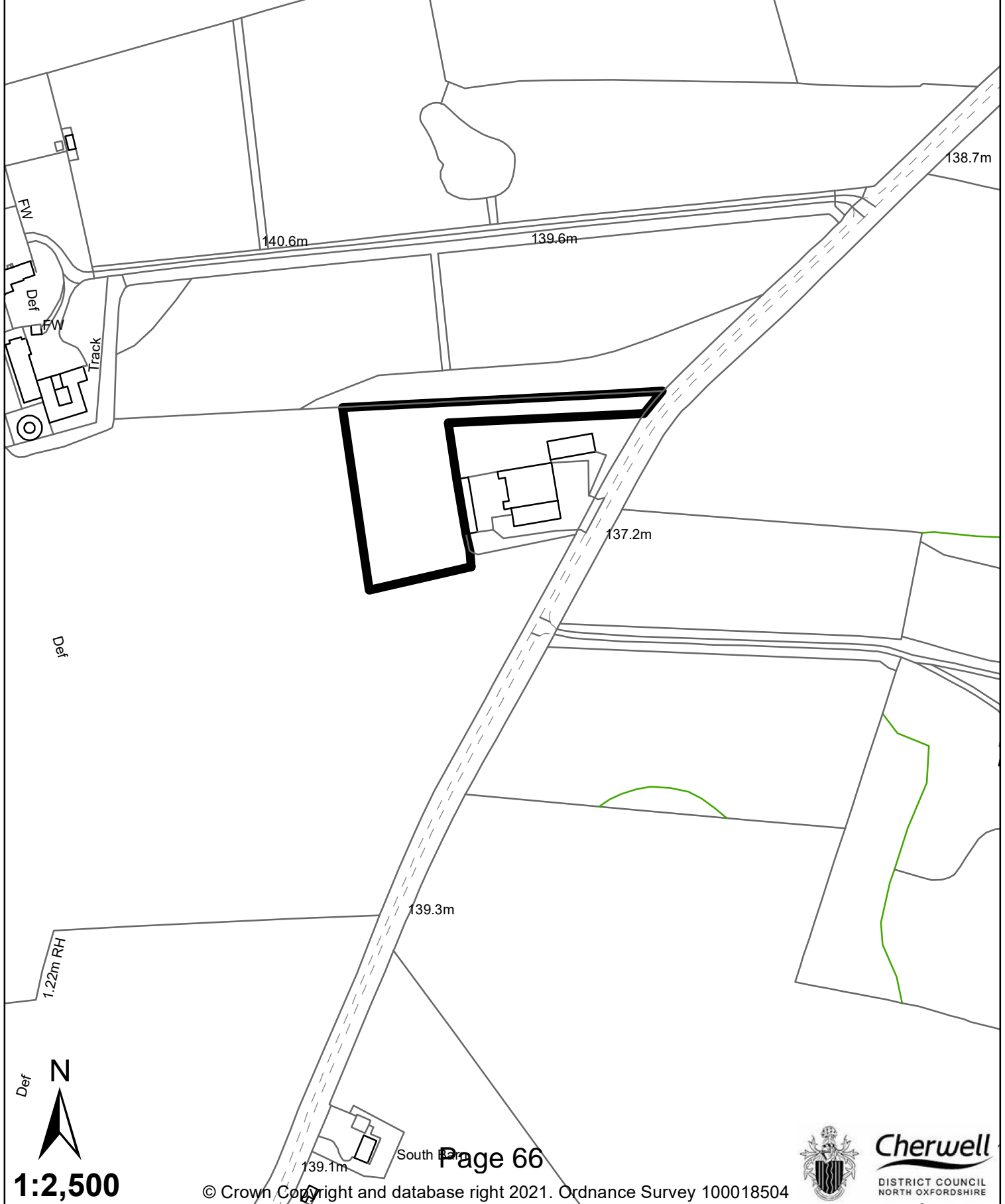
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

21/02406/F

OS Parcel 0030 Adjoining And South East Of
Cradle House Farm
Wigginton



1:2,500



Case Officer: Shona King

Applicant: Mr Richard Cook

Proposal: Replacing existing storage barn with portal frame building for use as a manege and creating a separate entrance track

Ward: Deddington

Councillors: Councillor Brown, Councillor Kerford-Byrnes and Councillor Williams

Reason for Referral: Major

Expiry Date: 24 September 2021

Committee Date: 04 November 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site forms part of a complex of farm buildings to the south east of Cradle House Farm. It is currently accessed by a track shared with the existing farm buildings and Cradle House Farm itself.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The proposal is for the replacement of an existing storage barn with a portal framed building to be used as an indoor manege and machinery store and the creation of a separate entrance track.

2.2. The building would measure approximately 50m long by 25m wide, 4.5m to eaves and 6.75m to the ridge. It would be clad with dark green profiled metal cladding with grey profiled fibre cement sheeting for the roof. The track would be surfaced with compacted stone aggregate.

