

**Committee:** Planning Committee  
**Date:** Thursday 24 March 2011  
**Time:** 4.00 pm  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

### **Membership**

<b>Councillor Fred Blackwell (Chairman)</b>	<b>Councillor Rose Stratford (Vice-Chairman)</b>
<b>Councillor Ken Attack</b>	<b>Councillor Maurice Billington</b>
<b>Councillor Colin Clarke</b>	<b>Councillor Nick Cotter</b>
<b>Councillor Mrs Diana Edwards</b>	<b>Councillor Mrs Catherine Fulljames</b>
<b>Councillor Michael Gibbard</b>	<b>Councillor Chris Heath</b>
<b>Councillor Alastair Milne Home</b>	<b>Councillor James Macnamara</b>
<b>Councillor D M Pickford</b>	<b>Councillor G A Reynolds</b>
<b>Councillor Leslie F Sibley</b>	<b>Councillor Chris Smithson</b>
<b>Councillor Trevor Stevens</b>	<b>Councillor Lawrie Stratford</b>

### **Substitutes**

<b>Councillor Luke Annaly</b>	<b>Councillor Norman Bolster</b>
<b>Councillor Tim Emptage</b>	<b>Councillor Andrew Fulljames</b>
<b>Councillor Timothy Hallchurch MBE</b>	<b>Councillor David Hughes</b>
<b>Councillor Russell Hurle</b>	<b>Councillor Kieron Mallon</b>
<b>Councillor P A O'Sullivan</b>	<b>Councillor George Parish</b>
<b>Councillor Nicholas Turner</b>	<b>Councillor Barry Wood</b>

## **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. Petitions and Requests to Address the Meeting**

The Chairman to report on any requests to submit petitions or to address the meeting.

### **4. Urgent Business**

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

### **5. Minutes (Pages 1 - 18)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 24 February 2011.

## **Planning Applications**

- |     |  |                        |
|-----|--|------------------------|
| 6.  | <b>Land south west of Bicester adjoining Oxford Road and Middleton Stoney Road, Bicester (Pages 21 - 37)</b> | <b>10/01381/OUT</b>    |
| 7.  | <b>Formerly SAPA Profiles UK, Southam Road, Banbury (Pages 38 - 69)</b>                                      | <b>10/01575/OUT</b>    |
| 8.  | <b>Heyford Park, Camp Road, Upper Heyford (Pages 70 - 165)</b>   | <b>10/01642/OUT</b>    |
| 9.  | <b>Bicester Eco Town Exemplar Site, Caversfield, Oxfordshire (Pages 166 - 224)</b>                           | <b>10/01780/HYBRID</b> |
| 10. | <b>Land east of Dorcas Road adjoining and south of Overthorpe Road, Banbury (Pages 225 - 229)</b>            | <b>10/01816/HYBRID</b> |
| 11. | <b>Land to the Rear of The Coach House, Queens Avenue, Bicester (Pages 230 - 240)</b>                        | <b>10/01856/F</b>      |
| 12. | <b>Old Bodicote House, White Post Road, Bodicote (Pages 241 - 245)</b>                                       | <b>10/01867/LB</b>     |
| 13. | <b>Old Bodicote House, White Post Road, Bodicote (Pages 246 - 251)</b>                                       | <b>11/00149/CDC</b>    |
| 14. | <b>Penrose House, 67 Hightown Road, Banbury (Pages 252 - 271)</b>  | <b>10/01877/F</b>      |
| 15. | <b>North Car Park, Castle St, Banbury (Pages 272 - 279)</b>  | <b>11/00057/F</b>      |
| 16. | <b>Calvert Landfill Site, Brackley Lane, Calvert, Oxfordshire (Pages 280 - 282)</b>                          | <b>11/00284/ADJ</b>    |

## **Review and Monitoring Reports**

### **17. Decisions Subject to Various Requirements (Pages 283 - 285)**

Report of Strategic Director Planning, Housing and Economy

#### **Summary**

This report aims to keep members informed upon applications which they have authorised decisions upon to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

#### **Recommendation**

The Planning Committee meeting is recommended to:

- (1) Accept the position statement.

### **18. Appeals Progress Report (Pages 286 - 289)**

Report of the Strategic Director Planning, Housing and Economy

#### **Summary**

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged, Public Inquiries/hearings scheduled or appeal results achieved.

#### **Recommendation**

The Planning Committee is recommended to:

- (1) Accept the position statement.

**Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.**

## **Information about this Meeting**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk) or (01295) 221554 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. The definition of personal and prejudicial interests is set out in the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

**Personal Interest:** Members must declare the interest but may stay in the room, debate and vote on the issue.

**Prejudicial Interest:** Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

### **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 Michael Sands, Legal and Democratic Services michael.sands@cherwell-dc.gov.uk (01295) 221554

**Ian Davies**  
**Interim Chief Executive**

Published on Wednesday 16 March 2011

# Agenda Item 5

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 24 February 2011 at 4.00 pm

Present: Councillor Rose Stratford (Vice-Chairman)

Councillor Ken Atack  
Councillor Colin Clarke  
Councillor Mrs Diana Edwards  
Councillor Chris Heath  
Councillor Alastair Milne Home  
Councillor James Macnamara  
Councillor D M Pickford  
Councillor G A Reynolds  
Councillor Leslie F Sibley  
Councillor Chris Smithson  
Councillor Trevor Stevens  
Councillor Lawrie Stratford

Substitute Members: Councillor Russell Hurle (In place of Councillor Mrs Catherine Fulljames)  
Councillor Barry Wood (In place of Councillor Michael Gibbard)

Apologies for absence: Councillor Fred Blackwell  
Councillor Maurice Billington  
Councillor Nick Cotter  
Councillor Mrs Catherine Fulljames  
Councillor Michael Gibbard

Officers: Bob Duxbury, Development Control Team Leader  
Jane Dunkin, Senior Planning Officer  
Ross Chambers, Solicitor  
Michael Sands, Democratic and Scrutiny Officer

#### 144 **Declarations of Interest**

Members declared interest with regard to the following agenda items:

#### **6. Tuthill Park, Wardington.**

Councillor Ken Atack, Personal, as the applicant was known to him.

**7. Land east of Dorcas Road adjoining and south of Overthorpe Road, Banbury.**

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council.

Councillor Chris Smithson, Personal, as a Member of Banbury Town Council.

Councillor Colin Clarke, Personal, as a Member of Banbury Town Council.

**8. Land South of Overthorpe Road and West of M40, Banbury.**

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council.

Councillor Chris Smithson, Personal, as a Member of Banbury Town Council.

Councillor Colin Clarke, Personal, as a Member of Banbury Town Council.

**10. Land to the Rear of The Coach House, Queens Avenue, Bicester.**

Councillor D M Pickford, Personal, as a Member of Bicester Town Council.

Councillor Lawrie Stratford, Personal, as a Member of Bicester Town Council.

Councillor Leslie F Sibley, Personal, as a Member of Bicester Town Council.

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council.

**11. 81 Bloxham Road, Banbury.**

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council.

Councillor Chris Smithson, Personal, as a Member of Banbury Town Council.

Councillor Colin Clarke, Personal, as a Member of Banbury Town Council.

**13. Land South of 85 East Street, East Street, Fritwell, Oxfordshire.**

Councillor James Macnamara, Prejudicial, as he had been involved previously with the application.

**14. Blue Gates, Banbury Road, Bicester.**

Councillor D M Pickford, Personal, as a Member of Bicester Town Council.

Councillor Lawrie Stratford, Personal, as a Member of Bicester Town Council.

Councillor Leslie F Sibley, Personal, as a Member of Bicester Town Council.

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council.

145 **Petitions and Requests to Address the Meeting**

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

146 **Urgent Business**

There was no urgent business.

147 **Minutes**

The Minutes of the meeting held on 27 January 2011 were agreed as a correct record and signed by the Chairman.

148 **Tuthill Park, Wardington**

The Committee considered a report for the demolition of the existing greenhouse stores and construction of a new workshop and ancillary office/administration accommodation, the refurbishment of the existing industrial buildings and construction of administration/research and development block and the upgrading and reshaping of the existing hard standings to form car parking areas.

The Committee considered the possible benefits to the local economy in terms of employment. Members also discussed impact on traffic volume and parking provision at the site.

In reaching their decision the Committee considered the Officers report, presentation and written update.

**Resolved**

That application 10/01814/F be approved subject to the following conditions:

- 1) That 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.
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with drawing nos. 4170.100, 101, 102, 103, 104 and 105.
- 3) That the external walls and roof(s) of the development shall be constructed in accordance with a schedule and samples of materials and finishes which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.

- 4) That the buildings and structures to be demolished on the site at the date of this permission shall be demolished and the debris and materials removed from the site before the proposed buildings hereby approved are first occupied.
- 5) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site 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,
  - b. details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - c. details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- 6) That 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; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- 7) No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
  - i. a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
  - ii. the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.

- iii. a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
  - iv. written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
  - v. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
  - vi. the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
  - vii. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
  - viii. the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
  - ix. the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
  - x. the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- 8) That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

- 9) 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.
- 10) That this permission shall enure for the benefit of Francis Tuthill Limited and Omlet Ltd only and of no other persons/company whatsoever, and shall not enure for the benefit of the land.
- 11) That the operational use of the premises shall be restricted to the following times:-
  - i. Monday-Friday - 8.00 a.m. to 6.00 p.m.
  - ii. Saturday - 8.30 a.m. to 5.00 p.m.
  - iii. Sunday and Public Holidays - No time.
- 12) That no goods or materials shall be stored at a height greater than 3 metres on the site.
- 13) That with the exception of ancillary vehicle part sales operated by Francis Tuthill Ltd, no retail sales shall be made to the general public direct by Omlet Ltd, from the site and business premises.
- 14) That full design and position details of any external lighting shall be submitted to and approved in writing the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with those details so approved.
- 15) That within 4 months of the development hereby approved being first occupied, all existing external storage containers and the existing paint store building positioned on the north elevation of the existing Francis Tuthill building shall be removed from the site.

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**Land east of Dorcas Road adjoining and south of Overthorpe Road, Banbury**

The Committee considered a report for a hybrid application for employment generating development consisting of two buildings to be used for B2 and/or B8 uses.

The Committee considered the potential benefits that the proposed development could have on the local economy in terms of employment. Members expressed concern regarding the parking provision at the site and the impact on traffic volume.

In reaching their decision the Committee considered the Officers report, presentation and written update.

**Resolved**

That application 10/01816/HYBRID be approved subject to the following:

- (i) Applicant entering into Section 106 Agreement with the County Council to secure contributions towards the transport network and the implementation and monitoring of the Travel Plan
- (ii) Departure procedures;

The following conditions:

- 1) That in the case of unit 2 and associated curtilage, development shall be begun not later than the expiration of three years beginning with the date of this permission
- 2) That in the case of unit 1 and associated curtilage no development shall be commenced until full details of the external appearance (hereafter referred to as the reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
- 3) That in the case of the reserved matters for unit 1 and associated curtilage, application for approval shall be made not later than the expiration of three years beginning with the date of this permission
- 4) That in the case of unit 1 and associated curtilage development shall be begun not later than the expiration of two years from the final approval of the reserved matters.
- 5) That except for the external appearance of unit 1 and unless otherwise required via condition, the development hereby approved shall be carried out strictly in accordance with: Application Forms, Design and Access Statement Revision A dated January 2011, Flood Risk Assessment S1154 dated November 2010, Aspect Ecology Ecological Assessment dated November 2010 and the following drawings numbered: AP(0)010, AP(0)024, AP(0)027, AP(0)028, AP(0)029, AP(0)030, AP(0)031, AP(0)034, AP(0)035, S1154-01B, S1154-06, S1154-07A, S1154-08A, S1154-09A, S1154-10A and 100485E100TDv1 received with the application on 06/12/10 and amended drawings numbered AP(0)011 Rev A, AP(0)012 Rev A, AP(0)013 Rev A, AP(0)014 Rev A, AP(0)015 Rev A, AP(0)016 Rev A, AP(0)020 Rev A, AP(0)021 Rev A, AP(0)022 Rev A, AP(0)023 Rev A, AP(0)025 Rev A, AP(0)026 Rev A, AP(0)032 Rev A received 21/01/11.
- 6) That following the first occupation of each unit, all planting, seeding and turfing comprised in the approved details of landscaping relating to the curtilage of each building shall be carried out in the first planting and seeding seasons.
- 7) That prior to the first occupation of unit 2 a management plan for the landscaping scheme for the whole site, shall be submitted to and agreed in writing by the Local Planning Authority. The management

plan shall be carried out strictly in accordance with the approved details and timescale.

- 8) That prior to the installation of any part of any enclosure required in relation to unit 1, full details of the proposed enclosures shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be erected on site in accordance with the approved details.
- 9) That prior to the first occupation of each of the buildings hereby approved car parking provision shall be provided in accordance with the approved plans and shall be retained for the parking of vehicles at all times thereafter.
- 10) Prior to the commencement of the development hereby permitted, a detailed method statement to outline the proposed arrangements to ensure that access is maintained to adjacent industrial developments, farmland to the south and public footpaths during construction, including temporary access arrangements to the site during construction and details of wheel washing or road sweeping arrangements during construction, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and carried out in accordance with the approved method statement.
- 11) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA S1154) produced by Bailey Johnson Hayes Consulting Engineers, dated November 2010 and the following mitigation measures detailed within the FRA:
  - a. The surface water drainage system shall be designed to safely manage storm events up to and including the 1 in 100 year event with and allowance for climate change, in accordance with Sections 4 and 6 of the FRA.
  - b. During the design event, surface water discharge rates shall not exceed 19 l/sec from unit 1 and 25 l/sec from unit 2, in accordance with Section 3 of the FRA.
  - c. The surface water drainage system shall include swales.
- 12) That prior to the first use or occupation of the buildings hereby approved, each building and all items of mechanical plant and equipment including compressor motors and fans, within or associated with that building, shall be acoustically enclosed or insulated in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed and operated at all times in accordance with the approved acoustic enclosure/insulation scheme.

- 13) That in the case of both buildings, except where provision for outside storage is shown on the approved plans, no outside storage shall take place
- 14) The development hereby permitted shall be constructed to at least a BREEAM good standard.

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**Land South of Overthorpe Road and West of M40, Banbury**

The Committee considered a report for an outline application for employment generating development consisting of two buildings to be used for B1c/B2 and B8 with ancillary office accommodation.

The Committee expressed concern regarding the relief road contained within the site. Members also discussed parking arrangements and the importance of retaining the ditch.

In reaching their decision the Committee considered the Officers report, presentation and written update.

**Resolved**

That application 10/01823/OUT be approved subject to:

- (iii) Applicant entering into Section 106 Agreement with the County Council to secure contributions towards the transport network and the implementation and monitoring of the Travel Plan
- (iv) Departure procedures;

The following conditions:

- 1) SC 1.0a Outline: Approval of Reserved Matters Details (RC1).
- 2) SC 1.1 Outline: Expiry of Application for Reserved Matters (RC1).
- 3) SC 1.2 Outline duration limit (RC1).
- 4) SC 3.0a Submit Landscaping Scheme (RC10a).
- 5) SC 3.1a Carry Out Landscaping Scheme and Replacements (RC10a).
- 6) That the existing line of trees on the eastern side for the site shall be retained in its entirety apart from any poor tree specimens identified to be removed in accordance with the landscaping scheme to be submitted and approved. Furthermore, the existing line of trees shall be reinforced by new tree planting, details of which shall be set out in the landscaping scheme under condition 4 (RC10a).
- 7) That full details of all service trenches, pipe runs or drains and any

other excavation, earth movement, or mounding required in connection with the development hereby permitted shall be submitted to an approved in writing by the Local Planning Authority prior to such works being commenced. The development shall be carried out in accordance with the details so approved (RC59a).

- 8) Prior to the commencement of the development hereby permitted, a detailed method statement to outline the proposed arrangements to ensure that access is maintained to adjacent industrial developments, farmland to the south and public footpaths during construction, including temporary access arrangements to the site during construction and details of wheel washing or road sweeping arrangements during construction, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and carried out in accordance with the approved method statement.
- 9) 9. SC 4.21aa Surface Water and Sewerage Disposal (RC19a) delete 'the surface water and'
- 10) SC 2.10a Floor Levels (RC7a)
- 11) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref: CS/044664/Rev A produced by Capita Symonds, dated 10 November 2010 and the following mitigation measures detailed within the FRA:
  - Surface water discharge rates shall not exceed greenfield runoff rates, as described in Section 4.2 of the FRA and detailed in Table 3 of the FRA.
  - The surface water drainage system shall be designed to safely manage storm events up to and including the 1 in 100 year event with an allowance for climate change in accordance with Section 4.2 of the FRA.
  - The surface water drainage system shall include porous paving, ponds and filter drains as detailed in Section 4.11 of the FRA and in drawing CS/044664/FRA/006 Rev C.
- 12) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, together with details of how the scheme shall be maintained and managed after completion, 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.
- 13) Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried

out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

- 14) If a potential risk from contamination is identified as a result of the work carried out under condition 14, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
- 15) If contamination is found by undertaking the work carried out under condition 15, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
- 16) If remedial works have been identified in condition 16, the remedial works shall be carried out in accordance with the scheme approved under condition 16. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.
- 17) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 18) SC9.12a (RC93aa) 'good'
- 19) That the development hereby approved shall be carried out strictly in accordance with the submitted Ecological Mitigation and Enhancement Plan which specifically refers to mitigation in relation to

nesting birds, reptiles, water voles and bats, together with habitat enhancement and habitat creation relating to bird, invertebrate, reptile and amphibian habitats, ditches and ponds.

- 20) That prior to the commencement of the development and regardless of whether badgers have been recorded on the site or not, a working plan which takes account of movement of, and access by, badgers during the implementation of the development shall be submitted to and approved in writing by the Local Planning Authority, the movement and access plan shall be implemented and maintained on site throughout the whole of the development process.
- 21) Prior to the first occupation of any part of the development hereby approved, an access programme for the long term movement of badgers into and through the site (using appropriate corridors and boundary hedging) for foraging shall be submitted to and approved in writing by the Local Planning Authority and the access programme shall be introduced on site in accordance with the approved details.
- 22) Prior to the commencement of development a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas including ponds, hedgerows, trees and green spaces, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.
- 23) The existing ditch systems shall be restored for effective conveyance of the attenuated flows and maintained as such thereafter. Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure that the water drainage scheme offers wider environmental enhancements in accordance with PPS25 and Policy NRM5 of the South East Plan.
- 24) That the premises shall be used only for purposes falling within Class B1c/B2 and B8 specified in the schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever and that no more that 8,500sqm of the buildings shall be used for B8 purposes.
- 25) Prior to the installation of any external lighting on the site, full design details, including height of columns/lanterns, luminance levels, lantern geometry and type of lighting unit, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 26) That the height of the buildings hereby approved shall not exceed 14m in height (RC7a)

151 **7 Colesbourne Road, Bloxham**

The Committee considered a report for a two storey side and rear extension.

The Committee were satisfied with the evidence presented.

In reaching their decision the Committee considered the Officers report and presentation.

**Resolved**

That, subject to the expiration of the neighbour consultation period on 25 February 2011, and the delegation of the authority to issue the permission to the Strategic Director Planning Housing and Economy, application 10/01824/F be approved, subject to following conditions:

- 1) 1.4A - Full Permission: Duration Limit (3 years) (RC2)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the schedule of materials and approved plans numbered 1, 3, 5, 7 and 9, floor and elevation plan and block plan.
- 3) 2.6AA – Materials to match (RC5AA)

152 **Land to the Rear of The Coach House, Queens Avenue, Bicester**

The Committee considered a report for one dwelling (resubmission of application 10/00784/F).

Councillor Miss Pickford requested that application 10/01856/F be deferred in order for a site visit to take place.

In reaching their decision the Committee considered the Officers report, presentation and written update.

**Resolved**

That application 10/01856/F be deferred to enable Members to hold a formal site visit on 24th March 2011.

153 **81 Bloxham Road, Banbury**

The Committee considered a report for a two storey and single storey rear extension.

The Committee considered the height of the proposed extension.

In reaching their decision the Committee considered the Officers report and presentation.

**Resolved**

That application 10/01859/F be approved subject to:

- i) The expiration of the consultation period

The following conditions:

- 1) SC1.4A (RC2) Duration limit
- 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:
  - Plan no. BWC2010/GB/81BRB (amended plan rec. 07/02/11)
  - Site and block plan (amended plan rec. 08/02/11)
- 3) SC 2.6AA (RC5AA) Materials to match existing
- 4) That the first floor windows in the south elevation shall be glazed at all times with obscure glass. (RC6A)

154

**Land Adjacent Radwell Grounds, Duns Tew Road, Hempton**

The Committee considered a report for a corn store.

The Committee considered the issue of noise pollution and dust. Members also considered the possible impact on traffic movement.

In reaching their decision the Committee considered the Officers report, presentation and written update.

**Resolved**

That application 10/01879/F be approved subject to the following conditions:

- 1) That 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.
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the schedule of materials and approved plans numbered 2176/02 received 20/12/2010 and 2176/04 received on the 27/01/2011 and the site location plan .
- 3) The steel cladding shall be in accordance with the sample panel, Corus Colorcoat HPS200 Ultra Juniper Green submitted on the 20/12/2010.
- 4) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site 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,
  - b. details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - c. details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- 5) That 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; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- 6) The rated level of noise emitted from grain drying equipment permitted by this approval shall not exceed background noise levels when measured in accordance with British Standard BS 4142:1997' Method for rating industrial noise affecting mixed residential and industrial areas' at nearby dwellings.
- 7) That the method of mechanical ventilation and dust control of the proposed corn store shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be installed before the buildings hereby approved are first brought into use and operated in accordance with the approved details at all times thereafter.

155

**Land South of 85 East Street, East Street, Fritwell, Oxfordshire**

The Committee considered a report for the erection of a detached four bedroom house, garage and workshop, disabled WC, allotments, pond and landscaping (resubmission of application 10/00677/F).

Councillor Macnamara spoke in favour of the application as Ward Member.

Mr Clive Shepherd spoke in favour of the application.

Mr Robert Thurlow spoke in favour of the application as the applicant.

The Committee considered the location of the property in relation to the village boundary and also discussed the size of the proposed development.

In reaching their decision the Committee considered the Officers report and presentation.

**Resolved**

That application 11/00028/F be refused on the following grounds:

- 1) The proposal represents an extension of the built up limits of the village into the open countryside, detracting from its rural character and visual amenities of the street scene thereby failing to conserve the heritage asset of the Fritwell Conservation Area and historic buildings in proximity contrary to government guidance in PPS5 – Planning for the Historic Environment, PPS7 – Sustainable Development in Rural Areas and Policies CC6, C4, BE6 of the South East Plan 2009 and Policies C7, C8, H13 and H18 of the adopted Cherwell Local Plan.
- 2) The proposed dwelling is incongruous in its setting as its design is incompatible with the appearance, layout, scale and density of existing dwellings in the vicinity detracting from the character of the area and failing to respect the historic settlement pattern contrary to Government Guidance in PPS1 – Delivering Sustainable Development, PPS3 – Housing, PPS5 – Planning for the Historic Environment and Policies CC6, BE1 and BE6 of the South East Plan 2009 and Policies C27, C28 and C30 of the adopted Cherwell Local Plan.

156

**Blue Gates, Banbury Road, Bicester**

The Committee considered a report for the erection of four three bed semi-detached dwellings and four four bed detached dwellings with vehicular access to Banbury Road and individual accesses to Taylor Close.

The Committee were satisfied with the evidence presented.

In reaching their decision the Committee considered the Officers report, presentation and written update.

**Resolved**

That application 11/00093/F be approved subject to:

- i) The expiration of the 21 day consultation period

The following conditions:

- 1) SC 1.4A (RC2) [Time limit]
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing no's P01, P02, P03, P04 and P05.

- 3) SC 2.0A (RC4A) 'dwellings and garages' [Materials and finishes]
- 4) SC 3.0A (RC10A) [Submit landscaping]
- 5) SC 3.1A (RC10A) [Carry out landscaping]
- 6) SC 3.4AA (RC11A) 'west' '2.5m' [Retain tree/hedgerow]
- 7) SC 3.7AA (RC12AA) [Boundary enclosure details]
- 8) SC 4.3AA (RC13BB) (Banbury Road) [Access details for approval]
- 9) SC 4.8AA (RC13BB) 'Banbury Road' 'full faced kerb, reinstatement of path and verge' [Close existing access]
- 10) That prior to the commencement of the development, the proposed means of access to the dwellings fronting Taylor Close, between the land and the highway, shall be formed, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification. '3 metres' (RC13BB)
- 11) That before the development is first occupied, in relation to plot 3, a turning area and three car parking spaces shall be provided within the curtilage of the site so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, and as such the turning area and parking spaces shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The turning area and car parking spaces shall be retained for the parking and manoeuvring of vehicles at all times thereafter. (RC15AA)
- 12) SC 4.13CD (RC13BB) [Parking and manoeuvring area retained]
- 13) SC 6.1AA (RC30) [Open fronts]
- 14) SC 6.2AA (RC32A) [No extensions]
- 15) SC 6.6AB (RC35AA) [No garage conversion]

157

**Variation of obligation which restricts the use of the accommodation ancillary to Buzzard Farm House, Chapel Lane, Little Bourton**

The Committee considered a report of the Strategic Director, Planning, Housing and Economy which sought the variation by agreement of S106 planning obligations relating to Buzzard Farm House, Chapel Lane, Little Bourton.

