

**Case Officer:** Rebekah Morgan

**Applicant:** Defence Infrastructure Organisation

**Proposal:** Demolition of existing three storey single living accommodation block and erection of three storey single living accommodation block.

**Ward:** Launton and Otmoor

**Councillors:** Cllr Coton, Cllr Holland and Cllr Patrick

**Reason for Referral:** Major development

**Expiry Date:** 11 December 2022

**Committee Date:** 8 December 2022

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**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO APPROVE - SUBJECT TO ADDRESSING OUTSTANDING DRAINAGE QUERIES AND THE IMPOSITION OF CONDITIONS**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is situated within an existing MOD complex on the southeast side of Upper Arncott. The wider site is accessed via a private, security-controlled access road.
- 1.2. The existing building, which is the subject of this application, is a three storey accommodation block situated on the northern part of the site. The site is laid out with a central canteen/amenity building, 8 accommodation blocks and includes a large car park. There are other single storey buildings to the south of the application site which serve functional/operational purposes for the MOD. Further south there is also some large commercial/warehouse style buildings.
- 1.3. The ground levels rise from south to north across the site. The northern and eastern edges of the site are bounded by woodland.

**1. CONSTRAINTS**

- 2.1. The following constraints apply to the application site:
  - Identified as an area of potentially contaminated land
  - Within 2km of a Site of Scientific Interest (SSSI) – Arncott Bridge Meadow
  - Within 50m of a Local Wildlife Site/Ancient Woodland

**2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks consent to demolish an existing three storey accommodation block and replace it with a three storey accommodation block. The proposed building would measure approximately 62m x 14m with a height of 12.8m to the top of the parapet with the enclosure over the roof access stairs adding a further 1.6m.

- 3.2. The building would be located in a similar position to the existing building with a slightly increased footprint. The proposed block would accommodate 69 bedrooms (a net increase of 1 bed space) with a floor area of 2,400 m<sup>2</sup> (a net increase of 936 m<sup>2</sup>).
- 3.3. The building would be finished in red brick with brown timber cladding infill panels next to the windows. The windows frames and doors would be finished in a dark grey colour.

### **3. RELEVANT PLANNING HISTORY**

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

22/00938/SO: Screening Opinion Request for Environmental Impact Assessment Screening Opinion under Regulation 6(1) of The Planning (Environmental Impact Assessment) Regulations 2017.

Redevelopment of St George's Barracks Development on behalf of The Defence Infrastructure Organisation (DIO). The DIO is proposing to demolish the existing poor quality Block 5 accommodation and in its place construct a replacement Junior Ranks Single Living Accommodation (SLA) with 69 bed spaces.  
EIA not required.

11/00722/F

3 Storey Single Living Accommodation (SLA) building (BC1002) with associated service road and hard and soft landscaping.  
APPROVED

### **4. PRE-APPLICATION DISCUSSIONS**

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

**22/03992/PREAPP** – Demolition of existing three-storey single living accommodation block and erection of replacement three-storey single living accommodation block.

- 5.2. The pre-application advice accepted the principle of the development. The proposed design and scale of the building was also supported. The proposal as set out in the pre-application enquiry was not considered to have a detrimental impact on the visual amenity of the area, unduly affect residential amenity or compromise highway safety. It was suggested any application should be supported by an arboricultural impact assessment.

### **5. 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 **28 September 2022**.
- 6.2. No comments have been raised by third parties.

### **6. 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. ARNCOTT PARISH COUNCIL: No comments received

### CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** subject to conditions.

The proposals represent a significant increase in floorspace from 1,524m<sup>2</sup> to 2,504m<sup>2</sup>. However, the number of bed spaces increases only marginally from 68 to 69. This represents a negligible increase in activity at the site which will have no discernible impact on the external road network.

The submitted plans do not state what provisions, if any, will be made for car parking associated with the proposed new building. This information can be provided in discharge of a condition of planning permission.