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 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 **1 September 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. HOOK NORTON PARISH COUNCIL: **No objection**

6.3. WIGGINTON PARISH COUNCIL: **No comment to date**

CONSULTEES

6.4. LOCAL HIGHWAY AUTHORITY: **No objections**

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- ESD5 – Renewable Energy
- 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: Development involving horses

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

Principle of development

- 8.2. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF notes the same, and that 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.
- 8.3. The application seeks planning permission for the erection of an indoor horse training arena.
- 8.4. Saved Policy AG5 states that proposals 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.
- 8.5. Therefore, the principle of equestrian related development in this rural location is acceptable in principle; the overall 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 2015, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.* Saved Policy C28 of the CLP 1996 reinforces this, stating: *standards of layout, design, and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context.*
- 8.7. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted where, amongst other criteria, they would cause undue visual intrusion into the countryside or cause undue harm to important natural landscape features and topography.
- 8.8. The application site is in the open countryside, with only sporadic dwellings in the vicinity located outside of the nearby villages of Swerford and Wigginton. Saved Policy C8 of the CLP 1996 seeks to resist sporadic development in the open countryside. However, the site lies adjacent to other agricultural buildings and the building would be used in association with the existing use of the land. Due to the scale of the building, it would be more prominent in the landscape than the existing buildings, but this would be mitigated by the association with the adjacent barns and hedges.
- 8.9. It is considered necessary to require additional planting to the southern boundary to introduce trees within the existing hedgerow to break up the expanse of the building visually. The planting of a hedge along the southern side of the access track would also help to mitigate any adverse visual impact.
- 8.10. The addition of the new access is not considered to be so intrusive as to warrant refusal of the application. It would not result in the loss of hedgerow over and above the small section to allow for the access. The access track itself and hardsurfacing would not be particularly visible in public views.

- 8.11. The site is in a very isolated and rural location, where external lighting is likely to have a detrimental impact on the character and appearance of the area and it is considered necessary to restrict the installation of such lighting by condition to protect the rural character of the area.
- 8.12. Overall, therefore, and given its siting, design and materials, and subject to conditions as set out above, it is considered that the proposed building would not result in any significant harm to the rural character of the area, compliant with the local and national policies cited above.

Residential amenity

- 8.13. Both the NPPF and Policy ESD15 of the CLP 2015 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.
- 8.14. The proposed building would be located approximately 250m from the closest residential property not associated with the holding. Given this relationship it is considered that the building would not result in any significant levels of overlooking or be overbearing on the outlook from that dwelling. Nor would it, or the proposed access track, result in any significant levels of noise or disturbance to that dwelling.
- 8.15. The proposal is therefore considered acceptable in residential amenity terms and compliant with Policy ESD15 of the CLP 2015 and Government guidance in the NPPF.

Highway safety

- 8.16. The proposed access benefits from good visibility in both directions and the highway here experiences very low levels of traffic flows. Therefore, the additional access to serve the building would not result in any significant detriment to highway safety.
- 8.17. Due to the location a condition is recommended restricting the use of the arena to private use only to ensure that the rural character of the area is not eroded for highway safety given the nature of the highway network serving the site.
- 8.18. It is also recommended that a condition is imposed requiring the track and hardstanding be constructed from either porous materials or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.
- 8.19. The proposal is therefore considered acceptable in highway safety terms and compliant with Policy ESD15 of the CLP 2015 and Government policy in the NPPF.

Other Matters

- 8.20 A renewable energy feasibility assessment, in accordance with the requirements of Policy ESD5 of the CLP 2015, has been submitted. It states that the existing barn to be removed has an off-grid PV system installed comprising 8 panel solar PV units connected to 2 x 2.4kWh Li-ion battery banks and inverter charger with interface.
- 8.21 The applicant has confirmed that the owner would re-use this system on the new building, but that it would likely need to be extended to provide for the requirements of the new building, and that to provide all the power requirements for the new building the system could be extended in the future.

- 8.22 The proposed roof of the building allows for clear roof lights in every bay to maximise natural daylight and the PV panels may need to be lost or redesigned to suit. There are no heating requirements for the building and would be lit with 8 high bay lights and 2 floodlights with PIRs.
- 8.23 Finally, it is necessary to restrict the use of the building to a private use, and to preclude any commercial equestrian purpose whatsoever including riding lessons, tuition, livery or competitions. The application has been made and assessed on this basis, and that additional use may have implications for highway safety and the pattern of rural land use which would require further assessment.

9. PLANNING BALANCE AND CONCLUSION

- 9.1 The principle of development is acceptable, as the building would be viewed in the context of existing large farm buildings and would be a sufficient distance away from the nearest residential property so as not adversely affect the living conditions of that neighbour and would not affect the safety of the local highway network. The proposed development is therefore considered to be in accordance with the Development Plan, and thus acceptable, subject to the conditions below.

10. RECOMMENDATION

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

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form, Renewable Energy Feasibility Assessment and the following plans: Site Location Plan 937 SK06, Site plan 937 37, existing plan 937 38 and proposed plan 8003-00 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.

Landscaping

3. No development shall commence unless and 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:-
 - (a) details of tree and hedge planting including their species, number, sizes and positions, together with grass seeded/turfed areas along the southern boundary of the site and southern side of the access track hereby approved
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each

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

(c) details of the hard surface areas.

