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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 6 October 2022

Time: 4.00 pm

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

Membership

Councillor George Reynolds (Chairman)

Councillor Andrew Beere
Councillor John Broad
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Simon Holland
Councillor Richard Mould
Councillor Les Sibley
Councillor Amanda Watkins

Councillor Maurice Billington (Vice- Chairman)

Councillor Rebecca Biegel
Councillor Hugo Brown
Councillor Jean Conway
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Lynn Pratt
Councillor Dorothy Walker
Councillor Sean Woodcock

Substitutes

Councillor Mike Bishop
Councillor Andrew Crichton
Councillor Matt Hodgson
Councillor Adam Nell
Councillor Douglas Webb
Councillor Bryn Williams

Councillor Gemma Coton
Councillor David Hingley
Councillor Ian Middleton
Councillor Dr Chukwudi Okeke
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. Addresses can be made virtually or in person.

4. **Minutes** (Pages 4 - 7)

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

5. **Chairman's Announcements**

To receive communications from the Chairman.

6. **Urgent Business**

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

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

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

Any requests or recommendations for site visits will be published with the written update.

Planning Applications

8. **Unit 7 Oxford Technology Park Technology Drive Kidlington OX5 1GN** (Pages 10 - 31) **22/01683/F**

9. **60 Bicester Road Kidlington OX5 2LF** (Pages 32 - 49) **22/01999/F**

10. **Land Between Sewage Works And Manor Farm Adjacent Street From Bell Street To Balscote Hornton** (Pages 50 - 76) **21/02769/F**

11. **Windmill Nurseries London Road Bicester OX26 6RA** (Pages 77 - 88) **22/00464/F**

Review and Monitoring Reports

12. **Appeals Progress Report** (Pages 89 - 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 221534 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.

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 Aaron Hetherington, Democratic and Elections democracy@cherwell-dc.gov.uk, 01295 221534

Yvonne Rees
Chief Executive

Published on Wednesday 28 September 2022

Agenda Item 4

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 8 September 2022 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor Maurice Billington (Vice-Chairman)
Councillor Andrew Beere
Councillor Rebecca Biegel
Councillor John Broad
Councillor Colin Clarke
Councillor Jean Conway
Councillor Ian Corkin
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Richard Mould
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Dorothy Walker
Councillor Amanda Watkins
Councillor Sean Woodcock

Substitute Members:

Councillor Douglas Webb (In place of Councillor Hugo Brown)
Councillor Barry Wood (In place of Councillor Simon Holland)

Apologies for absence:

Councillor Hugo Brown
Councillor Simon Holland

Officers:

Ian Boll, Corporate Director Communities
David Peckford, Assistant Director Planning & Development
Alex Chrusciak, Senior Manager - Development Management
David Mytton, Solicitor
Lesley Farrell, Democratic and Elections Officer
Aaron Hetherington, Democratic and Elections Team Leader

58 **Declarations of Interest**

There were no declarations of Interests

59 **Requests to Address the Meeting**

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

60 **Minutes**

The Minutes of the meeting held on 11 August 2022 were agreed as a correct record and signed by the Chairman.

61 **Chairman's Announcements**

There were no Chairman's Announcements.

62 **Urgent Business**

There were no items of urgent business.

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

There were no proposed Pre-Committee Site visits

64 **Development Brief for Local Plan Partial Review site PR6a – Land East of Oxford Road, North Oxford**

The Committee considered a report by the Assistant Director Planning and Development for the approval of the Development Brief for Local Plan Part 1 Review allocated site PR6a – Land East of Oxford Road, North Oxford.

Councillor Middleton addressed the committee as Local Ward member.

Carolyn Puddicombe, Director of Planning at Christchurch addressed the committee in support of the brief.

In reaching its decision the Committee considered the officers report and presentation, and the addresses of Local Ward member and public speaker.

Resolved

- (1) That the Development Brief for site PR6a (Land East of Oxford Road, North Oxford) of the Cherwell Local Plan 2011-2031 Partial Review as

set out in the Annex to the Minutes (as set out in the Minute Book) be approved.

- (2) That the Assistant Director - Planning and Development be authorised to publish the Development Brief subject to any necessary presentational or other minor corrections in consultation with the Chairman.

65 **Development Brief for Local Plan Partial Review site PR6b – Land West of Oxford Road, North Oxford**

The Committee considered a report by the Assistant Director Planning and Development for the approval of the development brief for the Local Plan Part 1 Review allocated site PR6a – Land West of Oxford Road, North Oxford.

Councillor Middleton addressed the committee as Local Ward member.

In reaching its decision the Committee considered the officer's report and presentation, the written updates and address of the Local Ward member.

Resolved

- (1) That the Development Brief for site PR6b (Land West of Oxford Road, North Oxford) of the Cherwell Local Plan 2011-2031 Partial Review as set out in the Annex to the Minutes (as set out in the Minute Book) be approved.
- (2) That the Assistant Director - Planning and Development be authorised to publish the Development Brief subject to any necessary presentational or other minor corrections in consultation with the Chairman.

66 **Os Parcel 9078 and 9975 Adjoining Stocking Lane and North of Rattlecombe Road, Stocking Lane, Shenington**

The Chairman advised that application 22/00489/F had been withdrawn by the applicant.

67 **Appeals Progress Report**

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

Resolved

- (1) That the position on planning appeals contained within the report be noted.

The meeting ended at 5.40 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee - 6 October 2022

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	Unit 7 Oxford Technology Park Technology Drive Kidlington OX5 1GN	22/01683/F	Kidlington West	Approve	Dale Jones
9	60 Bicester Road Kidlington OX5 2LF	22/01999/F	Kidlington East	Approve	Rebekah Morgan
10	Land Between Sewage Works And Manor Farm Adjacent Street From Bell Street To Balscote Hornton	21/02769/F	Cropredy, Sibfords and Wroxton	Approve	Wayne Campbell
11	Windmill Nurseries London Road Bicester OX26 6RA	22/00464/F	Launton and Otmoor	Approve	Katherine Daniels

*Subject to conditions

**Unit 7
Oxford Technology Park
Technology Drive
Kidlington
OX5 1GN**



22/01683/F

Unit 7

Oxford Technology Park

Technology Drive

Kidlington

OX5 1GN

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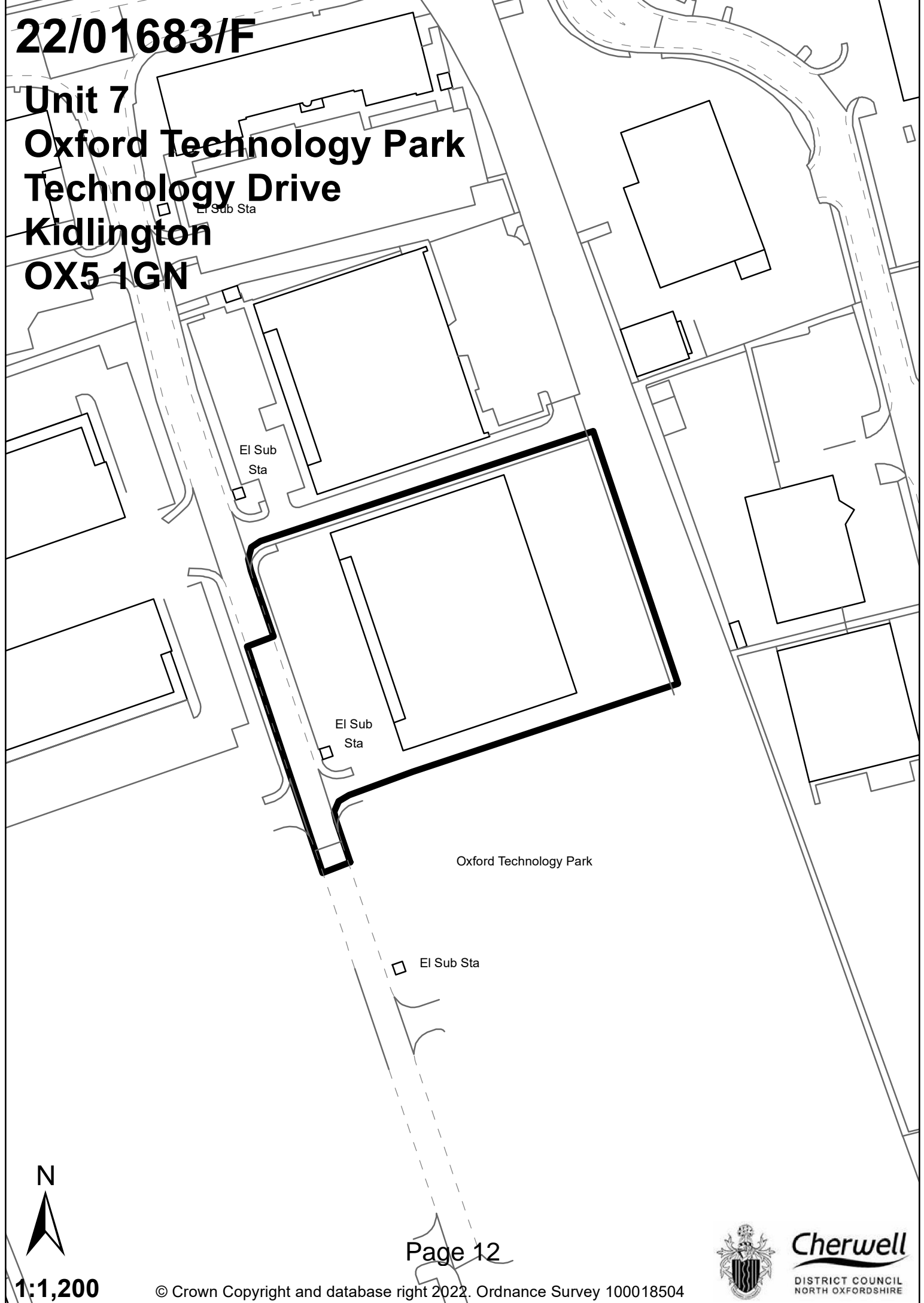


Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

22/01683/F

**Unit 7
Oxford Technology Park
Technology Drive
Kidlington
OX5 1GN**



1:1,200



Case Officer: Dale Jones

Applicant: Oxtec Developments Limited

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

Ward: Kidlington West

Councillors: Cllr Conway, Cllr Tyson and Cllr Walker

Reason for Referral: Major development

Referral:

Expiry Date: 6 September 2022

Committee Date: 6 October 2022

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT AND SUITABLE PROVISIONS TO SECURE A TRAVEL PLAN MONITORING FEE

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the south of Langford Lane and east of Technology Drive, towards the north-western edge of the built-up area of Kidlington. It comprises Plot 7 on the 8.3ha Oxford Technology Park, which lies south of London Oxford Airport and west of the Motor Park.
- 1.2. The application site is part of a wider area that was identified as an area for a small scale review of the Green Belt to accommodate identified High Value Employment Needs by Policy Kidlington 1 of the adopted Cherwell Local Plan 2011-2031 Part 1. Planning permission was granted across the Oxford Technology Park site (Ref: 14/02067/OUT) for 40,362m² flexible, hi-technology units suitable for office, research and development, laboratory, storage, and ancillary purposes. This outline permission included a condition requiring the submission of reserved matters within 3 years from the date of outline permission being granted (10/10/2016). No further reserved matter applications can therefore be made. Delivery of approved development on Plots 1, 3, and 5 of the Oxford Technology Park development are currently under construction and a hotel on Plot 2 (now known as Premier Inn Oxford Kidlington Airport) is open and trading. Development on Plot 4 (units 4a and 4b) is awaiting the completion of a S106 agreement) following being resolved to be approved at Planning Committee. These have been submitted as both reserved matter submissions and full applications.
- 1.3. The application site (Plot 7) comprises a 0.74ha rectangular area of flat serviced land on the east side of Technology Drive, which lies just south of the Plots 3 and Plot 5 developments on the Langford Lane frontage on the eastern side of the access road into the Technology Park with Campsfield House IRC just beyond (to the west).

- 1.4. To the north, on the opposite side of Langford Lane, are buildings/hangers serving London Oxford Airport and to the east is the Oxford Motor Park where a number of car dealerships are located. National Cycle Network Route 55 runs adjacent to the A44 Woodstock Road providing a direct connection from its junction with Langford Lane through to Oxford City Centre to the south.
- 1.5. The nearest existing bus stop is located 250m north east of the site on The Boulevard and currently serves Oxford Spire Business Park and London Oxford Airport. There are further bus stops located along Langford Lane and along the A44 Woodstock Road all of which are within a reasonable walking distance from the site.

2. CONSTRAINTS

- 2.1. The application site lies within the Oxford Green Belt, the London Oxford Airport Height Safeguarding Zone (development over 45m), within 330m of the Rushy Meadows SSSI and is identified as a minor groundwater Aquifer.
- 2.2. Previously before site allocation and remediation works, it had comprised Category 2 best and most versatile agricultural land and had also been identified as potentially contaminated, but those are no longer constraints to development.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposals seek planning permission for the construction of a commercial unit within use classes E (g) (i) – (iii), B2 and B8 (Unit 7) in a new single building with an area of 3,445m², including 2,314.2 sq. m at ground floor and 1,140.4 sq. m at mezzanine floor.
- 3.2. The unit will be accompanied by a parking area alongside for 75 cars (including 10 with EV charging points and 6 disabled) and 40 cycle parking spaces. The proposed building will be 10m tall over two storeys, with a very shallow pitched roof surrounded by a 1.4m parapet, giving the impression of a flat-roofed structure. It will measure 51.8m x 48.1m.
- 3.3. The building is described in the application Planning Support and Design & Access Statements as an industrial unit for uses within Use Classes E (g) (i)-(iii), B2 and B8 (consistent with the Local Plan allocation and outline planning consent). The building would be clad in Equitone Rainscreen Cladding Panels in three-tone grey (light, mid and dark) similar to that previously constructed on Plots 3 and neighbouring Plot 5. Glazing would extend along the facades of all four elevations, with windows positioned at both ground and first floor levels.
- 3.4. Vehicular and service access to the site will be taken place from the main access into the site from Langford Lane that has already been constructed and was authorised as part of the approved reserved matters.

4. RELEVANT PLANNING HISTORY

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

14/02067/OUT

Outline planning permission granted for the construction of 40,362m² of office, research and development, laboratory, and storage business space within Use Classes E (g) (i)-(iii), B2 and B8 Permitted.

16/00533/DISC

Discharge of Conditions 6 (means of access), 10 (surface water drainage scheme), 11 (drainage strategy), 12 (air quality impact assessment), 14 (low emission transport plan), 15 (reptile method statement), 16 (method statement for enhancing tree or shrub planting, areas of species rich grassland, habitat boxes for birds) and 18 (bird control management plan) of 14/02067/OUT

Permitted.

17/00559/F

The above outline permission (14/02067/OUT) was subsequently varied (Conditions 1, 2, 3, 5, 7, 9 & 21) by this full planning permission

Permitted.

17/01542/REM

Reserved Matters approval granted for Units 1 and 3 (opposite and alongside)

Permitted.

17/02233/F

Planning permission granted for a new 3,981m² hotel at Unit 2, which is now built and occupied as a Premier Inn

Permitted.

21/00690/REM

Slight design amendments were subsequently approved to Unit 3 last year and the development is now virtually complete

Permitted.

21/03913/F

Planning Application for 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.

Permitted. (Unit 5B).

- 4.2. It should be noted that a separate planning application (Ref. 22/02214/F) is pending consideration concurrently for the proposed variation of condition 2 (plans) 6 (vehicle parking layout) 16 (external Areas) of 21/03913/F - amendments to specified conditions relating to Building 5.

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 2 September 2022.

- 6.2. One comment has been raised by a third party and is summarised as follows:

- Object to the proposals. No work has yet started on the wider Oxford Technology Park obligation to provide active travel connections to offsite locations especially a link southward along the eastern perimeter of the site to Begbroke Lane to provide a green corridor route to Kidlington centre.

(CDC Officer note: This green corridor route is not an obligation requirement of the 2014 Outline consent, and OCC Highways have not required it for this application).

- Additionally, Transport Statement V3 (15/06/2022) contains the following inaccuracies:

- paragraph 3.1 claims transport mitigation measures have been installed
- but very little has been carried out to fulfil active travel obligations;
- paragraph 3.8 claims there is a footway along the southern side of Langford lane approx. 1.8m wide; however for most of its length the footway is less than 1.8m wide and only just wide enough for 2 people to pass each other;
- paragraph 3.10 is incorrect in saying that work is currently underway on the 2.5m wide shared-use path at the western end of Langford Lane; some siding-out of the existing path took place in June 2022 but no construction work has yet started;
- paragraph 3.11 is incorrect when it says there is an approx. 3.0m wide path on the east side of the A4260 from the junction with Langford Lane.

(Officer note: The minor inaccuracies are noted. However, they do not change the fundamental highways assessment which has been carried out by Officers and OCC as noted in the Transport and Highways section of the report below).

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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

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

CONSULTEES

7.3. **OCC HIGHWAYS: No objection.** OCC had initially raised some concerns regarding the quantum of electric vehicle charging points, cycle parking accessibility and with regard to the design of the accessible car parking spaces.