In reaching their decision the Committee considered the Officers report and presentation.

**Resolved**

That the variation of S106 planning obligations as set out in the report be allowed.

158 **Tree Preservation Order No. 10/2010 Yew tree at St Peters Church, South Newington**

The Committee considered a report of the Strategic Director Planning, Housing and Economy which sought the confirmation of an unopposed Tree Preservation Order relating to a Yew tree at St. Peters Church, South Newington.

**Resolved**

That Tree Preservation Order No.10/2010 be confirmed without modification.

159 **Decisions Subject to Various Requirements**

The Committee considered a report which updated Members on decisions which were subject to various requirements.

**Resolved**

That the position statement be accepted.

160 **Appeals Progress Report**

The Committee considered a report which updated Members on applications where new appeals had been lodged, public inquiries/hearings scheduled or appeal results received.

**Resolved**

That the position statement be noted.

The meeting ended at 6:20 pm

Chairman:

Date:

### PLANNING COMMITTEE

24 March 2011

#### 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.

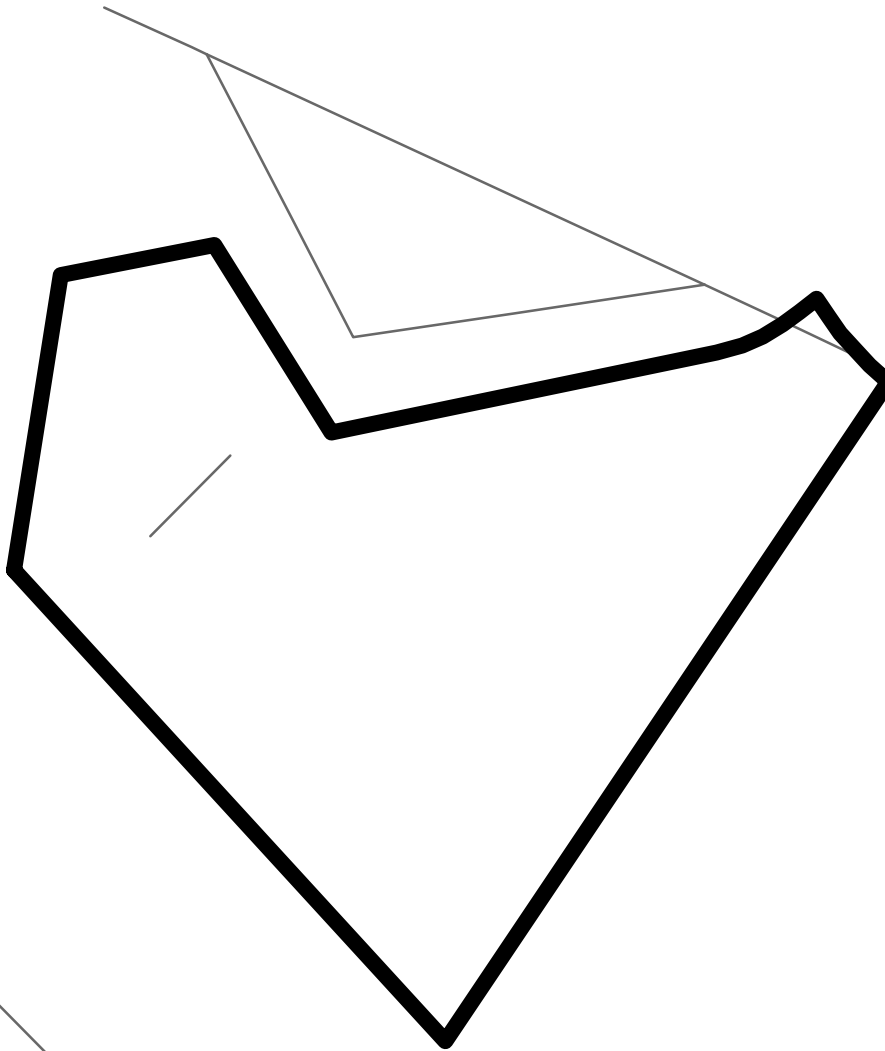
#### **Background Papers**

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.

## Applications

	<b>Site</b>	<b>Application No.</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
6	Land south west of Bicester adjoining Oxford Road and Middleton Stoney Road, Bicester	10/01381/OUT	Ambrosden and Chesterton	Approval	Linda Griffiths
7	Formerly SAPA Profiles UK, Southam Road, Banbury	10/01575/OUT	Banbury Grimsbury and Castle	Approval	Linda Griffiths
8	Heyford Park, Camp Road, Upper Heyford	10/01642/OUT	The Astons & Heyford	Approval	Andrew Lewis
9	Bicester Eco Town Exemplar Site, Caversfield, Oxfordshire	10/01780/HYBRID	Caversfield	That the report be noted	Jenny Barker
10	Land east of Dorcas Road adjoining and south of Overthorpe Road, Banbury	10/01816/HYBRID	Banbury Grimsbury and Castle	Approval	Jane Dunkin
11	Land to the Rear of The Coach House, Queens Avenue, Bicester	10/01856/F	Bicester Town	Approval	Rebecca Horley
12	Old Bodicote House, White Post Road, Bodicote	10/01867/LB	Bloxham & Bodicote	Approval	Simon Dean
13	Old Bodicote House, White Post Road, Bodicote	11/00149/CDC	Bloxham & Bodicote	Approval	Simon Dean
14	Penrose House, 67 Hightown Road, Banbury	10/01877/F	Banbury Calthorpe	Approval	Simon Dean
15	North Car Park, Castle St, Banbury	11/00057/F	Banbury Grimsbury and Castle	Approval	Simon Dean
16	Calvert Landfill Site, Brackley Lane, Calvert, Oxfordshire	11/00284/ADJ	Outside the Cherwell District	That no objection be raised	Gemma Dixon

# 10/01381/OUT



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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

10/01381/OUT



Chesterton

**Scale**  
**1:10,000**

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application No:</b> 10/01381/OUT	<b>Ward: Ambrosden and Chesterton</b>	<b>Date Valid: 21/09/10</b>
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<b>Applicant:</b>	Countryside Properties (Bicester) Ltd
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<b>Site Address:</b>	Land south west of Bicester adjoining Oxford Road and Middleton Stoney Road, Bicester
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**Proposal:** Outline – Construction of up to 46 dwellings with associated amenity space, car parking, access roads and public open space.

## 1. Site Description and Proposal

- 1.1 The application site comprises 1.4ha within the wider 116ha S.W. Bicester development site which was granted consent for mixed use development including 1585 houses in 2008 under application number 06/00967/OUT. The site is roughly triangular in shape and comprises undeveloped agricultural land, although it has not been used for such purposes for some time.
- 1.2 The site is approximately 0.3km from the current southern boundary of Bicester, which is defined by Middleton Stoney Road. The village of Chesterton lies approximately 0.8km to the south west of the site. A triangular copse just to the north will be retained. The site is flat and there are no trees or any other features within the site itself. The buildings of Whitelands Farm lie immediately to the south.
- 1.3 The site will be accessed via the new internal main principle spine road. This site was originally allocated within the larger S.W. Bicester development as a reserve school site for a second primary school should it be required. This application therefore now seeks consent for the site to be developed for residential purposes and illustrative schemes submitted with the application identify that it can accommodate up to 46 units. Reserved matter applications have been approved for the initial infrastructure proposals to enable development to commence on the wider S.W. Bicester site. The drainage has been installed and the first section of the spine road is currently under construction.

## 2. Application Publicity

- 2.1 The application was advertised by way of site notices, a notice in the local press and neighbour notification letters. As a result of the above publicity, 1 letter of objection has been received from a resident in Tubbs Close whose concerns relate to increased pollution levels including traffic, noise, light, domestic vermin and crime and loss of panoramic views over the English countryside, and fails to understand why the already plentifully concreted land at RAF Bicester has to be preserved intact in glorification of war while the country itself and all that it symbolised has to be sacrificed to developers, in mockery of those who lost their lives in its defence.

## 3. Consultations

- 3.1 Chesterton Parish Council raise no objections

- 3.2 Bicester Town Council has no objections.
- 3.3 Highways Authority raise no objections and considers that the Traffic Assessment as submitted which demonstrates that the expected minor increase in traffic movements is unlikely to have adverse effects upon the operation of local junctions is reasonable.

The layout should accord with the standards within the approved Design Code and a tracking plan will need to demonstrate that refuse vehicles can turn within the site. A financial contribution towards the Bicester Transport Strategy will be required, as too will a contribution towards rail upgrade.

A number of conditions are recommended should planning consent be forthcoming.

- 3.4 Thames Water advise in respect of surface water drainage that the developer must ensure that proper provision is made for drainage to ground water courses or a suitable sewer, and recommends an informative be attached advising that Thames Water will aim to provide customers regarding water pressure etc. This proposal is acceptable on the condition that this site is connected with proposals for the adjacent Whitelands Farm development. No surface water systems to be adopted by Thames Water. Any on site foul sewers required for adoption will require specific agreement with Thames Water Development Services.
- 3.5 Environment Agency has no objections, but recommends a number of conditions.
- 3.6 Oxfordshire County Council – Developer Funding seek see 106 Contributions in relation to infrastructure requirements for schools, education, Library, Day Resource Centre for the elderly, strategic waste, museum, adult learning, fire and rescue together with an administration fee.
- 3.7 Cherwell District Council – a number of internal consultees have requested Section 106 contributions for infrastructure provision Sec 106 requirements include informal open space provision, LAP provision, 30% affordable housing, i.e. 13 units and public art.
- 3.8 Cherwell District Council – Chief Engineer advises that all highway and drainage work should conform to the infrastructure master plan. Porous paving required for all roads and drawings. All sustainable drainage to be adopted by OCC. OCC should be consulted for specifications and commuted sums payable.
- 3.9 Cherwell District Council – Landscape Architect raises no objections subject to the provision of appropriate open space and play space and that the adjacent woodland and calcareous grassland are appropriately protected, and Sec 106 contributions in respect of open space and play provision.
- 3.10 Cherwell District Council –Biodiversity and Countryside Officer has requested that consideration be given to the incorporation of bird habitat into the development.
- 3.11 Cherwell District Council – Head of Planning Policy and Economic Development advises that this application site is 1.4ha of agricultural land within the site of the S.W. Bicester urban extension allocated in the Non-Statutory Cherwell Local Plan 2011 and granted outline permission (06/00967/OUT) in June 2008. The 46 dwellings would be additional to the 1585 already permitted.  
Provided it has been confirmed by OCC that this second primary school site is no

longer required to accommodate the permitted urban extension, there is no policy objection to the proposal in the interests of making effective and efficient use of land within a site already approved for an urban extension.

This site is also included in the District's 5 year land supply as a deliverable housing site. This in itself carries no policy weight but the loss of the site as a residential development could undermine the districts housing land supply position.

- 3.12 Cherwell District Council – Urban Design raises no objection. The site is not covered by the Design Code for the rest of the Kingsmere Development but the accompanying Design and Access Statement draws material from the approved code to explain and justify the proposals. It does so adequately and consistently. The illustrative layout adequately demonstrates that 46 units can be accommodated on the site.

## 4. Relevant Planning Policies

- 4.1 Policy H 13 of the Non-Statutory Cherwell Local Plan identifies this site as part of the S.W. Bicester urban extension as a mixed use development to include up to 1585 dwellings
- 4.2 Policy C28 of the Adopted Cherwell Local Plan seeks to exercise control over all new development to ensure standards of design are sympathetic to the character of its context.  
Policy C30 relates to housing development and seeks to ensure that it is compatible with existing dwellings in the vicinity of the site.  
Policy H5 seeks affordable housing provision on substantial new residential schemes where there is a need.
- 4.3 Policies CC1, CC4 and CC6 of the South East Plan are relevant in seeking sustainable development and high quality design.  
  
Policy CO3 of the South East Plan promoted Bicester as a main location for housing development.  
  
Policy NRM4 seeks the incorporation of SUDS within all new developments.
- 4.4 PPS1 'Delivering Sustainable Development'  
PPS3 'Housing'  
PPS9 'Biodiversity'  
PPG13 'Transport'

## 5. Appraisal

- 5.1 The main issues for consideration include, the principle of the development, the need for the reserve school site, access and traffic, ecology and landscape impact.
- 5.2 Principle of Development  
As previously stated, this site was part of the original development proposed for S.W. Bicester which was granted outline planning permission in June 2008 under application number 06/00967/OUT. This particular site at that time was identified as

a reserve primary school site should it be needed to serve this new urban extension. The site is therefore included within that allocated within Policy H13 of the Non-Statutory Cherwell Local Plan. The development of this site is reliant upon the wider S.W. Bicester development being progress to provide the access network and utilities.

The proposal seeks consent for the erection of up to 46 dwellings within the limits of the above urban extension which is acceptable in principle and does not result in any further encroachment into the open countryside. The development of 46 dwellings results in a density of approximately 33 dwellings per hectare. This accords with the range of densities across the site and this area of the development which is most appropriately located within the Avenue Character Area of Kingsmere Development.

HDC & MD therefore considers that subject to all other material planning considerations, the proposal is acceptable in principle and accords with the principle of development as set out in the policies above.

### 5.3 Loss of Secondary Primary School Site

During the initial consideration and allocation of the South West Bicester site for development in the Non-Statutory Cherwell Local Plan, it was indicated that there may be a need for two primary schools to be provided to serve the new development and any other shortfall within the town. The site in question was therefore included as part of the master plan as one of the sites for a primary school. However, as the outline progressed, it became evident that based on the proposed densities and likely housing mix, that only one primary school would be required, and this site would therefore not be needed. As the outline had progressed so far at that time, the applicants made the decision not to amend the application at that time but to continue with the determination of the application.

Oxfordshire County Council have however, now raised concerns regarding the development of this site for residential purposes as the densities included in the recent reserved matters applications for the site submitted by Bovis Homes and Taylor Wimpey greatly exceed the mix envisaged at the outline stage due to there being a far greater proportion of 4 and 5+ bedroom properties proposed within the layout exceeding the previous estimate that 4040 bedrooms might be built across the development. The County Council are therefore questioning whether indeed a second primary school to serve the development may actually be necessary and therefore question whether this site should remain reserved until all the reserved matter planning applications have been received following the original outline planning consent (06/00967/OUT refers). Oxfordshire County Council further consider that to grant permission for this development at this stage could therefore prevent primary school children from the South West Bicester development from being educated within their own community, and neither is it currently clear where, within the County there may be spaces within other schools to accommodate them.

Whilst it was agreed with the applicants during the consideration of the outline application, based on the information available at that time, that the consent for up to 1585 dwellings with the density agreed across the site, was likely to produce up to 3040 bed spaces, and therefore unlikely to be a need for a second primary school, a clause contained within the Section 106 Agreement accompanying that application does seek further education contributions from the applicant should that

number of bed spaces be exceeded.

The site however, whilst indicated as the reserve school site within the outline application documents is not required to be retained as such either as part of that outline consent nor the accompanying Section 106 Agreement, and there is therefore no mechanism for requiring its reservation until South West Bicester has been built out and the exact numbers are known. HDPS is of the view that to resist the development of this site for residential purposes on the grounds that it is premature to release it for additional housing at this stage would not be reasonable and would be difficult to defend on those grounds alone at appeal.

It is expected that the main primary school on the South West Bicester development will be two form entry and will include the relocation of the existing St. Edburgh's School, whose original site will then be available for redevelopment subject to the necessary planning consents being granted.

Having regard to the above therefore, no objections are raised relating to the loss of this site as a second primary school and the alternative use residential is considered appropriate.

5.4 Impact on the Adjacent Woodland and Wildlife Corridor

The site is located just to the south of an existing small area of woodland which is to be retained and protected as part of the development of S.W. Bicester. The woodland in question is triangular in shape and stands in isolation from other groups of trees and hedges within the site, but will be enhanced by the provision of a green corridor and wildlife corridor from the Middleton Stoney road down through the site and to its south linking through with other green routes within the development. The development site is located to the south of this woodland and will not encroach upon the tree protection areas which have already been identified by a full arboricultural report already produced in conjunction with the S.W. Bicester development.

5.5 Landscape and Visual Impact

Whilst the proposed residential development will be visible from the surrounding area it will be seen in relation to and as part of the wider S.W. Bicester development, and will therefore be bordered to the north and east by residential properties and therefore viewed against this urban extension background.

The proposed residential development is within the building parameters set out in the Environmental Statement accompanying the 2006 outline application for the S.W. Bicester development. The development of this site for residential purposes rather than as a school site is unlikely to significantly alter the overall visual impact of the development.

The copse to the north of the site has been subject to a full arboricultural survey and a tree protection plan and copse management plan have been submitted as part of the outline Section 106 requirements. This proposal will not impact and encroach into that area.

It is considered therefore that this development will be acceptable in terms of its landscape and visual impact.

#### 5.6 Ecology

Full ecological surveys were undertaken in connection with the outline consent including a phase 1 habitat survey, and it is accepted that the change of use of this site from a school site to residential will not affect the conclusions of that Environmental Statement. The site does not have a high ecological value being a former arable field.

Prior to submitting this application agents on behalf of the applicant revisited the application site advised that as the site had been under arable cultivation since the last survey in 2004 and is still ploughed on a biennial basis and therefore there was little likelihood that any features of ecological interest developing with no significant boundary features within the area.

HDC & MD therefore considered that an additional ecological survey was unnecessary and that the conclusions of the Environmental Statement submitted in 2006 which found nothing of any significance on this part of the site, remain valid.

#### 5.7 Access and Traffic

As previously stated, this part of the development is reliant on the wider South West Bicester scheme being progressed to provide the access network and utilities. Work on the wider S.W. Bicester mixed use development has commenced, the drainage has been installed and works to the main spine road and roundabout entrance on to the Middleton Stoney road commenced in August 2010. These works are now well underway with completion expected by the new year.

A Traffic Assessment has been submitted as part of the application. WSP undertook a traffic assessment as part of the wider outline consented scheme in addition to the assessment made in the Environmental statement. The 2006 assessment however made no allowance for trips associated with this part of the site due to its reserved status, and therefore the trips associated with this new residential scheme must be considered as additional trips generated into the network.

The Traffic Assessment concluded that overall, compared to the traffic movement generated by the S.W. Bicester development as a whole that the additional trips generated by this development would not be significant and therefore would not alter the conclusions of the Environmental statement submitted as part of the wider outline scheme. Oxfordshire County Council as Highway Authority do not disagree with this conclusion and made no objections to the proposal subject to the imposition of a number of conditions.

#### 5.8 Flood Risk

A Flood Risk Assessment was submitted and accepted by the Environmental Agency as part of the wider S.W. Bicester development. This part of the development is in Flood Zone 1 and not at risk of fluvial flooding. The drainage design strategy provides specific requirements to manage surface water on this development parcel and the detailed design for the main sewer has been approved by the Environment Agency and OCC who will adopt the systems. The Environment Agency have not raised any objections to the development proposed subject to the imposition of a number of conditions.

## 5.9 Planning Obligations

The proposed development would generate a need for infrastructure and other contributions that need to be secured through a planning obligation, to enable the development to proceed. Negotiations are ongoing at the time of writing this report with the applicants to secure the necessary contributions generated by the development. However, the precise details have not yet been agreed as the applicant and agents are questioning the level of contributions and the justification for many of the County Council contributions relating in the main to education and libraries and the administration fee required by Oxfordshire County Council. Members may recall that this application was deferred at the meeting on 2 December to enable further consideration of the level of Section 106 contributions requested.

Having regard to the above, it is likely that the Heads of Terms relating to the planning obligation as part of this development will include the following:-

- Affordable housing at 30% which equates to 13 units of 46 dwellings to be built, of those 9 No. being for social rent and 4 No. shared ownership constructed to Lifetime Homes Standards.
- Informal open space and LAP provision within the site.
- Public Art at £150 per dwelling.
- Outdoor sports contributions for facilities at South West Bicester Sports Village.
- Highways and public transport contribution.
- County Council education contributions.
- County Council library contributions.
- County Council day centre and elderly contributions.
- County Council waste recycling contributions.
- District Council refuse and recycling bins.
- District Council and County Council administration/monitoring fees.

The applicants have now confirmed that with the exception of the education contributions, Oxfordshire County Council indexation requirements, library and the administration fee requested, the obligations requested are now agreed. Further discussions in this regard are ongoing and a verbal update will be given at the meeting. In respect of the administration fee, based on Circular 05/2005, CLG guidance on planning obligations and a recent appeal decision, and a lack of a policy document at Oxfordshire County Council, the applicants consider that the £5,000 administration fee being sought is unacceptable and will not agree that this fee is payable. This element is currently being considered by Oxfordshire County Council and a further update with regard to all areas yet to be agreed identified above will be given at the meeting.

## 5.10 Conclusion

Having regard to the above assessment, it is considered that on balance the proposal for the erection of up to 46 residential dwellings on this reserved school site is acceptable in principle. It will provide additional affordable housing and will help to meet the Council's housing land supply targets. The development will not cause significant harm to the visual amenities of the locality and will not impact significantly upon the local infrastructure subject to securing appropriate contributions. The application is therefore recommended for approval subject to the applicants entering into a planning obligation relating to additional infrastructure provision as stated above, and a number of conditions.