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

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

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

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

Access

5. The access and manoeuvring areas shall be provided in accordance with the plan approved (937 37) prior to the first use/of the development hereby approved and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. The access and manoeuvring areas shall be retained in accordance with the approved details thereafter and shall be unobstructed except for the access and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

Lighting

6. No external lighting shall be installed at the site unless and until full details of that lighting have been submitted to and approved in writing by the Local planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure 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, ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

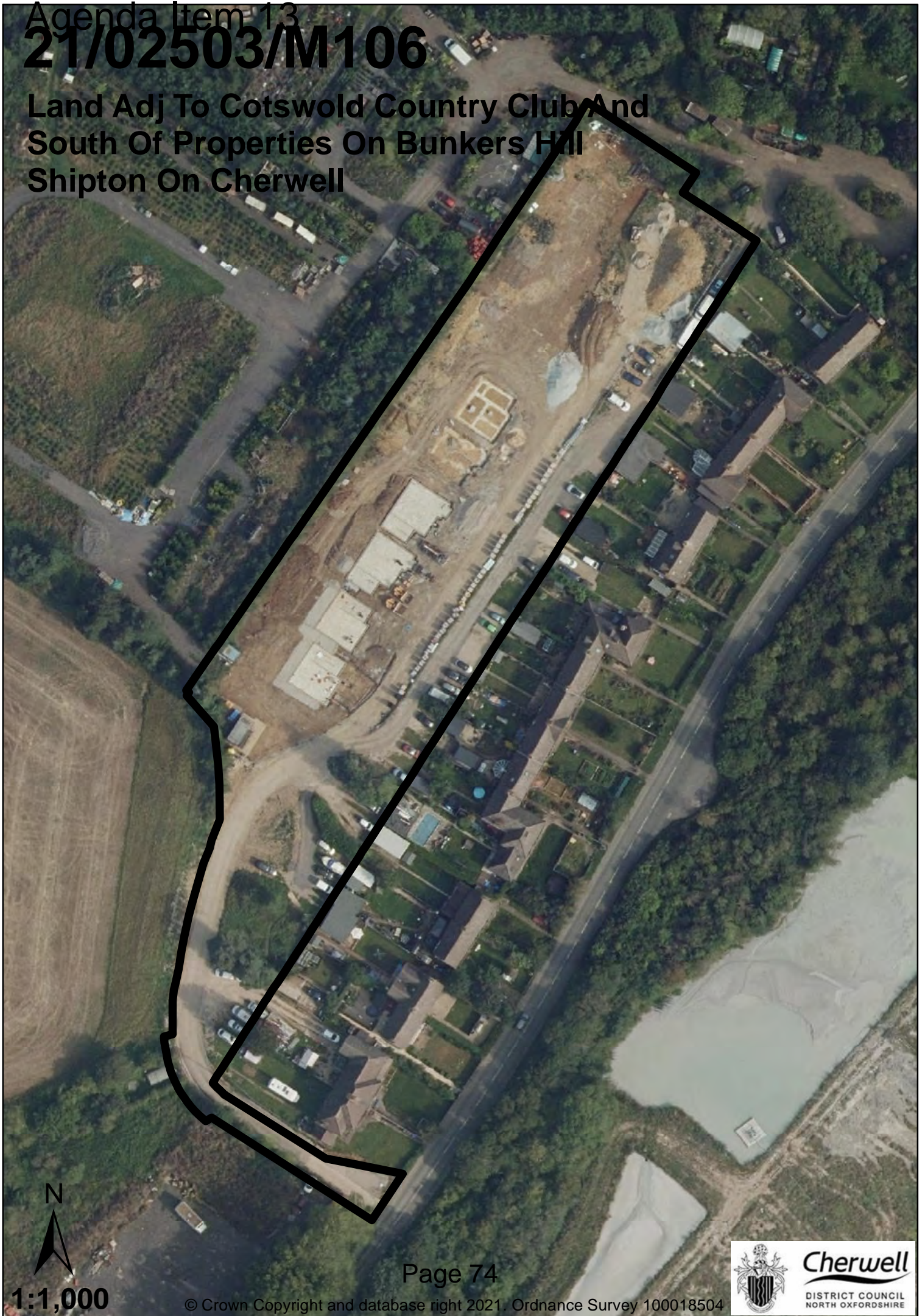
Restriction of Use

The horse training area hereby permitted shall be used for private recreation only, by the occupants of Cradle House 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 and appearance of the area and in the interests of sustainability and highway safety, in accordance with Policies SLE4, ESD1 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

21/02503/M106

Land Adj To Cotswold Country Club And
South Of Properties On Bunkers Hill
Shipton On Cherwell