(CDC Officer Comment: The plans were revised and expanded the number of EV charging bays to 20 bays, which is in excess of the 19 bays required. The applicants have also clarified that 20 cycle spaces are proposed directly at ground level and the purpose of the racking mechanism is that it is an easy-to-use system. In addition, the accessible car parking spaces have also been updated to accord with the required specification requirements being 2.9m x 5.5m for access purposes. The above details including a revised site plan has been reviewed by OCC Highways Officers, who raise no objections to the revised submission, noting that this proposal is unlikely to have any significant impact on the highway in terms of safety or convenience. OCC Single Response Team have advised that should a Travel Plan be required, that a Travel Plan monitoring fee will be required. The applicants have confirmed in writing that the applicant will pay upfront (the TP monitoring fee) the day after the committee, should the Committee resolve to grant permission subject to conditions and this agreement.)

7.4. **OCC LEAD LOCAL FLOOD AUTHORITY:** Raised an objection due to drainage concerns. However, this can be addressed through the use of a pre-commencement condition, which has since been agreed by the (OCC) LLFA and the applicants and added to this report.

- 7.5. **CDC BUILDING CONTROL: No objection.** Comment – Means of escape to be in accordance with Approved document B volume 2.
- 7.6. **CDC ECOLOGY: No objections** subject to conditions.
- 7.7. **CDC ENVIRONMENTAL HEALTH: No objections.**
- 7.8. **NATURAL ENGLAND: No objections.**

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 2015)

- PSD1 – Presumption in favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport & Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – SuDS
- ESD8 – Water Resources
- ESD10 – Biodiversity and the natural environment
- ESD14 – Oxford Green Belt
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Kidlington 1 – Accommodating High Value Employment Needs
- INF1 – Infrastructure Provision

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
 - C30 – Design control over new development
 - C32 – Provision of facilities for disabled people
 - ENV1 – Development likely to cause detrimental levels of pollution
- 8.3. Other Material Planning Considerations
- National Planning Policy Framework (NPPF) (2021)

- Planning Practice Guidance (PPG)
- National Design Guidance 2019
- CDC Planning Obligations SPD 2018

9. APPRAISAL

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

- Principle of development
- Transport & Highway Impact
- Design Principles and Layout
- Drainage
- Ecology & Biodiversity
- Energy Efficiency & Sustainability
- Planning Obligations/other matters

Principle of Employment Development

Assessment

9.2. The application site lies within the Oxford Green Belt where restrictive policies apply at national and local level through the National Planning Policy Framework (NPPF) and the CLP 2015. Policy ESD14 confirms that proposals within the Green Belt will be assessed in accordance with the NPPF.

9.3. Notwithstanding this, the CLP 2015 does set out a need for small scale review of the Green Belt and refers to the Oxford Technology Park site within policy Kidlington 1 as one of the locations where small-scale review could accommodate high value employment development subject to site specific design and place shaping principles. The intended review and amendments to the Green Belt envisaged through policy Kidlington 1 have not been progressed despite some time having passed since the adoption of the CLP 2015.

9.4. The application site forms part of a larger allocated site in the adopted CLP 2015 under Policy Kidlington 1. This policy brings forward high-value employment needs development on land to the northwest of Kidlington and adjacent London Oxford Airport as a strategic allocation for hi-tech employment development and associated infrastructure. The whole site was granted outline planning permission for the construction of 40,362m² of office, research and development, laboratory, and storage business space within Use Classes E (g) (i)-(iii), B2 and B8 in 2016 (Ref: 14/02067/OUT) with the consent subsequently varied with a modified full permission in 2017 (Ref: 17/00559/F). Furthermore, approximately two-thirds of the allocated site has already been developed in a similar manner to that now proposed on this plot. Units 5A & 5B, Oxford Technology Park, being those units most recent approved for similar uses under application (Ref. 21/03913/F), which were considered at committee in May 2022 and subsequently approved, subject to a travel plan monitoring fee and conditions.

Conclusion

9.5. The proposed development is for a further phase of development of the supported Oxford Technology Park (OTP) that has already significantly commenced. This in itself is also a very special circumstances' justification for supporting further development at the already established OTP that itself remains on Green Belt land.

- 9.6. Having regard to the above rationale, the proposed development will accord entirely with the Local Plan employment site allocation and given the history of the site (inclusive of recent permission, including Unit 5 most recently) and the clear intention of the Council to review the Green Belt at this location, the proposal in this case will not cause significant or demonstrable harm with respect to other Plan policies and is therefore in principle considered acceptable. The proposal therefore accords with the requirements of the NPPF, Policies ESD14 and Kidlington 1 of the Local Plan Part 1.

Transport and Highways

Policy Context

- 9.7. 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*”. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. Policy SLE4 of the CLP 2015 requires new developments to maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development.

Assessment

- 9.8. The Oxford Technology Park is located approximately 9.5km to the north of Oxford City Centre, to the south of Langford Lane, between the A44 and A4260. The A44 provides access to the A34 to the south of the site. National Cycle Network Route 55 runs adjacent to the A44 Woodstock Road providing a direct connection from its junction with Langford Lane through to Oxford City Centre to the south.
- 9.9. The Oxford Technology Park site access junction with Langford Lane has recently been constructed and includes both a footway on one side of the road and a segregated cycleway on the opposite side of what is now known as Technology Drive. As the junction has been designed to accommodate the total quantum of development permitted by the outline consent (14/02067/OUT), and the quantum of this proposed development (as well as that already permitted and built) does not exceed the parameters of the outline consent, it is considered that the access arrangements into the technology park site are suitable to accommodate the development now being proposed. For the purpose of clarity, the total related trip generation is within that which had previously been assessed as acceptable through the outline permission (14/02067/OUT), and the number of trips predicted are considered to be a negligible increase on the local road network.
- 9.10. Vehicular and service access to the site will be taken place from the main access into the site from Langford Lane that has already been constructed and was authorised as part of the approved reserved matters. Visibility from the plot access junction is suitable, given the linear nature of the spine road and OCC Highway have not objected to the access proposals or its parking and turning arrangements. OCC had initially asked for details of the accessible parking sizes. Accordingly, the applicants amended the plans (proposed site plan) to demonstrate that the accessible parking would be policy requirement with regarding to provision of the additional manoeuvring spaces required by the accessible parking spaces, which has been reviewed and found to be acceptable by OCC Highways Officers.
- 9.11. Car parking has been proposed based on the OCC standard for office use (one space per 30m²) (75 spaces in all, inclusive of the 6 disabled spaces). OCC highway officers have raised no objections to the quantity or quality of car parking

proposed. As noted above, the applicants have amended the designs slightly to demonstrate that the accessible car parking spaces would be adequately sized and meet the design requirements of being 2.9m x 5.5m to be considered a disabled space with space for manoeuvrability.

- 9.12. Mitigation measures including public transport improvements and footway enhancements were previously secured through the outline consent in order to enhance sustainable transport options to the site. These have been implemented in full.
- 9.13. Electric vehicle charging points are proposed to serve this development, providing 20 bays. In order to promote the take up of electric vehicle use, the Council promotes the installation of ducting to allow for future expansion of EV charging rather than retrofitting at a later date. This can be conditioned. OCC highways have not raised any concerns with regard to the quantum of provision.
- 9.14. A cycle shelter (for 40 cycles) is shown to the frontage of the proposed building. The shelter is a double-stacked, semi-covered unit. OCC have not confirmed their acceptance of the proposed shelter, they state that it is not ideal and that 'Sheffield' type stands are the most accessible for all. However, it is noted that the shelter proposed mirrors the shelters that have been approved elsewhere with the Technology Park.

Conclusion

- 9.15. The proposals are considered to be in accordance with policies SLE4 of the CLP 2015 as well as national planning policy set out within the NPPF in this regard.

Design Principles and Layout

Legislative and policy context

- 9.16. The National Planning Policy Framework 2021 confirms that the Government attaches great importance to the design of the built environment, and notes 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.
- 9.17. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially, where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes. Weight should be given to development which reflects local design policies and guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings.
- 9.18. At the local level Policy ESD15 of the CLP 2015, 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 Policies C28 and C30 of the CLP 1996 reinforce this.
- 9.19. Policy Kidlington 1 is relevant and advises (inter alia) that key site specific design requirements will include (but are not limited to: Design for buildings that create a gateway with a strong sense of arrival including when arriving from the airport, a well designed approach to the urban edge, which achieves a successful transition

between town and country environments, development that respects the landscape setting of the site and a comprehensive landscaping scheme to enhance the setting of buildings onsite and to limit visual intrusion into the wider landscape.

Assessment

- 9.20. With regard to the existing context, the application site is flat and is not within a sensitive landscape. The site is surrounded on its north, east and west side by other built development, much of which is relatively functional in appearance with the use of simplistic materials, including the hangers at Oxford Airport to the north of the site and the new hotel and neighbouring commercial development also to the north and the car showrooms to the east of the site, which are all similar to the current development proposals.
- 9.21. The proposed development comprises a single rectangular building sited perpendicular to the main spine road through the technology park site. The design of the building is consistent with the appearance of the buildings recently constructed on Plots 1 and 3 and typical of a modern commercial development comprising large areas of glazing with grey panelling in varying shades (similar to the approved neighbouring Unit 5). The building has been designed to be constructed with a shallow pitched roof behind a low parapet giving the impression of a flat roof, which is again consistent with the adopted design approach within the Technology Park.
- 9.22. In terms of scale, the building would be two-storey in height, consistent with the other commercial buildings on Plots 1 and 3 and the hotel on Plot 2 (also similar with the design and scale approved at Unit 5). This creates a uniformity of scale, design, and material finish within the Oxford Technology Park site. The layout, scale and appearance of the proposed building is therefore considered acceptable in the context and would be consistent with the design principles established on the Technology Park.
- 9.23. The landscape scheme for the site is also consistent with the principles agreed and approved through the outline consent for the wider technology park including the retention and enhancement of the existing mature hedgerow to the eastern boundary and the planting of street trees along the main spine road. Full details will be required by planning condition.
- 9.24. Boundary treatment information has been submitted and is considered to be satisfactory and includes (inter alia) provision of security fencing to align with the neighbouring units, with the details needing to be secured by condition. Areas for recycling (bin storage) are also shown in the car park layout but details of the appearance of these areas (structures) have not been submitted and will therefore need to be conditioned.

Conclusion

- 9.25. Given the above, it is considered that proposal is in accordance with Policies ESD15 and Kidlington 1 of the Cherwell Local Plan Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Flood Risk and Drainage

Legislative context

- 9.26. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding, and coastal change. Paragraph 167 of which states that when determining any planning 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.

- 9.27. Policies ESD 6 and ESD 7 of the CLP 2015 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. Policy Kidlington 1 identifies the need for the provision of sustainable drainage including SUDs.

Assessment

- 9.28. Flood risk and drainage on this site have been considered and addressed under the original outline consent 14/02067/OUT, which agreed the drainage strategy and principles for the Technology Park site as a whole. The application site lies within Flood Zone 1. As such, technical matters regarding Sustainable Urban Drainage (SuDS) have been addressed and conditions discharged under separate consents. Nevertheless, conditions are recommended to ensure that the development is carried out satisfactorily.
- 9.29. A Flood Risk Assessment & Drainage Strategy for the whole Oxford Technology Park site was submitted and approved as part of the original outline planning permission (Ref: 14/02067/OUT) with the Environment Agency confirming on 1st May 2015 their satisfaction with the proposals detailed in the Baynham Meikle Partnership Ltd report subject to condition discharges (Conditions 10 and 11). Condition 10 (surface water drainage scheme) and condition 11 (drainage strategy) were subsequently discharged on 12th April 2017, with confirmation given that the Flood Risk Assessment & Drainage Strategy (Ref: NSB/12076, dated February 2015), the Engineering Appraisal (Ref: 159/017, dated November 2013) and the SuDS Maintenance Plan (Ref: GL/12076, dated February 2017) were all acceptable. The LLFA have raised some concern regarding drainage, however, as a solution, the LLFA and the applicants have since agreed to the imposition of a planning condition to secure detailed of a surface water drainage scheme.

Conclusion

- 9.30. In light of the agreement to the pre-commencement drainage condition, the proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2015.

Ecology & Biodiversity

Legislative context

- 9.31. 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.
- 9.32. 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.
- 9.33. 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.

- 9.34. 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.

Policy Context

- 9.35. Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.36. Paragraph 180 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.
- 9.37. Paragraph 185 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.
- 9.38. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

Assessment

9.39. 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

9.40. 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').

9.41. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to the Rushy Meadows SSSI to the east. The ecological impact of the development has already been considered under the original outline consent including the submission of further information by condition.

9.42. The site has now been cleared and prepared for development and consists of a 'clean' site. The existing mature hedgerow to the eastern boundary would not be affected by proposals and there are no buildings or trees to be removed or altered to facilitate the proposed development.

9.43. Having considered Natural England's Standing Advice and taking account of the site constraints and history of the site, it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. The ecological impact of the development of the technology park site has already been considered and no further formal survey is required. The Councils Ecologist has reviewed the application and had raised no objections noting as the site remains cleared and has not re-vegetated, a walkover survey will not be required. In addition, the ponds have been recently surveyed for GCN and they are absent therefore they are unlikely to be impacted by the development. Subject to conditions, no objections are therefore raised.

9.44. Conditions will be imposed to ensure compliance with details already approved in respect of ecology and biodiversity will be imposed and is considered sufficient to address the risk of any residual harm.

Conclusion

9.45. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD10 and ESD11 of the CLP 2015 and taking into account Natural England Standing Advice.

Energy Efficiency and Sustainability

Policy Context

9.46. The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.

9.47. Policy ESD 5 of the CLP 2015 requires new commercial development of over 1,000m² floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD 4 of the

CLP 2015 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated. Policy ESD 3 of the CLP 2015 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard. Kidlington Village 1 requires a demonstration of climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of Policies ESD1-5.

Assessment

- 9.48. The application does not include an Energy or Sustainability Statement to address how the development would seek to comply with Building Regulations and policies ESD1-5 of the CLP 2015 and the achievement of BREEAM 'Very Good' standard.
- 9.49. Given the type of development proposed and limited constraints on the site, it is considered that there would be reasonable opportunities for the development to incorporate improvements to the building fabric and the installation of high efficiency equipment to secure environmental improvements to the built form in addition to the utilisation of renewable energy sources such as solar panels and Air Source Heat Pumps. As such, it is recommended that planning conditions be added to ensure that a Sustainability and Energy Statement is provided, outlining how sustainability will be built into the approved development including the provision of significant on-site renewable energy provision and that the proposed development is constructed to meet at least BREEAM 'Very Good' standard.
- 9.50. The applicants have also advised that the following energy efficiency and sustainable building design measures will be incorporated:
- All lighting specified is high efficiency LED
 - Heating and comfort cooling provision to the office spaces is provided by a refrigerant based, variable refrigerant flow with heat recovery offering COPs (coefficients of performance in excess of 4)
 - Ventilation to office spaces incorporates a heat recovery system capable of achieving 80% heat recovery coupled with low SFPs
 - To assist in the recovery of heat from ventilation systems all ductwork is specified to be insulated with high performance insulation Green Guide A+ rated.
 - Building envelope leakage rates specified are in excess of the Building Regulation requirements with a target of $4.0\text{m}^3 / \text{m}^2 @ 50\text{Pa}$
 - Building U values target values equal or better than minimum standards required by Part L 2013 of the Building Regulations
 - All of the above elements have resulted in the building achieving a BER of $12.3\text{kgCO}_2 / \text{m}^2 / \text{annum}$ against a target of $16.7 \text{kgCO}_2 / \text{m}^2 / \text{annum}$ (i.e. the building performance in terms of the CO₂ emissions is almost 30% more efficient than the relevant target)
 - The energy performance of the fixed Mechanical and electrical services meets the mandatory credit requirements for ENE-01, "BREEAM Excellent"
 - Electrical installations are configured to allow for the future installation and connection of a PV array
 - Energy monitoring systems are specified to comply with BREEAM requirements.

Conclusion

- 9.51. Subject to the imposition of suitable conditions, Planning Officers are satisfied that the proposed development will be able to be designed to achieve sustainability through construction in accordance with the requirements of policies ESD 3, ESD 4 and ESD 5 of the CLP 2015 and adhere with the provisions of the NPPF.

Planning Obligations

- 9.52. Policy INF1 of the CLP 2015 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.53. Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Where planning obligations do not meet the statutory tests, they cannot be taken into account in reaching a decision.
- 9.54. Contributions towards highway improvements were previously secured through the outline consent 14/02067/OUT including improvements to cycleway infrastructure and bus service provision along Langford Lane.
- 9.55. In responding to this application, OCC have raised no objection and have not requested any linking agreement, as the highway improvements previously secured through the original outline permission have now been implemented. Nevertheless, a Travel Plan Monitoring Fee is required to ensure that the proposed development adheres with the principles of sustainable development. The applicants have agreed to pay this up-front before the decision is issued (post committee).