<b>6. Recommendation</b>		
1.	SC1.0AB	<p>That no development shall be commenced until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.</p>
2.	SC1.1A	<p>That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.</p> <p>Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.</p>
3.	SC1.2A	<p>That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.</p> <p>Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.</p>
4.	SC2.0A	<p>That the external walls and roof(s) of the dwellings and garages and boundary walls shall be constructed in accordance with a schedule of materials and finishes which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of</p>

		<p>the works hereby approved.</p> <p>Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
5.	SC2.10A	<p>That a plan showing the details of the finished floor levels of the proposed development in relation to existing ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.</p> <p>Reason – To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
6.	SC2.15AA	<p>That no more than 46 dwellings shall be accommodated on the site.</p> <p>Reason – In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policies H5 and BE1 of the South East Plan 2009 and Policies C28 and C30 of the adopted Cherwell Local Plan.</p>
7.	SC3.0A	<p>That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-</p> <p>(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,</p> <p>(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,</p> <p style="padding-left: 40px;">1. details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.</p> <p>Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
8.	SC3.1A	<p>That 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; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives</p>

		<p>written consent for any variation.</p> <p>Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
9.	SC3.7AA	<p>That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure, in respect of those dwellings which it is intended shall be screened, shall be erected prior to the first occupation of those dwellings.</p> <p>Reason – To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan.</p>
10.	SC3.10A	<p>Prior to the commencement of the development hereby permitted details of the provision, landscaping and treatment of open space/play space within the site shall be submitted to and approved in writing by the Local Planning Authority. The open space/play space, once approved shall be landscaped, laid out and completed in accordance with the details approved and within a time period to be first approved in writing by the Local Planning Authority and thereafter retained as open space/play space.</p> <p>Reason – In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BE1 of the South East Plan 2009 and Policy R12 of the adopted Cherwell Local Plan.</p>
11.		<p>The development permitted by this planning permission shall only be carried out in accordance with the approved Reflection on Flood Risk document dated September 2010, and the following mitigation measures detailed within this document:</p> <ol style="list-style-type: none"> <li>1. The surface water drainage scheme shall be designed to infiltrate or attenuate (where infiltration is not possible) surface water from storms up to and including the 1 in 10 year storm event, as detailed in Section 1.4.2 of the Reflection on Flood Risk document.</li> <li>2. The design of the surface water drainage system shall be designed in accordance with the surface water strategy and catchment layout drawing 19.3/D/006 rev L, as set out in Section 1.6.1 of the reflection on Flood Risk document.</li> <li>3. The surface water drainage system shall be in accordance with the Design Code dated July 2008 for</li> </ol>

		<p>the wider Kingsmere development, as detailed in Section 1.8 of the Reflection on Flood Risk document.</p> <p>4. Permeable paving shall be used on all minor roads within the parcel, as detailed in Section 1.4.2 of the Reflection on Flood Risk document.</p> <p>Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and provide environmental enhancements through the use of a suitable mix of SUDS techniques.</p>
12.		<p>No development approved by this planning permission shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, 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.</p> <p>Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat amenity, and ensure future maintenance of the drainage system. To prevent the potential pollution of the underlying aquifer from the use of soakaways in contaminated land.</p>
13.		<p>If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason – The geology under the site is Cornbrash Limestones (Secondary A Aquifer). There is the potential for fly-tipping to have occurred on the site and should any olfactory or visual evidence of contamination be detected during construction then it should be dealt within an appropriate manner. The underlying aquifer has the potential to be contaminated. This is in accordance with Local Plan Policy ENV7 (Development affecting water quality) adopted 1996.</p>
14.		<p>That the internal vehicle access vision splays shall be formed, laid out and constructed in accordance with detailed plans which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and that the land and vegetation within the splays shall not be obstructed by any object, structure, planting or other material.</p> <p>Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.</p>
15.		<p>That before any of the dwellings are first occupied the whole of the</p>

		<p>estate roads, footpaths and pedestrian/cycle links shall be laid out, constructed, lit and drained and if required temporary or permanent traffic calming to the Oxfordshire County Council's specifications.</p> <p>Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.</p>
16.	SC4.10AA	<p>That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained SUDS in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice in PPG13: Transport.</p>
17.		<p>That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan (to be agreed at reserved matters stage) hereby approved and shall be constructed, laid out, surface, drained (SUDS) and completion and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times.</p> <p><b>NO REASON GIVEN</b></p>
18.		<p>Prior to the commencement of the development hereby approved, a construction travel plan shall be submitted to and approved in writing by the local planning authority which shall also include details of wheel washing facilities.</p> <p>Reason – In the interests of highway safety and to safeguard the amenities of the occupants of the adjacent dwellings during the construction period, to comply with Policy ENV1 of the adopted Cherwell Local Plan.</p>
19.	SC4.21AA	<p>Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".</p> <p>Reason – To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government advice in PPS25: Development and Flood Risk, Policy NRM4 of the South East Plan 2009 and Policy ENV1 of the adopted Cherwell Local Plan.</p>

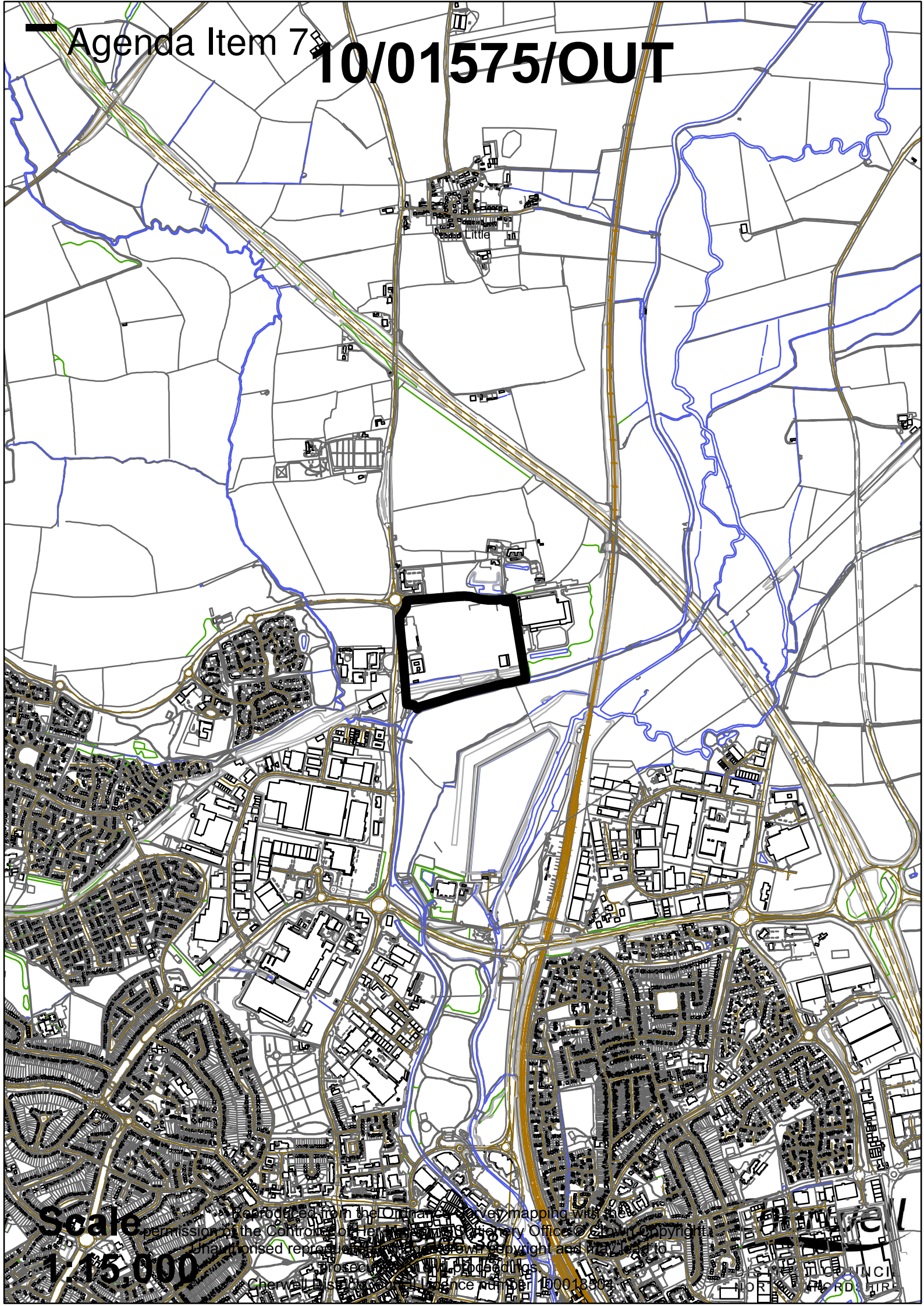
20.	SC9.11A	<p>A Local Area of Play (LAP) shall be provided in accordance with the Council's adopted policy. Details of the siting and design of the LAP shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and thereafter it shall be provided in accordance with the approved details prior to the occupation of any dwelling.</p> <p>Reason – To ensure the provision of appropriate play facilities to serve the development and comply with Policy CC7 of the South East Plan 2009 and Policy R12 of the adopted Cherwell Local Plan.</p>
21.	SC3.3AA	<p>No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:</p> <ul style="list-style-type: none"> <li>a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.</li> <li>b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.</li> <li>c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.</li> <li>d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.</li> <li>e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).</li> <li>f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.</li> <li>g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).</li> <li>h) the details and positions (shown on the plan at paragraph (a)</li> </ul>

		<p>above) of the underground service runs (section 11.7 of BS5837).</p> <ul style="list-style-type: none"> <li>i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.</li> <li>j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)</li> <li>k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the Root Protection Areas of retained trees.</li> <li>l) the details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction.</li> <li>m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.</li> <li>n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.</li> <li>o) the details of the method to be employed for the stationing, use and removal of site cabins within any Root Protection Areas (para. 9.2.3 of BS5837).</li> <li>p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).</li> <li>q) the timing of the various phases of the works or development in the context of the tree protection measures.</li> </ul> <p>Reason - To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
1.	I	Thames Water and Environment Agency have been consulted in respect of the application and a copy of their letter of reply is enclosed for your information.
2.	Q1	Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local

		Government Act 1972 and/or other enabling powers.
3.	U1	The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
4.	X1	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 2501.
5.		In the submission of reserved matters details for approval it is expected that the new scheme will follow closely the details identified in the Design and Access Statement which has been based on the Design Code produced for the South West Bicester development.
6.		Consideration should be given to the provision of bird and bat nesting provision within the development in the interests of improving biodiversity within the site.
<p><b>SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES</b></p> <p>The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal does not cause demonstrable harm to the character of the local landscape, residential amenity and highway safety and will be seen in conjunction with the wider S.W Bicester development. As such the proposal is in accordance with Policies CC1, CC4, CC6, C03 and NRM4 of the South East Plan, and Policies C28 and C30 of adopted Cherwell Local Plan.. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.</p>		

<b>CONTACT OFFICER: Linda Griffiths</b>	<b>TELEPHONE NO: 01295 227998</b>
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# 10/01575/OUT

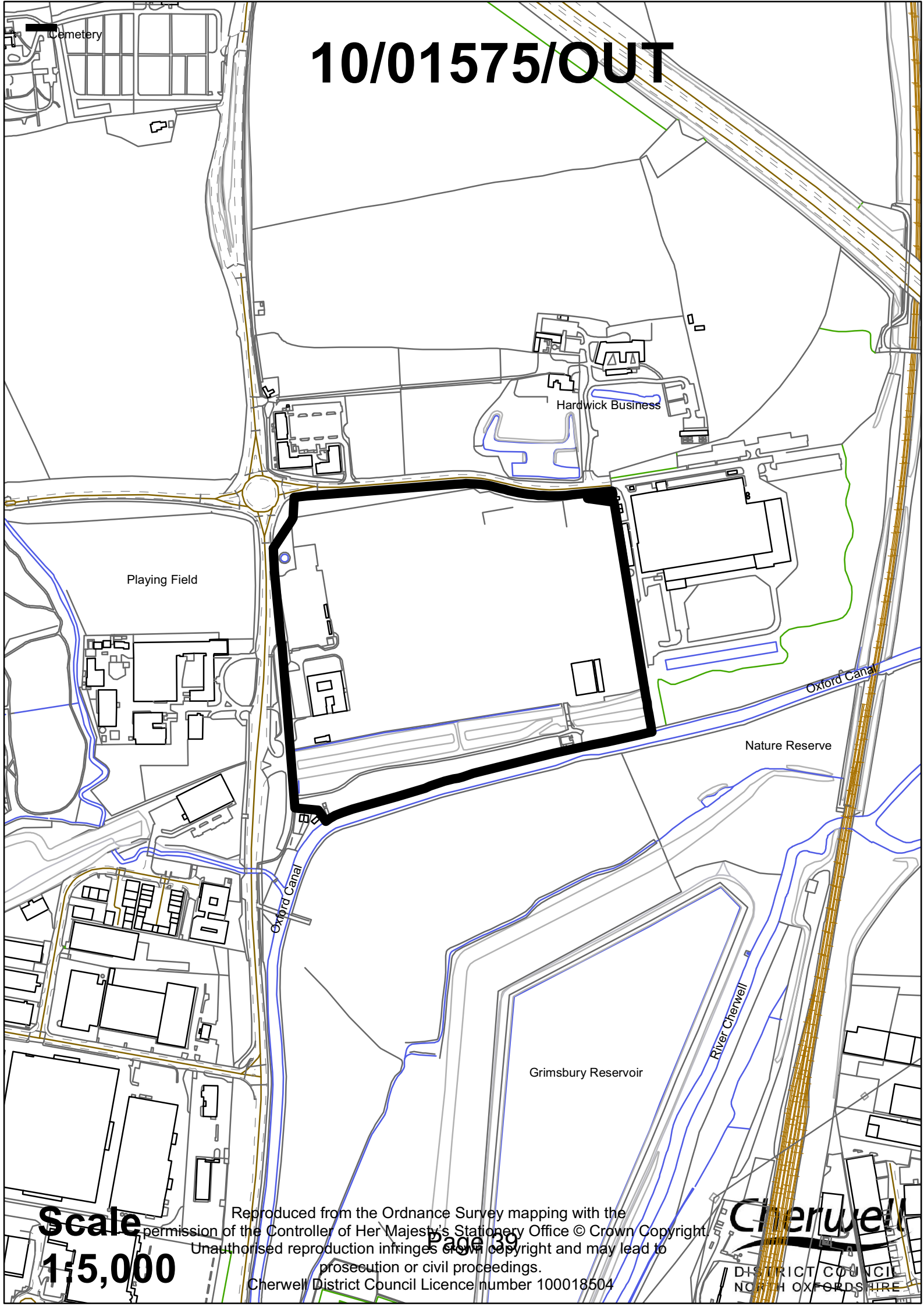


Scale  
1:15,000

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CHERWELL  
NORTH  
CHURCH  
ROAD

# 10/01575/OUT



Playing Field

Hardwick Business

Nature Reserve

Grimsbury Reservoir

**Scale**  
**1:5,000**

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application No:</b> 10/01575/OUT	<b>Ward: Banbury Grimsbury and Castle</b>	<b>Date Valid: 19.10.10</b>
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<b>Applicant:</b>	Standard Life Investments
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<b>Site Address:</b>	Formerly SAPA Profiles UK, Southam Road, Banbury
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**Proposal:** Re-development of former factory site for employment uses (Use Classes B1, B2 and B8) with Associated Car Parking, Servicing and Landscaping

## 1. Site Description and Proposal

- 1.1 The application site is located approximately 2.5km from Banbury Town Centre on the northern edge of the town, and has an area of 12.9 hectares. The site was previously occupied by SAPA Profiles and was originally the home of the Northern Aluminium Company. SAPA Profiles vacated the site at the end of 2008 and has not been in use since that time. The former Alcan use was primarily a B2 use with ancillary offices and warehousing facilities.
- 1.2 The site is bounded by employment uses to the east, the Oxford Canal to the south, Southam Road (A423) to the west and Noral Way to the north with the Hardwick Business Park and Banbury Office Village beyond. There are three residential cottages to the south-west of the site adjacent to the canal and Southam Road and Hardwick Farmhouse, a Grade II\* Listed Building to the north.
- 1.3 The site has now been largely cleared, including the original rolling mill building, although the Grade II listed office building, memorial garden and gatehouse remain. A disused railway line embankment runs along the southern boundary of the site with an open area between this and the Banbury Canal. The embankment and associated planting currently provides a good screen to the site from the canal and the tow path. There are also established landscaping areas, including a number of mature trees along the western and northern boundaries.
- 1.4 The site is currently accessed off the Southam Road via a dedicated service road. This access also serves a car park to the north of the existing office building. The service road also provides access to the cottages to the south of the application site and adjacent to the canal.
- 1.5 This application seeks outline planning permission for the redevelopment of the site for employment purposes, these being B1, B2 and B8 with all matters except access reserved. The proposal does not include any B1(a) office development, although ancillary offices may be included within any of the new buildings proposed. The existing office building however will be retained and will be available either as an office building to be occupied independently or in association with the new development proposal. The existing gate house will be retained and the original gates reinstated.

- 1.6 As the application is in outline only, a parameters plan has been submitted as part of the application which indicates the proposed extent of the area where new buildings will be proposed together with maximum floor areas etc. These layouts have also been submitted to indicate how the site may be developed. Existing trees will be retained where possible and a detailed landscaping scheme has also been submitted as part of this application.
- 1.7 It is proposed to use the existing access from the Southam Road and existing service road, although a separate access may also be provided from Noral Way should the site be developed for a number of different users.
- 1.8 In 2008 an application was approved which sought a change of use of the existing rolling mill building constructed in 1931 from a primarily B2 use to a flexible mixed B2/B8 use, (08/01987/F refers). This was submitted to and in the marketing of the site which was at that time still owned by SAPA Profiles UK.

## **2. Application Publicity**

- 2.1 The application was advertised by way of site notices, a notice in the local press and neighbour notification letters. As a result of this publicity the following representations have been received:-

Two Hardwick Business Park occupiers have raised concerns regarding:-

- The use of Noral Way for parking of HGV's and other delivery vehicles.
- Noral Way is not suitable for increased traffic.
- Increased accident likely at the Southam Road/Dukes Meadow Roundabout.
- Not suitable for HGV vehicles to enter and exist a depot from a minor unlit road whose footpath will meet with the entrance to the site.
- Proposal is not in keeping with current Government initiatives to encourage walking and cycling to work if Noral was to become unsafe due to the increased traffic.

One letter from the occupier of 1 Wharf Cottages on behalf of herself and her neighbour at 2 Wharf Cottages whose concerns are as follows:-

- Noise, disturbance and pollution as a result of the removal of the existing embankment and the relocation of the main access into the site on what is currently the embankment.
- Traffic generated as a result of the redevelopment of the site is likely to be heavier than previously and much closer to the cottages.
- Concerned that the removal of the embankment may result in increased flood risk to the residential properties as this has always provided a natural buffer.
- Loss of embankment will increase noise nuisance and result in development being open and visible from the cottages. Any planting will take year to mature.
- Increased parking of lorries outside the properties in the access road.

- 2.2 Banbury Civic Society comment as follows:-

- The Civic Society would support any proposal that creates high quality,

settled employment but the application as submitted appears to be speculative large sheds for a number of possible uses/occupiers.

- Height and scale of buildings relative to the listed offices, gates, war memorial and Southam Road and the Oxford Canal, Cherwell Water Meadows and Area of High Landscape Value.
- Proposed buildings would undoubtedly overwhelm and dominate the setting of the listed offices.
- Gatehouse is locally listed and should be retained and is the last surviving element of the original 1931 Wallis, Gilbert and Partners build who were also the architects of the Hoover and Firestone factories.
- Would like to see the gates and gate lodge reunited.
- New access to war memorial/garden of remembrance from the Southam Road will lead to parking issues and access for veterans and ex-employees
- Removal of old railway embankment will open up views of the development site from the canal, canal towpath and Cherwell Water Meadows. In the absence of details regarding the design of the new buildings it is too early to consider the merits of opening up the site in this way.
- Proposal needs to be assessed against Policies C28 and C29 of the adopted Cherwell Local Plan.
- Under EMP1, the Local Plan says of development adjacent to Alcan and Hardwick Farm (para 3.15) that 'The Council will seek a prestige and attractive development on this site in keeping with its location adjacent to the countryside which has been designated as an Area of High Landscape Value'.
- Policies D10 and EN28 of the Non-Statutory Cherwell Local Plan are also relevant.
- The parameters proposed are set far too wide given the sensitivities of the site and its surroundings.

In respect of the revised application, Banbury Civic Society welcomes all the proposed alterations but makes the following additional comments as summarised below:-

- Whilst keen to see the site brought back into beneficial employment use, Meeson Williams are carrying out research into industrial and commercial provision in Oxfordshire which has highlighted a need in Banbury for units of small and medium size.
- Remain concerned in respect of the eaves height in relation to the listed offices. Historically the tallest buildings and listed offices were separated by a low aisle which was of a similar layout to the listed offices resulting in a transition between the low offices and the much taller rolling mills. The listed offices will therefore be overwhelmed by the proposed sheer vertical face of the proposed big shed directly behind. Applicants should give further consideration to a transitional aisle.
- Notwithstanding the improvements to the southern landscaping scheme remain concerned about visual appearance of such huge buildings from the canal. The former buildings were scarcely visible over the disused railway embankment.
- A condition should be imposed requiring the restoration of the lodge, posts,

gates and lanterns to the site frontage.

- Revisions overcome previous concerns in relation to the War Memorial and Garden of Remembrance.
- In the absence of a detailed application, it is too early to support the removal of the old railway embankment, and the proposed new landscaping will take years to mature.
- Regretfully oppose the application on the grounds of PPS5, C28, C29 and EMP 1 of the Cherwell Local Plan and Policies D10, EN28 and EN45a of the Non-Statutory Cherwell Local Plan.

### 2.3 Banbury CPRE comment as follows:-

- Proposal is acceptable in principle being a brownfield site of former employment.
- Scale and massing of proposal in relation to listed offices.
- Memorial Garden should continue to be accessed from within the site.
- Gatehouse retained and gates re-erected in their original position.
- Policies C18 and C20 of the adopted Cherwell Local Plan are relevant
- Concern at the proposed removal of the mineral railway embankment. It has a heritage value in that it was constructed in 1917 to serve the ironstone quarries at Wroxton and is a physical monument built by German POW's to these industrial activities of the past Century.
- Embankment should be retained as it provides both a visual and acoustic screen from the Oxford Canal. The arboricultural report identifies trees upon it to be 'desirable for retention' and currently provide a wildlife corridor.
- The removal of the embankment will result in the need to provide further acoustic treatment along this boundary. A new security/acoustic fence would detract from the visual amenities of the Oxford Canal and may attract graffiti.
- Internal access and servicing arrangements could remain as existing.
- No necessity or requirement to remove the embankment.
- Canal is an important gateway protected by Policies C5, C29, R7 of adopted Cherwell Local Plan.
- The amended plans have addressed the concerns in respect of the memorial garden and gatehouse and gates and consider the propose bund to be an improvement, but it is not of sufficient height to be of an effective acoustic value as required by the Acoustic Report. Still consider that the existing embankment should be retained to protect the amenities of the Oxford Canal and countryside.

## 3. Consultations

- 3.1 Banbury Town Council welcome the redevelopment of this site for employment, but would like to see the retention of the locally listed gatehouse. Re-development must have due regard to the listed office building.
- 3.2 Oxfordshire County Council – Archaeologist advises that the site lies within an area of some archaeological interest to the south of Hardwick Deserted Medieval Village. Field systems associated with this village and farmhouse are likely to extend into

the area of this development although modern truncation associated with the building of Alcan in the 1930's would have disturbed much of the site. The Desk Based Assessment submitted with the application concludes that although much of the site has been disturbed, archaeological deposits may survive in areas of the site. An archaeological watching brief condition is therefore recommended to be attached to any consent.

- 3.3 Thames Water in respect of waste, have identified an inability of the existing waste water infrastructure to accommodate the needs of this application and therefore recommend a Grampian style condition requiring the submission for a drainage strategy.

In respect of surface water drainage, Thames Water advise that the applicants need to ensure that storm flows are attenuated or regulated into the receiving public network through or off-site storage. Petrol/oil interceptors should be fitted in all car parking/washing/repair facilities.

- 3.4 Highways Agency initially directed that consent not be granted as the Transport Assessment had not adequately addressed the trip assignment between the site through to A422 Hennef Way and to Junction 11 of M40. This direction has since been removed and the Highways Agency now raise no objection.

- 3.5 Environment Agency initially objected to the proposal and recommended refusal on the grounds that the Flood Risk Assessment as submitted failed to comply with the requirements of PPS25 on the grounds that it failed to demonstrate that the development will not increase surface water flood risk on the site and the surrounding area and does not demonstrate the development will not increase fluvial flood risk in the surrounding area. The sequential test is accepted.

Following the receipt of the Level 3 Flood Risk Assessment and a review of the modelling, the Environment Agency have withdrawn their objection on flood risk grounds subject to the imposition of a number of conditions.

A number of informatives are also advised in respect of flood risk, site waste management, contamination and surface water run-off. Following revisions to the remediation strategy, no objections are raised in this respect.

- 3.6 Highway Authority raise no objections. The second access shown from Noral Way is acceptable as Noral Way has appropriate width and construction to accommodate goods vehicles and the access would be able to provide appropriate geometry and visibility.

The capacity of the local highway network has been tested within the Transport Assessment and technical notes which provide a fair model. The proposal is in outline for a flexible mix of uses, without any future users or specific use being identified. To provide a robust assessment the TA has considered a worse case scenario with the most traffic intensive use mix being assessed during peak times, which has shown that additional flows resulting from the development would not be significant. The applicant has agreed in principle to contribute towards the local transport strategy, the provision of new bus stops along Southam Road. Highway works, provision and alteration of access will be subject to a Section 278 Agreement.

### 3.7 Cherwell District Council Consultations

Arboricultural officer gives detailed comments regarding the arboricultural report and its recommendations as submitted with the application. In summary however objections are raised to the proposal overall on the grounds that although generic advice has been supplied with the pre-development tree survey with regard to ground protection and construction methods, details (as per BS: 5837) have not been provided and recommendations in the pre-development tree survey (Section 3) have been ignored. The loss of the railway embankment is unacceptable as the replacement planting does not mitigate for its removal in terms of wildlife benefits or the larger amenity provided, and the scale of the overall development means that because the ground level on which any new planting would be undertaken is lower, screening would be difficult. An arboricultural method statement and tree protection plan as per BS: 5837 Trees in Relation to Construction needs to be provided and its recommendations considered when designing the development. The embankment provides screening to the site and although individual trees are of average condition, as a linear landscape feature it provides significant amenity as well as wildlife habitat being part of a larger green corridor running along the line of the old railway. Numerous trees within the site and adjacent to it are worthy of retention.

Following the submission of revised plans and details, the tree protection plan and arboricultural method statement in particular to the retained mature trees along the frontage still has not been included. A map with the appropriate root protection areas marked, the position of protective barrier fencing and details and method of installation within or close to the RPA's will be required. The original tree survey lists these and advises that they will be necessary.

- 3.8 Conservation Officer raises objections to the alterations to the memorial garden by isolating it from the main site and introducing a new access directly from the Southam Road. The original gates should be retained and reinstated in their original position adjacent to the Gate Lodge. The height, scale and massing of the new development and its proximity to the listed office building will significantly harm the setting of the listed office building. Concerns also regarding the impact on Hardwick Farmhouse, a Grade II\* listed building in respect of the new access which is proposed onto Noral Way. The removal of the railway embankment has major repercussions for the setting of the canal since the proposal is to move the southern boundary for the lorry parking area closer to the canal and to enclose a great area for lorry parking. This has major implications for the setting of this heritage asset. Proposal is contrary to advice in PPS5, Policies C28 and C30 of the adopted Cherwell Local Plan. Following the receipt of revised plans and documentation.