1:1,000



21/02503/M106

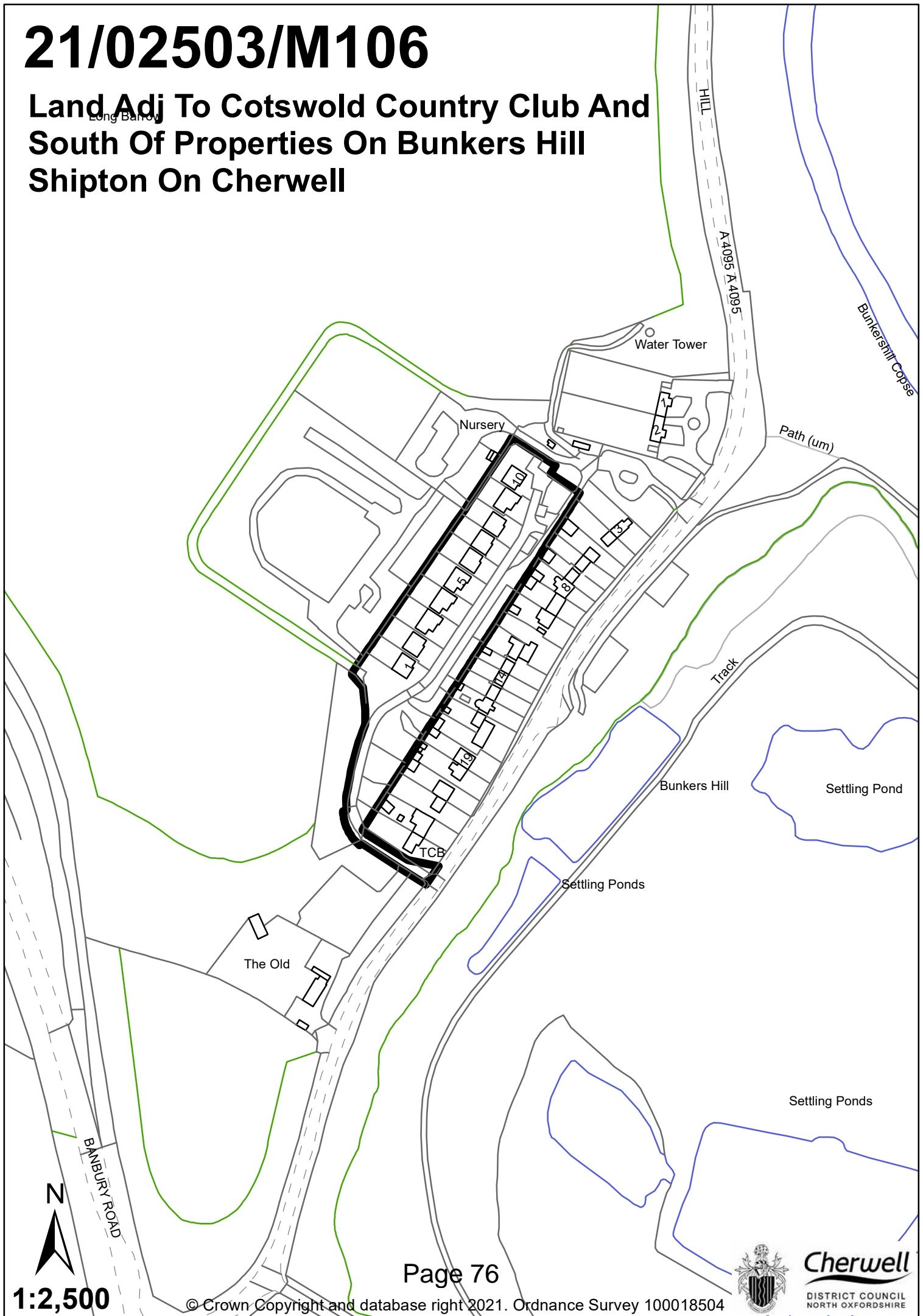
Land Adj To Cotswold Country Club And
South Of Properties On Bunkers Hill
Shipton On Cherwell

Nursery



21/02503/M106

Land Adj To Cotswold Country Club And South Of Properties On Bunkers Hill Shipton On Cherwell



Case Officer: Shona King

Applicant: Keble Homes

Proposal: Request for variation to S106 for 18/01491/OUT

Ward: Launton and Otmoor

Councillors: Councillor Hallchurch, Councillor Holland and Councillor Hughes

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

Expiry Date: 5 November 2021

Committee Date: 04 November 2021

SUMMARY OF RECOMMENDATION: REFUSE

1. APPLICATION SITE AND LOCALITY

1.1 The site is located to the rear of a row of dwellings which front onto the A4095 and comprises an area of hardstanding, former Club building and a disused bowling green and associated changing rooms and maintenance shed. Access to the highway is via a narrow track onto the A4095 at the western end of the site. The site is bounded to the north and west by countryside and to the east by an established nursery/garden centre.

2. DESCRIPTION OF PROPOSAL

2.1. An application has been made seeking a variation to the s106 Agreement to permission 18/01491/OUT. The s106 required the demolition of a disused water tower adjacent to the site and the applicants now do not wish to carry out these works.

3. RELEVANT PLANNING HISTORY

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

14/01565/OUT

Outline - Development of eight houses and access improvements
Application Refused

14/02132/OUT

Outline - Development of eight houses and access improvements.
Application Permitted

17/02148/OUT

OUTLINE - Demolition of existing club house, bowling club pavilion and ancillary store. Erection of 10no dwellings and access improvements
Application Refused

18/01491/OUT

OUTLINE - Demolition of existing club house, bowling club pavilion and ancillary store. Erection of 10 no. dwellings and access improvements (further to outline planning permission 14/02132/OUT, dated 8th April 2016) and having a lesser proposed cumulative floor area than that permission.

Approved

19/01410/REM

Reserved matters to 18/01491/OUT - Seeking approval of layout, landscaping, appearance and scale. Access details approved as part of outline permission

Approved

20/01755/DISC

Discharge of Conditions 5 (finished floor levels); 6 (Arboricultural Method Statement); 7 (supervision measures); 8 (services and trenches); 9 (open space provision); 10 (means of access); 11 (visibility splays); 12 (internal access road details); 13 (refuse vehicle tracking); 14 (drainage details); 15 (Construction Traffic Management Plan); 16 (bat, bird, owl and invertebrate box details); 19 (facing materials) & 20 (Landscaping details) of 18/01491/OUT

Approved

20/01756/REM

Removal of Conditions 17 (Archaeological Written Scheme of Investigation), 18 (staged programme of archaeological evaluation and mitigation) and 27 (hardstanding) of 18/01491/OUT

Approved

20/01757/DISC

Discharge of Condition 2 (materials) of 19/01410/REM

Approved

20/01758/REM Removal of conditions 3 (stone sample panel) & 4 (doors & windows) of 19/01410/REM

Approved

21/00904/DISC Discharge of conditions 23 (Environmental Risk Assessment and Remedial Strategy), 24 (verification report) and 25 (remediation strategy) of 18/01491/OUT

Approved

21/00905/DISC

Discharge of Condition 14 (Drainage) of 18/01491/OUT

Approved

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 22 September 2021.