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2. The proposed development represents positive economic investment in a sustainable location supporting the overall development of the wider Oxford Technology Park site.
- 10.3. It is acknowledged that the site remains within the Oxford Green Belt although it is anticipated through CLP 2015 policy Kidlington 1 that this would be amended. However, development of the site has been supported through the granting of outline planning consent. Development has since commenced on the application site and the site now represents a ready development site with the necessary infrastructure to support the growth of the technology park for high value employment uses.
- 10.4. It is considered that the proposals assessed within this application would constitute an acceptable form of development. Subject to appropriate conditions it is considered that the proposals would cause no significant harm to highway safety, residential amenity or visual amenity, sustaining the character of the site and its setting whilst providing new commercial floorspace in keeping with that approved for the wider Technology Park.

- 10.5. It is considered that the proposals are broadly consistent with the provisions and aims of the above-mentioned Development Plan policies. The proposals are therefore considered to be acceptable in all other regards and **conditional approval is recommended.**

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND SUITABLE PROVISIONS BEING IN PLACE TO SECURE THE TRAVEL PLAN MONITORING FEE

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.

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:

2732-01-PL3 – Location Plan Proposed

2732-02-PL2 – Location Plan

2732-03-PL5 – Proposed Site Plan

2732-10-PL4 – Ground Floor Plan

2732-11-PL5 – First Floor Plan

2732-12-PL1 – Roof Plan

2732-14-PL4 – West & South Elevations

2732-15-PL4 – North & East Elevations

2732-100-PL3 – Cycle Locations

2732-101-PL2 – Bin Storage & Recycling

2732-102-PL3 – Fence Plan

2732-05-PL4 – Proposed Hard Landscaping Plan

Planning & Economic Statement by Savills, received by the Local Planning Authority in May 2022

Design & Access Statement by Savills, received by the Local Planning Authority in May 2022

Transport Statement, by Vectos, dated May 2022

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 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.

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

4. 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 2015 and Government Guidance contained within the National Planning Policy Framework.

5. 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. The CTMP should follow Oxfordshire County Council's template, if possible. This should identify:

- a) The routing of construction vehicles and management of their movement into and out of the site by a qualified and certified banksman;
- b) Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network);
- c) Details of wheel cleaning/wash facilities to prevent mud, etc., from migrating on to the adjacent highway;
- d) Contact details for the Site Supervisor responsible for on-site works;
- e) Travel initiatives for site related worker vehicles;
- f) Parking provision for site related worker vehicles;
- g) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours; and
- h) Engagement with local residents.

Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic time, and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. The vehicle parking layout shown on plans 2732-03 PL5 and 2732-05 PL4 shall be laid out prior to occupation of the approved development. Thereafter, the areas shall be retained solely for the purpose of parking, turning, and manoeuvring.

Reason: In the interests of highway safety.

7. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development including appropriate infiltration testing in accordance with BRE 365, 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 drainage strategy should demonstrate:

- Surface water run-off generated up to and including 1 in 100 year (including a 30% allowance for climate change) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event;
- Surface water runoff will be managed so that it does not contaminate controlled waters.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, both on and off site.

8. 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 2015 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. 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.

10. Notwithstanding the hard landscaping proposals submitted, prior to the commencement of any development above slab level, a scheme for soft landscaping the site shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include:
- 1) details of proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment, i.e., depth of topsoil, mulch etc.
 - 2) details of the hard landscaping including hard surface areas, pavements, pedestrian areas, and any steps etc.

The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well-planned development and visual amenity and to accord with Policy ESD15 of

the adopted Cherwell Local Plan 2015 and saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

11. 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 significant renewable energy provision and 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.

12. 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 2015.

13. 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 and Saved Policy C28 of the Cherwell Local Plan 1996.

14. Prior to first occupation a Framework Travel Plan for the wider site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved Travel Plan thereafter.

Reason: To encourage the use of sustainable modes of transport.

15. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- Risk assessment of potentially damaging construction activities;
- Identification of 'Biodiversity Protection Zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction including the control of dust (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

- Use of protective fences, exclusion barriers and warning signs

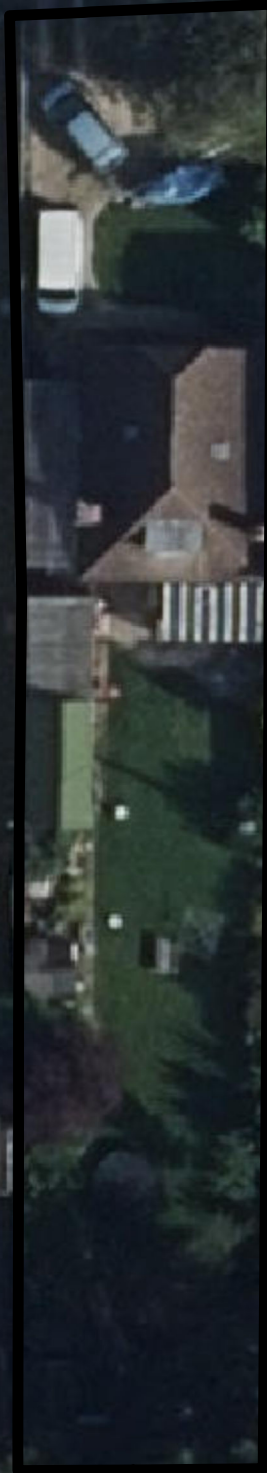
The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local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

16. No development shall commence unless and until a detailed scheme for the surface water drainage serving the development, including details of the timing of implementation, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved surface water drainage scheme shall be carried out in accordance with the approved details and timings.

Reason: To ensure satisfactory drainage of the site and to avoid flooding of adjacent land and property and to ensure compliance with policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government Guidance within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Agenda Item 9
22/01999/F

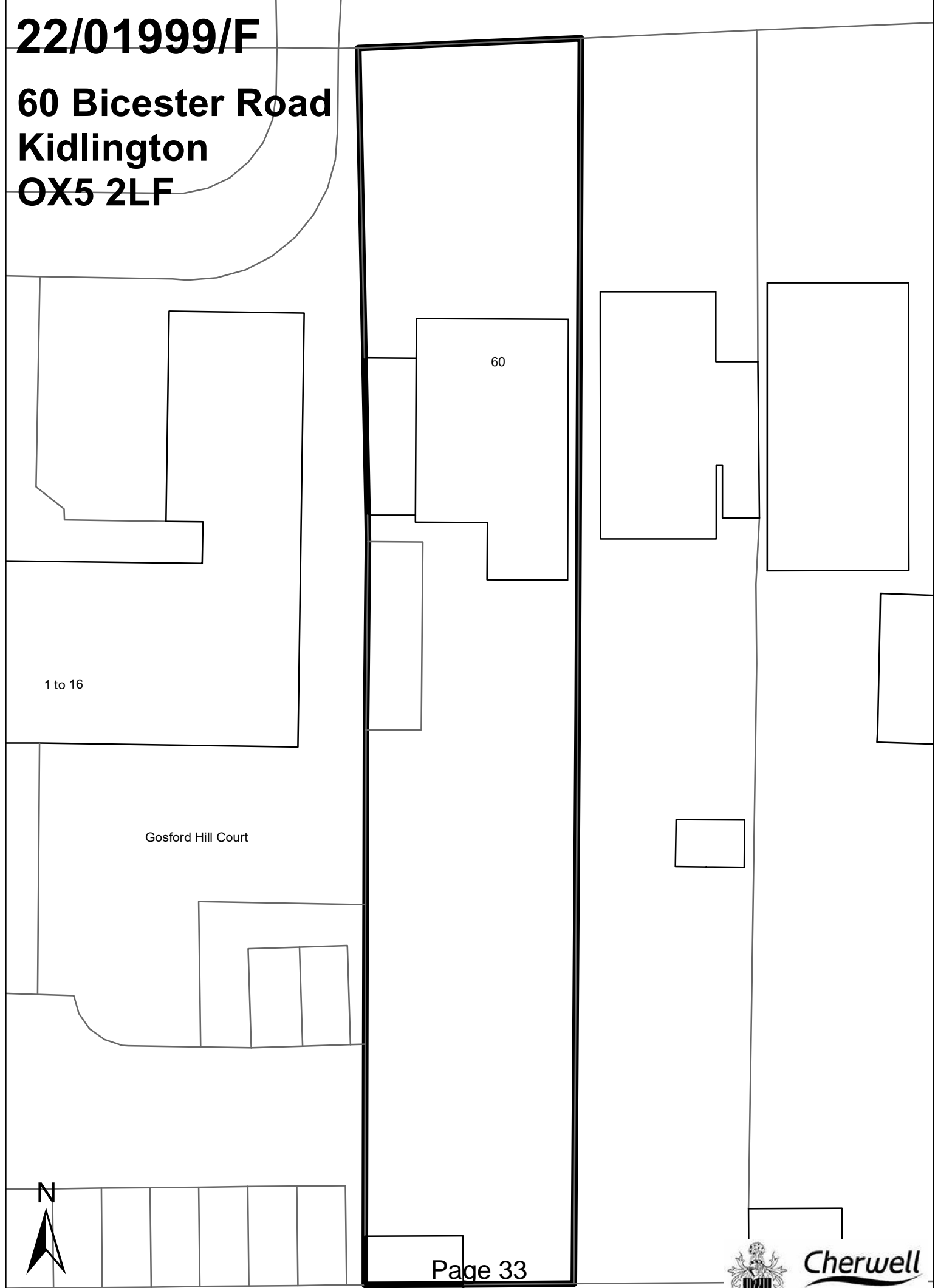
**60 Bicester Road
Kidlington
OX5 2LF**



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**60 Bicester Road
Kidlington
OX5 2LF**



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1 to 16

Gosford Hill Court



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60 Bicester Road
Kidlington

OX5 2LF

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Gosford Hill Court

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1:500



Case Officer: Rebekah Morgan

Applicant: Rehman Property Management Ltd.

Proposal: Demolition of existing 3 bed house and erection of 5 new flats - 4 x 2 bed (C3) & 1 x 1 bed (C3). Associated parking, amenity, refuse and bike storage.

Ward: Kidlington East

Councillors: Cllr Billington, Cllr Mawson and Cllr Middleton

Reason for Referral: Referred by Assistant Director for Planning and Development for the following reasons: Due to its controversial nature.

Expiry Date: 11 October 2022

Committee Date: 06 October 2022

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is on the south side of Bicester Road within Kidlington, and this site is accessed from this same highway. The property, like others on this side of Bicester Road, benefits from a relatively long spacious plot, and the dwelling is set back some distance from the highway. The property is described as a 'chalet bungalow' but is essentially a two storey dwelling. It is mainly constructed from brick under a tile roof.
- 1.2. The south side of Bicester Road mainly consists of detached single storey to two storey dwellings. The site itself has a two storey dwelling to one side and a part two storey and part three storey block of flats to the other side.

2. CONSTRAINTS

- 2.1. The application site is within 2km of the Rushy Meadows Site of Special Scientific Interest (SSSI).
- 2.2. The site is not within a Conservation Area and there are no Listed Buildings within the vicinity of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application proposes the demolition of the existing detached bungalow and construction of 5 flats in the form of a single building. The building would be positioned back in the site, in line with neighbouring properties with a parking area to the front and bin store, cycle parking and amenity space to the rear.
- 3.2. The proposed building would be three storeys, with a maximum height of approximately 9m. The proposed design is modern with a mixture of materials shown in the 3D images. The building's design has a width (across the front elevation) of approximately 9.3m for the first two storeys, with the top floor being set in from the sides (with a width of approximately 6.7m).

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 letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 27 September 2022.

6.2. 22 letters of objection, no letters of support and 3 comments have been received. The comments raised by third parties are summarised as follows:

- Gosford Hill Court is only part three storey, with the section closest to the application site being only two storey
- Overlooking of neighbouring properties
- Overshadowing of neighbouring properties
- Impact on daylight and privacy of adjacent flats due to size/height of proposal
- Windows in new design face Gosford Hill Court
- Too many flats in this area causing problems
- Flats change the character of the street
- Results in a large number of bins blocking the pavement on collection days
- Design is not in keeping with properties in the area
- The development is too wide for the plot and too high
- Concerns there will be balconies on the proposed building
- Not in keeping with the height of the majority of buildings on this side
- Risks turning Bicester Road into a row of square blocks
- Disruption from building work
- Loss of tree in front garden
- Lack of visitor parking provision in the proposal
- It will exacerbate the existing parking issues and on-street parking issues in the area
- Impact on highway safety inc. risk to children at the primary school
- Increased traffic
- Five parking spaces are inadequate for the proposal
- Not meeting the Council's climate change and sustainability agenda
- Suggestion they build a two storey building containing three flats

- Should be promoting Council's climate change policy by requiring good insulation standards, solar panels, efficient lighting, heat pumps, electric vehicle charging etc.
- There should be a limit on the number of family homes that can be demolished and replaced with flats
- Shortage of family homes in the area

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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. KIDLINGTON PARISH COUNCIL: object on the following grounds:

- The height of the proposed development will have a detrimental impact upon adjoining development
- Concerns about the level of on street parking and the provision of one space per flat is inadequate, within this context

7.3. GOSFORD AND WATER EATON PARISH COUNCIL: object on the following grounds:

- Overdevelopment and out of context
- Very close to Gosford Court and will very likely overlook neighbouring garden
- There is no parking in the area (as a general comment)

CONSULTEES

7.4. CDC ECOLOGIST: No objections, subject to a condition requiring biodiversity enhancements.

7.5. OCC HIGHWAYS: no objections, subject to conditions.

I visited the site at 06:45 this morning and observed no overspill adjacent to the flats that are already existing within this road (Oxford B&B, 65, 66 and 70 Bicester Road). The car parks to these properties were not full at the time of observation with spaces available in each one. The main overspill was towards the west-end of the road (towards the main road) with vehicles parked along one edge, with the odd vehicle parked on the grass verges outside of private houses. There is no definitive way of knowing if these cars belong to the residents living within the flats or not, but given their distance from the flats I would say it is unlikely.

The amount and dimension of spaces, coupled with the provision of cycle parking are all adequate within this development.

Subject to the condition above, this proposal is unlikely to cause any significant impact on the highway in terms of safety or convenience. Therefore, OCC do not object to the granting of planning permission.

7.6. COUNCILLOR MIDDLETON: The following comments were made in response to the comments provided by OCC Highways.

Thanks for taking a look at the site at that time of the morning. I think part of the reason you're not seeing cars parked in some of the other converted units is because many of them are listed as ABNBs and it's not really high season now.

You also noted that cars are regularly parked on the grass verges to a lesser or greater degree. At the time of your visit it may have been a lesser degree, but in general it's greater and getting greater all the time as these developments multiply.

As I've said multiple times before to both OCC Highways and CDC planners, we can no longer look at these developments in isolation. They are multiplying at a rate of knots and each new development puts additional strain on existing infrastructure and increases parking in surrounding streets. There is going to come a point where the area can no longer cope with this and the increase in parking generated by additional development as a result of the LLPR and an increase in people using Kidlington's streets as a free car park while they jump on the train.

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 2015)

- PSD1: Presumption in Favour of Sustainable Development
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- 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
- Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV1: Environmental Pollution

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- Kidlington Masterplan (2016)
- Cherwell Residential Design Guide (SPD) (2018)

9. APPRAISAL

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

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Accessibility, highway safety and parking
- Climate change and sustainability
- Ecology and Biodiversity
- Other matters

Principle of Development

9.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that the decision maker should apply a presumption of sustainable development. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

9.3. Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

9.4. Paragraph 103 of the NPPF states that the planning system should: “*Actively manage patterns of growth*”, whilst Policy ESD1 of the Cherwell Local Plan (2011 2031) Part 1 states that: “*Measures will be taken to mitigate the impact of development within the District on climate change.*” Policy ESD1 states that this includes distributing growth to the most sustainable locations as defined in the Local Plan and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.

9.5. The Cherwell District Council Annual Monitoring Report (AMR) (December 2021) shows that the Council can currently demonstrate only a 3.5 year housing land supply which indicates an insufficient supply of new housing. The Local Plan is considered out of date (for housing applications) where there is a lack of five-year supply. This triggers paragraph 11(d) of the NPPF which states that if the most relevant Local Plan policies for determining a planning application are out of date, the application should be approved unless the harms caused by the application significantly outweigh its benefits.

9.6. The proposal does represent an increase in density on the site and will provide a net increase of 4 dwellings. Whilst this is a limited number, windfall sites do contribute to the overall targets to help meet the housing land supply requirements.

9.7. The principle of residential development in Kidlington is assessed against Policy Villages 1 in the CLP 2015. Kidlington is recognised as a Category A village in the

Cherwell Local Plan Part 1. Category A villages are considered the most sustainable settlements in the District's rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Within Category A villages, residential development will be restricted to the conversion of buildings, infilling and minor development comprising small groups of dwellings on sites within the built-up area of the settlement

- 9.8. Theme 2 of the Kidlington Masterplan focusses on 'creating a sustainable community' and in relation to the approach to housing development it states: *"A range of options for development within the existing built-up area should be considered including appropriate redevelopment, intensification and infill while protecting Kidlington's key assets. This may involve increasing housing densities, reconfiguring land uses and introducing mixed used development."*
- 9.9. This proposal is considered to constitute minor residential development in the village of Kidlington which is a sustainable location for new housing. It is therefore considered that the proposal is acceptable in principle, but this is subject to other material considerations which are discussed below.