In respect of the revised plans, the Conservation Officer considers that the applicants have come a long way to overcoming the previous concerns and a refusal on those grounds could not be defended at appeal.

- 3.9 Landscape Planning Officer – Proposals are very tight with little scope for landscaping. Existing railway embankment forms an effective screen to the site, removal would leave the south side of the site very open to views from the canal towpath and reservoir. The buildings and truck parking would be very close to the canal, and without the embankment likely cause noise, light pollution and visual intrusion. Removal of embankment will result in the loss of an existing wildlife

corridor.

The woodland edge mix contains some ornamental species, gorse is a heath land plant thriving on this dry soil and is not appropriate for land adjacent to the canal which is likely to be water logged. Woodland does not have enough trees to provide an effective screen and will remain very open in the Winter.

Acoustic fence will be ugly adjacent to the canal. Parking should not encroach onto the existing grass verges in front of the building.

Following the receipt of revised plans and proposals the only comments relate to the use of Elm in hedge which due to the risk of Dutch Elm disease should be kept to a minimum and a disease resistant variety should be used.

- 3.10 Ecology Officer – The ecological appraisal and supporting documents submitted is of sufficient scope and depth for the current outline application. Update surveys will be necessary prior to any development for badgers, water vole and otter. The three trees identified as having potential for bat roosts should be retained if possible. The hedgerow should be retained as it qualifies as BAP habitat. Any scrub and trees should be cleared outside of the bird breeding season or checked by an ecologist for nesting birds prior to any works.

An ongoing management plan for the area adjacent to the canal should be produced to safeguard this area and maximise benefit to wildlife. In addition method statements for protecting the canalside and associated habitat as well as other green spaces, retained trees and hedgerow during any construction and demolition work should be devised. To reduce impact on wildlife, the lighting should be minimal and preferably absent adjacent to the canal.

- 3.11 Environmental Protection Officer in respect of land contamination and the remediation works has reviewed the remediation strategy submitted in support of the application and the submitted supporting reports and can confirm that the remedial target concentrations are acceptable, although gas risk has not been fully considered at this stage due to the significant groundworks and ground disturbance involved in the site preparation. A number of conditions relating to the above are suggested.

The remedial strategy does not include a risk to services on site and a condition is suggested to assess the risk assessment in this respect.

Odour management will need to be adopted during the remedial works and throughout the development, to ensure that odour pertaining from the development is controlled beyond the site boundaries.

It should also be noted that the soil contaminants on site (and those proposed to be left on site following remediation) may be sufficiently elevated to affect any landscaping proposals and this should be taken into consideration.

- 3.12 Environmental Health in terms of noise advises that the acoustic and noise report identifies that heavy goods vehicle movements in and out of the site would result in recommended noise levels being exceeded at the cottages south of the site unless some mitigation measures are introduced, and recommends the use of a bund or

fence along the southern edge of the site access road. A condition is therefore recommended in this respect.

In terms of addressing the issue of noise from operations the applicant's noise consultants, due to the nature of the application which does not yet have a specified use or user, they have therefore in their report taken the approach of establishing no detriment noise targets for the noise sensitive locations surrounding the site. These noise targets are set out in the report with three time based targets set out for each location, these being daytime, evening and night time. A condition is therefore recommended requiring that the cumulative rated level of noise from all fixed plant items on site shall not exceed the levels specified in that table.

#### 4. Relevant Planning Policies

At the time of the preparation of both the adopted Cherwell Local Plan and the Non-Statutory Cherwell Local Plan 2011, the site in question was in active employment use and was expected to continue to do so for the life time of those plans. In 2006 the Council commissioned an Employment Land Review to study past demand, current supply and future provision of employment land within the District to aid in the preparation of the Local Development Framework. The study concluded that the application site was a valid employment location and should be protected for this purpose and recommended that B2 use should be maintained if possible, although it was recognised that re-occupation of this site by a single, large scale B2 use would be unlikely.

Following the announcement that the Banbury SAPA site was to cease production, the Council produced a development brief setting out the development principles for both this application site and the site to the north, previously occupied by Hella. This document seeks to provide informal guidance in relation to the Council's aspirations for proposals for the reuse/redevelopment of the site. These Development Guidelines were considered by the Executive on 7 July 2008 and are therefore now approved as informed guidance.

South East Plan 2009	Policies	CC1	Sustainable Development	
-		CC4	Sustainable Design and Construction	
		RE3	Employment and Land Provision	
		T4	Parking	
		T5	Travel Plans and Advice	
		NRM4	Sustainable Flood Risk Management	
		NRM5	Conservation and Improvement of Biodiversity	
		BE6	Management of the Historic Environment	
Adopted	Cherwell	Saved	TR1	Transportation Funding
Local Plan 1996		Policies	C2	Protected Species
			C5	Ecology
			C7	Landscape Conservation
			C28	Layout, Design and External Appearance
			ENV1	Pollution Control

		ENV12	Contaminated Land
Non-Statutory Cherwell Local Plan 2011	Policies	TR1 TR3 TR4 TR5 TR9 TR11 EN3 EN6 EN7 EN14 EN17 EN25 EN28 EN34 EN36 EN37 EN39 EN44 D10 D12	Transport Generating Development Transport Assessments and Travel Plans Mitigation Measures Road Safety Cycle Parking Parking Pollution Control Light Pollution Noise Flood Defence Contaminated Land Protected Species Protection of Oxford Canal Landscape Character Landscape Enhancement Trees, Hedging and Landscaping Listed Building Setting of Listed Building Canalside Development Protection of Views
Draft Core Strategy	February 2010		Sustainable Development Policies  SD1, SD5, SD6, SD8, SD11 BE1 – Employment Development
Central Government Guidance	PPS1 PPS4 PPS5 PPS9 PPG 13 PPS23 PPG24 PPS25		Delivering Sustainable Development Planning for Sustainable Economic Growth Planning for the Historic Environment Biodiversity Transport Planning and Pollution Control Planning and Noise Development and Flood Risk

## 5. Appraisal

5.1 The main issues for consideration include, the principle of development, transport, highways and access, landscape impact, design and scale of the buildings, impact on the listed offices, flooding, contamination, ecology, noise and planning obligation.

### 5.2 Principle of Development

The application site is an existing employment site which has been in use for employment purposes since the 1930's being occupied until 2008 by the Northern Aluminium Company, later known as SAPA. SAPA vacated the site in 2008 and it has been vacant since. The majority of the site has now been cleared, the old rolling mill being demolished in 2009, although the Grade II listed office building and

gate lodge still remain.

- 5.3 The current application seeks the redevelopment of the site for employment purposes. The existing office building will be retained and refurbished, as too is the gatehouse, as part of the redevelopment. There is also an existing memorial garden with war memorial and aluminium gates which are also to be restored and the memorial garden maintained as a public resource.
- 5.4 The application is submitted in outline and in order to attract interest from potential occupiers, permission is being sought for a flexible B1/B21/B8 development with 3 possible layout options being put forward within development parameters. No stand alone B1(a) offices are proposed, as any such development will be ancillary to the main B1, B2, B8 uses only.
- 5.5 In 2006, the Council commissioned URS Limited to undertake an Employment Land Review to study past demand, current supply and future provision of employment land and premises within the District to aid the Council in the preparation of its Local Development Framework. In summary, this review concluded that the site was a valued employment location and should be maintained if possible. The consultants also concluded that should the existing occupier relocate or scale back operations that it would be unlikely that large scale B2 users would be secured as replacements, but did consider that a B2 use should remain the principle use.
- 5.6 In October 2008, planning permission was granted for a change of use of the existing rolling mill building from B2 to flexible uses, Use Class B2 and/or B8 (08/01987/F refers). When assessing the merits of that application, it was considered vitally important to ensure that this site continued to play an important role in the provision of employment within Banbury. The Council consider it vital to ensure that Cherwell remains 'A District of Opportunity' and the Economic Development Strategy therefore seeks to maintain the relatively low level of unemployment. To ensure that this site continues to be important economically and is brought back into economic use, it is considered that a more flexible approach to the potential uses of the site as proposed, which also includes B8 uses, is acceptable and is in accordance with the requirement of the Development Plan, the Council's Economic Strategy, the Cherwell Community Plan and the development principles which have been drawn up for the site, which states that development comprising B1, B2 and B8 uses will be considered favourably. The Employment Land Review is currently being updated.
- 5.7 Central Government Guidance within PPS4 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development and that planning applications that secure sustainable economic growth should be treated favourably subject to other considerations such as highways, access, visual impact. The redevelopment of this site for employment purposes is also fully supported by the Development Plan which also seeks to ensure the continued use of existing employment sites for employment uses and to secure additional investment in and growth of the local economy.
- 5.8 The applicant's agent in his submission is mindful of the Council's preference to see this site redeveloped for B2 uses, but states that it should be recognised that in the present economic climate, there are few B2 occupier requirements in the market, and whilst such a use should not be ruled out as an option for the site, the current

land market is predominantly driven by logistics, which has developed into a high tech advanced sector in its own right, providing significant numbers and varied job opportunities.

- 5.9 Having regard to the above therefore it is considered that the need to bring this site back into economic use for a flexible B1/B2/B8 use and the subsequent strengthening of the employment sector by doing so outweighs the desires of the District Council to retain the site for B2 purposes, particularly having regard to the current economic downturn and the more sophisticated higher employee B8 uses that are becoming more widespread than the old B8 warehousing and distribution which generated fewer and less skilled jobs generally. It is therefore considered that the proposal as submitted is acceptable in principle and complies with the advice contained in PPS1 and PPS4, Policies CC1 and RE3 of the South East Plan.

5.10 Transport, Highway and Access

The site is currently accessed from the A423 Southam Road. Vehicular access to the site is proposed via the existing service road parallel to the Southam Road utilising the priority junction serving the site onto the A423.

A potential secondary access is also shown to Noral Way which runs along the northern boundary of the site and currently serves the adjacent Hardwick Business Units, and the former Hella site. It is served via a roundabout to the A423 Southam Road. The main access from the Southam Road has a right turning lane which facilitates the turning of cars and goods vehicles without delay into the site and without detriment to other road users. Noral Way is of an appropriate and construction to accommodate goods vehicles and HGV's generated by the proposal. It would also be possible to provide an access to Noral Way with the appropriate geometry and visibility without detriment to the safety and convenience of other highway users.

- 5.11 The impact of the proposed development on the local highway network has been considered in the Transport Assessment and the additional technical notes, together with an assessment of a number of junctions. The assessment shows that the trip generation and resulting impact on the adjacent highway network varies considerably between the different development scenarios that have been assessed as proposed. In considering the impact of the proposal, consideration must be given to the previous use of the site and associated traffic generation. The proposal is in outline, for a flexible mix of uses, without any future user or specific use identified. To provide a robust assessment the TA has considered a 'worst case scenario' with the most traffic intensive use mix being assessed during peak times. Given the worst case scenario, there would be an increase in trips on the local highway network. Parts of the local network currently operate close to capacity. However, the additional flows resulting from the development would not be significant. Subject to a contribution to BITLUS for local infrastructure improvements therefore, the proposal is considered acceptable, and a refusal cannot be justified on additional traffic generation.
- 5.12 The submission also includes a framework travel plan to promote more sustainable travel and reduce single occupancy car trips to and from the site. The document identifies reasonable measures which would be applied to future reserved matter proposals. The applicant has also agreed to provide new bus stops at convenient

locations along the Southam Road.

- 5.13 The submitted documents have demonstrated numerous site layouts including parking, manoeuvring and landscaping. The submission of reserved matters will need to ensure and demonstrate that appropriate levels of car parking etc in accordance with local standards can be accommodated. Tracking diagrams will also be necessary to demonstrate the above.
- 5.14 The Highway Authority also advises that the development is likely to be considered under the Flood and Water Management Act 2010 which comes into force on 01 April 2011 which will require SUDS drainage to be used on the site which meets the adoptive requirements of the lead authority which will be the County Council.
- 5.15 Having regard to the above, the proposal is considered acceptable in highway terms, and is therefore considered to be in accordance with the requirements of PPG13, Transport, Policies T1, T4 and T5 of the South East Plan, Policy TR1 of the adopted Cherwell Local Plan and Policies TR1, TR3, TR4 and TR5 of the Non-Statutory Cherwell Local Plan.
- 5.16 Historic Buildings and Structures

The SAPA premises were originally occupied by the Northern Aluminium Company which produced the majority of aviation grade aluminium during WWII. The original rolling mills were constructed in 1931. The office building at the front of the site was constructed in 1936—7 in Art Deco style and still contains many of the original features. The original site gates and gatehouse are also of historic interest and a memorial garden also commemorates those members of staff lost during WWII. The office building was designed by the noted Oxford architect Gilbert Gardner and became a Grade II listed building, along with the gates and memorial garden in 2008. The rolling mills were unfortunately not considered worthy of listing by English Heritage but were included within the Council's Local List of Buildings of Historic or Architectural Interest. These rolling mill buildings however were demolished in 2009 prior to the release of the site for sale by SAPA.

- 5.17 The application must therefore be assessed in relation to the above heritage assets. The former 1930's rolling mill sheds were of a height massing and overall architectural design which reflected that of the associated listed offices being of the same era. These buildings measured only 10m to eaves and were less than 16m to ridge at their highest point and covered a lesser area. These buildings also had a complex section and the lower side aisles had multi-windowed facades which helped to break up the monolithic appearance of these industrial buildings.
- 5.18 The original indicative plans as submitted and accompanying parameters plan indicated new buildings of up to 18.8m in height with very shallow pitched roofs and very high eaves, and of singular massing. It was considered that these buildings were unacceptable on the grounds that they would overshadow the existing rear elevation, block out light and compromise the outlook from the rear of the offices and due to their size, massing and rather monolithic design significantly harm the setting of the office building.
- 5.19 Following discussions and negotiations with the applicants and their agent's revised illustrative designs and parameters plan have been submitted which reduces the

maximum height of any building to 16.5m and a maximum eaves height of 14m. The limit of the new building line along the Southam Road has been limited to that of the former industrial building thereby ensuring the views of the office building remain uninterrupted. The design and access statement has also been revised indicating how the architectural treatments of the eaves and gable ends of the buildings can be designed to respond to the historic industrial architecture and former rolling mill building of the site.

Whilst the new building(s) proposed are still larger, both in scale and footprint than the previous rolling mills that occupied the site, it is considered that the revised design and siting, which seeks to some degree to echo that of the original rolling mill building is now acceptable.

- 5.20 In response to concerns relating to the re-siting of the former factory gates, it is now proposed to reinstate the gates to their original position alongside the gate lodge at the proposed entrance to the staff car park. It is also proposed to retain and restore the gate lodge building.
- 5.21 In terms of the memorial garden, the plans have also been amended removing the new access which was proposed from the Southam Road and retaining access through the site thereby maintaining the ambiance of the garden.
- 5.22 Hardwick Farmhouse to the north of Noral Way is a Grade II\* listed building and accordingly is also a heritage asset of national significance. The impact of this proposed development upon its setting must also be considered as part of the application. However due to the distances of this farmhouse from the site and the proposed landscaping belt to Noral Way it is considered that the impact of this development upon its setting will not be significant and therefore is acceptable in this respect.
- 5.23 In conclusion therefore having regard to the above, it is considered that the proposed development as amended will not have a detrimental impact upon these heritage assets and will respect their historic character and setting and is therefore in accordance with Government Advice in PPS5 and Policy BE6 of the South East Plan and Policies EN39 and EN44 of the Non-Statutory Cherwell Local Plan.
- 5.24 Landscape Impact and Design

The site is located on the northern edge of Banbury, but due to the topography of the Southam Road and the existing tree and hedgerows, the site is reasonably well screened on the approach into Banbury from Southam. The site and the development will however be visible across the open fields and the adjacent former Hella site from the M40. The site is also open to views from the adjacent Hanwell Fields development. The site is currently well screened from the canal towpath and from the south by existing vegetation and the former railway embankment.

The original proposal sought the removal of this former railway embankment, leaving the south side of the site very open to view from the canal towpath and adjacent reservoir and nature reserve. The tree survey as submitted also recommended the retention of the embankment and its planting although it did also advise that the planting had not been managed in the past and in order to remain being effective would need maintenance. The removal of the embankment also

resulted in an increase in the developable area of the site and the plans showed a new HGV access and servicing area on the site of the old embankment, effectively moving the development closer to the canal whilst removing the screening, causing noise, light pollution and visual intrusion from the canal and the adjacent cottages. Whilst the application had submitted details of a new landscaping scheme adjacent to the canal it was considered inadequate and a number of the species shown were not appropriate for such a location.

As a result of the removal of the embankment it was necessary to show an acoustic fence adjacent to the cottages and the canal. This element was also considered to be visually intrusive, and the need to provide an acoustic fence further emphasised the importance of retaining the embankment as a noise and screen barrier to the canal and adjacent cottages.

- 5.25 In response to the issues raised above the application and the proposal have now been amended to reintroduce a landscaped embankment along the canal frontage. The agent has stated that it is not possible to retain the existing embankment due to the Flood Risk Assessment and flood alleviation scheme which has been submitted for the site. A new 3m high landscaped embankment is now proposed, however, along the canal frontage screening the proposed service yards and lower parts of the buildings. The planting species mix has also been revised.
- 5.26 As this is a former employment site and due to the previous use of the site, the concept of large industrial units has already been established and is therefore in principle appropriate. Given the re-design of the buildings and their reduction in scale it is considered that with effective screening along the canal and Noral Way the buildings, provided they are well designed, and constructed of appropriate materials, can be successfully integrated into the locality without detriment to it.
- 5.27 It is proposed to retain the existing trees and landscaping to the Southam Road and the incorporation of additional landscaping will help soften the impact of the development when viewed from the Southam Road. The units facing towards Noral Way will be set behind landscaped car parking. The location of the new building is similar now to that of the original factory and the building has been re-designed and revised illustrative proposals show that the roof profile, now seeks to some degree to echo that of the original factory building. The incorporation of translucent panels and stepped treatment to the cladding will help to break down the scale of the proposed buildings so that they are more sympathetic to the listed building and in terms of their appearance from the Oxford Canal.
- 5.28 Having regard to the above it is considered that the re-development of the site as indicated would not have a detrimental impact upon the character and visual appearance of the locality in terms of its landscape impact. The proposal is therefore considered to be in accordance with Policy C7 of the adopted Cherwell Local Plan and Policies EN34, EN36 of the Non-Statutory Cherwell Local Plan.

#### Flooding and Drainage

- 5.29 The southern part of the site is situated within Flood Zone 3 being within the flood plain of the nearby Hanwell Brook, and is also at risk of flooding from the Oxford Canal. Level 2 and 3 Flood Risk Assessments together with hydraulic modelling have been submitted as part of the application. The Environment Agency initially

objected to the proposal on flood risk grounds. These objections have since been overcome and the Environment Agency now raises no objections subject to the imposition of a number of conditions.

- 5.30 The proposed development as shown will encroach on areas of the site that are currently in the 100 year flood plain of the Hanwell Brook and Oxford Canal. This presents the risk of the flood plain being displaced which could lead to an increased risk of flooding elsewhere. This risk therefore needs to be mitigated, by lowering the level of the land to the south of the railway embankment and adjacent to the Southam Road. The cottages adjacent are currently severely affected by flooding but the flood mitigation measures proposed are also modelled to prevent flooding of these properties during the 1 in 20 year event. The mitigation measures effectively divert the flood waters away from the cottages and into the canal further east.

The drainage system proposed to serve the development will lead to a reduction in the peak run-off rate discharged into the canal by 30%. Attenuation storage will be provided in underground tanks to contain site generated run-off and this will be discharged at a controlled rate into a SUDS system in the flood plain compensation area, before discharging into the Oxford Canal.

- 5.31 As such it is considered that the proposal is acceptable and is in accordance with Central Government Advice within PPS25, Policy NRM4 of the South East Plan and Policy EN15 of the Non-Statutory Cherwell Local Plan.

5.32 Contamination

Previous investigations of the site have identified a number of contaminants both in the soil and groundwater including free phase hydrocarbons. A Framework Remediation Strategy was therefore submitted as part of the application. The Council's environmental Protection Officer recommends conditions in respect of the remediation and mitigation measures regarding contamination and gas monitoring measures.

5.33 Archaeology

An archaeological desk based assessment has been carried out which concluded that any archaeological remains associated with the former Medieval Village and Hardwick Farm to the north are likely to have been destroyed or damaged by the construction and operation of the aluminium factory. The County Archaeologist is satisfied with these conclusions but recommends that should planning permission be granted a condition be imposed requiring the applicant be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction.

Ecology

5.34

An extended Phase I Ecological Assessment was carried out in August 2010 which involved a systematic walk over the site to classify and map each habitat. However, it concluded that there were unlikely to be any habitats of note or protected species which would be harmed by the development. The Council's Ecologist is satisfied that the Ecological Assessment is sufficient in scope and depth for this application, but further surveys will be required at reserved matters stage, together with the

consideration of appropriate lighting schemes adjacent to the canal. These matters can be covered by condition.

It is therefore considered that this proposal is acceptable in terms of biodiversity and ecology and complies with Government Guidance in PPS9 and Policy NRM5 of the South East Plan.

5.35 Noise

Noise assessments have been submitted as part of the application which looks at the existing noise levels in and around the site, and the impact that the development will have on the locality once it is operational. The report is based on a noise survey undertaken over a representative 24 hour period at the noise sensitive properties closest to the site, these being the residential properties adjacent to the canal and numerous residential properties in the Hanwell Fields development and Hardwick Farmhouse to the north of the site. These assessments were carried out in consultation with this Council's Environmental health department, and having regard to local plan policies and PPG24.

- 5.36 The report identifies mitigation measures which will be necessary, in terms of HGV's and suggests a landscaped bund or an acoustic barrier along the southern edge of the access road adjacent to the canal. A condition is therefore recommended to this effect, as is a condition relating to the noise levels generated by fixed plant items.

Having regard to the above the proposal is considered acceptable and in accordance with the advice in PPG24.

5.37 Planning Obligation

The proposal would generate a need for infrastructure and other contributions relating to County Council infrastructure, to enable the development to proceed in terms of monetary contributions towards future highway infrastructure, the implementation and monitoring of a travel plan and the provision of bus stops along the Southam Road. Details of these are awaited from Oxfordshire County Council. Any permission would therefore need to be subject of a planning obligation with Oxfordshire County Council in respect of these requirements.

5.38 Conclusion

Having regard to the above assessment, it is considered that the proposed redevelopment of this site for B1/B2 and B8 purposes is acceptable, and will bring this vacant employment site back into beneficial use, securing jobs for Banbury and improving the visual appearance of this vacant site in a gateway location on the edge of the town.