- 5.2. The issues raised by third parties are summarised as follows:

- Health and safety issues – new pumps housed under the water tower which was to be demolished due to its condition
- Not in the best interests of the residents of Bunkers Hill
- Residents not consulted by the Management Company
- Original development was supported by most of the community because of the benefits for the area. Few benefits have been delivered.
- The water tower is a risk and liability for the future shareholders.
- Water equipment was to be located in a purpose-built plant room. It has been located under the old water tower and not in a newly constructed plant room.
- Knocking down the water tower is not a pre-requisite to providing the water supply improvements
- The idea of the s106 was to take away the future risk and responsibilities associated with the water tower, removing the danger to the equipment underneath it.
- The original proposals to relocate the water supply and equipment eliminated the need for the water tower to exist
- Exception is taken to the poor provision of water that the ‘cobbled together’ solution provides for both existing and new dwellings.
- Modification of the s106 shouldn’t be signed off until the sewerage connections are completed.
- The money saved from not demolishing the water tower should go back into the community.

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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. SHIPTON ON CHERWELL PARISH COUNCIL: No objection

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1 Section 106A and Section 106B of the Town and Country Planning Act 1990 (as amended)

8. APPRAISAL

Background

- 8.1. Planning permission was originally granted on the site for 8 dwellings in April 2016 (ref. 14/02132/OUT).

- 8.2. Officers recommended refusal of the scheme as it was considered to represent development within the countryside and would constitute unsustainable, new build residential development in a rural location divorced from established centres of population, not well served by public transport and reliant on the use of the private car. It was considered to be contrary to saved Policies H18 and C8, of the Cherwell Local Plan 1996, Policy Villages 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained in the National Planning Policy Framework.
- 8.3. The Planning Committee, however, considered that, cumulatively, the public benefits put forward as part of the application outweighed the adverse impacts of the development and the application was approved.
- 8.4. The benefits put forward in the legal agreement were as follows:
- Contribution towards off-site provision of affordable housing - £40,000
 - Provision of a LAP on the site and commuted sum towards maintenance
 - Sewage treatment facility and 20 year service contract
 - New mains-fed water supply
 - Provision of a community building and £10,000 towards maintenance
 - Demolition of the obsolete water tower
- 8.5. The decision of the Planning Committee, and therefore Cherwell District Council as Local Planning Authority (LPA), was that these obligations were necessary to make the development acceptable, and formed the basis upon which the LPA made its decision.
- 8.6. Planning permission was subsequently granted for 10 dwellings on the site under application 18/01491/OUT and it is this permission that has been implemented. In approving the application the Planning Committee considered that cumulatively the public benefits put forward as part of the application outweighed the adverse impacts of the development and the application was approved.
- 8.7. The s106 agreement required:
- Contribution towards off-site provision of affordable housing
 - Provision of a LAP on the site with a commuted sum for maintenance
 - Sewage treatment facility
 - Improvements to the water supply
 - Contribution towards Shipton-on-Cherwell Millennium Hall
 - Demolition of the obsolete water tower
 - Contribution to OCC towards increasing frequency of buses on A4260
 - New bus stop flag and timetable signage on the A4260
 - Contribution towards the cost of administering a Traffic Regulation Order to enable the relocation of the existing 40mph/de-restricted speed limit on the A4095 Bunkers Hill from its current location immediately south of the proposed access to a point 50m southwards.
 - Contributions towards off-site indoor and outdoor sports facilities
- 8.8. At the time of determination of the planning application the water tower was considered to be in an unsafe condition and the removal of it, along with the other benefits put forward by the applicant, was considered necessary to outweigh the harm of allowing the two additional dwellings.
- 8.9. Additional contributions had been required for the second scheme given it was for 10 or more dwellings and met additional triggers, whereas the first scheme was for less than 10 dwellings.

Legislation

- 8.10. Under s106A of the Town and Country Planning Act 1990 (as amended) the application falls to be determined in one of three ways:
- a) The obligation continues to have effect without modification
 - b) If the obligation no longer serves a useful purpose it should be discharged
 - c) If it continues to serve a useful purpose but would serve that purpose equally well if the s106 had effect subject to the modification in the application, it should be modified
- 8.11. The legislation requires that the s106 must be over 5 years old for consideration to be given to a modification. However, the Council's Legal Team has advised that such a modification can be considered earlier with the agreement of the parties to the s106. Officers recommend that consideration be given to this proposed change.
- 8.12. If the Council concludes that the s106 should not be modified there is no right of appeal in this instance as the application has been submitted within 5 years of the date into which the obligation was entered.