It is not clear what provisions are to be made for cycle parking. Drawing No.Z9A8409Y20-HLM-11-00-DR-A-001110 (BUILDING 1, GA PLAN, GROUND FLOOR) shows a cycle store which has 14 partitions. The County's standards for new developments require one cycle parking space per bedroom for residential uses. Under these standards the proposals would therefore have to provide 69 cycle parking spaces. However, since this a barracks it is considered unlikely that each occupant would own a cycle and a lower level of provision would be acceptable. In this regard it is considered that the current proposed provision is too low and something between that and the required standard should be provided. This should be accompanied by a reasoned justification for the level of provision proposed. These aspects of cycle parking provision can be dealt with in discharge of a condition of planning permission.

- 7.4. LEAD LOCAL FLOOD AUTHORITY (LLFA): **Objection.** Additional technical information has been requested.

- 7.5. OCC ARCHAEOLOGY: The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

- 7.6. CDC ENVIRONMENTAL PROTECTION:

Noise: No comments

Contaminated Land: Having read the enclosed documents I am satisfied with the contents and its findings and have no further comments.

Air Quality: No comments

Odour: No comments

Light: No comments

- 7.7. CDC ECOLOGY OFFICER: With regard to the above application, appropriate ecological surveys have been carried out including activity survey for bats. Section 4.3 of the submitted Preliminary Ecological Appraisal should be conditioned to ensure protected species will not be impacted during construction. The proposed landscape plan looks likely to result in an overall net gain in biodiversity for the site if well managed and should be secured with an LEMP. This should also specify types of enhancements proposed integrated bat and bird boxes, hibernacula and planting to attract invertebrates.

- 7.8. CDC ARBORICULTURAL OFFICER: **No objections**, subject to conditions requiring the submission of an arboricultural method statement and submission of a re-planting plan.

## **7. 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
- 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

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- 8.3. Other Material Planning Considerations

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

## **8. 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
- Highway Safety
- Impact on trees
- Ecology impact
- Drainage
- Sustainability

### Principle of Development

- 9.2. The NPPF states '*The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs*'. Policy PSD1 of the CLP 2015 reflects this presumption in favour of sustainable development.
- 9.3. The application site is part of a MOD complex that includes operational development and provides accommodation for staff and training purposes. The complex operates as a small community with on-site facilities to meet the needs of personnel living on site. The proposed replacement accommodation is specifically designed for personnel that are based at the site with the majority of their day to day needs also met on the site.
- 9.4. The proposal would replace an existing accommodation block and results in a net increase of 1 bed space. The standard of accommodation in the existing block no longer meets the needs of occupiers and the building requires significant repairs/refurbishment to meet the required standard. The accommodation block is proposed as Use Class C2A (Secure Residential Institutions) to provide single living accommodation to be occupied by service personnel living on site.
- 9.5. Given the context of the wider MOD site with existing accommodation blocks of a similar type, the development is considered to be well located and represents sustainable development by providing the required onsite accommodation for service personnel.

### Design and impact on the character of the area

- 9.6. The existing accommodation blocks on the site are also three storeys in height with a functional, campus style appearance featuring red/brown brick finish and flat roofs.
- 9.7. The proposed building would be located in a similar position to the existing building, maintaining the uniform layout of the buildings on the site. The proposed materials reflect the existing buildings but introduce a slightly more modern design with the timber cladding features. Samples of the bricks are recommended to be conditioned to ensure they are of a similar appearance to the existing buildings which would help the new building blend in with the site.
- 9.8. The building would be higher than the existing block. The proposed building would be 12.8m high to the parapet wall with a further 1.6m to the top of the roof stairs enclosure; meaning overall the building would be 3.7m higher than the existing building, but the majority of the bulk form would be 2.6m taller than the existing building (when discounting the roof stairs enclosure). However, it would not feel overly prominent when viewed in the context of the building to the north which sits on higher ground due to the changes in the land levels.
- 9.9. Due to the location of the site, any longer distance views of the building would be viewed in the context of the surrounding site and therefore would not appear out of place. The site is not visible from the north or east due to the existing dense woodland.
- 9.10. Overall, the design is in keeping with the character of the site and would not have an adverse impact on visual amenity. The proposal is acceptable in this regard and complied with Policy ESD15 of the CLP 2015, saved Policy C28 of the CLP 1996 and Government guidance contained within the NPPF.