Design and impact on the character of the area

- 9.10. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPF goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, Paragraph 134 of the NPPF states that *'development that is not well designed should be refused, especially where it fails to reflect local design policies and national guidance on design'*.
- 9.11. Paragraph 130 of the NPPF states that planning policies and decision should ensure that developments:
- a) Will function and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging innovation or change (such as increased densities);
 - d) Establish or maintain a strong sense of place, using arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.12. Policy ESD15 of the CLP 2015 states that: *"New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards."* The Cherwell Residential Design Guide SPD also encourages development which is locally distinctive and the use of appropriate materials and

detailing, but states that new development should avoid the creation of 'anywhere places' which do not respond to local context.

- 9.13. 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 as well as compatible with existing buildings.
- 9.14. The Cherwell Residential Design Guide SPD states that development within Kidlington should look to strengthen the character of the village. The Design Guide SPD also states that new development should avoid architectural focus on individual buildings rather than the overall street composition. The SPD goes on to state that individual buildings should be designed to relate well to their neighbours, creating a harmonious overall composition and work with site conditions.
- 9.15. Kidlington Masterplan SPD, Theme 2: Creating a sustainable community, subheading 'Securing high design standards' states that: *"The design of the site layout, access arrangements, scale, massing and appearance will be required to demonstrate a positive relationship with the immediate surrounding context of the site and respect and enhance the townscape character of Kidlington as a whole."*
- 9.16. The layout for the site provides vehicular parking between the building and highway. Amenity space is provided to the rear of the buildings as well as cycle storage and bin storage. This offers an overall layout that is akin to the character of the area and protects the quiet environment to the rear of properties along this street. The area to the front of the building would mainly comprise hardstanding, but this would be relatively similar in character and appearance to what presently exists to the front of the dwelling. The existing tree is to be retained on the front boundary and this would help soften the development and provide some screening when viewed from the public domain.
- 9.17. The siting of the bin cycle storage area behind the building would be screened from the public domain and is therefore welcomed. However, full design details of these structures would need to be submitted and this can be conditioned.
- 9.18. The immediate context to the application site is one of mainly 1 to 2 storey residential dwellings. That said, there is a large part 2 and part 3 storey apartment building immediately to the west of the site which is of little architectural merit, this being Gosford Court. The front elevations of the dwellings in the locality tend to be relatively simple in articulation and appearance. Fronting onto a straight section of highway, it is within this context that the proposed frontage of the altered and extended building would be viewed.
- 9.19. The building would have a slight increase in height in comparison to the existing buildings in this area, but the third floor would be constructed in a different material, so it reads more like a roofing element rather than the full bulk of the rest of the building. It is considered that the overall height of the replacement building could be considered acceptable because it would not appear significantly higher or overly prominent in the context of the neighbouring buildings.
- 9.20. In relation to the mass of the building, the replacement building would be larger than the existing chalet bungalow both in terms of height and width. The building would occupy the majority of the width of the plot. Many of the properties along Bicester Road are detached and occupy a significant proportion of the width of their plots, therefore the width of the development and close positioning with the neighbouring properties would not be out of keeping when considering the visual appearance of the street scape. Thus, it is considered that the mass of the building in this location

would be acceptable especially when considered in the context of the adjacent flats which occupy a very wide plot.

- 9.21. The design incorporates a mix of materials and projections to break up the expanse of the frontage, so it does not appear as a single mass. The inclusion of a projecting element on the front elevation is reflective of the existing flat development immediately adjacent to the site. The second floor is set back from all elevations creating a more subservient feature and would be in a darker material, reflective of the darker tiling on the neighbouring properties.
- 9.22. The proposed design is distinctively more modern than most buildings in the area. There are some other examples of more modern design on Bicester Road, mainly towards the west end at the junction with Blenheim Road. Whilst the design is modern, the form is reflective of the adjacent flats with flat roof and projecting elements. The predominant materials proposed are brick and render which are common materials in this area.
- 9.23. The existing buildings in the area, particularly the adjacent flats are clearly 'of their time' and do not have a strong architectural presence. The introduction of a more modern development would not disrupt the flow of the area or appear completely out of keeping. The area is not sensitive in terms of historic assets and simply replicating the form of the neighbouring flats would not itself be a positive design approach. The examples of modern design in developments at the west end of Bicester Road demonstrate that this type of design approach can be successfully incorporated into the wider street scene and character of this area.
- 9.24. Given the above, it is considered that, when viewing the building from Bicester Road, the proposed building would not appear overly prominent or out of keeping with the neighbouring residential developments in the locality. Furthermore, it is considered that the proposal accords with Policy ESD15 of the CLP 2015, saved Policies C28 and C30 of the CLP 1996 and Government guidance contained within the NPPF.

Residential Amenity

- 9.25. Paragraph 127 of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.26. Policy ESD15 of the CLP 2015 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 9.27. Saved Policy ENV1 of the CLP 1996 states that: "*Development which is likely to cause detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.*"
- 9.28. The properties most likely to be affected by the proposed development are those on either side of the site, these being No 62 Bicester Road and the flats located in the eastern side of Gosford Hill Court.
- 9.29. No. 62 Bicester Road is a two storey property with a hipped roof. The width of the property is smaller than its depth given the narrow, long nature of the plots. The property occupies the majority of the width of the property.
- 9.30. The proposed development would project approximately 4.5m further back (element of proposal closest to the boundary) than the property at 62 Bicester Road with a gap of approximately 2.1m between the properties. The proposed development

does project slightly further at the rear, but that element is set away from the neighbour. The second floor is also designed so it is set back from the elevations, increasing the distance that this element sits from the neighbour by an additional 1.7m.

- 9.31. The applicant has annotated the plans with a 45 degree line, from the mid-point of the neighbouring window, that demonstrates the proposal would not encroach that line. This test is informal guidance that is commonly used by the Council to assess potential impact. Given the position of the proposed building, it is not considered to have a harmful impact on the general outlook from 62 Bicester Road and would not appear overbearing.
- 9.32. There are some windows proposed facing 62 Bicester Road, but these are small windows and proposed to be obscurely glazed above ground floor level. To ensure they do not have a negative impact, a condition can be imposed to ensure all first floor the windows on this elevation are obscurely glazed and non-opening. The windows are secondary windows serving living rooms, so the condition would not be considered unduly restrictive for future occupiers as they have an alternative window that could be opened. The ground floor windows would not have a harmful impact as the face onto the boundary fence and would not result in overlooking.
- 9.33. Gosford Hill Court immediately to the east of the site, is a mixture of two and three storey development and sits close to the boundary with the application site. The distance between Gosford Hill Court and the proposed building is approximately 5m at the point where the three storey element is proposed on the development and this is opposite a two storey section of Gosford Hill Court (the top section - second floor element is set approximately 1.4m back from the main elevation, positioning it approximately 6.4m away from the neighbouring flats at this point).
- 9.34. Although the proposed development represents a change from the existing chalet bungalow, given the distance between the properties, it would not be harmful in terms of general outlook or being overbearing. In terms of windows facing onto Gosford Hill Court, the first and second floor windows are proposed to be obscurely glazed and fixed shut, and this would be secured by condition.
- 9.35. Concerns have been raised by the Parish Council regarding potential overlooking of the neighbouring gardens. Given the nature (predominantly two storey buildings) and layout (continuous row) of buildings in this area, it will be common for properties to have views into neighbouring rear gardens and the views from the proposed development would not be dissimilar. Therefore, the ability of the development to have some views into neighbouring gardens is not considered to be harmful given the context of the site.
- 9.36. It is therefore considered that the proposed development would be sited so as to prevent significant or demonstrable harm to any other neighbouring properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing impact. Therefore, the proposal is considered to be acceptable in this regard.

Accessibility, highway safety and parking

- 9.37. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: *“Be designed to deliver high quality safe...places to live and work in.” This is consistent with Paragraph 110 of the NPPF which states that: “Developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.”*

- 9.38. The proposed development would utilise the existing vehicular access to the property with the provision of 5 parking spaces (with EV charging) provided at the front of the site. Secure cycle storage would be provided to the rear of the property.
- 9.39. Kidlington is considered to be a sustainable settlement with local facilities close by and good bus links. Active travel should be promoted and is achievable in this area. The Local Highway Authority has advised the size and number of parking spaces provided for the development are acceptable.
- 9.40. It is acknowledged that there are concerns from third parties on the matter of parking and highways safety. The Local Highway Officer has carried out a site visit to observe the situation and considered the parking situation in the local area. Whilst it is likely the development could result in some additional pressure on on-street parking, the Local Highways Authority is of the opinion that the proposal would not have a significant detrimental impact on the highway network.
- 9.41. In conclusion, the access, vehicular parking and cycle parking provision are considered to be adequate for the development. The proposal is unlikely to cause significant detrimental impacts on the highway network and is considered acceptable in this regard.

Climate change and sustainability

- 9.42. Policies ESD1-3 and ESD5 of the CLP 2015 set out the Council's expectations in terms of climate change and sustainability requirements.
- 9.43. The proposal efficient use of previously developed land by increasing the density of dwellings on the site and is located within a sustainable location. The proposal includes sustainability features including an air source heat pump, solar panels and electric vehicle charging points. Furthermore, changes in building regulations would also ensure more sustainable methods of construction would be required for this new build development.
- 9.44. Policy ESD3 of the CLP 2015 states 'Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day'. The applicant has not provided details of water efficiency methods or rates for the development; however, it is considered that this could be appropriately secured via a planning condition.
- 9.45. The proposal is considered to represent a sustainable development with a sufficient provision of sustainability features. Therefore, the proposal complies with the provisions of ESD1-3 and ESD5 of the CLP 2015.

Ecology and Biodiversity

- 9.46. 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.
- 9.47. 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.

- 9.48. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.49. Paragraph 180 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.
- 9.50. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.51. The proposal includes the demolition of an existing building. The constraints for the site do not highlight any ecology or protected species constraints, however the Council's ecologist has advised there are records of hedgehogs (a priority species) within the area.
- 9.52. The Council's ecologist has recommended seeking biodiversity enhancements for the site; this could include wildlife friendly planting/landscaping, hedgehog highways in fencing, bat and bird provision integrated into the fabric of the building and swift bricks. It is considered that a planning condition requiring the submission/approval of a biodiversity enhancement scheme would be appropriate.
- 9.53. With regards to the demolition of the building, the ecologist has advised there could be the potential presence of bats, although due to its location and lack of local records, the likelihood is reduced. Therefore, a planning note will be included to make the applicant aware of the strict laws pertaining to bats.

Other matters

- 9.54. Third party comments have raised concerns about the potential removal of the existing tree at the front of the site. The application form states no trees would be affected by the development and the proposed block plan shows the retention of the tree which sits just outside the existing front boundary feature. A consultation has been sent to the Council's Arboricultural Officer seeking their view in relation to the tree and an update will be provided to the Committee.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. For the reasons set out in this report, the proposal would be compliant with the Local Plan Policy and Government guidance set out in Section 8 of this report. The principle of minor residential development in Kidlington is acceptable, and it is considered that the proposal would not cause detrimental harm to the character and appearance of the area and would safeguard the living conditions of neighbouring properties. In addition, the proposal would not have an adverse impact upon

protected species or the safe and efficient operation of the highway network. The proposal is therefore considered to constitute sustainable development and is recommended for approval subject to conditions set out below

11. RECOMMENDATION

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

CONDITIONS

Time Limit

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

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

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
- Design and Access Statement
- Drawing number 220011-A-PR-90 rev A – [Proposed site plan]
- Drawing number 220011-A-PR-100 – [Proposed ground floor and first floor plans]
- Drawing number 220011-A-PR-110 rev A – [Proposed second floor and roof plans]
- Drawing number 220011-A-PR-200 – [Proposed front and rear elevations]
- Drawing number 220011-A-PR-210 – [Proposed side 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. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with 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. A schedule of materials and finishes to be used in the external walls and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to 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.

5. Prior to the first occupation of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details,

shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment free from intrusive levels of odour/flies/vermin/litter in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

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

7. All hard-standing areas within the site must be constructed from a permeable material, or provision must be made within the site for surface water to discharge to soakaway/ SUDS feature. There must be no increase in surface water run-off from the site to the highway or neighbouring properties as a result of this proposal.

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

8. Prior to the construction of the parking and manoeuvring area of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking 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.

9. The first and second floor window(s) in the east and west side elevations shall be obscure glazed, using manufactured obscure glass, (not an applied adhesive film) before the building is first occupied and shall be permanently retained as such thereafter. They shall also be non-opening, unless those parts which can be opened are more than 1.7m above the floor of the room in which it is installed and shall be permanently retained as such thereafter.

Reason: To ensure that the amenities of the occupants of the neighbouring properties are not adversely affected by loss of privacy in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

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.

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

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

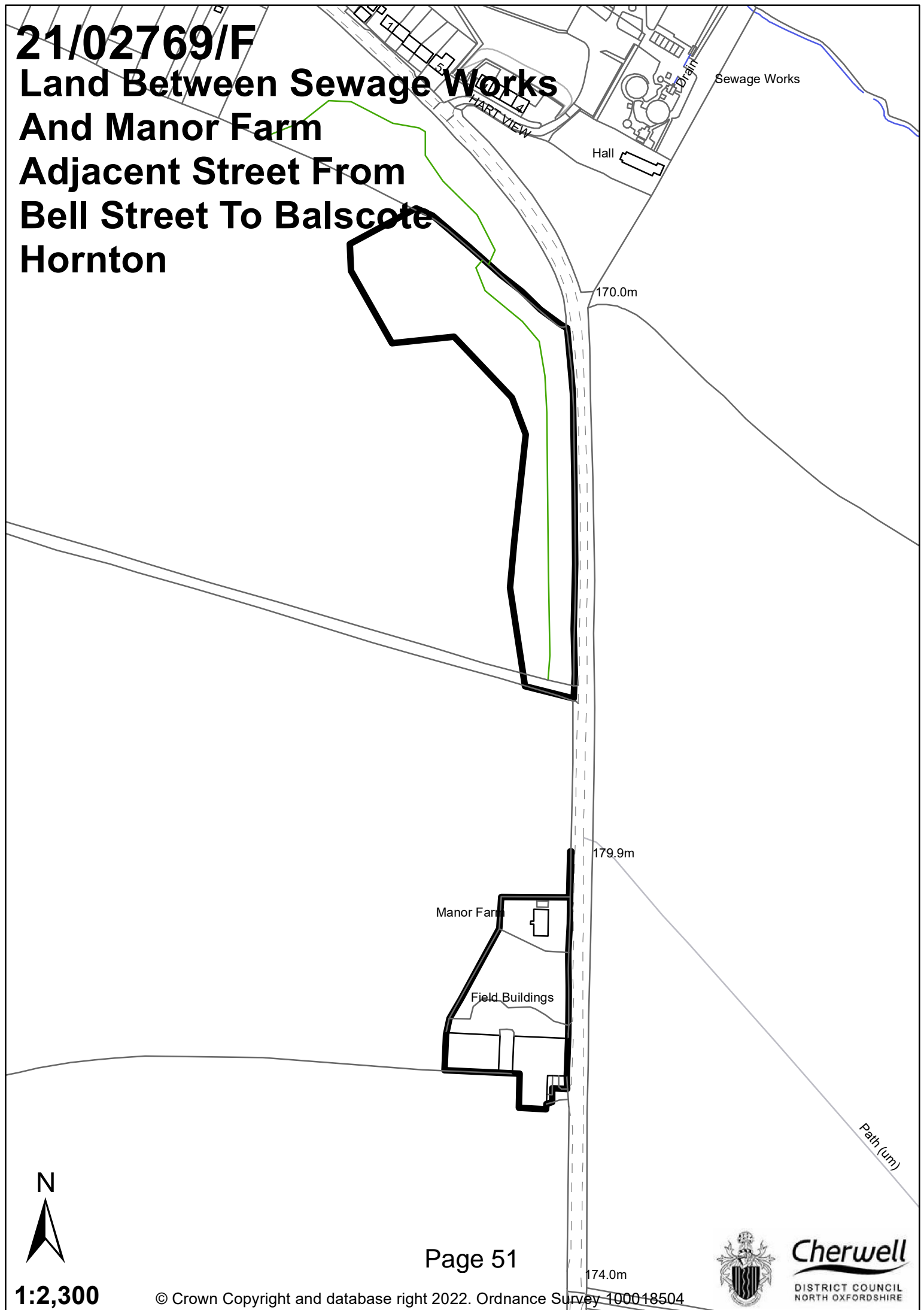
Planning Notes

1. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.