Assessment

- 8.13. In determining the application, it is necessary to consider whether anything has changed in respect of the condition of the water tower and its appearance or impact in the wider landscape and whether there are any other consequences with regards to the completed s106 arising from the proposed modification.
- 8.14. The modification sought is to release the developer from the requirement to demolish the water tower and to replace this modification with:
- "To supply and install a filtration tank and system to the landowners current water supply and to commission the existing pump".*
- 8.15. Notably, the filtration tank and system has already been installed and the pump commissioned. It is housed in an existing building below the water tower, where the previous system was located, and is under the control and ownership of the Bunkers Hill Management Company (BHMC). The deed of variation as proposed has been signed by BHMC prior to the submission of the application.
- 8.16. In effect, therefore, the proposal is simply to remove from the s106 agreement the obligation to remove the water tower.
- 8.17. The Council's Environmental Protection Team is satisfied that the water supply is acceptable.
- 8.18. Comments received from residents imply that the water tower remains in a poor condition.
- 8.19. No information has been provided to support the application in terms of the condition of the water tower, although officers note:
- (1) There has been a recent campaign by a resident seeking to retain the water tower, due to personal circumstances and the potential impact on wildlife/habitat, which involved the placing of a camper van on the top of the tower; and

- (2) The new water infrastructure has been placed in a building immediately below the tower which may make the demolition of the water tower more difficult than it might otherwise have been.

8.20. It is also noted that the water tower has the potential to provide habitat for bats and as such further consents may be required under the Wildlife and Countryside Act 1981 if the tower is to be demolished, though this was the case at the time of the previous decisions which required the removal of the water tower.

8.21. As stated in the committee report for 14/02132/OUT, the water tower is not prominent in public views as it is surrounded by mature trees and vegetation which screens it, and it does not significantly detract from the visual amenities of the area. This remains the case. However, it was considered at the time of previous decisions that its demolition would provide public benefit to the local community.

9. CONCLUSION

9.1 Having regard to the site's planning history and the Council's decisions to allow the redevelopment of the site subject to the packages of public benefits, of which the demolition of the water tower was one, and notwithstanding the loss of vegetation and potential habitat and the Deed of Variation having been signed by BHMC, it is recommended that the application to modify the s106 agreement with the retention of the water tower and the provision of the new water infrastructure in accordance with the submitted Deed of Variation is refused.

9.2 This is on the basis that circumstances have not changed since the s106 was completed and that the development would not have been approved without the benefits put forward by the applicants at the time due to the harm of allowing development in an unsustainable location.

10. RECOMMENDATION – REFUSAL

That the Deed of Variation application be refused for the following reason:

1. That the obligation continues to have effect without modification on the basis that circumstances have not changed since the s106 was completed and that the development would not have been approved without the benefits put forward by the applicants at the time due to the harm of allowing development in an unsustainable location.

21/02614/F

**37 Woodhall Drive
Banbury
OX16 9TY**



1:200



21/02614/F

37 Woodhall Drive
Banbury
OX16 9TY



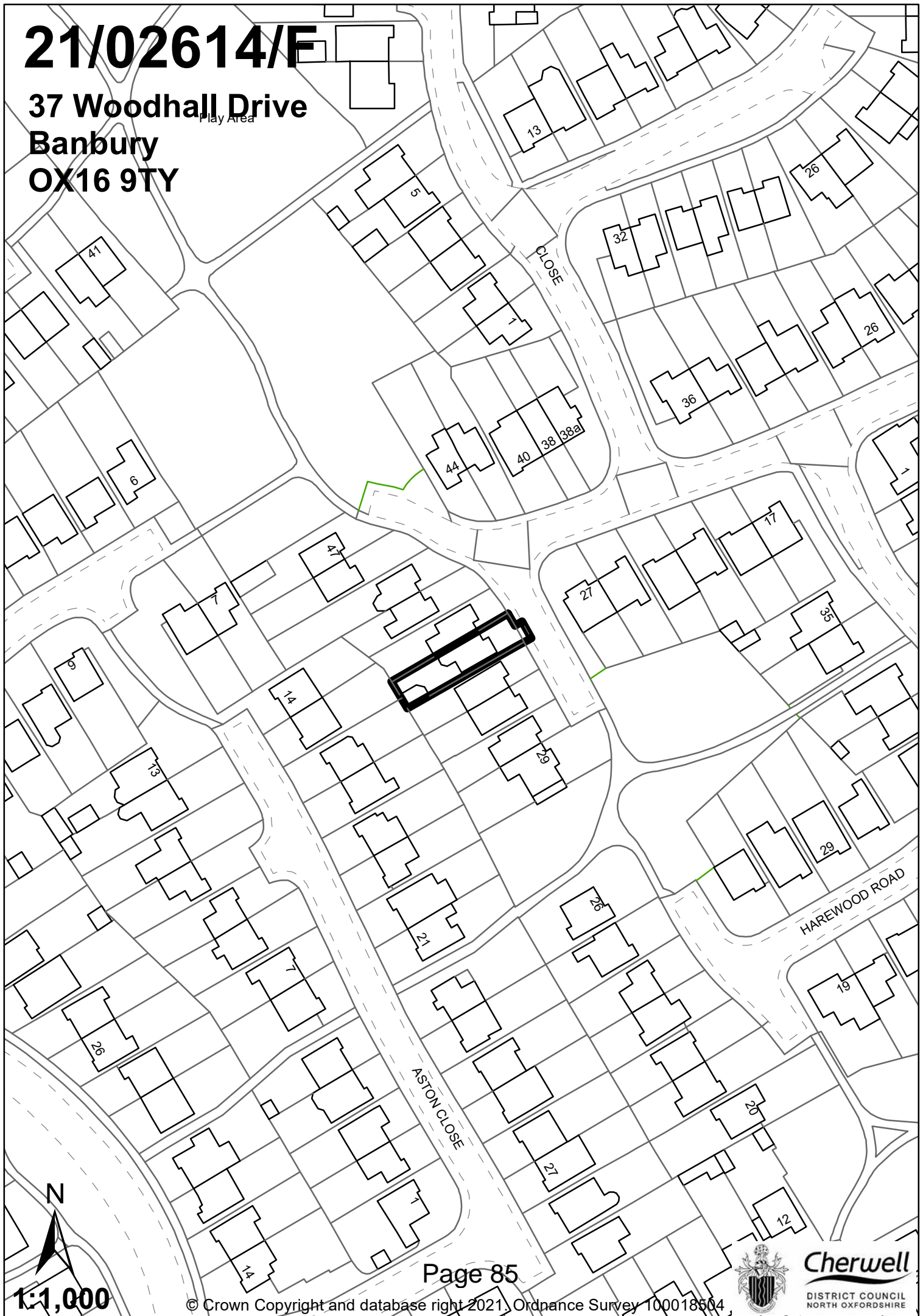
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21/02614/F