### Residential Amenity

- 9.11. The proposed accommodation block would be located within an existing MOD site. The replacement block would sit in a similar position to the existing block and would have a similar relationship with the other accommodation blocks on the site.
- 9.12. The existing arrangement of buildings on the site is considered an acceptable layout. There is sufficient distance maintained between the buildings to provide sufficient privacy and amenity for the occupiers of the rooms. As such, the proposal would not alter this relationship and is considered acceptable in terms of residential amenity.

### Highway Safety

- 9.13. The Local Highway Authority has raised no objection to the proposal for a new accommodation block. They state *'the proposals represent a significant increase in floorspace from 1,524m<sup>2</sup> to 2,504m<sup>2</sup>. However, the number of bed spaces increases only marginally from 68 to 69. This represents a negligible increase in activity at the site which will have no discernible impact on the external road network'*.
- 9.14. The consultation response has raised questions about car parking provision for the development and requested a condition to require those details. The whole of the wider site is within MOD control and parking provision is provided within a large centrally located car park. The agent has confirmed that this car park includes provision for the occupiers of the proposed accommodation block as is the case with the existing block. The roads within the site are private, therefore if there was an issue with overspill (which there currently is not) it would not impact on the highway network. A condition to identify the parking area is not therefore considered necessary. The site plans also show the provision of secure cycle storage adjacent to the building.
- 9.15. The proposal would not have a detrimental impact on highway safety and is considered to be acceptable in this regard.

### Impact on trees

- 9.16. The application is accompanied by an arboricultural report and an arboricultural impact assessment. Two trees have been identified to be removed as a result of the proposal. One of the trees is identified as Category C with the other tree falling into Category U.
- 9.17. The Category C tree is located within the footprint of the proposed building and would therefore need to be removed. The arboricultural impact assessment identifies the tree as low value and its removal is not considered to represent a significant arboricultural impact. The Category U tree is not considered to be suitable for retention. As part of the development the applicant proposes to mitigate the loss of the trees by planting 5 replacements.
- 9.18. The Council's Arboricultural Officer has raised no objection to the proposal. The comments state: *'The submitted tree survey and impact assessment is of a high standard and suitably demonstrates:*
- The proposal requires the facilitative removal of one, low quality category C tree. In addition, one category U tree is to be removed regardless of development.
  - The proposal offers minor RPA encroachment upon one category B tree, which can be mitigated through engineering solutions.

- The proposal offers greater RPA encroachment upon one category C tree, which can be mitigated as above, but holds greater chance of impacting the trees physiological condition.
- The proposal details a preliminary AMS demonstrating base measures which will be taken to retain trees during demolition and construction.
- The proposal details removal of two trees will be mitigated by planting five new trees

9.19. Conditions have been recommended requiring the submission of an arboricultural method statement and submission of a re-planting scheme. These have been included in the list of conditions.

9.20. On the basis of the advice received from the Council's Arboricultural Officer, the proposal is not considered to have a detrimental impact on trees and is acceptable in this regard.

#### Ecology Impact

9.21. 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.

9.22. 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.

9.23. 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.

9.24. 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.

9.25. 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.

9.26. The application is supported by a preliminary ecological appraisal and a bat survey report. The reports concluded that there was no evidence that the existing building or T5 (an existing tree proposed for removal) were used for roosting bats. The reports

include suggested mitigation measures and steps should protected species be discovered during the construction works.

- 9.27. Officers are satisfied, on the basis of the comments provided by 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 would continue to be met 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.

#### Drainage

- 9.28. The Local Lead Flood Authority (LLFA) has raised an objection on drainage grounds and requested details of the proposed drainage. The applicant submitted details information and the LLFA's latest response has highlight three remaining issues:

- Provide detailed drainage strategy
- Provide details and approval of an agreed point of surface water discharge
- Provide SuDS construction details

- 9.29. The applicant has responded and submitted the requested information; a re-consultation has been undertaken. If a response is received prior to the committee meeting, members will be provided with an update.

- 9.30. Given the context of the wider site being within the applicant's ownership, it is considered that the drainage issues would be able to be resolved with the submission of additional information. Therefore, the recommendation has been set out to reflect this position.