**Land Between Sewage Works
And Manor Farm
Adjacent Street From
Bell Street To Balscote
Hornton**



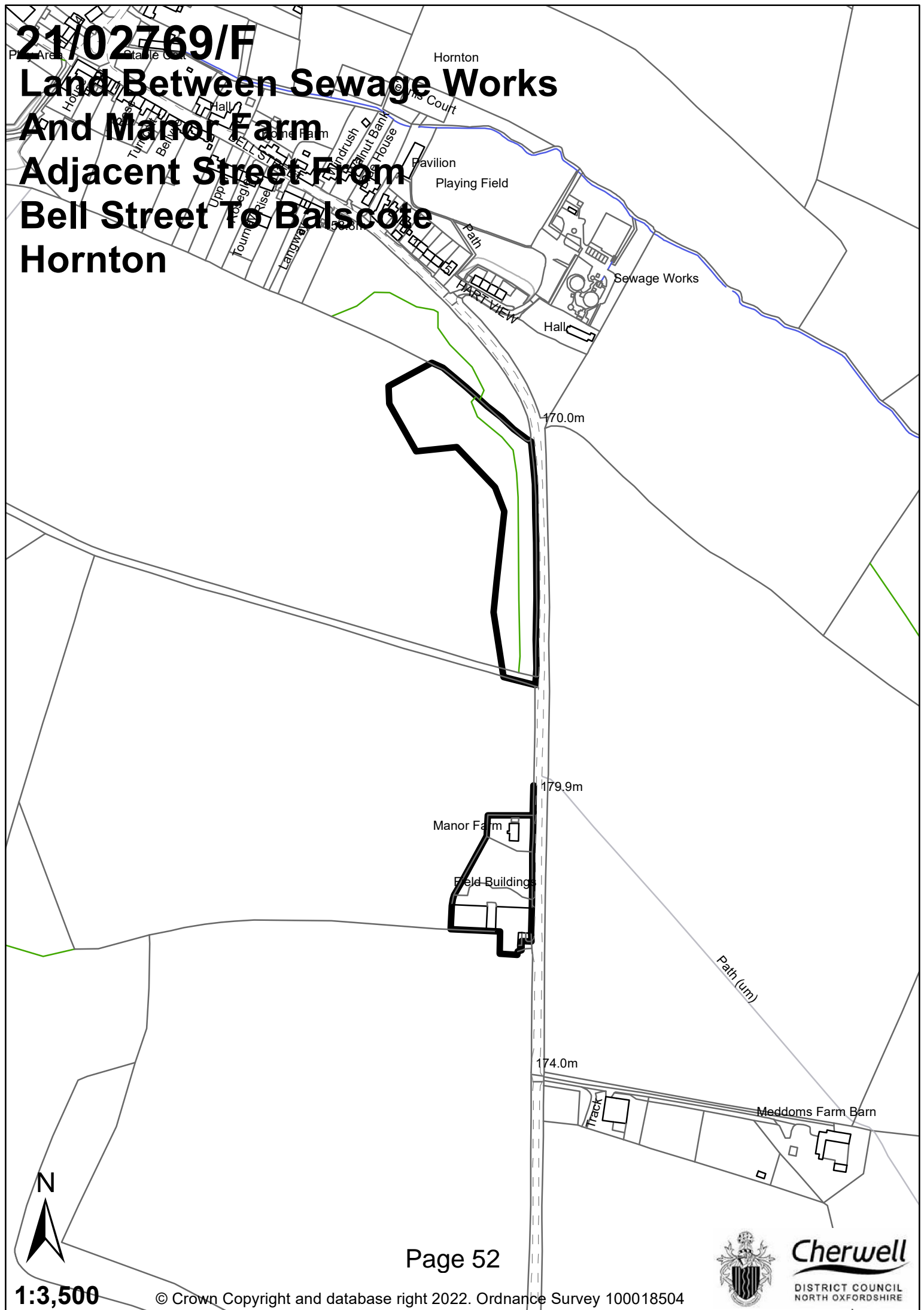
21/02769/F Land Between Sewage Works And Manor Farm Adjacent Street From Bell Street To Balscote Hornton



1:2,300



21/02769/F Land Between Sewage Works And Manor Farm Adjacent Street From Bell Street To Balscote Hornton



1:3,500



Case Officer: Wayne Campbell

Applicant: Mr Finlay Scott

Proposal: Proposed dwelling and ancillary open store/byre and stables with associated hardstanding as a replacement for the same form of development approved under planning permission 19/00157/F.

Ward: Cropredy, Sibfords and Wroxton

Councillors: Cllr Chapman, Cllr Reynolds and Cllr Webb

Reason for Referral: Level of public interest

Expiry Date: 2 November 2021

Committee Date: 6 October 2022

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO CONDITIONS AND A UNILATERAL UNDERTAKING

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is a small part of a larger field located to the immediate south of Hornton village. The site is on an elevated position overlooking Hornton which is located in a valley. The level differences between the site and the village are significant and noticeable from the centre and approach roads into the village.
- 1.2. The site is positioned on the south-eastern edge of a large agricultural field which extends to the north, west and south of the application site. Although on an elevated position the site is screened from most views by a line of mature trees and hedgerow along the eastern and partly northern boundaries.
- 1.3. The site is outside of the designated Hornton Conservation Area.

2. CONSTRAINTS

- 2.1. Hornton is a category C village as defined under Policy Village 1. That said, the application site is located outside the confines of the village and therefore would be considered as an area of open countryside.
- 2.2. To the immediate north of the site is an area allocated under Section 41 of the Natural Environment and Rural Communities Act 2006. The northern boundary to the site is also within a section of the Northern Valleys Conservation Target Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks permission for a new dwelling on the site and should be read alongside the permission granted for a replacement dwelling on the existing Manor farm site located approximately 300m to the immediate south of the application site.

The applicant in seeking permission for the dwelling seeks to re-locate the replacement dwelling granted on the Manor Farm site to this new position.

- 3.2. The current proposal is for the same design and scale of dwelling approved on the Manor Farm site. The dwelling would be two storeys and provide 5 bedrooms on the first floor. The proposal also includes a separate outbuilding to provide stables and a garage.
- 3.3. The applicant states that the reasoning behind the application has arisen primarily due to the noise and disturbance arising from the Wroxtton motocross track, which is situated to the southwest of the consented farmhouse. The relocation of the farmhouse to the site now proposed is better screened by vegetation and situated in lower lying topography. These features would benefit the residential amenity of future occupiers of the farmhouse by providing some measure of screening to the motocross activities.

4. RELEVANT PLANNING HISTORY

- 4.1. Although there is no planning history directly related to the application site, as tis proposal is to re-locate a dwelling from a site to the immediate south the following planning history is considered relevant to the current proposal:

12/00270/CLUE

Certificate of Lawful Use Existing - To allow non-compliance with condition 2 of permission B.947/64 relating to agricultural occupancy
Permitted

13/00163/F

Replacement dwelling and garaging
Refused

13/01451/F

Replacement dwelling and associated outbuildings
Refused

15/00827/F

Demolition of existing buildings and erection of replacement dwelling and outbuildings and associated hardstanding
Permitted

18/02012/CLUE

Certificate of Lawfulness of Existing Use for the implementation of planning permission 15/00827/F for the demolition of existing buildings and erection of replacement dwelling and outbuildings and associated hardstanding by the improvement, laying out and construction of the existing means of access in accordance with condition 6 within 3 years of the date of the granting of the planning permission
Refused

19/00157/F

Demolition of existing buildings and erection of replacement dwelling and ancillary open store/byre and stables with associated hardstanding
Permitted

22/00994/NMA

Variation of Condition 8 of planning permission 19/00157/F with the submission of the updated bat survey that has been undertaken in the farm buildings, and for

Condition 8 to be amended to read: 'An updated bat survey shall be undertaken prior to the demolition of the bungalow to establish changes in the presence, abundance and impact on bats and their habitats. The survey results, together with any necessary changes to the mitigation plan or method statement, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the demolition of the bungalow shall be carried out in accordance with the approved details and any mitigation measures shall be retained as such thereafter.' (proposed as non-material amendment to 19/00157/F)

Permitted

5. PRE-APPLICATION DISCUSSIONS

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

20/01371/PREAPP

Relocation of a consented replacement farmhouse (planning permission 19/00157/F). The advice provided was that given the level of detail submitted with the enquiry officers could not offer an opinion as to whether the proposals would be supported if progressed to a formal application stage. The proposals would represent a departure from the development plan with regards to new residential development in rural locations. Whilst the principle of development could potentially be supported on the basis that it would be a replacement for the scheme approved under 19/00157/F, this would only be on the basis of any such proposals having no greater environmental impacts above those previously assessed and considered acceptable with the approved scheme.

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 near-by neighbouring properties to the site that the Council has been able to identify from its records. The final date for comments was 6 July 2022.
- 6.2. A total of 107 comments were received by third parties of which 103 raised objections and 4 commented on the proposal. The points raised are summarised as follows:

OBJECTIONS

- Results in overlooking of private neighbours' garden and bedrooms in Bell Street
- Green field site outside village curtilage impact on tranquil countryside undermine the greenfield site and the rural integrity of Hornton village
- Contrary to National and Local Planning Policy with no benefits to village
- Risks in-filling and the encroachment of Hornton up the hill outside the envelope, set precedent for other development as parcel of land between the proposed house and Bell Street could be developed for more housing
- Question the reason for the development in that noise from the MX track is invasive on the north side of Hornton, so 350m will make no difference between Manor Farm and the proposed new location
- Impact on Hornton Conservation Area
- Highly visible site across Hornton effectively result in the expansion of the Hornton area

- Would entail excavation of at least 200 20-ton lorry loads of spoil, that is 400 20-ton truck movements over the construction period
- Character of the property proposed is not remotely in keeping with the character of the properties in Hornton and scale proposed would visually dominate/over bear existing properties in the area
- Size of property creates a very substantial new footprint development and there is little to stop this development being altered later to accommodate more than one house without changing the footprint and potentially utilising the newly developed building for additional residential spaces
- Already what appears to be a dwelling why the need to build another, if allowing building on green belt land then why did we put protections in for land in the first place, there is no reasonable justification for moving the property just upgrade existing
- Affect the environment and natural habitat of local wildlife
- Application for a new, substantial house on a greenfield site and NOT re-use redundant or disused buildings and lead to an enhancement to the immediate setting
- Cannot lose another Cotswold village to over development which this application opens the village up to this possibility
- Current access infrequently used for agricultural purposes and the proposal would create additional access points/traffic in the immediate area on a very narrow lane where visibility is poor
- Access road crosses a footpath, which although not on the definitive plan is actively used, and no proposals for diversion or management of this footpath/access

COMMENT

- Question what road disruption would be caused by the development
- Application would result in the removal of the grossly energy inefficient Woolaway kit-built bungalow
- Demolition of the barns would be a visual benefit to the skyline from miles around, they have long out lived their function as agricultural buildings
- New location would at least not have visual line of sight to the motocross racetrack and may be below the curve of sound
- On the steep bank from the proposed development plot to Bell Street a woodland could be created to provide more wildlife habitat for the benefit of both wildlife and community with perhaps a woodland trail for the village community and possibly as an educational tool for the pupils of Hornton School

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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. HORNTON PARISH COUNCIL: **Objection** on the grounds of development on greenfield, productive agricultural land; outside the village confines; contrary to National and Local Plan Policy; Village is a category C village and development risks in-filling and encroachment of Hornton up the hill and outside village envelope. Development would set a precedent for further development outside village.

Description as 'Farmhouse' misleading as is the application title in that development is not located between sewage works and the bungalow but high above the works on the other side of the lane. The site is not a brown field but a greenfield site on an Ironstone ridge protected area with views across the village valley.

CONSULTEES

- 7.3. CPRE: **Objection**. Application is without merit and CPRE fully supports objection by Parish Council. Modern development detrimental to this Category C village. Precedent will be set for further development on the surrounding land.
- 7.4. OCC HIGHWAYS: **No objections** subject to conditions in respect of width of the access, surfacing, drainage and visibility splays
- 7.5. OCC MINERAL AND WASTE PLANNING POLICY: **No objections**
- 7.6. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions
- 7.7. CDC TREE OFFICER: **No objections** subject to conditions
- 7.8. CDC BUILDING CONTROL: **No objection** subject to conditions
- 7.9. CDC LANDSCAPE: **No objections** subject to Landscape Visual Impact Assessment (LVIA)
- 7.10. CDC ECOLOGY: No comments received

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in Favour of Sustainable Development
- Villages 1: Village Categorisation
- Villages 2: Distributing Growth Across the Rural Areas
- SLE4: Improving Transport and Connections

- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- 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 open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- H17: Replacement dwellings
- H18: New dwellings in the countryside
- ENV1: Development likely to cause detrimental levels of pollution
- ENV12: Contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Hornton Conservation Area Appraisal 2013 (HCAA)
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Landscape and visual impact
- Heritage impact
- Highway implications
- Residential amenity
- Site layout and Design principles
- Ecology impact

- Infrastructure / S106
- Sustainable Construction

Principle of Development

- 9.2. This application seeks planning permission for the re-location of a previously approved dwelling to a new site. The previously approved development was at Manor Farm located approximately 300m to the south of the application site. Given the site's location outside the village confines and the other than the tree belt along the eastern boundary the lack of physical enclosure the site is within an area of open countryside.
- 9.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996 (Saved Policy).
- 9.4. Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework*. The policy continues by stating that *planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise*. Paragraph B88 of the CLP 2015 also highlights that *by focusing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth*.
- 9.5. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C). Hornton to the north of the site is recognised as a Category C village. Category C villages are considered to be the least sustainable settlements in the District's rural areas and as such new residential development will be restricted to the conversions and infilling within the built-up area of the settlement.
- 9.6. Policy Villages 2 covers the issue of distributing growth across the rural areas. The supporting paragraph C.272 for Policy Village 2 states amongst other things that *in the interests of meeting local housing need in rural areas, an allocation is also being made to enable the development of some new sites (for 10 or more dwellings)*. The paragraph continues by stating that *a further 750 dwellings will be developed in the rural areas including Kidlington*. Furthermore, the paragraph states that *additionally, a realistic windfall allowance of 754 homes is identified for sites of less than 10 dwellings for the period (2014-2031)*. As this site is located outside the village the development would be covered under this paragraph.
- 9.7. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell-wide needs.
- 9.8. Cherwell's position on five-year housing land supply is reported in the Council's 2021 Annual Monitoring Report (AMR). The 2021 AMR concludes that the District

can demonstrate a 3.5 years supply for the current five year period (2022-2027), a shortfall of housing supply equal to 2,255 homes for the period 2022-2027. Although it is accepted that this current application is for a single dwelling it is a single replacement dwelling rather than a new / additional dwelling. As such the proposal will not make an additional contribution towards the housing supply.

- 9.9. Also, of a material consideration is the guidance provided in the recently revised National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England and how these should be applied.
- 9.10. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.11. Paragraph 10 of the NPPF states that *so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 defines the presumption in favour of sustainable development as approving development proposals that accord with up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 9.12. Paragraph 12 also advises, amongst other things that *the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. The NPPF also states that a Local Planning Authority may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*
- 9.13. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes, and paragraph 60 states that *to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*
- 9.14. Paragraph 73 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period). Paragraph 74 continues by stating that *a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*
- a) *has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
 - b) *incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

- 9.15. Given that the site is not within the built-up limits of the village it cannot therefore be assessed against Policy Villages 1 of the CLP 2015; but instead, the proposal stands to be assessed against Saved Policies H17 and H18 of the Cherwell Local Plan 1996.
- 9.16. Saved Policy H17 covers the issue of replacement dwellings in the open countryside and states that *proposals for the one-for-one replacement of an existing statutorily unfit or substandard dwelling will normally be permitted provided:*
- (i) the existing building is not a listed building capable of restoration or suitable for an appropriate alternative and beneficial use;*
 - (ii) in cases where the existing building lies outside the limits of an existing settlement, the use of the building as a dwelling has not been abandoned or extinguished and its proposed replacement is similar in scale and within the same curtilage;*
 - (iii) the proposal meets the requirements of the other policies in the plan.*
- 9.17. Saved Policy H18 covers the issue over new dwellings in the countryside. Under this policy it is stated that *planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under policy H1 when:*
- (i) it is essential for agriculture or other existing undertakings, or*
 - (ii) the proposal meets the criteria set out in policy H6; and*
 - (iii) the proposal would not conflict with other policies in this plan.*

Under the current CLP 2015 Saved Policy H1 was replaced by Policy BSC1 while Saved Policy H6 was replaced with Policy Village 3 (Rural Exception Site).

- 9.18. This application seeks planning permission for a single dwelling on the site which is a re-location for an approved dwelling on the Manor Farm site to the immediate south of the application site, which itself was approved as a replacement dwelling on a different siting to the existing dwelling. The applicant states the rationale for the current proposal is primarily the noise and disturbance arising from the Wroxton motocross track, which is situated to the south west of the consented farmhouse. The proposed new location for the dwelling is better screened by vegetation and situated in lower lying topography. These features would benefit the residential amenity of future occupiers of the farmhouse by providing some measure of screening to the motocross activities.
- 9.19. Although the use of the motocross has implications upon the area this in itself is not necessarily a justification to warrant a change in location, it is a material consideration.
- 9.20. Saved Policy H17 is generally supportive of proposals for the one-for-one replacement of an existing statutorily unfit or substandard dwelling, subject to a number of criteria; one of which requires that any proposed replacement is similar in scale and within the same curtilage. Although not specified in the policy it would be normal that the replacement dwelling would occupy a similar location to that of the existing dwelling on the site. However, in this instance the proposal is to relocate the dwelling approximately 300 metres to the north of the existing dwelling but retained within the area of the applicant's site. The proposal does therefore not find support from Saved Policy H17.