37 Woodhall Drive
Banbury
OX16 9TY

Play Area



1:1,000



Case Officer: Lewis Knox

Applicant: Louise Tustian

Proposal: Single storey rear extension

Ward: Banbury Calthorpe And Easington

Councillors: Cllr Colin Clarke, Cllr Kieron Mallon and Cllr Tony Mephram

Reason for Referral: Application submitted by a member of staff

Expiry Date: 11 October 2021

Committee Date: 4 November 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application property is a semi-detached dwelling within the Bankside residential estate in south-east Banbury. The building is constructed from brick with white uPVC fenestrations and an interlocking concrete tile roof above. The building currently benefits from a conservatory extension to the rear.
- 1.2. The design of the dwelling is similar to the surrounding character of the street scene, although the form and materials used vary amongst the various house types.

2. CONSTRAINTS

- 2.1. There are no significant constraints to the site. The building is not listed, and the site is not located within a designated conservation area. Permitted development rights for the enlargement of the dwelling are intact.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The applicant seeks permission for the erection of a single storey rear extension to the dwelling to replace an existing rear conservatory.
- 3.2. The extension would measure 3.4m in depth and would extend the width of the rear elevation to 5.9m. The development would have a flat roof of overall height of 3.0m.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
Application: 05/02064/F
Conservatory to the rear. Single storey front extension
Permitted 8 December 2005

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 letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **9 September 2021**.
- 6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

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

CONSULTEES

- 7.3. CDC BUILDING CONTROL: **No adverse comments**

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design of New Residential Development

- 8.3. Other Material Planning Considerations

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

9. APPRAISAL

- 9.1. 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

- 9.2 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.
- 9.3 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.
- 9.4 Policy ESD15 of the CLP 2031 Part 1 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

- 9.5 The proposed extension would be located to the rear of the application dwelling and as such would not be readily visible from the public domain and would not have a significant impact on the character and appearance of the streetscene.
- 9.6 The property has previously benefitted from a rear conservatory which would be replaced as part of this development. It is therefore considered that the principle of this form of development is already established at the site.
- 9.7 The scale of the development would be larger than the existing conservatory with a slightly greater depth, and a width which would match the width of the original dwelling. Despite the increase in scale, it would be subservient to the main dwelling with a single storey and a width which would not extend beyond the side elevation of the dwelling.
- 9.8 Extensions of this nature are typical of residential properties such as this and would not appear alien within the residential setting.
- 9.9 It is also noted that similar developments are visible to neighbouring dwellings, most notably to the neighbour immediately to the south. The development would therefore continue the established character of the area.
- 9.10 The proposed materials would not match the existing materials at the property. The development includes the use of a buff render to the elevations are considered to be appropriate for use in this residential location, particularly given that it would have no impact on the public domain.

Conclusion

- 9.11 The proposal is considered to be acceptable in design terms as it does not conflict with Policy ESD15 of the CLP 2031 Part 1, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

Residential amenity

Legislative and policy context

- 9.12 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 Part 1 which states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

Assessment

- 9.13 The proposed extension would be relatively minor in its depth and would not extend any significant distance beyond the rear of either neighbouring property, both of which have been extended. The proposal would not therefore conflict with the 45 degree rule to the closest habitable windows of the neighbouring properties.
- 9.14 Given this relationship it is considered that the development would not cause harm to the amenity of neighbouring residents in terms of loss of light, loss of outlook or by being overbearing.
- 9.15 All proposed openings would face towards the rear of the garden at the site and as such it is not considered that there would be any impact on the levels of privacy within the locality.

Conclusion

- 9.16 The proposals would be acceptable in neighbouring amenity terms and accord with Policy ESD15 of the CLP 2031 Part 1, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

Highway Safety

Legislative and policy context

- 9.17 Paragraph 109 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

- 9.18 There are no further bedrooms proposed through the development and as such the existing off-street parking provision at the site would remain adequate for a dwelling of this size.
- 9.19 It is unlikely that the development would have any impact on the safety of the local highway network.