## 6. Recommendation

It is therefore recommended that the application as submitted be **APPROVED** subject to:-

- (i) the applicants entering into a planning obligation with Oxfordshire County Council in respect of infrastructure contributions, green travel plan and the provision of bus stops along the Southam Road;
- (ii) the following conditions:

1.	SC1.0AB	<p>That no development shall be commenced until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.</p>
2.	SC1.1A	<p>That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.</p> <p>Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.</p>
3.	SC1.2A	<p>That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.</p> <p>Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.</p>
4.		<p>That no development shall commence until full details of the landscape bund and landscaping adjacent to the canal, which shall be the first reserved matters submission has been submitted to and approved in writing by the Local Planning Authority. This development shall be carried out in accordance with that permission prior to the completion, or first occupation, whichever is the sooner of any of the development.</p>

		Reason – In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the Adopted Cherwell Local Plan.
5.		<p>That the development hereby approved shall be carried out unless otherwise required by condition, in accordance with the application forms, design and access statement, planning statement and drawing numbers:- 30261-PL-102E Parameters Plan; 30261-PL-106 Illustrative layout; 30261-PL-107 Illustrative layout; 30261-PL-108 Illustrative layout; 12146-09 Proposed Site Access; 03 rev B Landscape Proposals for Oxford Canal; 04 rev A Landscape Proposals Section Canal Boundary; 05 rev B, Illustrative Landscape Layout – Southam Road; 06 rev B Illustrative Sections Southam Road frontage received 14.2.11.</p> <p>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 Policy BE1 of the South East Plan.</p>
6.		<p>That the buildings hereby approved shall not exceed the measurements as detailed on the revised parameters plan as submitted as part of this application, as determined by external measurement.</p> <p>Reason - In order to achieve a satisfactory form of development, having regard to the listed office building and to ensure that the site is not overdeveloped and to comply with Policies H5 and BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan and PPS5 'Planning for the Historic Environment'</p>
7.		<p>The applicants, 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 ground works 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.</p> <p>Reason – To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: 'Planning for the Historic Environment'.</p>
8.		<p>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 usable archive and a full report for publication.</p> <p>Reason – To safeguard the recording and inspection of matters of</p>

		archaeological importance on the site in accordance with PPS5: 'Planning for the Historic Environment'.
9.		<p>Development shall not commence until a drainage strategy detailing any on and/or off-site drainage works, has been submitted to and approved by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.</p> <p>Reason – The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.</p>
10.	SC3.0A	<p>That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-</p> <p>(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,</p> <p>(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,</p> <p>(c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.</p> <p>Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
11.	SC3.1A	<p>That 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; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.</p> <p>Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
12.	SC3.2AA	In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and

		<p>paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the first occupation of the development.</p> <p>a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations For Tree Works.</p> <p>b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.</p> <p>Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
13.	SC3.3AA	<p>No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:</p> <p>a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.</p> <p>b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.</p> <p>c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.</p> <p>d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.</p> <p>e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).</p> <p>f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior</p>

		<p>to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.</p> <p>g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).</p> <p>h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).</p> <p>i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.</p> <p>j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)</p> <p>k) the details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction.</p> <p>l) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.</p> <p>m) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.</p> <p>n) the details of the method to be employed for the stationing, use and removal of site cabins within any Root Protection Areas (para. 9.2.3 of BS5837).</p> <p>o) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).</p> <p>p) the timing of the various phases of the works or development in the context of the tree protection measures.</p> <p>Reason - To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
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14.		<p>That prior to the commencement of any development on the site, an Arboricultural Method Statement and Tree Protection Plan in accordance with BS5837 'Trees in Relation to Construction' shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan and method statement.</p> <p>Reason - To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
15.		<p>That prior to the commencement of the development, full detailed plans of the proposed access together with the vision splays to the Southam Road and Noral Way shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation, the access(es) shall be provided in accordance with the approved plans.</p> <p>Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.</p>
16.		<p>Within 3 months of the occupation of the development hereby approved, or any subsequent occupiers, a travel plan to reduce dependency on the private car, which shall include clear and unambiguous objectives and model split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; and based on the particulars contained within the approved framework produced in support of this application, shall be submitted to and approved in writing by the local planning authority. The travel plan shall thereafter be operated in accordance with the approved details.</p> <p>Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.</p>
17.	SC4.6AA	<p>That the vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding 0.6 metres as measured from the carriageway level.</p> <p>Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.</p>
18.	SC4.4AA	<p>That the proposed vision splays to Noral Way shall be formed, laid out and constructed in accordance with detailed plans which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development and that the land and vegetation within the splays shall not be raised or allowed to grow above a maximum height of 0.6 metres above carriageway level.</p>

		Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.
19.		<p>Car parking and cycle parking shall be provided in accordance with the local planning authority's car parking standards, or as otherwise approved in writing by the Local Planning Authority, at the time of any reserved matters submission.</p> <p>Reason - In the interests of highway safety, to ensure the provision of off-street car and cycle parking and to comply with Government advice in PPG13: Transport and Policy T4 of the South East Plan 2009.</p>
20.	Sc4.15AA	<p>That the parking, servicing and manoeuvring shall be kept free of obstructions at all times and used only for the specified purpose.</p> <p>Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government advice in PPG13: Transport.</p>
21.		<p>The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by BWB, dated February 2011, Ref: BMW/454/FRA3 and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> <li>1. Compensatory fluvial flood storage shall be provided to mitigate losses in flood water storage during fluvial flood events up to and including the 1 in 100 year event with an allowance for climate change, as detailed in Section 6 of the FRA.</li> <li>2. Finished floor levels shall be set no lower than 9.34 mAOD in accordance with Section 6 of the FRA.</li> <li>3. Surface water discharge rates shall not exceed 479 l/s across a range of storm events up to and including the 1 in 100 year event with an allowance for climate change, as detailed in Section 6 of the FRA.</li> </ol> <p>Reason – To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the impact of flooding on the proposed development and future occupants and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.</p>
22.		<p>No development approved by this planning permission shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development 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.</p>

	<p>The scheme shall also include details of how the scheme shall be maintained and managed after completion.</p> <p>Reason – To prevent the increased risk of flooding, to improve and protect surface and groundwater quality, improve habitat and amenity, and ensure future maintenance of the scheme.</p>
23.	<p>No development approved by this planning permission shall take place (or such other date or stage in development as may be agreed in writing with the local planning authority), until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:</p> <ol style="list-style-type: none"> <li>1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> <li>➤ All previous uses</li> <li>➤ Potential contaminants associated with those uses</li> <li>➤ A conceptual model of the site indicating sources, pathways and receptors</li> <li>➤ Potentially unacceptable risks arising from contamination at the site.</li> </ul> </li> <li>2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.</li> <li>3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</li> <li>4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</li> </ol> <p>Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason – The site is located in close vicinity to the Oxford Canal which is a controlled water receptor. The site currently discharges water into the canal. Intrusive investigations also show that the alluvial deposits and sands and gravels sit beneath the site, these are classified as secondary aquifers. A number of contaminating activities have occurred on this site and the site is known to be contaminated. Infiltration drainage system may also mobilise any contamination present at this site. A phased investigation would be required to determine the extent of any contamination present and to what extent it poses a risk to controlled waters. Any risk identified would need to be</p>

		adequately resolved, this may include site remediation.
24.		<p>Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.</p> <p>Reason – To ensure that contamination at the site is remediate, such that the site does not pose a threat to controlled waters.</p>
25.		<p>No development approved by this planning permission shall take place until a scheme for the provision and management of a buffer zone alongside the canal shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:</p> <ul style="list-style-type: none"> <li>➤ Plans showing the extent and layout of the buffer zone</li> <li>➤ Details of the planting scheme (for example, native species)</li> <li>➤ Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term</li> <li>➤ Details of any footpaths, fencing, lighting etc.</li> </ul> <p>Reason – Development that encroaches on any watercourse has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside canals is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.</p>
26.		<p>That prior to the commencement of any development on the site, full details of the restoration of the gatehouse, gate piers including their materials of instruction, and reinstatement of the original aluminium gates and lanterns shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details prior to the first occupation of any unit hereby approved.</p> <p>Reason - To ensure that the completed development is in keeping with</p>

		and conserves the special character of the existing historic building and to comply with Government advice in PPG15: Planning and the Historic Environment, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.
27.		<p>That no goods, materials, plant or machinery shall be stored, repaired operated or displayed in the open whatsoever.</p> <p>Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
28.		<p>That prior to the commencement of any development on the site, a management plan for the maintenance of the proposed bund and landscaped area adjacent to the canal shall be submitted to and agreed in writing by the Local Planning Authority. The management plan shall thereafter be carried out strictly in accordance with the approved details.</p> <p>Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
29.		<p>That prior to the commencement of any development on the site, further ecological surveys to establish the presence of any protected species or the existence of other wildlife habitats on the site, as recommended by the ecological appraisals prepared by FPCR Environment and Design Ltd and submitted as part of the application, shall be carried out, and shall be submitted to the Local Planning Authority for approval. Any mitigation or other measures identified as part of those surveys shall be carried out in accordance with those findings.</p> <p>Reason – To ensure that the development will not cause harm to any protected species or their habitats in accordance with PPG9 ‘Biodiversity and Geological Conservation’, Policy NRM5 of the South East Plan and Policy C2 of the adopted Cherwell Local Plan.</p>
30.		<p>That prior to the commencement of the development full details of an acoustic barrier which shall take the form of a landscaped bund to be installed along the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include the design calculations which will demonstrate that the proposed barrier will provide sufficient sound attenuation to ensure that the World Health Organisation recommended noise levels for the avoidance of sleep disturbance are not exceeded. The approved barrier shall be installed in accordance with those details prior to the first occupation of any part of the site and shall be thereafter maintained in good order.</p> <p>Reason – In order to safeguard the amenities of the area and of</p>

		adjacent residents and to comply with PPG24: Planning and Noise, Policy BE1 of the South East Plan 2009 and Policies C31 and ENV1 of the adopted Cherwell Local Plan.
31.		<p>That the accumulative rated level of noise from all fixed plant items on site shall not exceed the levels specified in Table 5.9 on page 16 of the Noise Assessment prepared by Resound Acoustics Ltd – Report Reference RA00081 – Rep 1 revised 3.2.11. These noise levels are applicable at a point close to, but at least 4m from the front of any relevant façade. The daytime is between the hours of 07.00hrs and 19.00hrs, evening is between 19.00 hrs and 23.00 hrs, and night time is between 23.00 hrs and 07.00 hrs.</p> <p>Reason – In order to safeguard the amenities of nearby residents, and to comply with PPG24: Planning and Noise, Policy BE1 of the South East Plan 2009 and Policies C31 and ENV1 of the adopted Cherwell Local Plan.</p>
32.		<p>Following the completion of the excavation/source removal and after returning the site to current ground levels through backfilling, but prior to any construction works commencing, a comprehensive ground gas risk assessment should be undertaken. This ground gas risk assessment (with suitable remedial proposals included as appropriate) should be submitted to the LPA and agreed prior to any construction works being undertaken.</p> <p>If ground gas protection measures are required, they shall be undertaken in accordance with the agreed proposals and prior to occupation of the site, a ground gas protection verification report detailing these works shall be submitted to, and agreed with the Local Planning Authority.</p> <p>Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.</p>
33.		<p>The works detailed in the Discovery CE Ltd Remediation Strategy (report No. 10078J-rem-strat) submitted in support of this application shall be undertaken in line with the approved strategy, and any further works required to be protective of the risk from ground gases identified in condition (33). Prior to occupation of the development, a verification report detailing these works shall be submitted to, and agreed with, the LPA.</p> <p>Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without</p>

		unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.
34.	SC9.12A	<p>The development hereby permitted shall be constructed to at least a BREEAM excellent standard.</p> <p>Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Government advice contained in PPS: Planning and 'Climate Change' (Supplement to PPSI) and to comply with Policies CC2 and CC4 of the South East Plan 2009.</p>
35.		<p>Prior to their establishment on site, details of the location of all site compounds and the associated areas for plant storage and access thereto, as well as a scheme for their subsequent removal and restoration of the land shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason – To ensure that the site compounds are sited in locations that will not adversely affect the amenities of nearby residential properties or imposition the existing landscaped areas to be retained and the Memorial Garden.</p>
36.		<p>Notwithstanding the provisions of Section 55 (2)(a)(i) of the Town and Country Planning Act 1990 and Class A Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2010 and its subsequent amendments, no informal operations increasing the floor space available within the buildings hereby permitted beyond their approved floor shall be carried out without the prior express consent of the Local Planning Authority.</p> <p>Reason – To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to avoid congestion on the surrounding highways and Junction 11 of the M40, maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site in accordance with Policies CC1, T1 and T4 of the South East Plan.</p>
	<u>Planning Notes</u>	
1.	C	In the submission of reserved matter details for approval, it is expected that the new scheme will closely follow the indicative plans/elevations/layout accompanying this application.
2.	D	In the submission of reserved matter details for approval, a particularly high standard of architectural design in the external appearance of the new buildings is expected in view of the prominence of the site.
3.	I	Environment Agency and Thames Water have been consulted in respect of the application and a copy of their letter of reply is enclosed

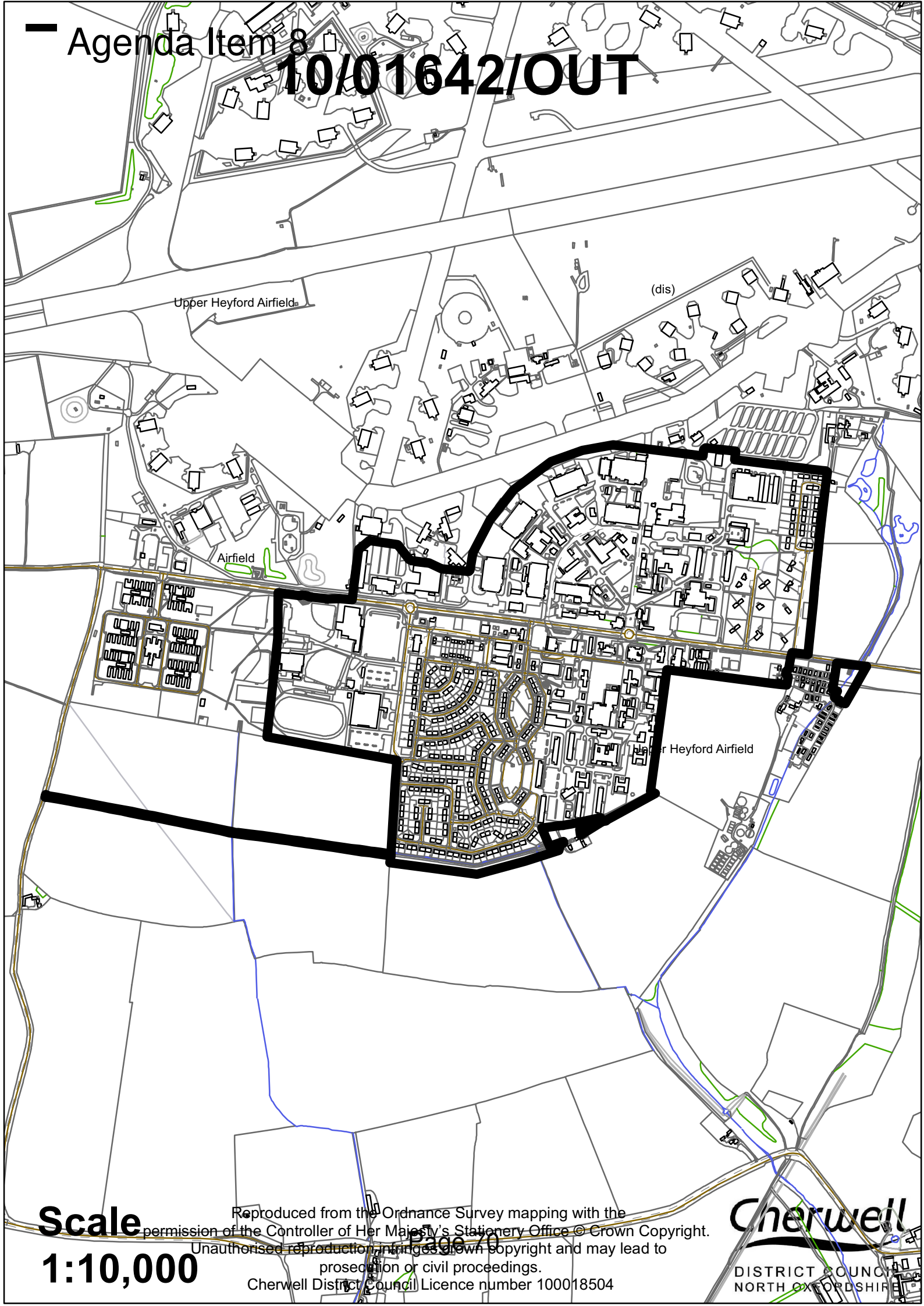
		for your information.
4.	J	The developers/applicants attention is drawn to the need to make provision for the future maintenance of public open space/landscaped areas in the development.
5.	Q1	Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
6.	U1	The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
7.	V1	The Applicant is reminded that the premises should be made accessible to all disabled people, not just wheelchair users, in accordance with the provisions contained within the Disability Discrimination Act 1995. This may be achieved by following recommendations set out in British Standard BS 8300: 2001 - "Design of buildings and their approaches to meet the needs of disabled people - Code of Practice", or where other codes may supersede or improve access provision. Where Building Regulations apply, provision of access for disabled people to the premises will be required in accordance with Approved Document M to the Building Regulations (2004) - "Access to and use of Buildings", or codes which contain provisions which are equal to or exceed those provisions contained within Approved Document M.
8.	X1	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 2501.
<p><b>SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES</b></p> <p><b>The Council, as local planning authority, has determined this application in</b></p>		

accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal would result in the reuse of a former employment site within Banbury, increasing employment opportunities in a sustainable location and would not result in any unacceptable landscape or transport impact. Furthermore the proposal is considered to be acceptable in terms of flood risk, land contamination, biodiversity, archaeology and noise. Due consideration has been given to the setting of the existing Grade II listed offices and will result in the restoration and renovation of the gatehouse and its entrance. As such the proposal is in accordance with Policies PPS1 'Delivering Sustainable Development', PPS4 'Planning for Sustainable Economic Growth, PPS9 'Biodiversity', PPG13 'Transport', PPS5 'Planning for the Historic Environment', Policies CC1, CC4, RE9, T5, NRM4, NRM5 and BE6 of the South East Plan 2009 and Policies TR1, C2, C7, C28, ENV1 and ENV12 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

**CONTACT OFFICER: Linda Griffiths**

**TELEPHONE NO: 01295 227998**

Agenda Item 8  
**10/01642/OUT**

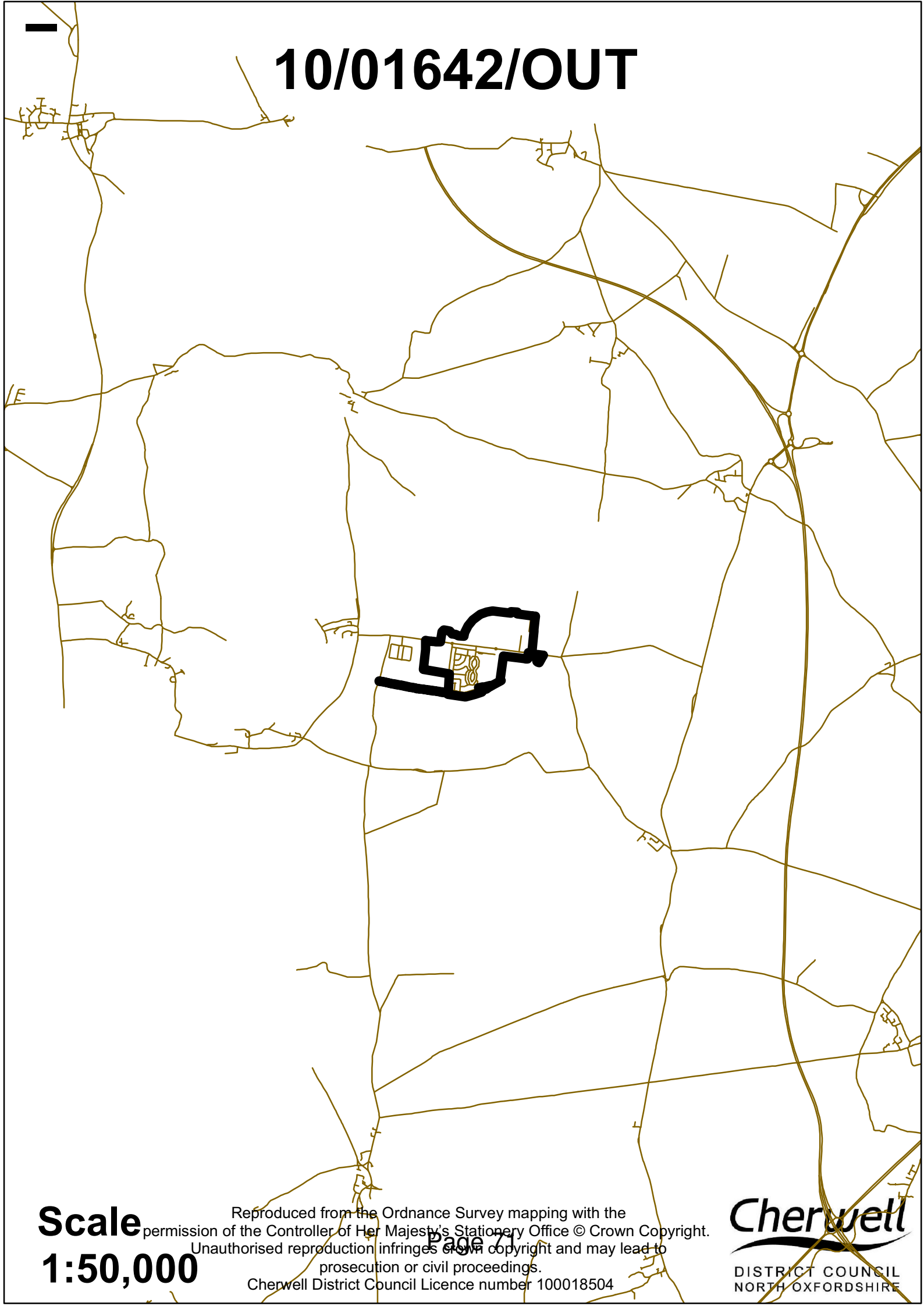


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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# 10/01642/OUT



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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application No:</b> 10/01642/OUT	<b>Ward:</b> The Astons and Heyfords	<b>Date Valid:</b> 27.10.2010
<b>Applicant:</b>	Dorchester Heyford Park Group Ltd	
<b>Site Address:</b>	Heyford Park, Camp Road, Upper Heyford	
<b>Proposal:</b>	Outline - Proposed new settlement for 1075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure	

<b>1. Site Description and Proposal</b>	
1.1	The application site for this proposal is part of the former RAF/USAF Upper Heyford base. It is identified on the appended site plan and measures approximately 76.3 hectares in size, the Heyford base being approximately 505 hectares in total.
1.2	The base was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. The nature of the site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the Cold War landscape are preserved. This application covers the Technical and Residential Areas, including the Service and Recreational Zone, as defined within the Conservation appraisal.
1.3	<p>In the appraisal, the character of the Technical Area is described as:</p> <p style="padding-left: 40px;">“... characterised by the ‘campus’ layout of deliberately sited, mix function buildings, in an open setting with organised tree planting. The variation in building type is both a function of their differing use and the fact that there has been continual construction within the site as part of the different phases of development within the airbase. The setting of the 1930s aircraft hangers in an arc on the northern edge of the site provides a visual and physical edge to the site. The access to the Technical Site is dominated by Guardroom (<b>100</b>) and Station Office (<b>52</b>). To the east of these is the impressive 1920s Officers’ Mess(<b>74</b>) set within its own lawns. The style of these 1920s, red brick, RAF buildings is British Military.”</p> <p>The Residential area is broken up into various sub zones. North of Camp Road are the RAF Officer’s Married Area (Category 10A) and the Airmen’s Housing and Bungalows (Category 10C). And to the South of Camp Road</p>

another area of Airmen's Housing and Bungalows (Category 10C) and the RAF Domestic and Residential Section (Category 10B).

They are described in the appraisal as:

“10A Original RAF Officers' Residential Section-The area is characterised by the 1920s red brick buildings, in a 'leafy suburb' setting of grass and organised tree planting. The low-density setting of the original buildings is perpetuated in the buildings built adjacent in the 1950s.

10C Airmen's Housing and Bungalows- To the east of the Parade Ground is Carswell Circle (datestone 1925) short terraces of garden city style rendered buildings located originally in an open setting. The later southern second circle is a marriage of an open setting with the prevailing house design styles of the 1940s-50s. Red brick, estate house, smaller cousins to the officers' housing built on Larsen Road. There are a number of areas covered in the prefabricated bungalows; south of Camp Road and north of Larsen Road. There is a perfunctory attempt at landscaping, but the monotony of repeated structures is unrelenting. The bungalows themselves are functional but have no architectural merit.

10B RAF Domestic and Residential Section- The 1920s, red brick, RAF buildings to the south of Camp Road are laid out around and orientated towards the parade ground. The style of the buildings within the area is again British Military and because of their grid-like orientation the area has a strong 'campus' character distinct from the Technical Site to the north on the other side of the road. The area immediately south of the parade ground was developed during the period of RAF expansion in the 1930s. The area is dominated by the Institute (**488**) and H blocks (**489, 498** and **500**) set around it. This area has a coherent character distinct from the 1920s buildings. The general 'military architect' character of the area has been diluted by post-war alterations.”

Also within the application site is a small area (Category 10E), School and Other Prefabricated Buildings which consists of a limited group of prefabricated buildings to the east of the 1920s parade ground. (The school is in another area west of the application site).