- 9.21. Similarly, the proposal does not comply with saved Policy H18. Notwithstanding this, this application is not for an additional dwelling but a replacement dwelling just in a different location within the applicant's area ownership.
- 9.22. Although not finding support from saved policies H17, H18, the principle of a replacement dwelling of greater scale and on a different siting has been agreed with the approval of the previous application 19/00157/F. In addition, an appeal was allowed against the Council's refusal of a similar proposal at Muddle Barn Farm to the south-west of Sibford Gower (appeal ref. APP/C3105/W/17/3173098). While every case must be assessed on its own merits, the application of (and the proposal's conflict with) saved Policy H17 in the Muddle Barn Farm is a material consideration in this instance.
- 9.23. Overall, therefore, the principle of development is considered acceptable. The proposal's acceptability will very much depend on the impact the development would have on the area of open countryside and whether the new location would have any further / less / similar impact on the area.

Landscape and visual impact

- 9.24. Policy ESD13 covers the issue of landscape and states amongst other things that *development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided and be accompanied by a landscape assessment where appropriate.* The Policy continues by stating that *proposals will not be permitted if they would:*
- *Cause undue visual intrusion into the open countryside*
 - *Cause undue harm to important natural landscape features and topography*
 - *Be inconsistent with local character Impact on areas judged to have a high level of tranquillity*
 - *Harm the setting of settlements, buildings, structures or other landmark features, or*
 - *Harm the historic value of the landscape*
- 9.25. The site is located within the area of open countryside and positioned on a higher position to that of the Hornton village to the north of the site. The landscape assessment submitted with the application highlights that the site *lies within a gently undulating plateau which is incised by a series of steep river valleys associated with the Sor Brook and its tributaries. The escarpment associated with Edge Hill lies to the north west of Hornton and the site. The Cotswolds Area of Outstanding Natural Beauty (AONB) extends to the south west, with the A422 forming the northern boundary of the designation within the localised setting of the site.* The assessment continues by stating that *the site falls gently to the north, with the northern boundary forming the edge of the plateau. The eastern boundary is defined by an established tree belt which separates the site from the road that extends south, from Hornton, towards the A422. The southern and western boundaries of the site are currently undefined.*
- 9.26. The site forms part of an agricultural field 88% of which, the applicant states, is grade 3b along with an area of non-agricultural in the form of 12% in the form of a tree belt along the eastern / part northern boundary. This is backed up with a detailed agricultural land survey of the site which clearly concludes that the site of the application is not considered to be an area of best most versatile land use. The loss of the area of field is therefore not considered to result in a reduction of high-quality agricultural land to warrant a refusal.

- 9.27. As noted in the paragraphs above the application site is on an elevated position over-looking Hornton village and as such is noticeable in the landscape from certain viewpoints. To address this point, the applicant has re-located the position of the dwelling on the site during this application to ensure that the existing tree belt along the eastern and part northern boundary to the site is used to help screen the direct views of the dwelling. The applicant has also sought to utilise the contours on the site by locating the dwelling at a lower point on the slope rather than the top part of the plateau. The dwelling would also be cut into the localised levels to ensure that it does not appear prominent on the skyline. This view is also supported by the applicant's landscape assessment in that the landscape consultant has concluded that *the location of the site towards the edge of the plateau does present some possibilities for the proposals to break the skyline within some limited views, however, the localised skyline either side of the site is characterised by mature tree planting, as such potential issues can be mitigated. It is concluded that the susceptibility of the landscape, in which the site is set, to change of the type proposed is Medium / Low.* As such although there would be views of the dwelling from the village and beyond, these views would be softened with the existing landscape belt.
- 9.28. The location previously approved for this dwelling is approximately 300m to the immediate south of the current application site. The existing dwelling is a single storey bungalow dwelling with larger associated metal barn structures which form the farmyard and farmhouse. The site is on level area positioned on a similar contour level to that of the current application site and located close to the main access road leading into Hornton village and is noticeable by the fact that the boundaries to Manor Farm are very open with limited screening from any landscape. The approved replacement dwelling on this site is of the same size and design to that now proposed on the new site.
- 9.29. A key consideration in this current application is to assess the impact of the current proposal against the impact of the as approved scheme to consider the difference.
- 9.30. As highlighted, in the paragraphs above the current site benefits from existing / mature landscaping along the eastern and part of the northern boundary to the site which would create an effective and soften screen to the vast majority of views of the dwelling from outside the site. In comparing this to the existing Manor Farm site the current application is considered an improvement in that the Manor Farm site is very open with limited landscape features along the boundary and as such the dwelling on the Manor Farm site would have been more prominent and visible from outside the site than the current proposal. The current proposal is therefore considered a better location in terms of using existing landscape features.
- 9.31. With the dwelling being proposed in a different location to that of the previous approval, it has been suggested by a number of objectors that the different sites will mean there would be two houses in the area. To address this issue the applicant has confirmed that the existing property at Manor Farm and the agricultural outbuildings would be demolished and the land returned to an agricultural use. To secure this approach the applicant has provided a detailed unilateral undertaking confirming that Manor Farm and all outbuildings will be removed, and that the previous approval 19/00157/F will not be implemented. This undertaking has been negotiated alongside the Council's legal services team and is considered an acceptable method to ensure that the previous permission is not implemented and that the existing buildings will be removed from the site.
- 9.32. In conclusion, the current site is located on a plateau overlooking the village of Hornton and as such would be seen from some locations within and outside the village. However, the dwelling would be a replacement dwelling for the existing

dwelling on Manor farm and the site is within land owned by the applicant. The use of a unilateral undertaking will ensure that the development results in the demolition of the existing Manor Farm and outbuildings and therefore only one dwelling would exist on the applicant's site. The development is therefore a replacement dwelling and not an additional dwelling.

- 9.33. Officers consider the proposed site (as amended during this application) to be a better location, would result in improvement on the open character of the countryside. and would not result in such detriment of the area to warrant a refusal in this instance.

Heritage Impact

- 9.34. 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.
- 9.35. 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.*
- 9.36. Paragraph 194 states that in determining applications, *local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*
- 9.37. 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.
- 9.38. Parts of Hornton village are designated as a Conservation Area and the village also contains a number of Listed Buildings. The position of the new dwelling would appear to overlook the village and hence there is the potential for the development to have an impact upon the setting of the Conservation Area and to a lesser degree the listed buildings. Although located to the south of the village and the Conservation Area the new dwelling is approximately 200m away from the closest edge of the Conservation Area and 235m away from the nearest Listed Building in the village. As such and notwithstanding the concerns expressed by objectors to this proposal, it is not considered that the development would result in any adverse impact upon the setting of the Conservation Area nor upon any listed buildings in the village to warrant a refusal.

Highway Implications

- 9.39. 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.*

- 9.40. The application would use the existing access point into the main field located to the south of the village with the use of a private single access driveway leading to the new dwelling. This new access driveway would follow the line of the existing mature hedgerow along the eastern side of the site.
- 9.41. Members will see from the objections that concern has been raised that the development will use an access infrequently used for agricultural purposes and the proposal would create additional access points/traffic. In considering this proposal the County Highway Engineer has advised that following a site visit there is no highway objections to raise on this application. The Engineers have confirmed that, having observed the speeds of the few vehicles that passed the proposed site entrance and measured the available visibility splays, the details provided on the 'Site Access and Visibility Splays' drawing are accurate. The hedge and verge vegetation growth would have to be regularly trimmed to maintain the necessary visibility splay.
- 9.42. For the above reasons it is considered that there are no highway safety reasons to warrant a refusal of this application.

Residential amenity

- 9.43. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 9.44. The application is positioned on a higher level than the existing dwellings in the village which are all located within the valley. A number of objectors have raised the concern that the development would allow direct views into their private gardens and rooms to the detriment of their amenity. Although it is accepted that the location of the new dwelling is elevated above that of the existing dwelling in Hornton the distance between these existing dwellings and the proposed dwelling is in excess of 120m with the landscape buffer strip between the dwellings. As such it is not considered that the development would result in any significant loss of privacy, light nor outlook currently enjoyed by the occupiers of the existing residential properties.

Site layout and Design principles

- 9.45. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. Section 12 of the

National Planning Policy Framework is clear that good design is a fundamental to what the planning and development process should achieve.

- 9.46. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.47. The proposal is for a single, two-storey dwelling on the site of a design that was agreed as part of the previous approval reference 19/00157/F. The dwelling would be constructed externally from coursed rubble Hornton Stone for the external walls and clay plain tiles for the roof. The proposal also includes a single storey structure to form a free-standing stable block and a five bay car-port to be constructed from a mix of stone and timber with the stone used on the car-port and timber on the stable block.
- 9.48. The design and choice of materials is in line with the approved scheme for the re-development of the Manor farm site and as such it is considered that the design and appearance of the dwelling would create a high-quality scheme and therefore is considered acceptable. Turning to the issue of layout, the proposal has been altered since the initial submission which showed the dwelling further to the north in the site which resulted in the bulk of the dwelling appearing beyond the line of the existing trees and hedgerow. As a result of this the dwelling would have appeared more exposed on the ridge and less enclosed by the existing landscaping. Following negotiations with the applicant the proposal has been changed to move the dwelling away from the edge of the ridge and closer to the area of the existing landscaping buffer which as noted in the paragraphs above ensures the development would be softened and screened by the landscaping. In addition to this the applicant has also moved the dwelling further down the gradient on the site and set the dwelling into the side of the gradient. This would also help to reduce the impact of the dwelling in the open countryside.
- 9.49. In conclusion, in terms of design the proposal is for the same design of dwelling and materials as approved under the previous scheme 19/00157/F. The development proposed would result in a high-quality proposal on the site. Although the dwelling would be located on a different part of the applicant's overall site, the applicant has adapted the layout and position within the site to reduce the impact of the proposal to ensure that the dwelling would not result in any detrimental impact upon this part of the open countryside.

Ecology impact

- 9.50. 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.
- 9.51. 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.
- 9.52. 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.

9.53. 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.

9.54. 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).

9.55. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.56. Paragraph 180 states that when determining planning applications, local planning authorities (LPAs) 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.

9.57. Paragraph 185 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.

9.58. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany

planning applications which may affect a site, habitat or species of known ecological value.

- 9.59. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.60. 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.
- 9.61. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.62. 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 LPAs can 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')
- 9.63. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of an agricultural field with mature landscape buffer along the eastern and part northern boundaries. The ecology assessment submitted with the application concludes that the site offers limited ecological distinctiveness being dominated by intensive arable cultivation. It is considered likely, however, that neighbouring habitats such as the plantation shelterbelt, hedgerows and field margins associated with the wider arable field parcel may offer opportunities for foraging and commuting species such as bats, badger, brown hare and hedgehog. It is therefore recommended that a precautionary approach be adopted and maintained throughout delivery of the proposals to ensure any potential impacts on commuting species is minimised.
- 9.64. In order for the LPA 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 LPA 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.
- 9.65. 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.

- 9.66. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Sustainable Construction

- 9.67. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 154 states that new development should be planned for in ways that: *a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.* Paragraph 155 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*
- 9.68. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, *taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).*
- 9.69. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: *Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions.* Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.70. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.* The Policy continues by stating that *Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations,*

with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

- 9.71. In addressing this issue, the applicant has confirmed that during the course of the application, the proposed house has been re-positioned and the opportunity taken to re-orientate the house to maximise solar gain. All principal rooms have south east – south west aspects in order to achieve maximum solar gain.
- 9.72. In terms of the use of renewable measures the applicant has stated that the house would minimise use of fossil fuels and running costs with insulation levels in excess of the newly implemented (June 2022) Building Regulations. This would allow the effective use of Renewable energy sources, to heat the house with the installation of a Ground Source Heat Pump utilising the surrounding external areas for ground loops which would be supported with an internal MVHR installation. In addition to this the proposal would also include the use of photovoltaic panels to be installed within the valley of the outbuilding roofs to reduce their impact on the surrounding landscape.
- 9.73. Based upon the above details it is considered that the applicant has demonstrated that they will comply with the requirements of Policy ESD3.

Infrastructure / S106

- 9.74. Paragraph 54 of the NPPF states *that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.* Paragraph 56 continues by stating that *planning obligations must only be sought where they meet all of the following tests:*
- a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.*
- 9.75. This application is supported by a draft Unilateral Undertaking (UU) as outlined in the above paragraphs. The purpose of this UU is to ensure that the previous permission on Manor Farm is not implemented and that the existing buildings on Manor Farm are removed and the site made good. The reason for this is that this current application is for the re-location of the approved dwelling from the Manor Farm site to a new location.
- 9.76. The development on Manor Farm was a replacement dwelling and therefore not an additional dwelling in the area. In the event that planning permission was granted without the completion of such an agreement there would be no mechanism to ensure that either (a) the existing residential bungalow is retained, or (b) the applicant implement the previous permission to re-develop the Manor Farm site both

of which would end up with two dwellings in the area and not a single dwelling as agreed under the previous permission. As such the UU provided will ensure that the development will not lead to an additional dwelling on the site and the proposal is for a replacement. Without this UU the development would not be considered acceptable.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.
- 10.2. While the proposed dwelling is contrary to saved policies H17 and H18 in that it represents an isolated dwelling in the open countryside, the principle of a single dwelling as a replacement dwelling, of the same size as proposed here, has been agreed on the Manor Farm site located approximately 300m to the south. The acceptability of this proposal is therefore based upon the benefits of the proposal in terms of the new location.
- 10.3. The site is on an elevated position overlooking Hornton village with a significant and noticeable difference in levels. That said, the site benefits from a significant landscape buffer along the eastern and part north boundaries which would effectively screen the bulk of the development from the majority of any public views. While the development will be seen from other views and would appear as a new dwelling in the open countryside, the proposed site is considered an improvement over that previously approved due to the screening effect of the existing landscaping and to a certain degree the close relationship the dwelling would have with the village. The existing Manor Farm site is more isolated, more open with a lack of landscaping and the new dwelling would appear more prominent within this area of open countryside. The new location is therefore considered an improvement upon the previous approval.
- 10.4. The development would result in the loss of an area of active agricultural land. The applicant has provided a details agricultural land / soil assessment which confirms that the area of the site is classified as grade 3b which is not within the definition of best / most versatile agricultural land. The land is therefore classified as moderate quality. The loss of this area of agricultural land is therefore not considered to warrant a refusal in this instance.
- 10.5. The distance between the new dwelling and the edge of the heritage assets is considered sufficient to ensure the development would not result in any adverse impact upon the setting of the Conservation Area nor upon the Listed Buildings.
- 10.6. The design and layout of the new dwelling on the site will ensure that materials are appropriate for the location and the position of the dwelling on the site will ensure no adverse impact upon neighbouring properties in terms of any loss of light, outlook or privacy. The design of the dwelling is the same as that agreed as a replacement dwelling on the Manor Farm site and as such has been accepted in the approval of application reference 19/00157/F.
- 10.7. For the reasons set out in the report the proposal is considered acceptable in highway safety terms, in ecology terms, and also to comply with the Council's energy policies, including Policy ESD3.

10.8. Planning permission is only accepted on this site on the basis that the development would not lead to the formation of a second / additional dwelling in this part of the open countryside. The applicant has accepted this and has completed a signed Unilateral Undertaking which requires the demolition of the existing buildings on Manor farm and confirmation that the previous planning permission 19/00157/F will not be implemented. This legal agreement would ensure that there will only be one dwelling in the area and not two.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND SECURING A UNILATERAL UNDERTAKING TO ENSURE THAT THE PREVIOUS PERMISSION ON MANOR FARM IS NOT IMPLEMENTED

CONDITIONS

Time Limit

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

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

2. The development shall not be carried out otherwise than in complete accordance with the approved plans reference PF/10305.01 Rev A, 223372-01 received 12/08/2021 and amended plans 20100-P01, 20100-P02 Rev A, PF-1035.02 Rev C received 05/04/2022 and received plan reference 20100-P04 Rev B received 21/09/2022 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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

3. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-
 - a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
 - 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 landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The development shall not be carried out other than in accordance with the approved landscape scheme. The hard landscape elements shall be carried out prior to the first occupation of the dwelling. .

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well-planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

5. No development shall take place until the existing tree(s) to be retained on the site have been protected in accordance with the approved Tree Protection Plan drawing number 002 Rev A contained within the Arboricultural Method Statement by SEED Arboriculture Ltd dated 09/10/2020 Reference 1187-AMS-V1 unless otherwise agreed in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. The external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel approved under application 18/00220/DISC and shall be retained as such thereafter.

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

7. The roof of the development shall be constructed in accordance with the sample roof tile approved under application 18/00220/DISC, and shall be retained as such thereafter.

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

8. The development hereby permitted shall be carried out in accordance with the recommendations set out in Preliminary Ecological Appraisal of the Land North of

Manor Farm, Hornton, Banbury Oxfordshire by Griffin Ecology Ltd, reference MFH0001 dated 27 September 2020 unless otherwise agreed in writing by the Local Planning Authority.

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

9. The Stable Block and Open Sided Byre hereby approved shall not be used other than for purposes ancillary to the use of the dwellinghouse hereby approved and shall not be used for any trade, industry or other use whatsoever and shall not be used, let or sold at any time as a separate residential unit.