Conclusion

- 9.20 The proposals would be acceptable in highway safety terms and accord with Policy ESD15 of the CLP 2031 Part 1, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 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.

11. RECOMMENDATION

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

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Job No: 21_037_ Drawing No. 102 Rev A, 103, 104 and 001

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

4 November 2021

Appeal Progress Report

Report of Assistant Director - Planning and Development

This report is public

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.

1.0 Recommendations

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

2.0 Introduction

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

3.0 Report Details

3.1 New Appeals

a) **20/01122/F - OS Parcel 9635 North East of HMP Bullingdon Prison, Widnell Lane, Piddington**

Material Change of Use of land to use as a residential caravan site for 12no gypsy / traveller families, each with two caravans, including improvement of access, laying of hardstanding and installation of package sewage treatment plant.

Officer recommendation – Refused (Committee)

Method of determination: Hearing (Date not arranged)

Start Date: 08.10.2021

Statement Due: 12.11.2021

Decision: Awaited

Appeal reference – 21/00033/REF

b) **20/02826/F - Southcroft House, Southrop Road, Hook Norton, OX15 5PP**

Erection of gates, pillars and boundary wall with railings above.

Officer recommendation – No decision. Appeal against non-determination

Method of determination: Written Representations
Start Date: 01.10.2021
Statement Due: 05.11.2021
Decision: Awaited
Appeal reference – 21/00030/NON

c) 21/01199/HPA – 43 Kingsway, Banbury, OX16 9NX

Proposed demolition of existing extension and rebuild extension with a dual pitched roof - height to eaves 2.75m, overall height 3.79m, length 4.1m.

Officer recommendation - Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 01.10.2021
Statement Due: N/A
Decision: Awaited
Appeal reference – 21/00032/REF

d) 21/01756/F – 25 Broad Close, Barford St Michael, OX15 0RW

Single storey side and rear extension including demolition of existing conservatory.

Officer recommendation - Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 01.10.2021
Statement Due: N/A
Decision: Awaited
Appeal reference – 21/00031/REF

3.2 New Enforcement Appeals

None

3.3 Appeals in Progress

a) 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

b) 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

c) 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

d) 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

e) 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

f) 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

g) 21/01057/F – 177 Warwick Road, Banbury, OX16 1AS

Variation of Condition 2 (openingtimes) 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

h) 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

3.4 Enforcement Appeals in Progress

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

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

Method of determination: Hearing
Start Date: 24.02.2021
Statement Due: 07.04.2021
Decision: Awaited

Hearing date: Tuesday 16 and Wednesday 17 November 2021

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

Appeal reference: 21/00008/ENF

3.5 **Forthcoming Public Inquiries and Hearings between 5 November 2021 and 2 December 2021**

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

Appeal against the enforcement notice served.

Hearing date: Tuesday 16 and Wednesday 17 November 2021. Start time: 10.00

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

3.6 **Appeal Results**

Inspectors appointed by the Secretary of State have issued the following decisions:

a) **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

The appeal was heard by Hearing on 22 June and decisions were issued by PINS on 10 September.

The appeal was allowed but the appellants' application for costs against the Council for maintaining its objection, notwithstanding the lack of a 5-year housing land supply and bearing in mind this was a site on the edge of a Category-A settlement, was dismissed.

Inspector William Copper deemed that, given a 'tilted balance' in favour of residential development combined with the completion of an acceptable s.106 agreement that detailed affordable housing provision, highway improvement works to Berry Hill, sustainable drainage, waste bins and landscaped open space provision, plus financial contribution obligations for community hall, healthcare, off-site sports, education, training and apprenticeships, public transport and public rights of way enhancements, the balance of planning benefits demonstrably outweighed any harmful impacts in terms of Development Plan policy conflict and landscape harm.

Adderbury generally and the site specifically were considered sustainable locations for the scale of development proposed. The site was deemed reasonably well contained such that the visual impacts of development on the rural character of the

site and its surroundings could be adequately mitigated, with views maintained across the site towards the spire of the listed Church of St Mary.

b) 20/3210/F – Dismissed the appeal by Mrs L Guo against the refusal of planning permission for Formation of means of access and associated dropped kerb. 113 Cromwell Road, Banbury, OX16 0HF.

Officer recommendation – Refused (Delegated)
Method of determination: Householder (Fast Track)
Appeal reference – 21/00027/REF

The Inspector identified two main issues - the effect of the proposed development on the character and appearance of the area and the effect of the proposed development on highway safety.

The Inspector found that the proposed dropped kerb would not be detrimental to the local highway network from a traffic and safety point of view. However, the proposal would harm the character and appearance of the area. The Inspector also found that the removal of one, possibly two, mature trees that positively contribute to the character and appearance of the area would be contrary to Local Plan Policy ESD15. The inspector also added that amongst other things, that new development respects local landscape features, such as significant trees.

The appeal was dismissed.

4.0 Conclusion and Reasons for Recommendations

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

5.0 Consultation

5.1 None.

6.0 Alternative Options and Reasons for Rejection

6.1 None. The report is presented for information.

7.0 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:
Janet Du Preez, Principal Accountant, 01295 221606
janet.du-preez@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

8.0 Decision Information

Key Decision:

Financial Threshold Met	No
Community Impact Threshold Met	No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Business Plan Priorities 2021-2022:

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

Lead Councillor

Councillor Colin Clarke, Lead Member for Planning

Document Information

None

Background papers

None

Report Author and contact details

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