A final category is the Service and Recreational Area (Category 10D) to the south of Camp Road and west of the residential area. It is described as:

“10D Service & Recreational Area-This area, located south of

	<p>Camp Road west of the housing area, is very open in contrast to the areas either side. There is a limited number of service buildings spread across this area. The buildings are modern prefabricated structures in the rather dull utilitarian municipal style of the 1970s, now much reviled. Whilst the buildings maybe considered functional, they lack architectural merit. These buildings are interspersed with recreational sporting facilities and areas of parking. The layout of this area has no coherence.”</p>
1.4	<p>Only two buildings within the application site are statutorily protected. They are buildings 126 and 129, the Battle Commend Centre and the Hardened Telephone Exchange; both are located in the Technical Area and are Scheduled Ancient Monuments.</p> <p>However, there are several buildings also within the application site that make a positive contribution to the Conservation Area including in the Technical Area:</p> <ul style="list-style-type: none"> <li>i. Station Offices and Operations Block (Building 52)</li> <li>ii. Guardhouse (Building 100)</li> <li>iii. Officer’s mess and single officer’s quarters (Building 47)</li> <li>iv. Station Armoury Building (Building 125)</li> <li>v. Type A Aircraft hangars (Buildings 127, 320, 345, 350, 151 and 315)</li> <li>vi. Fire hydrants and other aspects of “little America” remaining.</li> </ul> <p>And in the residential area:</p> <ul style="list-style-type: none"> <li>i. The Institute (Building 255)</li> <li>ii. Sergeant’s mess (Building 455)</li> <li>iii. Dining Room and Cookhouse (Building 474)</li> <li>iv. Dining room and Institute (Building 488)</li> <li>v. Single sergeant’s quarters (Building 459)</li> <li>vi. Barracks type C (Buildings 450, 480, 483, 471 and 466)</li> <li>vii. Barrack type B (Building 485)</li> <li>viii. Carswell Circle ( Buildings 530—534, 535—540, 544, 545 &amp; 546)</li> <li>ix. Officers housing (Buildings 1-11&amp;19).</li> </ul>
1.5	<p>The site has a number of mature trees, both individually and in groups, particularly north of Camp Road in the Trident and Officer’s Married Area, and south of Camp Road in Carswell Circle. These were planted largely during the RAF occupation. During the USAF period more screen-planting was undertaken particularly to the south and west of the base.</p>
1.6	<p>In terms of the uses on site, its military use ceased in 1994. Since 1998 it has effectively functioned as a self contained settlement under the ownership</p>

	<p>first of the North Oxfordshire Consortium and for the last two years by the current applicants, the Dorchester Group. In that period the base has created approximately 1,000 jobs and homes for around 750 residents.</p>
1.7	<p>Commercial uses are spread across the flying field but within the technical area there are also a number of established businesses undertaking a wide range of operations. The major A type aircraft hangers are used for general industrial and storage, primarily for car processing, but other buildings contain more modern high tech offices with research and development. There are also a wide range of workshops in some of the smaller premises.</p>
1.8	<p>South of Camp Road is a retail store and a number of community buildings including church, play group and community centre. These are surrounded by residential dwellings. These dwellings are all covered by a temporary planning permission first granted in 1998 that permitted the change from their military associated use and which has been renewed every five years or so, most recently in March of last year (ref 09/01254/F). The temporary permission also covers the community buildings. This permission does not expire until March 2015.</p>
1.9	<p>The current application is seeking outline permission for new buildings and development together with changes of use on certain buildings, with the broad details being set out in a series of parameter plans. This form of hybrid application is unusual in a conservation area but again reflects the nature of the previous submission (allowed on appeal-see planning history below) in seeking to create a new settlement of up to 1075 dwellings with associated infrastructure.</p>
1.10	<p>In addition to the parameter plans, the application is supported by a number of documents including a Planning Statement, a Statement of Community Involvement, draft Heads of Terms for a S106 Agreement, Sustainability Statement, Tree Survey, Design and Access Statement (D&amp;A) and an Environmental Assessment (EA). The D&amp;A sets out the vision for Heyford Park and principles behind the proposed masterplan. The EA assess the environmental impact of the development under construction and when complete. Where there is potential for adverse impact the EA considers and advises on mitigation measures. It covers in some detail planning policy, noise, air quality, ground conditions and contamination, water resources, landscape and visual character, archaeology and cultural heritage, ecology, socioeconomics and the overall cumulative impact of the proposed development. The report appears to be comprehensive and its conclusions appropriate.</p>
1.11	<p>The flying field is not part of this application and the uses and development permitted upon it at the appeal are to be implemented by the applicants under the appeal permission. The differences between the two applications will be set out in the appraisal but the main reason for the fresh application</p>

	<p>arises from the desire of the applicant to retain more buildings on site. As a result, a new masterplan has been drawn up which, whilst similar to the one considered at appeal, has been modified. The most significant changes are a new area of open space centred on the parade ground, the retention of a large number of dwellings including 253 bungalows, and more of the heritage buildings, the demolition of which was previously consented. The retention of these buildings at their existing low density has meant the masterplan has expanded the development area west on to the sports field.</p>
1.12	<p>The Council has received some criticism for not fully describing the application (see Application Publicity below). However the format of the application and description of the proposed development is also reflective of that approved at appeal. The purpose of the parameter plans submitted with the application is to lay down some of the details, for example on uses and building heights. For the avoidance of doubt, the actual details of the application are also set out in the supporting planning statement submitted as part of the application and which is reproduced in full below:</p> <p>The proposed development within the New Settlement Area now includes the following uses:-</p> <p>1) Class C3 (residential dwelling houses): up to 1,075 dwellings (including the retention and change of use of the majority of existing military housing and the change of use of various buildings), comprising:</p> <ul style="list-style-type: none"> <li>a) 46 existing dwellings already benefiting from a Certificate of Lawful Use or Development for Class C3;</li> <li>b) change of use of 253 dwellings to Class C3 (already subject to planning application 10/00640/F);</li> <li>c) change of use of 12 dwellings along Dacey Drive to Class C3;</li> <li>d) change of use of 2 dwellings along Dow Street to Class C3;</li> <li>e) erection of 764 new dwellings;</li> <li>f) demolition of 2 existing dwellings, no.'s 5 and 7 Portal Drive South; and</li> <li>g) change of use of Building 485 to Class C3</li> </ul> <p>2) Class D1 (non residential institutions): change of use of various buildings to provide up to 5,820 sq.m of floorspace, comprising change of use of:-</p> <ul style="list-style-type: none"> <li>(a) Building 549: 580 sq.m</li> <li>(b) Building 572: 680 sq.m</li> <li>(c) Building 126: 869 sq.m</li> <li>(d) Building 129: 241 sq.m</li> <li>(e) Building 315: 3,100 sq.m</li> </ul> <p>And erection of up to 350sq.m of new build Class D1 floorspace for a crèche</p> <p>3) a Change of Use of Building 74 (4,020 sq.m) to a Class C1/C2 use  3) b Change of Use of Building 41 (1,662 sq.m) to a Class C1 use</p> <p>4) Class A1 provision of up to 1,400 sq.m of floorspace, comprising of new build.</p>

- 5) Class A3-A5 provision of up to 1,713 sq.m of floorspace in total, comprising :-  
 (a) Building 455: 1,177 sq.m  
 (b) Building 457: 224 sq.m  
 (c) Building 103: 312 sq.m)
- 6) Provision of 1 no. Primary School on 2.2 hectares.
- 7) Class B1 provision of up to 5,821 sq.m of floorspace in total, comprising:-  
 (a) change of use of Building 100: 557 sq.m  
 (b) change of use of Building 125: 897 sq.m  
 (c) change of use of Building 123: 1,847 sq.m  
 (d) change of use of Building 488 up to 1,500 sq.m  
 (c ) erection of new build up to 1,020 sq.m
- 8) Mixed Class B2/B8 provision of up to 20,833 sq.m of floorspace in total, comprising change of use of :-  
 (a) Building 80: 2,198 sq.m  
 (b) Building 151: 3,100 sq.m  
 (c) Building 172: 5,135 sq.m  
 (d) Building 320: 3,600 sq.m  
 (e) Building 345: 3,600 sq.m  
 (f) Building 350: 3,200 sq.m
- 9) Class B8 provision of up to 50 sq.m. involving change of Use of Building 158.
- 10) Change of Use of Structure 89a (10 sq.m) to a petrol pump station (sui generis use).
- 11) Provision of playing pitches and courts, sports pavilion plus incidental open space including NEAPS and LEAPS.
- 12) Provision of all infrastructure to serve the above development including the provision of the requisite access roads and car parking to District Council standards.
- 13) Removal of boundary fence to the south of Camp Road and partial removal of the fence to the north of Camp Road.
- 14) Removal of buildings and structures within New Settlement Area as detailed in separate schedule;
- 15) Landscaping alterations including the removal of identified trees within the Conservation Area (see separate schedule) and planting of new trees and off-site hedgerows and access track.

1.13	<p>Committee's attention is drawn to:</p> <ul style="list-style-type: none"> <li>• The large number of dwellings now retained with only 764 proposed as new build</li> <li>• The provision of a primary school and crèche (as previously approved)</li> <li>• A new commercial centre (Class A uses) of over 3,000 sq m.</li> <li>• Employment floor space of <ul style="list-style-type: none"> <li>○ 5,821 sq m (Class B1) (1,020 sq m new build)</li> <li>○ 20,833 sq m (Class B2/B8)</li> </ul> </li> <li>• 5,8820 sq m of non residential floorspace including heritage centre (as previously approved)</li> <li>• And a larger number of heritage buildings retained</li> </ul>
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<b>2. Application Publicity</b>	
2.1	The application was advertised in the press and by site notice. It was clear for determination on 26 <sup>th</sup> January 2011.
2.2	<p>In addition, it is understood the applicants also consulted their tenants and over 90 standard letters have been received from residents (not all signed or addressed) in support of the application.</p> <p>Individual letters have been received from:</p>
2.3	<p><u>21 Hatch Way, Kirtlington</u></p> <p>If this application is approved it should be on the basis that appropriate measures are taken to protect, conserve and where possible enhance biodiversity. Ponds for wildlife, green spaces, native hedges, small tree plantations and green roofs should all be incorporated.</p>
2.4	<p><u>Team Rector for Cherwell Valley Benefice</u></p> <p>The Church of England have for some 8 years used the Chapel (Building 572) as a centre for their work in the community. The present Chapel has already established itself in the community and serves the purposes well however, there are aspects of the building that need attention and repair. It is requested that its future is secured as the place of worship in the community by treating the Chapel (Building 572) in the same way as the Community Centre and including its refurbishment and transfer to the Diocese of Oxford as part of a 106 agreement</p>
2.5	<p><u>The Oxford Trust for Contemporary History</u> (3 letters summarised and grouped into subheadings):</p>

The Oxford Trust for Contemporary History say they have been involved in the process of finding a lasting arrangement for this disused airfield since consultations started in 1995.

#### Process

- In the submission of this new outline application, the new owners have made their position clear that the existing permission will not be implemented
- It is appropriate if not necessary for CDC to consider apparent failings in the 2010 appeal decision
- The 2010 appeal decision exposed the problems which had been created by the adoption of the Revised Comprehensive Planning Brief required by the Structure Plan without adequate consultation (the subject of criticism by the applicants) or having carried out any of the feasibility studies in respect of the heritage recommended to them by the Examining Panel.
- The fresh application(s) provides the opportunity to negotiate an improved scheme for the public access to and appreciation of the best preserved Cold War remains in the Country and to control the commercial uses (e.g. the routing of traffic movements across the site) in a manner fitting to a holocaust site.
- This application represents an opportunity to make good the absence of feasibility studies which are necessary to the evidence base to enable the proper consideration of any proposals which would affect the best preserved Cold War landscape, including some of its most important elements (e.g. Battle Command Centre) and the putative heritage centre (and management plan).
- The description of development does not describe all uses, heritage buildings omitted. No mention of heritage centre (Class D2) (sic)
- The LPA should consider whether the proposals being made for residential and commercial development can be justified in the absence of a planning obligation which accords with and goes towards achieving the purposes set out in OSPH2 or, even if it is no longer a relevant policy, the benefits described in it. Whilst a permission granted on appeal can represent a fall-back position, the applicants have no intention of carrying out the comprehensive redevelopment which was approved and this application itself is an indication that an entirely different approach is now to be taken. There are a number of pressing needs for funds to enable the conservation of the Cold War heritage, not least to secure public access to the site (however 'inconvenient') and the appointment of a curator and

education officer.

#### Policy

- The redevelopment of the site in an unsustainable location would normally be resisted (the first test in the case of *Young v Oxford City Council*) and has only been supported by the local planning authorities and the Secretary of State to enable the interest in the Cold War heritage to be conserved (the second limb in *Young*)
- The position in respect of 'development plan policy' seems to be confused. Although the applicants and CDC appear to believe that OSPH2 still carries weight as development plan policy in deciding the application in accordance with s38(6) this might not be the case now that RSSs have been reinstated following the judgment in *Cala Homes v Secretary of State*. If that is the case then CDC need to consider the proposals as enabling development following the principles in *Young*
- Weight to be afforded the Structure Plan is unclear
- The application requires amending in order to explain the policy context in which it will be considered and determined post *Cala Homes* and should be expanded to include the relevant European Conventions and to ensure that proposals and assessments of all impacts are being made appropriate to its international importance and status as a site nominated for designation as a World Heritage Site.

#### Heritage

- The impact on the Cold War heritage should be considered as if the site was a World Heritage Site. The international importance of this site should not be understated and is being misrepresented in the current application.
- CDC is aware that the site has been nominated for inclusion on the tentative list for designation as a World Heritage Site. Notwithstanding what the officers said in supporting the change of use of the military housing, the Council is now being asked by the applicants to consider the current application on the basis that impacts on a nominated site should be evaluated in the same way as if the site was a WHS
- It is accepted that new housing to the north of Camp Road has been accepted by the Secretary of State. This does not make this a good idea and the proposed pocket of housing clearly intrudes into the Cold War landscape which is the basis for the World Heritage Site nomination.

	<ul style="list-style-type: none"> <li>• Any approval of development on this site must limit the harm being done to the historic environment (e.g. traffic management and limiting demolition) and to secure the access to and interpretation of the historic asset.</li> <li>• Permissions have been granted for dwellings and car storage without requiring any financial contributions, notwithstanding the harmful impact on the heritage site</li> <li>• CDC should require all military infrastructure to be retained, including the water towers which draw attention to the existence of this site of international importance.</li> <li>• Submissions should be requested of the applicant who could confirm that more attention should now be given to the significance of the context of changes to the historic environment and to community involvement under PPS5</li> <li>• It must be a condition of any new permission that public access be permitted without the wait for the heritage centre to be completed.</li> <li>• When the international importance of the Cold War landscape is properly acknowledged as part of the application the effect of relevant European Conventions will need to be considered</li> </ul> <p>Consultation</p> <ul style="list-style-type: none"> <li>• As OTCH were a main party at the appeal they should have been more involved by the applicants at the pre application stage</li> <li>• For the record we believe that meaningful consultation must involve more than just becoming aware of what is proposed and being able to make written representations. We need to know the thinking behind what is being proposed before being able to make constructive suggestions and valid criticism which could genuinely be taken into account by the applicants. As it stands the applicants have not made any attempt to comply with the formal Scoping Opinion issued by the Council.</li> </ul>
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3. Consultations	
3.1	<u>Kirtlington Parish Council-</u> The Parish Council has no objection to this application. It has always been concerned about the potential increase in traffic this settlement will bring.
3.2	<u>Ardley with Fewcott Parish Council-</u> Whilst all Councillors have no objections - we would like to remind CDC and the applicant - that the previous

	<p>application - by N.O.C. promised traffic calming in Ardley -will the Dorchester Group honour this arrangement - we do have copies where this calming was proposed.</p>
3.3	<p><u>Fritwell Parish Council</u>-No objection</p>
3.4	<p><u>Middleton Stoney Parish Council</u>- The number of houses (1075) should accord with the Structure plan and CDC Local Plan</p>
3.5	<p><u>Head of Planning Policy and Economic Development, Cherwell DC</u></p> <p>Consideration needs to be given to whether there has been a change in circumstances between this application and the last. The Draft Core Strategy acknowledges the previous permission granted for this site.</p> <p>It is advised that regard should be given to all relevant policies from the South East Plan in considering this application having regard as appropriate to the content of the Secretary of State's letter of 27 May and his Chief Planner's letter of 10 November.</p> <p>A review of housing land supply was undertaken for the 2010 Annual Monitoring Report (AMR) which was approved by the Executive on 1 November 2010 for submission to the Secretary of State. The AMR shows that that the supply of deliverable sites for the period 2010 to 2015 is now calculated as 5.1 years, rising to 5.9 years for the period 2011 to 2016. Former RAF Upper Heyford is included as a deliverable site in the district's housing supply in view of it being a suitable, available and achievable site. The site is allocated for enabling development under saved policy H2 of the former Oxfordshire Structure Plan 2016; a policy that was not replaced by the South East Plan upon publication in May 2009 (see SEP, p.288). It also has the benefit of planning permission as granted by the Secretary of State on 11 January 2010. The inclusion of the site in the district's housing land supply does not in itself carry any weight. Nevertheless, if the site was ultimately shown not to be deliverable, then it would need to be removed from the district's 5 year land supply.</p> <p>There are many commitments within the Sustainability Statement that are supported including the construction of non residential development to BREEAM 'very good' standard. The promotion of the 'energy hierarchy' is to be encouraged and accords with emerging local policy in the Draft Core Strategy. However, other aims of the Draft Core Strategy could be better reflected through commitments to sustainable construction (in all elements – not only carbon emissions) through the use of the Code for Sustainable Homes ahead of the national timetable, and clearer proposals for renewable</p>

	<p>energy provision.</p> <p><i>Overall Conclusions</i></p> <p>Having regard to the above, there is no planning policy objection to this proposal.</p>
3.6	<p><u>Cherwell District Council's Head of Housing Service:</u></p> <p>it requires a 30% contribution for affordable housing.</p> <p>Many of the current residents have lived on the site as private tenants for a number of years and a strong community has been established. In 2007 the Council's Executive agreed a lettings plan for any proposed development which gave priority for affordable housing on the site to existing residents. The agreement with the developer therefore involves a survey being undertaken with all residents. This survey will identify the mix and tenure of new housing required to best meet the needs of the current residents. Households will be assessed for priority for the initial 108 units. Those households who are prioritised for these units will remain in their current housing until the new housing is provided. Other residents will retain their priority for any new affordable housing which is developed on the wider site. The Council cannot prevent these residents being served with notice by the site owners prior to any further affordable housing being completed on the site. The developer has agreed that if it is necessary to serve notice these will be phased over a 4 year period.</p>
3.7	<p><u>Conservation and Urban Design Officer, Cherwell DC</u></p> <p>This outline application differs from that approved following the Inquiry in these main respects:</p> <ul style="list-style-type: none"> <li>• The redesign of the area around the parade ground, including the retention of more buildings</li> <li>• The retention of all the bungalows south of Camp Road (now with a resolution to approve) and the resultant extension of the settlement area to the west to take account of the low density of the bungalows</li> <li>• The treatment of Camp Road</li> <li>• The redesign of the local centre</li> <li>• The redesign of the Trident area.</li> <li>• Additional dwellings to the east of Larsen Road along the eastern boundary (NB-these have subsequently been removed from the scheme.)</li> </ul>

Of these the redesign of the area around the parade ground is an improvement over the approved scheme in that the original dimensions of the historic space are retained and also more of the key buildings fronting it

The extension of the settlement area west:

- Development of the extended area and the gym should be possible without being visible within the Rousham vista. Visual impact work has been submitted with this application and this appears to demonstrate that the visual impact of the additional proposed housing on this sensitive vista is minimal. On balance benefit is gained from the demolition of the water towers and the gym. Should the gym be proposed for retention as part of a separate proposal detailed visual, landscape and heritage impact work will be required at that stage.
- The minimal set back from Camp Road for part of this area and subsequent lack of roadside vegetation reflecting the existing character of Camp Road is an acceptable change. The layout on the south side has been pulled back from Camp Road.
- Other than this the additional housing does not create a significant change from the accepted development principles in terms of landscape or visual impact. More could be done to mitigate the effects that are created. Additional planting should be sought along the western and southern boundaries.

The treatment of Camp Road:

The Conservation Plan describes Camp Road as *an abrupt contrast with the rural sections approaching it. The signs, traffic calming, regularly cut hedge and a mixture of security gates, safety barriers, fencing and street lighting give it an urban quality. .... The urban quality is partly mitigated, at least in summer, but on the south side of the road in particular there are frequent glimpses of a very wide range of materials, colours, building forms and states of repair.*

Camp Road currently has a divisive effect separating, as it was designed to do, the technical site from the domestic site:

- its alignment is very straight
- building lines are set well back behind mature vegetation.
- there is no direct access to buildings or plots
- the traffic calming at the eastern and western ends is ineffective.

There is an inherent tension between the retention of the existing military character and ensuring that the road integrates well into what is to be a residential environment and that traffic speeds are low and pedestrian movement across it is safe.

The aspiration of the application is to

- retain the linearity of Camp Road yet change the emphasis to promote greater north – south connectivity (page 49 of the DAS)
- redesign Camp Road to provide a pedestrian dominant environment (page 52 of the DAS).

The DAS sets out

- Build outs with single direction priority
- Links across improved
- Gated access points removed
- Pedestrian priority through roundabouts replaced with managed junctions
- traffic calming at 60m intervals with the central section to have a design speed of 20mph and the outer sections a design speed of 30 mph.

It is preferred to have the through route diverted north or south, preferably north along the southern arm of the Trenchard Trident, in the centre of the settlement. In my opinion the Camp Road characteristic straightness can be retained visually and functionally as a footpath cycle way or green modes route, whilst through traffic is required to deviate and this would be far preferable. I also have concerns about the lack of critical mass achieved at the local centre and difficulties with access, parking and servicing commercial units which this approach would also better address.

#### The redesign of the local centre

The approved masterplan showed retail, community, nursery and primary school facilities focussing on a pedestrian spine linking two new public spaces and shared parking. This was felt to be a particularly successful aspect of the scheme. The proposed layout has retail, PH / restaurant, community and primary school facilities dispersed either side of Camp Road and also either side of a further road south of Camp Road. It seems that the concept of the traffic free “village green / cricket square” has been advanced at the expense of the local centre.

As previously advised during pre-application discussions, I do not consider that this approach creates a critical mass that will be either functionally or commercially attractive because:

- The location of the uses is too dispersed
- The orientation of one retail unit appears to be away from Camp Road northwards
- The orientation of the other retail units appears to be away from Camp Road south wards
- The parking is not centrally convenient for all uses to encourage joint trips

- The place of worship and community centre are distant from the rest of the centre, face away from other uses, are accessed from the opposite side and are separated by housing
- There are two roads that run between the uses further separating the coherence and functionality of the centre.

To be successful, uses need to be grouped closer together, accessed from the same (ideally pedestrian priority) area, with adequate and grouped parking to create a critical mass. Routing through traffic to the north and retaining this central section of Camp Road as a green modes only route through a central park would assist with linking the uses together albeit that more changes to the location and orientation of buildings will be needed to make this work well.