Reason: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the housing strategy for the district would not permit an additional dwelling, and in accordance with Policies ESD1 and ESD15 of the Cherwell Local Plan 2011–2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. No external lights/floodlights shall be erected on the land without the grant of further specific planning permission from the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

11. Notwithstanding the provisions of Classes A to G (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in the interest of visual amenities in accordance with Policies ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

12. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling shall not be altered with gates, fences, walls or other means of enclosure be erected within the curtilage of the said dwelling, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in the interest of visual amenities in accordance with Policies 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

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

Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that 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.

14. Notwithstanding the details of the Climate Change & Sustainable Construction Statement, before any above ground works commence a scheme for the provision and implementation of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

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

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

22/00464/F

Agenda Item 11

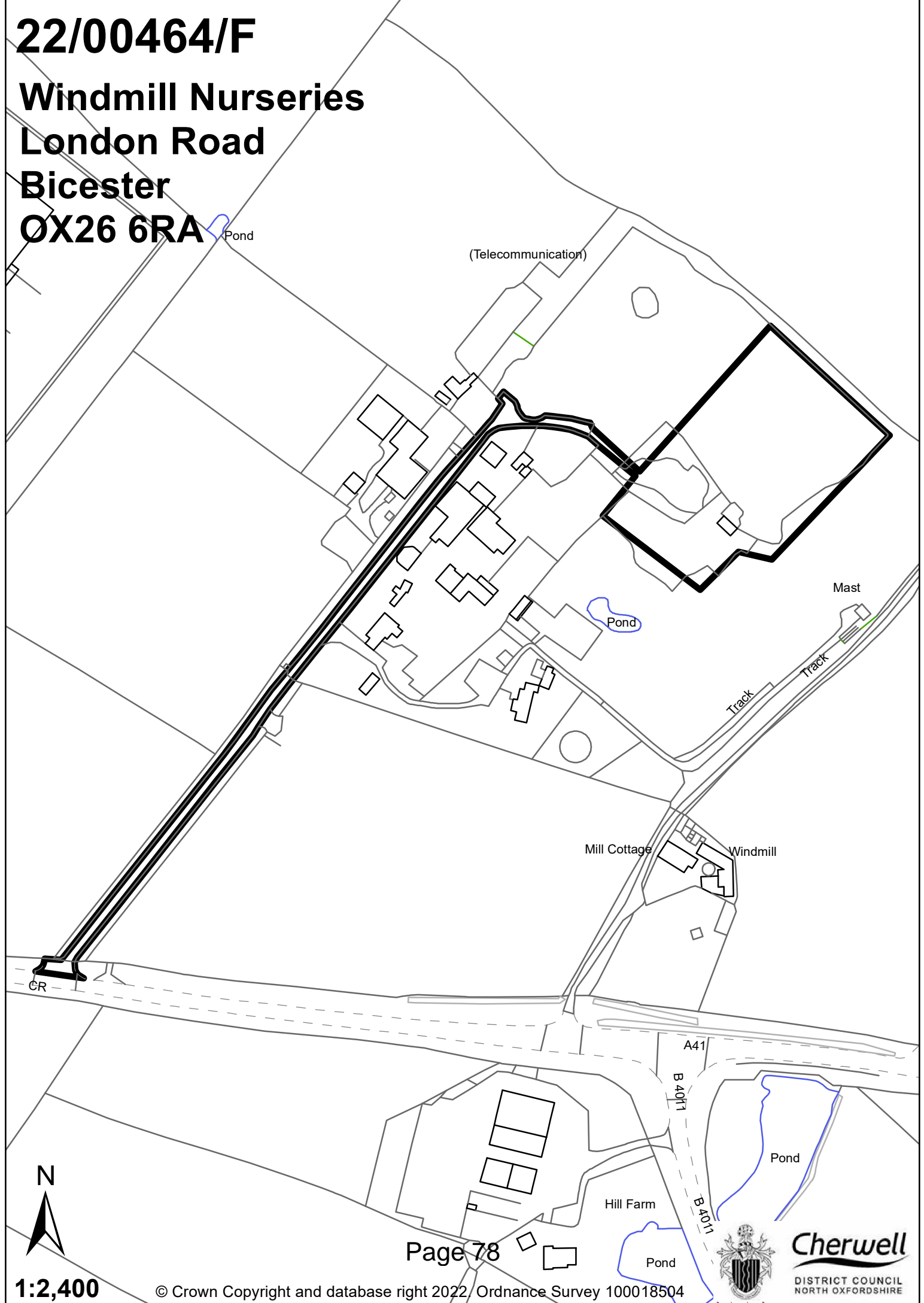
Windmill Nurseries
London Road
Bicester
OX26 6RA



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22/00464/F

**Windmill Nurseries
London Road
Bicester
OX26 6RA**



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Page 78



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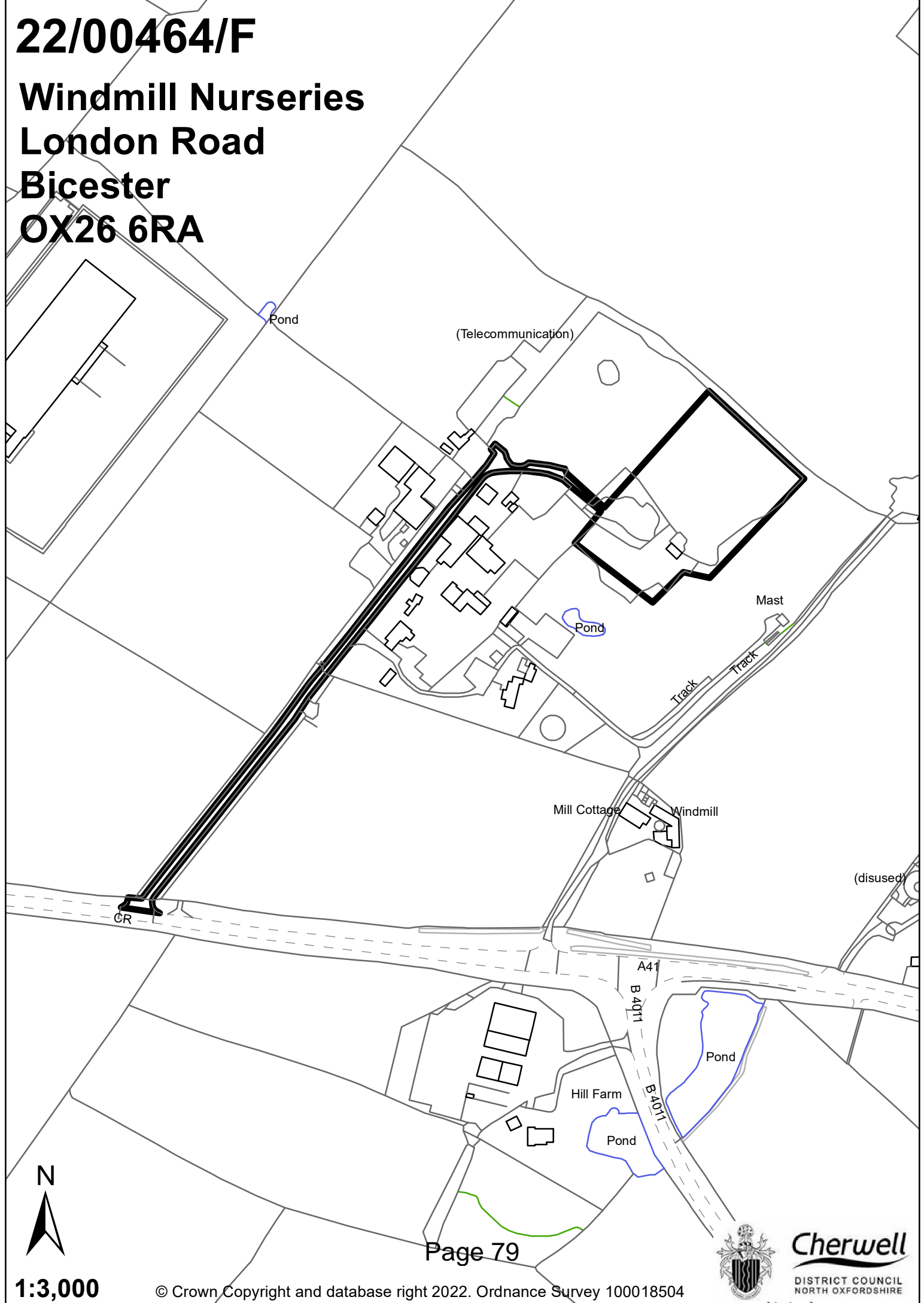
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

22/00464/F

**Windmill Nurseries
London Road
Bicester
OX26 6RA**



Case Officer: Katherine Daniels

Applicant: L C Hughes Partnership

Proposal: Change of Use of Land to provide temporary caravan site with associated access enclosure and amenity for use by railway construction staff

Ward: Launton and Otmoor

Councillors: Cllr Coton, Cllr Holland and Cllr Patrick

Reason for Referral: At the time the application was submitted, the applicant was a CDC Councillor

Expiry Date: 12 October 2022

Committee Date: 6 October 2022

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is located in the open countryside to the southeast of Bicester, to the north of the A41. The access to the site currently serves the Bicester Caravan and Leisure dealership, and metal recycling car breakers. The application site is situated to the northeast of the complex. It is currently being used for the storage of caravans associated with the dealership. A woodland is located to the southeast of the site. The site boundaries consist of the woodland and mature vegetation.
- 1.2. The access to the site is to the north of the A41, approximately 350m to the southwest of Symmetry Park which is a storage and distribution site. DPD is the closest storage and distribution building and is located approximately 250m from the application site.

2. CONSTRAINTS

- 2.1. The application site is close to a priority grassland habitat. The site is not within a conservation area, and there are no listed buildings in the vicinity. The site lies in an area of archaeological potential with a high level of Roman activity being recorded in the vicinity.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal is for the change of use of land to provide a temporary caravan site with associated access enclosure and amenity for the use of railway construction staff. The proposal is for serviced pitches to accommodate 85 single touring vans with single car space, a secure cycle post and a small amenity space area. The proposal also includes an amenity block which is proposed to be single storey in height. Indicative plans show this as a steel portacabin, which will be clad vertically in timber. This amenity building is located to the southwest of the application site. The proposal seeks to retain the existing vegetation and install a new 1.8m boundary fencing and screen planting to the north of the site.

4. RELEVANT PLANNING HISTORY

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

Application: 19/01289/F

Change of Use of Land to Camping and Caravan Site together with access and amenity areas (land to the south)

Permitted - 17 February 2020

Application: 22/00556/SO

Screening opinion to 22/00464/F - Change of Use of Land to provide temporary caravan site with associated access enclosure and amenity for use by railway construction staff

Screening Opinion not requesting EIA - 28 June 2022

Application: 22/02180/F

Proposed caravan showroom and office to be built within existing caravan sales and service site

Permitted - 15 September 2022

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 16 August 2022.

- 6.2. No responses have been received.

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. BLACKTHORN PARISH COUNCIL: Have no observations or objections

CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** subject to a condition being imposed for a shuttle bus strategy to be submitted to and approved in writing.
- 7.4. NATIONAL HIGHWAYS: **No objections**
- 7.5. OCC LEAD LOCAL FLOOD AUTHORITY: Originally objections were received but a response of **no objection** has been received following the receipt of further information
- 7.6. OCC ARCHAEOLOGY: Requests a watching brief should be carried out on all new excavations for services to the site including sewerage arrangements.

- 7.7. CDC LICENSING: No caravan site licence is required as builders/construction workers staying on-site form part of an exemption from the need for a licence.
- 7.8. CDC ENVIRONMENTAL PROTECTION: no comments were received at the time of writing the report.

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 2015)

- ESD6 – Sustainable Flood Risk Management
- ESD15 - The Character of the Built and Historic Environment
- SLE1 – Employment Development
- SLE4 – Improved Transport Connections
- SLE5 – High Speed Rail 2 – London to Birmingham

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

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

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
 - Flooding/Drainage
 - Highway Safety
 - Archaeology

Principle of Development

Policy Context

- 9.2. Policy SLE1 of the CLP 2015 seeks to support employment development on existing employment sites.

- 9.3. Policy SLE4 of the CLP 2015 seeks to support the implementation of proposals in the Movement Strategies and Local Transport Plan to deliver key connections to support modal shift.
- 9.4. Policy SLE5 of the CLP 2015 relates to the construction of HS2. This policy relates to the rail link directly rather than associated development relating to temporary accommodation for workers. This policy seeks to manage the construction to minimise the impact on communities and the environment.
- 9.5. Chapter 6 of the NPPF seeks to build a strong and competitive economy. Paragraph 85 seeks to ensure decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements. Chapter 9 of the NPPF seeks to promote sustainable transport.

Assessment

- 9.6. The proposal seeks to provide temporary residential accommodation for use by contracted railway construction staff involved in local projects including HS2 and East West Rail. HS2 contractors have written to support this proposal. The proposed occupants on site will be with one of the main contractors associated with the development of HS2 predominantly. Whilst the main works contractors for HS2 are keen to support employment opportunities for local workers; transient workers will also be required to support the delivery of the project. It has been identified that there is currently insufficient temporary accommodation in the locality for these transient workers, hence the need for this proposal (and others the Council are considering).
- 9.7. The application site is currently used for the storage of caravans associated with the caravan dealership on site. Indirectly the proposal will provide some benefit to the existing use by providing additional funding to the business and by being close to existing amenities on site such as the café and the shop selling caravan equipment and accessories. In addition, the proposal is for a temporary period. This will allow for the caravan storage to be returned to the site once the construction workers move on. The impact on the existing business will therefore be minimal and will not result in the loss of an employment site in the long term.
- 9.8. The principle of development is considered to be acceptable on a temporary basis, due to the support it will provide for the implementation of proposals within the Movement Strategies and Local Transport Plan and national infrastructure projects including HS2 and East-West Rail.

Conclusion

- 9.9. Although it is noted that the loss of the current part of the site for caravan storage could have some impact on the business, this will only be temporary, and it will not lead to the loss of an existing business on site. The proposed temporary use seeks to support the construction of a national infrastructure project by providing appropriate accommodation for the construction workers. The principle of the development is considered to be acceptable, as it is considered to be in accordance with CLP 2015 Policy SLE4 as well as Chapter 6 of the NPPF.

Impact upon the character and appearance of the locality

Policy context

- 9.10. Policy ESD15 of the CLP 2015 seeks to ensure development would complement and enhance the character of its context through sensitive siting, layout, and high-quality design

- 9.11. Saved Policy C28 of the CLP (1996) seeks to ensure that the layout, design, and external appearance of all new development is sympathetic to the rural context of the site.
- 9.12. Chapter 12 of the NPPF seeks to achieve well-designed places. Paragraph 130 (a) states that decisions should ensure development 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.

Assessment

- 9.13. The existing site is well screened from the wider locality. The site has existing boundary treatments and strong vegetation which helps to screen the existing caravan storage on the site in the wider locality. The visual character of the site will not alter given it will be of a similar character to the existing use. The only addition to the site would be an amenity building, which is single storey in height, therefore the impact would be similar to the caravans. New enclosures are proposed at 1.8m in height and these would not be widely visible.
- 9.14. Regarding the comings and goings to the site, this is likely to increase as a result of the proposal, however, given its context and its relationship with Symmetry Park, its impact will be negligible to the character of the locality.

Conclusion

- 9.15. The impact on the character and appearance of the locality is considered to be acceptable and not out of keeping with the way in which the site is currently used for caravan storage. The proposal is for a temporary period to allow for the construction workers to carry out work on national infrastructure projects. The proposal is therefore considered to be in accordance with Policy ESD 15 of the CLP 2015 and Saved Policy C28 of the CLP (1996).

Impact on Residential Amenity

Policy context

- 9.16. ESD15 of the CLP 2015 seeks to ensure planning decisions consider the amenity of both existing and future development.
- 9.17. Chapter 12 of the NPPF seeks to achieve well-designed places. Paragraph 130 (f) states that developments should have a high standard of amenity for existing and future users.

Assessment

- 9.18. The proposal seeks to place a temporary residential use on the site, which is close to an existing scrapyards. Whilst the construction workers may work shifts, HS2's factsheet relating to working hours sets out that construction works for HS2 would generally take place during daytime hours. It seems likely therefore that this would correspond with the hours for the scrapyards and caravan dealership and that the amenity for construction workers would be satisfactory in this respect. The proposal is for a temporary period of up to 3 years in the first instance.
- 9.19. The proposed layout is similar to other campsites, and given its nature and character of touring caravans, it is unlikely to result in a negative impact on overlooking. Existing residential properties are at a significant distance (excess of 100m); therefore, the proposal will not have a detrimental impact on the amenities of nearby residential properties.

- 9.20. It is noted that the Environmental Protection Officer for the Council has not responded to the consultation process, however having taken note of other comments close to the site, and the proposed temporary nature it is unlikely there would be an objection to the proposal for the reasons given above. A condition restricting its use to a temporary period would be considered to be reasonable for this proposal given the surrounding uses.
- 9.21. Given the temporary nature of the proposal and the fact it is for construction workers, it is unlikely the proposal will result in a detrimental impact on the amenities of the existing and temporary residents.