#### Sustainability

- 9.31. Policies ESD1-3 and ESD5 of the CLP 2015 require applicants to consider the impact of climate change and sustainability measures when designing new development.

- 9.32. The proposal includes the provision of solar panels, located unobtrusively on the roof behind the parapet wall. The planning statement advises that the accommodation block would exceed current Near Zero Carbon Building Standards and would meet DREAM (Defence Related Environmental Assessment Methodology) 'Excellent' Standard. DREAM assessments cover a range of issues including sustainable construction, water efficiency and energy measures.

- 9.33. The applicant states that solar panels will be included on the roof of the development. It is not demonstrated that the applicant is maximising the use of solar panels, but they do form an integral part of the DREAM assessment along with a package of sustainability measures. A condition is included to ensure the development is required to meet the DREAM 'excellent' standard as stated in the application.

- 9.34. As such, the design of the building is considered to represent sustainable construction and therefore complies with Policies ESD1-3 and 5 of the CLP 2015.

### **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 9 of this report, and so is considered to be sustainable development that meets the specific needs of the future occupiers of the development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.



## 11. RECOMMENDATION

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:**

- i. **THE RESOLUTION OF DRAINAGE MATTERS OR THE IDENTIFICATION OF A SUITABLE CONDITION TO ADDRESS THE ISSUES; AND**
- ii. **SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

### CONDITIONS

#### **Time Limit**

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

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

#### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
  - Application Form
  - Planning Statement
  - Drawing number Z9A8409 Y20 -HLM -00 -00 -DR - A -000001 Rev P03 – [Site Location Plan]
  - Drawing number Z9A8409Y20-HLM-10-00-DR-A-00010 Rev P01 – [Proposed Site Block Plan]
  - Drawing number Z9A8409Y20-HLM-11-00-DR-A-001110 Rev P07 – [Proposed Ground Floor Plan]
  - Drawing number Z9A8409Y20-HLM-11-01-DR-A-001111 Rev P07 – [Proposed First Floor Plan]
  - Drawing number Z9A8409Y20-HLM-11-02-DR-A-001112 Rev P07 – [Proposed Second Floor Plan]
  - Drawing number Z9A8409 Y20 -HLM -11 -03 -DR - A -001113 Rev P07 – [Proposed Roof Plan]
  - Drawing number Z9A8409Y20-HLM-10-00-DR-A-000103 Rev P06 – [Proposed Landscape Plan]
  - Drawing number Z9A8409Y20-HLM-11-XX-DRA-003110 Rev P06 – [Proposed Elevations]
  - Drawing number SLA-HLM-XX-ZZ-DR-A-00250 Rev P04 – [Typical Strip Section]
  - Drawing number Z9A8409Y20-HLM-11-XX-DR-A-002110 Rev P05 – [Sections]

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 premises shall be used only for the purpose of service personnel living accommodation and for no other purpose whatsoever, including any other purpose in Class C2A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order.

Reason: This consent is only granted in view of the special circumstances and needs of the applicant.

4. A schedule of materials and finishes to be used in the external walls and roof(s) of the building(s) 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. The building hereby permitted shall be constructed to DREAM excellent standard. Written confirmation, from a suitably qualified person, that the building has been constructed to DREAM excellent shall be provided to the local planning authority prior to the first occupation of the building.

Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] [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.

7. Prior to commencement of the development, an arboricultural method statement (in line with BS58737:2012) setting out protective measures and working practices to ensure the protection of any retained tree, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved arboricultural method statement.

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

8. Prior to commencement of any works to the trees on the site, full details of replacement tree planting, including number, location, species and size at time of planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the replacement tree(s) shall be planted in the first planting season (mid November to end of March) following the removal of the tree(s) for which consent has been granted and any tree which, within a period of five years from being planted dies, is removed or becomes seriously damaged or diseased, shall be replaced in the

current/next planting season in accordance with the approved details and the wording of this condition.

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

9. The development hereby permitted shall be carried out in accordance with the recommendations set out in Preliminary Ecological Appraisal Report by Arcadis dated November 2021 and the Bat Survey Report by Arcadis dated July 2022 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.

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

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

11. Prior to the first use or occupation of the building hereby permitted, secure cycle parking facilities shall be provided in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the secure cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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