#### The redesign of the Trident area

The design of this area was the subject of much debate during the preparation of the previous application and during the appeal. The Trident layout of four routes radiating out from the gatehouse entrance to the arc of A type hangars and linked by a route around the circumference is a defining characteristic of Sir Hugh Trenchard's principle of dispersal. It remains clear here and the avenues of trees reinforce the road pattern and the campus character with buildings set within grass and car parking. The CAA describes the special character of this area as:

*Organised campus layout..... with deliberately sited, low density buildings, grassland and organised tree planting..... still retains the attribute of being at the hub of the airbase. Despite the infill buildings, something of the organised campus origin of the area remains, overlaid by the successive accretions such as the addition of the standard USA style fire hydrants. Tall buildings, whilst evident, do not over dominate the site; an effect achieved by the spacing of buildings, the tree planting and the distribution and variety of building types.*

In terms of scale, the height plan on page 54 of the DAS indicates that buildings in the Trident area will be "up to 3 storey buildings" and the text at para 6.5.4 (albeit with the incorrect illustration) states that the buildings will be 3 storey and some will be stepped down to 2 storey but it is not clear which. The section on page 149 of the DAS suggests that quite an enclosed feel will be created, quite contrary to the established character. More details are required on heights of buildings to assess impact on the SAM's. In terms of the layout, the supremacy of the trident roads is undermined by the amount of car parking; the avenue planting is not enhanced; the pedestrian routes through the area are confused; the building footprints neither relate to the surroundings, nor each other, nor the road layout. Some smaller

buildings are included within and adjacent to car parking and it is not clear what these buildings are for. If they are bin or bike stores they are very prominently located. The concentration of flats in the trident area, particularly with floor plans that appear to indicate flats accessed from an internal corridor rather than external door, enables the continuation of the campus environment with pavilion buildings. However, we need to be sure that these comprise a mix of social and market dwellings and that to meet Lifetime Homes standards that they have access to some private shared outside space. At present the outdoor space is dominated by car parking, with landscaped areas being restricted to the immediate setting of the dwelling which does not provide shared private amenity space. A revised layout that, for example, emphasises the trident arms with 90 degree parking and reinforcement of the avenue planting could leave the landscaped area between the buildings as shared private amenity space and would be far more preferable. In terms of appearance, very little information is given in the DAS on the proposed appearance of the development in this sensitive area:

Other comments:

- The proposed re-use of the officers' mess for an older persons home appears appropriate, however it would be good if some of the function rooms could be open to use by non residents.
- Care needs to be taken with the road breaking through the trees and play area north of Larsen Road that neither the tree routes nor the amenity of the green space is harmed.
- The proposed play area in the extreme NW of this housing area adjacent to paragon is poorly sited, as previously advised, with poor surveillance, accessibility and amenity.
- The aspect of the westerly facing housing here will be poor and details of the landscape treatment along this edge should be sought to ensure amenity is adequate.
- There is reference to a pavilion being provided in the vicinity of the "village green / cricket pitch", possibly building 457. I am concerned that the aspiration for the cricket pitch is being pursued at the expense of the normal sports pitch provision. Is the provision adequate and where are the changing facilities and parking associated with the football pitch?
- The proposal to locate a NEAP here seems at odds with the provision of a cricket pitch and I cannot see it on the illustration on page 105 of the DAS.
- There is reference to the current nursery being relocated but I do not see its location identified on the land use plan. There is reference to a nursery as part of the primary school provision but this will be the Early Years state provision not a private facility.
- There is reference to the provision of a free bike hire at the bus stop

	<p>for workers on the flying field and I imagine that this will need a significant area but I cannot see it on the master plan.</p> <ul style="list-style-type: none"> <li>• It would also be appropriate to identify the location of recycling facilities in the local centre as the space these take up, together with the amenity of the immediate area and the need for refuse truck access will influence the layout.</li> <li>• I question the quality of the residential environment between the 2 A type hangars. The approved master plan indicated this as employment.</li> <li>• It is not clear whether the orientation of the new buildings has been designed to maximise solar gain, and this is a matter than could contribute to achieving the appropriate Code level.</li> <li>• Links to Lower Heyford Station are referred to and I assume that this will involve the provision of a footpath along the Upper Heyford to Lower Heyford Road where none exists at present.</li> <li>• The sustainability appraisal makes claims about the housing design, such as the provision of live-work units. However the layout does not appear to reflect this, other than possibly use of spare bedrooms as offices.</li> <li>• The requirements for the DAS at outline stage for upper and lower parameters of height, width and depth of EACH building have not been complied with for the non residential units as only the plot areas are given.</li> <li>• The Street Hierarchy plan in the DAS doesn't seem to match with the text.</li> <li>• I note that the Trident area and the bungalow area roads are to be unadopted.</li> </ul>
3.8	<p><u>Ecology Officer, Cherwell District Council</u></p> <p>The surveys and biodiversity reports submitted are sufficient in scope and depth to date however further surveys will be needed for bats in order to inform the full mitigation scheme. All mature trees to be felled will also need to be checked for bat roosts.</p> <p>The suggestions for mitigation for protected species and habitats and species of importance in Chapter 12 of the ES report are broadly appropriate and a full mitigation plan for those protected species identified will need to be drawn up from these with proposed timings, ongoing monitoring and management so the adequacy of the mitigatory measures for maintaining favourable conservation status for these species can be assessed.</p> <p>A management and monitoring plan for all green spaces on site will also be needed along with planting schemes. I would like to see some of the 'natural' green spaces proposed to be managed principally for wildlife with some areas or corridors of more restricted access in terms of recreation/dogwalking etc.</p>

	<p>The suggestions for enhancements beyond mitigation measures should be beneficial for wildlife however I would like to see inclusion of more enhancements for wildlife within the built environment itself on site for example the use of swift bricks within public buildings, bat bricks and access points, bird boxes on buildings (as well as on trees as outlined) green roofs etc to ensure an overall net biodiversity gain in line with PPS9.</p>
3.9	<p><u>Landscape Architect, Cherwell District Council</u></p> <p>I have read the Design and Access Statement and concur with the visual appraisal and landscape mitigation measures proposed.</p> <p><u>Sports Pitches</u></p> <p>In reference to Illustrative Masterplan 14272.01.TP.411.031 Rev K</p> <ul style="list-style-type: none"> <li>• Prefer some of the sports pitches to be reorientated</li> <li>• Unsure that all sports pitches meet national standard sizes, cricket pitch possibly too oval</li> <li>• Some trees lost for the pitches</li> <li>• A second NEAP is required and additional LAP's</li> </ul>
3.10	<p><u>Waste and Recycling Manager, Cherwell District Council-</u></p> <p>Please ensure the Waste Collection guidance on the website is adhered</p>
3.11	<p><u>The Council's Safety Officer-</u> No observations</p>
3.12	<p><u>Oxfordshire County Council-Strategic Planning Views</u></p> <p>Structure Plan Policy H2 requires that the development be in accordance with a revised comprehensive planning brief adopted by Cherwell DC; that brief was adopted in March 2007. Cherwell District Council remains best placed to determine the merits of refurbishing homes as opposed to building new ones. However, they need to ensure that, should permission be given for this application, the infrastructure requirements for the whole of the airfield site could still be delivered and that the planning conditions relating to the whole of the airfield site would remain enforceable.</p> <p>The infrastructure requirements of the proposed residential development are substantially the same as the extant permission. Those requirements include the provision of an on-site primary school. However the suggested inclusion of an "either / or" option for a proposed Free School gives cause for concern. The applicants are pursuing the free school proposal with the DfE, at the same time as providing the infrastructure payments to OCC. If a s106</p>

	<p>agreement is agreed on the lines suggested by the applicant and required school places are provided through the free school route, the Council would have to return to the applicants any unspent funds. If at a later date the Free School were to be closed the County would be in the position of having to fund the provision of a new school or the purchase of the free school assets, in order to take it over and ensure continued education provision. The Developer Funding Team is pursuing changes to the legal agreement that will provide the infrastructure that is necessary for the development.</p> <p>Oxfordshire currently subsidise some parts of the service on the Upper Heyford to Bicester and Oxford route. The applicants would be paying a contribution to improve service provision to take total provision up to the minimum level that meets national and local policies. The combination of subsidy, the developer contributions and travel plan work would provide an opportunity for people in, what would otherwise be an unsustainable location, to use public transport.</p> <p>The County Council has no objection to the development as long as a sufficient developer contribution package to cover infrastructure needs can be secured by way of legal agreement.</p>
3.13	<p><u>Oxfordshire County Council-Highways and Traffic</u></p> <p>No objection to the proposed application provided that the requirements in the extant legal agreements are carried through into the proposed legal agreements. Will however seek to negotiate with the applicants to simplify the agreements where opportunity arises.</p> <p>(N.B. More detailed have been received and incorporated into the appraisal)</p>
3.14	<p><u>County Development Funding Officer</u>: Comments to follow and to be reported verbally to the planning committee</p>
3.15	<p><u>Summary of Other Internal Responses by the County Council</u></p> <p><u>Countryside Service</u></p> <p>The unilateral undertaking agreed for previous application and appeal re countryside access measures on Flying Field and off-site measures should still stand. If these conditions in the unilateral undertaking, and the unilateral undertaking itself, remain binding then no further action needed - but if not then objections should be raised.</p> <p><u>Archaeology</u></p> <p>The area concerned lies within an area of some archaeological interest as highlighted by the archaeology and cultural heritage chapter of the EIA</p>

included with the application. This document highlights that the area of proposed development has been subject to considerable ground disturbance associated with its use as an airbase over a number of years. It is therefore considered unlikely that archaeological deposits would survive intact within the area.

The area does contain a number of buildings proposed for demolition which are related to the Cold War use of the site which are of importance in the understanding of this period and we would recommend that the advice of the District Councils conservation officer be sought to determine whether these buildings will require further recording prior to any demolition on the site.

The possibility of archaeological finds occurring during the course of construction in less developed areas should be borne in mind, in which case the applicant is asked to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary.

#### Minerals Consultation Areas

No objection.

#### County Ecologist

The development should include biodiversity enhancements within the built environment and the development design as recommended in the Ecology chapter of the EIS. Examples include, creation of habitat for bats and birds in buildings, bird & bat boxes and green roofs.

Therefore any mitigation / enhancement measures need to be shown on the relevant architect's drawings and referred to in other reports (e.g. drainage). The developer also needs to be aware of the significance of the bat maternity roost and the mitigation and enhancement which will be required; I would expect more detail on this.

A planting scheme should also be submitted which includes species mix (species should be of local provenance and appropriate to the local area), plant sizes, planting layout & spacing and methods of establishment. The developer could use the Oxfordshire Wildlife & Landscape Study to choose suitable plant species.

The management of green space within the development needs to be secured for the duration of the development. The management plan and its implementation should be funded by the developer and be designed in accordance with any required biodiversity mitigation or enhancement measures. This should be made clear in the Heads of Terms for the S106 legal agreement.

### Social and Community Services

Under the extant planning permission contributions were secured towards adult day care facilities and library facilities in Bicester. The same would be necessary for the proposed development.

### Children young People and Families

Primary and a secondary school position remains as it was before. The primary school would need to be built initially at 1.5 form entry (270 pupils 5-11 years) but a site of a size suitable for a 2 form entry school should be made available in case of the need to increase the size if generation rates are higher on the Park. Secondary school children would attend school in Bicester. At present the cumulative developments affecting provision in this area show that there is a sustained need for a third secondary facility in the town. Contributions from this development would be pooled to provide the necessary places on this site in the SW Bicester development.

OCC Early Years provision for 3 year olds would be provided in the nursery class of the new school.

At present the Children's Centre operates out of leased space in a community building. Ultimately it would operate out of the new school using the community facility outlined in the OCC Primary School brief. It would need to be designed to facilitate this use but to be capable of use by other users when not used as a Children's centre.

It is anticipated that the following demand for Special school spaces would be generated by the following developments combined using our standard multipliers.

Site	Houses	School population	(Special)
Heyford Park	1,076	468	4.7
SW Bicester, Kingsmere	1,585	692	6.9
Eco Town	400	174	1.7
Gavray drive	500	218	2.1
Total			15.4

This requirement would generate one class for 8 pupils at a Special School and 8 places at a special resource base at the secondary school. It is most likely the additional class at a special school would be provided at Bardwell School, Bicester.

The youth service is currently subject to a reassessment of functions and the type of facilities the County will provide in future. There is unlikely to be a designated Youth Centre for Heyford Park but it would be served by one of the hub Youth centres, in this case The Courtyard, Bicester. Any

	<p>contributions gained would be used to enhance facilities to serve the additional population.</p> <p>A meeting is soon to take place with the consultant working for the Free School promoter on this site. The purpose of the meeting is for an update on their proposal which they believe is almost ready for submission to DfE. (N.B.- this point is discussed further in a section of the report on education below. A further oral up date will be given at Committee as this is a key issue in the development at Heyford)</p>
3.16	<p><u>Highways Agency</u></p> <p>Have directed that conditions be imposed if permission is granted</p>
3.17	<p><u>English Heritage</u></p> <p>The proposed revised masterplan reflects a real gain in heritage terms compared with the approved scheme. The expansion of the developable area does not detract from conservation area or setting of listed buildings. More buildings of historical interest are being retained. The form of the parade ground is being restored. The retention of the bungalows is a small gain in heritage terms.</p>
3.19	<p><u>CPRE</u></p> <p>Note some changes are proposed. More buildings are retained. Spirit of development kept. No objections</p>
3.20	<p><u>Sport England</u></p> <p>Sport England's key concerns regarding the planning application included:</p> <ul style="list-style-type: none"> <li>• Provision to support the proposed new housing development.</li> <li>• Proposed loss of existing sport building (Building 583) and adjacent baseball/softball facility.</li> </ul> <p>(1) Provision to support new housing development Outdoor sport provision on the site will be provided in two locations. The Applicant is willing to provide a pavilion/changing facilities at both playing field locations. The playing fields and tennis courts outside the red line boundary (but within the blue line), to the west of Building 583, will be retained. Indoor provision will be made through a contribution set out in the Section 106 of £326,000 to meet the needs of the proposed housing in line with the Council's development plan policies. Sport England considers that the proposals should be sufficient to meet the needs of the new homes proposed within the application. The Applicant's willingness to retain and improve the existing outdoor sports facilities</p>

including the tennis courts and playing fields to the west and south of Building 583, in addition to providing new playing field land elsewhere on the site is welcome.

Whilst it would be preferable for all of the sports facilities to be located together on the site, it is understood that the historical layout of the site makes this difficult. The provision of changing facilities at both playing fields sites would therefore allow this problem to be overcome. This would also meet a local need for additional football facilities in the area identified by the FA.

In order to ensure that the above facilities are delivered, Sport England requests a number of conditions/additions to the Section 106/unilateral undertaking to ensure the above is delivered.

(2) Proposed loss of existing sport building and playing field

The proposals will result in additional playing field land; new playing field land will be created to accommodate a large football pitch and community cricket square, which will form the 'village green'. 2 existing baseball/softball pitches will be lost 2 will remain. The football pitch, athletics track and tennis courts near to Building 583 will be retained.

Conservation area consent for the demolition of Building 583 has already been granted. The sports hall was granted a temporary planning consent for five years that requires regular renewal. Building 583 is in a poor state of repair, with some areas no longer safe to use e.g. squash courts. The building's long-term viability is questionable, regular repairs to the roof are required.

The Applicant is considering the submission of a further planning application to retain the sports hall. The sports hall was removed from the planning application due to concerns regarding traffic movements, expressed by the Local Authority. The proposed Masterplan for the site shows the location of Building 583 as open space.

The retention of the existing playing fields and outdoor tennis courts and the provision of new playing fields with ancillary changing rooms meets Exception 4 of Sport England's policy in quantitative terms, in that:

*"The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development."*

The Applicant's willingness to provide changing rooms in this location or retain those within Building 583 is welcome, as this will enable the outdoor facilities (the football pitches, softball/base ball pitches and tennis courts) in this location to remain in use and enable them to continue to be used by local teams.

However, Sport England remains concerned that the proposal includes an

	<p>application for conservation area consent to demolish Building 583. As highlighted in my previous letter, the sports hall building (including 8 court sports hall and changing facilities) is linked to the four softball/baseball pitches and football pitch/athletics track adjacent to it. The loss of the 8 court hall therefore does not accord with the guidance in PPG17 which states that: <i>“Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or buildings and land to be surplus to requirements.”</i> Notwithstanding this concern, conservation area consent has already been granted for the demolition of Building 583 (decision issued on 11<sup>th</sup> January 2010 following an appeal).</p> <p>In addition, the Applicant has confirmed that a separate application will follow for the retention of the Sports Hall. This would allow for the sports hall to potentially be maintained by a proposed School on the site. Sport England welcomes this intention, as it could secure the long term future of the facility.</p> <p>Taking into account the special circumstances set out above, Sport England withdraws its objection to this Application subject to provisions included within the planning consent/section 106 agreement.</p> <p><u>Conclusion</u></p> <p>In light of the above Sport England withdraws the objection set out in our letter of 4<sup>th</sup> January 2011. However, if the Council decided not to attach the above conditions/inclusions with the Section 106 agreement, Sport England would wish to lodge a statutory objection to this application. Should the Council be minded to approve the application without the above conditions, then in accordance with Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Government Office. The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England’s or any National Governing Body of Sport’s support for any related application for grants funding.</p>
3.21	<p><u>Natural England</u></p> <ul style="list-style-type: none"> <li>• Welcomes the Environmental Statement, Landscape and Visual Impact Assessment and ecological surveys.</li> <li>• No impact on the two SSSI’s at Ardley</li> <li>• Opportunities exist for biodiversity enhancement, condition recommended in line with PPS9.</li> <li>• Encourage green infrastructure through the site and linkage to the countryside</li> <li>• The site should be landscaped to reflect local character and distinctiveness</li> <li>• Encourage use of SUDs in accordance with Environment Agency</li> </ul>

	Advice
3.22	<p><u>South Northamptonshire District Council</u></p> <p>No objection</p>
3.23	<p><u>Environment Agency</u></p> <p>No objections to the proposed development subject to conditions:</p>
3.24	<p><u>Thames Water Development Planning Asset Investment Unit</u></p> <p>Waste Comments Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like a 'Grampian Style' condition imposed..</p> <p>Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water.</p> <p>Water Comments The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommends a condition be imposed to ensure supply.</p>
3.25	<p><u>British Waterways Board</u></p> <p>Focus on transport is too narrow, concentrates on the settlement only and on buses. Little attention given to cyclists and pedestrians beyond the site. No connectivity improvements. Green routes should extend to the canal and railway station. A proportionate contribution should be made to upgrade the towpath to the railway station.</p>
3.26	<p><u>SEEDA:</u></p> <p>Supported this scheme previously. We therefore have no comments to make on the current application.</p>

3.27	<p><u>Network Rail Town Planning</u></p> <p>No objection to the above proposal but would like the following issued as a condition to the applicant.</p> <p>The proposed development is for 1000+ dwellings which Network Rail believes justifies a mini-bus service being run between the development and the Bicester North Railway Station.</p> <p>PPG13 states that – “<i>the local transport plan strategy, a key aim of which should be to encourage greater use of public transport, walking and cycling (both on their own and in combination with the use of cars, motorcycles, taxis etc) for journeys in rural areas both by visitors and local people. In addition, local service providers, need to work together to achieve the maximum benefit in terms of service delivery. This may mean the flexible and shared use of existing transport and delivery services.</i>” Network Rail believes that the developer should look into funding a mini-bus service to Bicester North Station, which would result in less car journeys, and ensure greater use of the local railway station resulting in fewer car trips to the areas served by Bicester North Station services and to ensure that the development is compatible with the Local Development Framework.</p>
3.28	<p><u>Banbury Ornithological Society</u></p> <p>Local scarce breeding birds on the airfield but not on the development site. Swift nesting site provision would be welcomed.</p>
3.29	<p><u>HSE</u></p> <p>No objection</p>

<b>4. Relevant Planning Policies</b>	
4.1	<p>National Planning Guidance contained in:</p> <ul style="list-style-type: none"> <li>• PPS1-Delivering Sustainable Development</li> <li>• PPS3-Housing</li> <li>• PPS4-Planning for Sustainable Growth</li> <li>• PPS5-Planning for the Historic Environment</li> <li>• PPS7-Sustainable Development in Rural Areas</li> <li>• PPS13-Transport</li> <li>• PPG17-Planning for Open Space, Sport, and Recreation</li> </ul>
4.2	<p><u>Regional Spatial Strategy for the South East (The South East Plan) 2009</u></p> <ul style="list-style-type: none"> <li>• CC7: Infrastructure and Implementation</li> <li>• CC1/CC2/CC4: Sustainable Development</li> </ul>

	<ul style="list-style-type: none"> <li>• NRM11: Energy Efficiency/Renewable Energy</li> <li>• C4: Landscape and Countryside Management</li> <li>• BE5: Village Management</li> <li>• BE6: Management of the Historic Environment</li> <li>• RE3 Employment</li> <li>• H2: Regional Housing Provision</li> <li>• H3: Affordable Housing</li> <li>• H4: Housing-Type and Size</li> <li>• H5: Housing Design and Density</li> <li>• H6: Making better use of the Existing Stock</li> <li>• T4: Parking</li> <li>• T7: Rural Transport</li> </ul>
4.3	<u>Oxfordshire Structure Plan 2016 (OSP)</u> <ul style="list-style-type: none"> <li>• Saved Policy H2-Upper Heyford</li> </ul>
4.4	<u>Adopted Cherwell Local Plan 1996 (ACLPL)</u> <ul style="list-style-type: none"> <li>• H5-Affordable Housing</li> <li>• C23: Conservation Areas</li> <li>• C18: Historic Buildings</li> <li>• C28-Design Policy</li> <li>• C27: Historic Settlement patterns</li> <li>• C30: Design of new residential development</li> <li>• C23-Conservation Areas</li> <li>• C7: Landscape</li> <li>• C10: Historic Landscape</li> <li>• C25: Archaeology</li> <li>• C1/C4: Nature Conservation/Habitat Creation</li> <li>• C14: Trees and Landscaping</li> <li>• ENV1: Pollution Control</li> <li>• ENV7: Water Quality</li> <li>• ENV10/ENV11: Hazardous Development</li> <li>• ENV12: Contaminated Land</li> <li>• TR1: Transportation Measures</li> <li>• TR7: Traffic on Minor Roads</li> <li>• R12: Open Space Provision</li> <li>• EMP4: Employment in Rural Areas</li> <li>• T2: Tourist Accommodation</li> </ul> <u>Non Statutory Cherwell Local Plan (NSCLP)</u> <ul style="list-style-type: none"> <li>• UH1, UH2, UH3, and UH4-Upper Heyford</li> <li>• H1-Housing location</li> <li>• H3-Efficient Use of Land</li> <li>• H4-Housing Type</li> <li>• H5/H6 Housing for Disabled and Elderly</li> </ul>

	<ul style="list-style-type: none"> <li>• H7-Affordable Housing</li> <li>• TR1-TR3 Transport Travel</li> <li>• TR3 Mitigation</li> <li>• TR5 Road Safety</li> <li>• TR6Public Transport</li> <li>• TR8 Cycling/Walking</li> <li>• TR16 Large vehicle Traffic</li> <li>• TR19 Residential Roads</li> <li>• TR36 Traffic in rural Areas</li> <li>• D1/D5-Design/public realm</li> <li>• D7 Mixed Uses</li> <li>• D9 Energy Efficiency</li> <li>• D10 Tall Buildings</li> <li>• D11 Views</li> <li>• EM1/EMP4 Employment</li> <li>• EN1/EN2 Environmental Protection</li> <li>• EN7 Noise</li> <li>• EN11/EN12 Water Quality</li> <li>• EN17 Contaminated Land</li> <li>• EN21 Renewable Energy</li> <li>• EN22-EN28 Nature Conservation</li> <li>• EN30, EN34-EN37 Landscape</li> <li>• EN39/EN40 Conservation</li> <li>• EN46 Heritage-Enabling Development</li> <li>• EN47 Archaeology</li> <li>• EN48/EN49 Historic Landscapes-Rousham</li> <li>• OA1/OA2 Community Development-Heyford</li> <li>• T1 Tourism</li> </ul> <p><u>Draft Core Strategy-February 2010</u></p> <ul style="list-style-type: none"> <li>• Heyford is identified as the major single location for growth other than Banbury and Bicester. Of course the Strategy is an emerging document that has little weight at the present time.</li> </ul>
4.5	<p>In addition:</p> <ul style="list-style-type: none"> <li>• Planning Obligations Interim Planning Guidance (April 2007)</li> <li>• Affordable Housing-Code of Practice-April 2004</li> <li>• Planning Advice Note on Sustainable Construction-2009</li> <li>• RAF Upper Heyford Conservation Area -Designated April 2006</li> <li>• RAF Upper Heyford Planning Brief (SPD adopted 5<sup>th</sup> March 2007)</li> </ul>

<b>5 Planning Policy and the Development Plan</b>	
5.1	<u>Background</u>
5.2	As Committee will be aware, these are changing times in which applications to develop land are being considered, both nationally and locally. However, the main policy issues over the fundamental matter of whether to allow development, any development, at Heyford have been resolved. A short explanatory background is required however to put the current application into context and to set out the relevant development plan policies applicable.
5.3	<u>South East Plan (SEP)</u>
5.4	On 27 May 2010, the Secretary of State wrote to Local Planning Authorities highlighting the new Government's intention to " <i>rapidly abolish regional strategies and return decision making powers on housing and planning to local councils</i> ". He stated that he expected authorities to have regard to the letter as a material consideration in any decisions they are currently taking.
5.5	On 6 July 2010, the Secretary of State announced the revocation of regional strategies with immediate effect. Consequently, it was understood that the South East Plan was no longer part of the Development Plan.
5.6	On 10 November 2010 the High Court issued a judgement that the Secretary of State had acted unlawfully in his revocation of the Regional Spatial Strategies. On the same day the Secretary of State's Chief Planner wrote to all Local Planning Authorities advising that the effect of the decision was to re-establish Regional Spatial Strategies as part of the Development Plan. He also drew attention to the letter of 27 May and emphasised the Government's commitment to return decision making powers to local authorities through the forthcoming Localism Bill, and re-stated that regard should be had to the 27 May letter in decisions currently being taken.
5.7	A further legal claim was subsequently submitted to the High Court seeking a declaration from the Court that the government's stated intention to revoke Regional Strategies is not a material consideration for the purposes of making planning decisions. On 29 November 2010, the High Court issued a stay on both the CLG's statement of 10 November and the letter of 27 May pending a full legal hearing into the lawfulness of the secretary of state's statement and the chief planner's advice.
5.8	On 7 February 2011 the High Court dismissed the judicial review challenge by Cala Homes to the effect that the Secretary of State's statement of 10