Conclusion

- 9.22. Provided a condition is imposed restricting the use to a temporary period only, the proposal is unlikely to result in a detrimental impact on residential amenity. The proposal is therefore considered to be in accordance with Policy ESD15 of the CLP 2015.

Flooding/Drainage

Policy Context

- 9.23. Policy ESD6 of CLP 2015 seeks to ensure that development would be safe, remain operational and that surface water will be managed effectively on site and that it would not increase flood risk elsewhere. A flood risk assessment is required for development on a site over 1ha in area in flood zone 1.
- 9.24. Chapter 14 of the NPPF deals with meeting the challenge of climate change, flooding, and coastal change. This seeks to prevent inappropriate development in areas at risk of flooding (Paragraph 159). Local Planning Authorities should ensure flood risk is not increased elsewhere (Paragraph 167)

Assessment

- 9.25. During the application process, the Lead Local Flood Authority (LLFA) objected to the proposal due to the lack of a Flood Risk Assessment (FRA). As a result, during the application process, the applicants carried out an FRA which recommended the loss of one caravan pitch which is reflected in the amended scheme. The LLFA originally had concerns regarding the water runoff from the caravans, to which further information was submitted. The LLFA are content that the caravan site will drain naturally as per existing, therefore they do not have any comments on the application.

Conclusion

- 9.26. The proposed development is unlikely to exacerbate flooding in the locality, therefore the proposal is considered to be in accordance with Policy ESD6 of the CLP 2015.

Highways

Policy Context

- 9.27. Policy SLE4 of the CLP 2015 seeks to ensure that there are improved Transport Connections within the District. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Assessment

- 9.28. National Highways with respect to their interest in the M40 and A34 does not have an objection to the proposed development.
- 9.29. The Local Highway Authority have also commented on the application, to which they consider the existing access suitable for the intensification of the use of the site. However, a condition has been suggested for the provision of a shuttle service to and from the site. This will increase its sustainability credentials.

Conclusion

- 9.30. Provided conditions are imposed the proposal is unlikely to cause an unacceptable impact on the highway. The proposal is therefore considered to be in accordance with Policy SLE4 of the CLP 2015 and having regard to paragraph 111 of the NPPF would not cause a severe highway impact.

9.31. Archaeology

Policy Context

- 9.32. Policy ESD15 of the CLP 2015 seeks to conserve, sustain and enhance designated and non-designated heritage assets, including archaeology. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.
- 9.33. Chapter 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraph 194 seeks to ensure that for developments that have the potential to include heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Assessment

- 9.34. The County's Archaeologist has responded to the application. The site is in an area of archaeological interest and potential, with a high level of Roman activity being recorded in the vicinity. The archaeologist considers the caravans would not appear to result in any new ground impacts, though any new service runs and excavations should be covered by archaeological monitoring and recording (watching brief).

Conclusion

- 9.35. The proposal has the potential to have an impact on archaeological interest on the site, however, this can be mitigated by the imposition of appropriate planning conditions. Therefore, provided adequate planning conditions are imposed, the proposal is considered to be in accordance with Policy ESD15 of the CLP 2015 and having regard to paragraph 194 of the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Officers consider that the proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so the proposal is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.
- 10.2. The proposal is for the change of use to a temporary caravan site and associated access enclosure for use by railway construction staff. Although the site is located adjacent to an existing scrapyard, given its temporary nature it is unlikely that there would be an adverse impact on residential amenity.

- 10.3. The character of the locality will not be altered significantly, given the land is currently used as a caravan storage area. There will be no buildings which will be greater than single storey. Therefore, the impact on the surrounding area is limited particularly taking into account the existing vegetation screening.
- 10.4. Overall, the proposal, providing adequate conditions are imposed, is considered to be in accordance with Policies SLE4, ESD6, and ESD15 of the CLP 2015 and Saved Policy C28 of the CLP (1996), and having regard to Policy SLE5 of the CLP 2015.

11. RECOMMENDATION

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

CONDITIONS

Time Limit

1. The use hereby permitted shall be discontinued on or before 10th October 2025 and the land restored in accordance with a Land Restoration Strategy to be submitted to and agreed in writing by the Local Planning Authority. The submission of the Land Restoration Strategy shall be made prior to 10th April 2025.

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

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: 6218.10 A (Site Location and Proposals Layout Plan) received 13 July 2022.

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

Details of amenity buildings

3. Prior to the first installation of the sanitary and amenity building, details of the sanitary and amenity buildings, including elevations, floorplans and proposed materials demonstrating that it shall be single storey only shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the first use of the site.

Reason: To ensure that the buildings 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.

Landscaping

4. A scheme of planting to provide a screen for the site along its northwestern boundary consisting of suitable plants capable of growing to a height of not less than two metres, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within the first planting

season following the first date on which any part of the approved development is occupied.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Highway

5. Prior to the first occupation of the development, a Shuttle Strategy shall be provided, which shall include details of the frequency and quantity of the proposed shuttle service and a proposed timetable which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Shuttle Strategy shall be implemented and operated in accordance with the approved details.

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

Archaeology

6. The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the Policy ESD15 of the Part 1 CLP (2011-2031) and the NPPF (2021).

7. Following the approval of the Written Scheme of Investigation referred to in condition 6, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including 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 recording and inspection of matters of archaeological importance on the site in accordance with the Policy ESD15 of the Part 1 CLP (2011-2031 and the NPPF (2021).

Cherwell District Council

Planning Committee

6 October 2022

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

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

2.0 Introduction

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) 21/04271/F - Land South of Faraday House, Woodway Road, Sibford Ferris

Erection of 6 one storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure

Officer recommendation: Approval (Committee)

Method of determination: Written Representations

Start Date: 02.09.2022

Statement due: 07.10.2022

Appeal reference: 22/00040/REF

b) 21/04211/F – 5 Milton Street, Banbury, OX16 9PL

Two storey rear extension

Officer recommendation: Non-Determination

Method of determination: Written Representations

Start Date: 12.09.2022

Statement due: 17.10.2022

Appeal reference: 22/00041/NON

c) 22/00985/TEL56 - Telecommunications Cabinet CWL 18533, Oxhey Hill, Cropredy

Proposed 15.0m Phase 9 super slimline Monopole and associated ancillary works

Officer recommendation: Refusal (Delegated)
Method of determination: Written Representations
Start Date: 13.09.2022
Statement due: 18.10.2022
Appeal reference: 22/00042/REF

d) 22/00540/F – Land adjacent 58 Corncrake Way, Bicester, OX26 6UE

Change of use of land to residential garden land in association with 58 Corncrake Way with the removal of some existing boundary fences and erection of new boundary fences.

Officer recommendation: Refusal (Delegated)
Method of determination: Written Representations
Start Date: 14.09.2022
Statement due: 19.10.2022
Appeal reference: 22/00043/REF

3.2 New Enforcement Appeals

a) 20/00236/ENF - Land Rear Of PO Merton Road And Adjoining No 2 Chapel Drive, Ambrosden, Bicester

Method of determination: Written Representations
Start Date: 13.09.2022
Statement Due: 25.10.2022
Appeal reference: 22/00043/ENF

3.3 Appeals in Progress

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
Hearing Date: Tuesday 22nd November 2022
Hearing Venue: River Cherwell Meeting Room, Bodicote House
Start Date: 08.10.2021
Statement Due: 26.11.2021
Appeal reference: 21/00033/REF

b) 20/02192/LB - Manor Farm, Station Road, Hook Norton, OX15 5LS

Repairs, alterations and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation: Refused (Delegated)
Method of determination: Hearing – 18th/19th May 2022
Start Date: 30.11.2021
Statement due: 19.02.2022
Appeal reference: 21/00037/REF

c) 20/02193/F – Manor Farm, Station Road, Hook Norton, OX15 5LS

Repairs, alterations and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation: Refused (Delegated)
Method of determination: Hearing – 18th/19th May 2022
Start Date: 30.11.2021
Statement due: 19.02.2022
Appeal reference: 21/00036/REF

d) 21/01818/F – Pakefield House, St Johns Street, Bicester, OX26 6SL

Redevelopment of the site to form 38 no. Retirement apartments including communal facilities, access, car parking and landscaping

The appeal is a non-determination appeal however the application was heard at Planning Committee on 13th January 2022.
Officer recommendation: Refusal (Committee)
Method of determination: Virtual Hearing
Hearing date: 6th September 2022
Start Date: 21.04.2022
Statement Due: 26.05.2022
Appeal reference: 22/00021/REF

e) 21/02346/F – 1 Cranesbill Drive, Bicester, OX26 3WG

Loft conversion with rooflights to front roof slope and dormer extension to rear roof slope.

Officer Recommendation: Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 21.02.2022
Statement due: N/A
Appeal reference: 22/00014/REF

f) 21/02804/F – 19 Hastings Road, Banbury, OX16 0SE

Erection of dwelling

Officer recommendation: Refused (Delegated)
Method of determination: Written Representations
Start Date: 14.06.2022
Statement due: 19.07.2022
Appeal reference: 22/00032/REF

g) 21/02986/F – 2 The Orchard, Horton Cum Studley, OX33 1BW

Two storey rear/side extension and associated internal alterations

Officer recommendation: Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 20.04.2022
Statement Due: N/A
Appeal reference: 22/00020/REF

h) 21/03190/F - Land North of Camp Road, East of Holly Trees and 1 Jalna Lodge, Camp Road, Upper Heyford

Erection of dwelling, detached garage, widening of vehicular access and all associated works

Officer recommendation: Non-Determination
Method of determination: Written Representations
Start Date: 21.06.2022
Statement due: 27.07.2022
Appeal reference: 22/00034/NON

i) 21/03445/F – 41 Fernhill Road, Begbroke, OX5 1RR

Extension and subdivision into two houses

Officer recommendation: Refused (Delegated)
Method of determination: Written Representations
Start Date: 10.08.2022
Statement due: 14.09.2022
Appeal reference: 22/00038/REF

j) 21/03452/TEL56 – Street Record, Station Road, Kirtlington

Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

Officer recommendation: Refused (Delegated)
Method of determination: Written Representations
Start Date: 21.04.2022
Statement Due: 26.05.2022
Appeal reference: 22/00021/REF

k) 21/03726/F – 123 Oxford Road, Kidlington, OX5 2NP

Demolition of existing lean-to structure, erect new single storey extension.
Convert existing 3-bed chalet-style house into 3 no separate apartments with
off-road parking - re-submission of 21/01654/F

Officer recommendation: Refused (Delegated)
Method of determination: Written Representations
Start Date: 20.06.2022
Statement due: 25.07.2022
Appeal reference: 22/00033/REF

l) 21/04112/OUT – OS Parcel 2778 Grange Farm North West of Station Cottage, Station Road, Launton

Outline application for the erection of up to 65 dwellings, including up to 8
live-work dwellings (use class sui generis), public open space, access,
infrastructure and demolition of existing buildings (all matters reserved except
principle means of access from Station Road)

Officer recommendation: Approval (Committee)
Method of determination: Hearing
Hearing date: 11th October 2022 Start Time: 10:00
Hearing Venue: Council Chamber, Bodicote House
Start Date: 11.08.2022
Statement due: 22.09.2022
Appeal reference: 22/00039/REF

m) 21/04166/F – The Pheasant Pluckers Inn, Burdrop, OX15 5RQ

Permission is sought to re-position and amend the structure of the previously
allowed 3-bedroom building

Officer recommendation: Refused (Delegated)
Method of determination: Hearing
Hearing date: 4th October 2022 Start Time: 10:00
Hearing Venue: River Cherwell Meeting Room, Bodicote House
Start Date: 08.07.2022
Statement due: 12.08.2022
Appeal reference: 22/00035/REF

n) 22/00173/CLUP – 15 Arcott Road, Piddington, OX25 1PS

Certificate of Lawfulness of Proposed Development for the erection of a
wooden workshop to be use for dog grooming services.

Officer recommendation: Refused (Delegated)
Method of determination: Written Representations
Start Date: 05.05.2022
Statement Due: 16.06.2022
Appeal reference: 22/00023/REF

o) 22/00642/F – 2 Dewars Farm Cottages, Ardley Road, Middleton Stoney, OX25 4AE

Proposed single & 1.5 storey front extension (re-submission of app. No. 21/01851/F)

Officer recommendation: Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 26.07.2022
Statement due: N/A
Appeal reference: 22/00036/REF

p) 22/00721/F – 2 East Street, Bicester, OX26 2EX

Front and rear single storey extensions

Officer recommendation: Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 28.07.2022
Statement due: N/A
Appeal reference: 22/00037/REF

3.4 Enforcement Appeals in Progress

a) 17/00334/ENF – 107 Middleton Road, Banbury, OX16 3QS

Without planning permission, the creation of 7No. Self-Contained units of residential accommodation (6No. Studio Flats and 1No. bedroom flat)

Method of determination: Written Representations
Start Date: 13.05.2022
Statement Due: 24.06.2022
Appeal reference: 22/00024/ENF

3.5 Forthcoming Public Inquires and Hearings between 6 October 2022 and 3 November 2022

a) 21/04112/OUT - OS Parcel 2778 Grange Farm North West of Station Cottage, Station Road, Launton

Outline application for the erection of up to 65 dwellings, including up to 8 live-work dwellings (use class sui generis), public open space, access, infrastructure and demolition of existing buildings (all matters reserved except principle means of access from Station Road)

Hearing date: Tuesday 11th November. Start Time: 10:00
Hearing Venue: Council Chamber, Bodicote House

3.6 Appeal Results

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

a) 21/02007/F – 15 Heath Close, Milcombe, OX15 4RZ

To complete driveway by replacing breeze block section with block paving to match. Also to complete the dropped kerb to fall in line with the full width of the house. To install either two or three lower trims and one angled trim. (resubmission of 21/01238/F)

Officer recommendation: Refused (Delegated)
Method of determination: Written Representations
Appeal reference: 22/00016/REF

The Inspector identified the main of issue of the appeal to be the effect of the proposed development on highway safety.

The Inspector found that the proposed development would improve highway safety within the area and the improvement outweighs the harm cause by a reduction to the accessibility of the front door of the house as a result of any intensification of use of the parking area.

The Inspector concluded that the proposal would not have an unacceptable effect on highway safety and allowed the appeal.

b) 21/03057/F - 3 Denbigh Close, Banbury, OX16 0BQ

Change of use from HMO (Class C4) to 7 Bedroom HMO (Sui-Generis)

Officer recommendation: Refused (Delegated)
Method of determination: Written Representations
Appeal reference: 22/00025/REF

The Inspector identified the main of issue of the appeal to be the effect of the development upon highway safety and convenience, with particular regard to parking provision.

The Inspector explained that it would be reasonable in this edge of Banbury location to expect every resident of a House in Multiple Occupation to have a car and therefore a parking need of 1 space per bedroom was appropriate.

The proposed development would generate the need for one additional parking space and this could not be provided on site. The Inspector found that as the proposal would fail to provide adequate parking provision to serve the development, this would increase the number of cars parking on the street which would adversely affect highway safety and convenience to users, including pedestrians and wheelchair users impeded by cars parking on the pavement.

The Inspector concluded that the proposal would harm highway safety and convenience, with particular regard to parking provision.

The appeal was dismissed.

c) 20/00115/HH - Thames Valley Police, Headquarters South, 169 Oxford Road, Kidlington, OX5 2NX

Appeal against the decision by the Council not to issue a remedial notice on a high hedge complaint made by a local resident.

Start date: 31.01.2022

Questionnaire due: 28.02.2022

The Inspector identified the main issue of the appeal to be whether the Council's decision not to issue a Remedial Notice (RN) was reasonable and appropriate.

The Inspector advised that under the Act, the Council's assessment is made as to whether the hedge adversely affects the reasonable enjoyment of a domestic property.

The Inspector did not see a reason that the Council's measurement of the hedge height was incorrect at the time it was measured.

The Inspector found that the hedge would cause some shading in the garden nearby dwellings on Oxford Road to its north and south, will also cause shading and advised that this is not unusual in suburban and mixed-use locations.

The Inspector also found that the garden is a significant length with a long open aspect to the north and south so it would enjoy a good degree of daylight including previous without shading over much of it.

The Inspector concluded that the hedge was not having a harmful effect upon the reasonable enjoyment of the complainant's property and therefore, the Council's decision not to issue a Remedial Notice was reasonable and appropriate.

The appeal was dismissed

4.0 Conclusion and Reasons for Recommendations

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

5.0 Consultation

None.

6.0 Alternative Options and Reasons for Rejection

None. The report is presented for information.

7.0 Implications

7.1 Financial and Resource Implications

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:
Kimberley Digweed, Service Accountant
kimberley.digweed@cherwell-dc.gov.uk

7.2 Legal Implications

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

Comments checked by:
Donna Lee, Planning Solicitor, 01295 221586
donna.lee@cherwell-dc.gov.uk

7.3 Risk Implications

This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.

Comments checked by:
Celia Prado-Teeling, Interim Assistant Director – Customer Focus, 01295 221556
celia.prado-teeling@cherwell-dc.gov.uk

7.4 Equality & Diversity Implications

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:
Celia Prado-Teeling, Interim Assistant Director – Customer Focus, 01295 221556
celia.prado-teeling@cherwell-dc.gov.uk

7.5 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 2022-2023:

- Housing that meets your needs
- Supporting 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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