	<p>November 2010 and the letter of the Chief Planner of the same date, referring to the proposed revocation of Regional Strategies were immaterial to the determination of planning applications and appeals before the formal revocation of Regional Strategies. It is understood that Cala Homes intends to apply to the Court of Appeal for permission to appeal the High Court's decision. As a result of the High Court ruling Local Authorities must, where relevant, take into account the proposed abolition of Regional Strategies and the progress of the Localism Bill to this end as a material consideration in planning decisions. The weight to be given to the proposed abolition will be a matter for the decision maker.</p>
5.9	<p>It is therefore advised that at this time, regard should be given to all relevant policies from the South East Plan in considering this application having regard as appropriate to the content of the Secretary of State's letter of 27 May and his Chief Planner's letter of 10 November.</p>
5.10	<p><u>Oxfordshire Structure Plan</u></p>
5.11	<p>The Structure Plan (OSP) which had effectively been replaced by the SEP included, unusually for such a strategic document, a site specific policy for Upper Heyford. This policy, H2, was saved by the SEP and remains in place despite the revocation of the regional plan. Although the thrust of the OSP was to direct development towards urban centre, paragraph 7.7 of the Structure Plan advises that; "Land declared surplus by the Ministry of Defence at the former airbase at Upper Heyford represents an opportunity to achieve an appropriate balance between environmental improvements to a rural part of Oxfordshire, conservation of the heritage interest from the Cold War, and reuse of some existing buildings and previously developed land located in the former technical and residential areas of the base." Policy H2 required the development of the base to be in accordance with a comprehensive development brief for the site.</p>
5.12	<p><u>The Revised Comprehensive Planning Brief 2007 (RCPB)</u></p>
5.13	<p>The purpose of the RCPB was to elaborate on and provide guidance supplementary to Policy H2 of OSP 2016. It was adopted as a SPD in March 2007. While it does not form part of the statutory development plan, it expands on and supplements OSP 2016 Policy H2. The SPD was prepared in accordance with the requirements set out in the version of PPS 12 (Creating Local Development Frameworks and the accompanying companion guide) current at the time of its development and adoption. The RCPB 2007 SPD is a significant material consideration in the processing of planning applications concerning the site at the former RAF Upper Heyford airbase.</p>

5.14	<p>The brief Specifically intends to assist in the quality delivery of:</p> <ul style="list-style-type: none"> <li>• a settlement of about 1,000 dwellings as a means of enabling environmental improvements, conservation of the site’s heritage interests while achieving a satisfactory living environment;</li> <li>• necessary supporting infrastructure for the settlement including primary school appropriate community, recreational and employment opportunities</li> <li>• conservation of heritage interest</li> <li>• environmental improvements including site wide biodiversity enhancement;</li> <li>• journeys by foot, cycle or public transport – rather than by car;</li> <li>• minimisation of the development’s impact of traffic on the surrounding road network.</li> </ul>
5.15	<p>The RCPB sets out the vision for the site and identifies the seven elements set out below;</p> <ol style="list-style-type: none"> <li>i) The construction of the new settlement on the former technical core and residential areas, retaining buildings, structures, spaces and trees that contribute to the character and appearance for the site and integrating them into high quality place that creates a satisfactory living environment.</li> <li>ii) A community that is as sustainable as possible, in the provision of community facilities and in balancing dwellings and employment opportunities, given the site’s location</li> <li>iii) The creation of a satisfactory living environment within and around the new settlement, integrating the new community in to the surrounding network of settlements by reopening historic routes and encouraging travel by means other than private car as far as possible.</li> <li>iv) The preservation of the stark functional character and appearance of the flying field beyond the settlement area, including the retention of buildings of national interest which contribute to the area’s character (with limited, fully justified exceptions) and sufficient low key re-use of these to enable appropriate management of this area.</li> <li>v) The achievement of environmental improvement within the site and of views of it to include the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, enhancement of ecological interest and reopening of historic routes.</li> <li>vi) The conservation and enhancement of the ecological interest of the flying field through appropriate management</li> <li>vii) Visitor access, controlled where necessary, to and interpretation of the historic and ecological assets of the site</li> </ol>

5.16	<u>Adopted Cherwell Local Plan 2001 (ACLP)</u>
5.17	The Cherwell Local Plan was adopted in November 1996. Although the plan was intended to cover the period to 2001 it remains part of the Statutory Development Plan. The Cherwell Local Plan was adopted shortly after the former airbase was declared surplus and therefore does not have any policies specifically in relation to the site.
5.18	<u>Non Statutory Cherwell Local Plan 2011 (NSCLP)</u>
5.19	The Non Statutory Cherwell Local Plan (NSCLP) was originally produced as a replacement for the adopted local plan. The plan was subject to first and second draft deposit stages and pre-Inquiry changes were incorporated. However the decision was taken by the Council to discontinue work on the plan on the 13 December 2004 and withdraw it from the statutory local plan process as there was no realistic prospect of it being adopted prior to Government changes to the planning system coming into force which would have prevented its subsequent adoption. However to avoid a policy void, the Non Statutory Cherwell Local Plan 2011 (NSCLP) was approved by the Council as interim planning policy for development control purposes on the 13 December 2004. The NSCLP therefore does not form part of the statutory development plan. As such, it is of reduced weight but as interim planning policy it is a material consideration in the consideration of the current application.
5.20	The NSCLP 2011, contains the following specific policies relating to the former airbase:
5.21	<p>UH1 PROPOSALS FOR A NEW VILLAGE AT THE FORMER RAF UPPER HEYFORD IN THE LOCATION SHOWN ON THE PROPOSALS MAP WILL BE PERMITTED ONLY IF THEY:</p> <ul style="list-style-type: none"> <li data-bbox="427 1464 1445 1653">(i) PROVIDE FOR THE IMPLEMENTATION OF AN INTEGRAL SCHEME OF LANDSCAPING AND ENVIRONMENTAL IMPROVEMENT ACROSS THE WHOLE OF THE LAND COVERED BY THE FORMER AIRBASE IN ACCORDANCE WITH POLICY UH2;</li> <li data-bbox="427 1688 1445 1904">(ii) PROVIDE FOR A VILLAGE OF ABOUT 1000 DWELLINGS IN TOTAL, INCLUDING ANY EXISTING DWELLINGS TO BE RETAINED WITH NEW RESIDENTIAL DEVELOPMENT IN COMPLIANCE WITH PPG3 MINIMUM DENSITY REQUIREMENTS, BROADLY AS INDICATED ON THE PRPOSALS MAP</li> <li data-bbox="427 1939 1445 2016">(iii) ENABLE A RANGE OF EMPLOYMENT OPPORTUNITIES TO BE CREATED WITHIN THE NEW VILLAGE SUCH THAT THE</li> </ul>

	<p>NUMBER OF JOBS WILL BE BROADLY COMPARABLE TO THE ANTICIPATED NUMBER OF ECONOMICALLY ACTIVE RESIDENTS;</p> <p>(iv) MAKE NO PROVISION FOR SIGNIFICANT FURTHER GROWTH BEYOND THAT ENVISAGED IN (ii) AND (iii) ABOVE;</p> <p>(v) MAKE APPROPRIATE PROVISION FOR AN ELEMENT OF AFFORDABLE HOUSING IN ACCORDANCE WITH POLICY H7;</p> <p>(vi) ENSURE THE PROVISION, WITHIN A VILLAGE CENTRE, OF A PRIMARY SCHOOL, INCLUDING NURSERY PROVISION, A VILLAGE HALL, RECREATION AND LEISURE FACILITIES, AND THAT THE OPPORTUNITY IS PROVIDED FOR MEDICAL FACILITIES IN ACCORDANCE WITH NHS REQUIREMENTS AND A RANGE OF RETAIL FACILITIES INCLUDING A PUBLIC HOUSE ON A COMMERCIAL BASIS, AT APPROPRIATE STAGES OF THE DEVELOPMENT OF THE NEW VILLAGE;</p> <p>(vii) INCORPORATE MEASURES TO ENCOURAGE WALKING, CYCLING AND PUBLIC TRANSPORT;</p> <p>(viii) INCORPORATE MEASURES TO IMPROVE FACILITIES AT LOWER HEYFORD STATION AND TO PROVIDE INTEGRATED PUBLIC TRANSPORT LINKS BETWEEN THE NEW VILLAGE AND THE STATION;</p> <p>(ix) INCORPORATE PROPOSALS TO MINIMISE THE IMPACT OF TRAFFIC ASSOCIATED WITH THE DEVELOPMENT ON THE SURROUNDING ROAD NETWORK;</p> <p>(x) INCORPORATE PROPOSALS FOR THE REINSTATEMENT OF THOSE SECTIONS OF THE PUBLIC RIGHTS OF WAY KNOWN AS PORTWAY AND AVES DITCH THAT HAVE REMAINED SEVERED DURING AND SINCE MILITARY OCCUPATION OF THE LAND, THE APPROXIMATE ALIGNMENTS OF WHICH ARE SHOWN ON THE PROPOSALS MAP;</p> <p>(xi) INCORPORATE PROPOSALS FOR THE PRESERVATION OF THOSE BUILDINGS, STRUCTURES AND COMPLEXES OF THE COLD WAR ERA THAT HAVE BEEN IDENTIFIED BY ENGLISH HERITAGE AS BEING OF NATIONAL IMPORTANCE, TOGETHER WITH AN APPROPRIATE SETTING FOR THEM;</p> <p>(xii) INCORPORATE ENERGY EFFICIENT DESIGNS AND TECHNOLOGY THROUGHOUT THE DEVELOPMENT.</p>
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5.22	<p>UH2 PROPOSALS FOR A NEW VILLAGE AT THE FORMER RAF UPPER HEYFORD WILL BE PERMITTED ONLY IF THEY INCLUDE A SCHEME FOR LANDSCAPING AND ENVIRONMENTAL IMPROVEMENT ACROSS THE WHOLE OF THE AREA OCCUPIED BY THE FORMER AIRBASE COMPRISING:</p> <p>(i) PROPOSALS AND A PROGRAMME FOR THE DEMOLITION AND REMOVAL OF THOSE BUILDINGS AND OTHER STRUCTURES, INCLUDING THE PERIMETER FENCING, WHICH ARE UNACCEPTABLY INTRUSIVE HAVING REGARD TO:</p> <p>(a) VIEWS FROM OUTSIDE THE FORMER AIRBASE  (b) THE PREVAILING CHARACTER  (c) OF THE SURROUNDING LANDSCAPE  (d) THE IMPACT OF SUCH BUILDINGS ON THE SETTING AND ENVIRONMENT OF THE PROPOSED NEW VILLAGE  (e) THE ENJOYMENT OF THE COUNTRYSIDE FROM EXISTING AND REINSTATED RIGHTS OF WAY</p> <p>BUT EXCLUDING THOSE BUILDINGS, STRUCTURES AND COMPLEXES OF THE COLD WAR ERA THAT HAVE BEEN IDENTIFIED BY ENGLISH HERITAGE AS BEING OF NATIONAL IMPORTANCE AND ARE SHOWN ON THE PROPOSALS MAP;</p> <p>(ii) PROPOSALS TO MAXIMISE THE RECYCLING OF THE ARISING FROM THE IMPLEMENTATION OF THE DEMOLITION AND INFRASTRUCTURE REMOVAL PROGRAMME INCLUDING THE ON-SITE STOCK-PILING AND/OR PROCESSING OF RECYCLABLE MATERIALS FOR REUSE ON AND OFF-SITE AND THE MITIGATION OF ANY ADVERSE ENVIRONMENTAL EFFECTS ARISING;</p> <p>(iii) PROPOSALS FOR THE ON-SITE TREATMENT OF CONTAMINATED LIQUIDS AND MATERIALS INCLUDING SOILS WHERE THAT WOULD ACCORD WITH GOOD ENVIRONMENTAL PRACTICE AND HAVE NO DETRIMENTAL ENVIRONMENTAL IMPACT;</p> <p>(iv) PROPOSALS FOR THE USE, ON SITE, OF UNCONTAMINATED INERT MATERIALS ARISING FROM THE DEMOLITION AND INFRASTRUCTURE REMOVAL PROCESS WITH THE PURPOSE OF MINIMISING THE EXPORT OF SUCH MATERIAL, INCLUDING TO OFF-SITE LANDFILL OR OTHER WASTE MANAGEMENT FACILITIES, SUBJECT TO THE COMPATIBILITY OF SUCH USE WITH THE RESTORATION STRATEGY REQUIREMENTS OF THIS POLICY;</p>
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	<p>(v) PROPOSALS AND A PROGRAMME TO CREATE, THROUGH THE REDISTRIBUTION OF ON-SITE SOILS ON THE LAND LYING BEYOND THE PROPOSED BUILT UP LIMITS OF THE NEW VILLAGE, A RESTORED LANDSCAPE COMPRISING AREAS OF PASTURE AND OPEN “COMMON” INFORMED BY AN ASSESSMENT OF LOCAL LANDSCAPE CHARACTER AND OF THE HISTORIC LANDSCAPE OF THE SITE;</p> <p>(vi) PROPOSALS TO MINIMISE THE IMPACT OF VEHICLE MOVEMENTS ASSOCIATED WITH THE SCHEME;</p> <p>(vii) A PRESUMPTION IN FAVOUR OF THE RETENTION AND PROTECTION OF ECOLOGICALLY IMPORTANT LANDSCAPE TOGETHER WITH PROPOSALS TO ENHANCE THE BIODIVERSITY OF THE OPEN AREAS OF THE FORMER AIRBASE GENERALLY.</p> <p>(viii) PROPOSALS FOR THE AFTER-USE OF THE RESTORED LAND BEYOND THE PROPOSED LIMITS OF THE NEW VILLAGE BASED ON PASTURE, OPEN “COMMON” AND PASSIVE RECREATION.</p>
5.23	<p>UH3 THE COUNCIL WILL PERMIT DEVELOPMENT PROPOSALS ON THE SITE OF THE FORMER AIRBASE AT UPPER HEYFORD ONLY WHEN IT CAN BE DEMONSTRATED THAT THEY WOULD BE UNLIKELY, ON THEIR OWN OR CUMULATIVELY, TO GIVE RISE TO:</p> <p>(i) LEVELS OF HGV MOVEMENTS ON THE SURROUNDING RURAL ROAD NETWORK THAT WOULD COMPROMISE THE SAFETY OF ROAD USERS OR THE QUALITY OF THE RURAL ENVIRONMENT INCLUDING THAT OF EXISTING RURAL SETTLEMENTS IN THE VICINITY;</p> <p>(ii) DETRIMENT TO ROAD SAFETY WITHIN OR BEYOND THE NEW VILLAGE;</p> <p>(iii) CONFLICT WITH THE AIM TO ACHIEVE ENVIRONMENTAL IMPROVEMENT OF ALL OF THE LAND OCCUPIED BY THE FORMER AIRBASE IN THE CONTEXT OF POLICIES UH1 AND UH2;</p> <p>(iv) DEVELOPMENT OF A SCALE THAT WOULD BE DEMONSTRABLY INCONSISTENT WITH THE OBJECTIVE OF CREATING A NEW VILLAGE THAT CAN BE ACCEPTABLY ABSORBED IN THE WIDER LANDSCAPE.</p>

5.24	UH4 AN APPROACH TO THE DESIGN OF THE NEW VILLAGE WILL BE SOUGHT THAT WILL ENSURE ITS SUCCESSFUL INTEGRATION IN THE NORTH OXFORDSHIRE COUNTRYSIDE BY REFLECTING LOCALLY DISTINCTIVE CHARACTER IN TERMS OF THE SCALE AND MASSING OF BUILT DEVELOPMENT, THE COLOUR AND TEXTURE OF CONSTRUCTION MATERIALS AND LANDSCAPE DOMINATED DEVELOPMENT AT ITS PERIPHERY.
5.25	<u>Conservation Area Appraisal</u>
5.26	<p>The RAF Upper Heyford Conservation Area was designated in April 2006 . A Conservation Area Appraisal (CAA) was produced for the site and adopted by the Council in April 2006. The CAA includes the historic significance of the site, analyses its character and heritage assets, assess the special interest, negative factor affecting the site and summarises the issues. It describes the site as; 'The landscape setting and hardened concrete structures of the former RAF Upper Heyford have the power to communicate the atmosphere of the Cold War.'</p> <p>The CAA identifies the following key areas in the summary of issues;</p> <ol style="list-style-type: none"> <li>1. Protection of the Historic Buildings and Landscape</li> <li>2. Vulnerability of the site to fragmentation</li> <li>3. Reuse of the retained buildings</li> <li>4. Incorporation of a new settlement</li> </ol>

<b>6 Planning History</b>	
6.1	<p>The former airbase was confirmed surplus to MOD requirements in September 1994 just before the current Local Plan was adopted in 1996. It does not contain any policies specifically relating to the site. A revised Structure Plan was adopted by the County Council in 1998 and included policy H2 which sought to address the future of the site. Policy H2 identified:</p> <ul style="list-style-type: none"> <li>• the site for a development of about 1,000 dwellings and supporting infrastructure;</li> <li>• that the future of the site be guided by a comprehensive planning brief adopted by the Council;</li> <li>• substantial landscaping and other environmental improvements be provided; and that</li> <li>• the new settlement be designed to encourage journeys by foot, cycle or public transport rather than by car.</li> </ul>
6.2	A Comprehensive Planning Brief (CPB), as required by OSP 2012 Policy H2, was adopted by CDC in 1999. The CPB sought to guide development proposals for the base and included the clearance of all structures located

	beyond the proposed settlement area and restoration of the land. The CPB included draft Local Plan policies which were adopted for development control purposes.
6.3	In 2005, a revised Structure Plan 2016 was adopted. Policy H2 was retained in an amended form identifying the purpose of development on the site as enabling to deliver environmental improvements, conservation of the heritage interest across the whole site, compatible with achieving a satisfactory living environment.
6.4	In November 2005, a Conservation Plan was produced for the flying field. The plan was jointly commissioned by CDC, EH and North Oxfordshire Consortium (NOC). The plan identified the historic importance of the site as a Cold War landscape and the importance of individual structures on the site. The plan identified greater levels of significance for the site than EH had previously identified. A further assessment of the areas excluded from the Conservation Plan was commissioned by CDC and completed in March 2006. These studies were used to inform the decision to designate the whole site as a conservation area in April 2006 and the Revised Comprehensive Planning Brief. A Revised Comprehensive Planning Brief was adopted as SPD in March 2007.
6.5	Over the last 10 years numerous applications have been made seeking permission to either develop the whole site or large parts of it and numerous of them have gone to appeal. The most relevant to the current application, and most recent, was application ref 08/00716/OUT. This outline application proposed: "A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08)."
6.6	Following a major public inquiry that commenced in September 2008 the Council finally received the appeal decision on the above proposed development in January 2010. The appeal was allowed, subject to conditions, together with 24 conservation area consents that permit demolition of buildings on the site including 244 dwellings.
6.7	Although the appeal was lodged on the grounds of non-determination the Council resolved to object to the proposal on several grounds including its failure to conform to the Planning Brief for the site, that the development was unsustainable, the type of employment was inappropriate, transport

	<p>measures were inadequate to cope with the development, damage to the character and appearance of the conservation area and the information submitted was inadequate or failed to justify the proposal. The reasons for refusing the conservation area consents were either the loss of buildings that contributed positively to the conservation area, that a cleared site would detract from the conservation area and/or their demolition was premature without an approved scheme for redevelopment.</p>
6.8	<p>Due to the scale of the development proposed, the appeal was referred to the Secretary of State for Communities and Local Government for determination. The decision letter from the Secretary of State (SoS) can be read in full on the Council's web site:  <a href="http://cherweb.cherwell-dc.gov.uk/AnitePublicDocs/05757874.pdf">http://cherweb.cherwell-dc.gov.uk/AnitePublicDocs/05757874.pdf</a> .</p>
6.9	<p>The SoS considered there to be three main issues: the policy context for the proposal, with particular reference to the development plan and PPG15; Design Principles and PPS1; and Housing and Sustainability of location. There was a fourth, planning conditions and obligations.</p>
6.10	<p>On policy, the SoS thought the development was in general conformity with the Oxfordshire Structure Plan policy H2 which seeks to provide a community of about 1000 dwellings with schools and employment opportunities, though not the Council's Development Brief for the site, and that it would enable environmental improvements, conserve heritage interests and provide appropriate level of employment. In terms of employment, the SoS recognised that businesses were well established and there were 500 people currently employed in car processing. Economic benefits were a "weighty material consideration" and they did not seem to outweigh the harm to the character of the conservation area. However the Inspector refers to the need to balance heritage interests against exceptional circumstances to justify overriding the presumption to preserve and enhance the conservation area. On reuse of buildings, it was considered their retention would outweigh the breach in the number of jobs limited on the site by policy H2</p>
6.11	<p>On design, the SoS seems to have accepted the development would meet the aims of PPS1 and Cherwell could draw up polices and use conditions to reflect up to date design guidance in PPS1.</p>
6.12	<p>The provision of 1075 houses was seen to be consistent with policy H2 and that a small settlement in this relatively isolated location justified the legacy</p>

	of the airbase. Shops would provide a service to the community and the employment would stop Heyford becoming a dormitory town.
6.13	A considerable number of conditions were drawn up which together with legal undertakings from the applicant, mitigated the impact on heritage the SoS considered necessary together with achieving many of the aims of policy H2. So for example a condition was imposed to restrict the area of the car processing activity.
6.14	The SoS concluded the development would substantially accord with the development plan, meaning Structure Plan policy H2, little weight seems to have been given to the Council's development brief for the site. A sustainable and reasonable balance was secured between retaining the built and natural heritage, and providing an appropriate and proportionate level of employment in the context of the site's location and access to services. In granting the planning permission, it was therefore felt justifiable to allow the 24 conservation area consents, again subject to conditions. As part of the decision, 71 conditions were imposed on the grant of planning permission and 5 on the conservation consents. In addition to the planning conditions, the applicant is obligated to comply with covenants of which possibility the most significant for the District Council is provision of affordable housing. There are also requirements to provide land and funding for education, open space and community facilities, a heritage centre and to contribute towards improvements to public transport.
6.15	The grant of planning permission authorised many of the uses currently being undertaken at the site and sets out the template for future development. It is however a long way from the end of the story as far as its overall development is concerned. The permission is in outline so details of layout, scale, appearance, landscaping and access (the reserved matters) still have to be submitted and within a period of six years. However, because the permission also grants uses which are currently operating on site, there are some much tighter time controlled conditions the information for which has to be submitted within three months of the decision letter. These include issues of ground water protection, contamination, and access routes, together with strategies for parking, lighting, signage, waste and fencing.
6.16	The approved development permitted in the settlement area at appeal, the same site as the current application, was set out in Condition 5 and an annex to the Secretary of State's decision letter. It states: <p>"The proposed <b>New Settlement Area</b> includes the following uses and</p>

	<p>development:-</p> <ol style="list-style-type: none"> <li>1. Class C3 (residential dwelling houses): up to 1,075 new dwellings (including the retention of some existing military housing), to be erected in 2 and 3 storey buildings, together with change of use of Building 455 (1177 sq.m);</li> <li>2. Class D1 (non residential institutions): change of use of building 457 (224 sq.m) to a nursery/crèche, building 549 (580 sq.m) to provide accommodation for a Community Hall and building 572 (680 sq.m) to provide accommodation for a Chapel; Buildings 126 (869 sq.m), 129 (241 sq.m) and 315 (3,100 sq.m) to provide a Heritage Centre up to 4,200 sq.m, together with associated car parking.</li> <li>3. Change of Use of Building 74 (4,020 sq.m) to Class C1/D1 use as a hotel / conference centre of up to 4,150 sq. metres.</li> <li>4. Class A1 retail provision of up to 743 sq.metres floorspace, and change of use of Building 459 (270 sq.m) to Class A1 retail.</li> <li>5. Change of Use of Building 103 (312 sq.m) to Class A4 Public House, provision of up to 340 sq.metres of Class A4 floorspace in total.</li> <li>6. Provision of 1 no. Primary School on 2.2 hectares.</li> <li>7. Erection of 6 no. Class B1 (a), (b) and (c) buildings comprising up to 7,800 sq.metres of floorspace, together with change of use of Buildings 100 (557 sq.m) and 125 (897 sq.m) to Class B1.</li> <li>8. Change of Use of Buildings 80 (2198 sq.m), 151 (3,100 sq.m), 172 (5,135 sq.m), 320 (3,600 sq.m), 345 (3,600 sq.m), 350 (3,200 sq.m) to mixed Class B2/Class B8 use.</li> <li>9. Change of Use of Building 158 (50 sq.m) to Class B8 use.</li> <li>10. Change of use of Structure 89a (10 sq.m) to a petrol pump station (sui generis use)</li> <li>11. Provision of playing pitches and courts, sports pavilion plus incidental open space including NEAPS and LEAPS.</li> <li>12. Provision of all infrastructure to serve the above development including the provision of the requisite access roads and car parking to District Council standards.</li> <li>13. Removal of boundary fence to the south of Camp Road.</li> <li>14. Removal of buildings and structures within New Settlement Area as detailed in separate schedule (Demolitions Schedule Table RD 4bd).</li> <li>15. Landscaping alterations including the removal of identified trees within the Conservation Area (see separate schedule) and planting of new trees and offsite hedgerows and access track.”</li> </ol>
6.17	The appeal decision has already been taken into account by the Council as part of its draft core strategy and the development of former RAF Upper

	Heyford is seen as the major single location for growth in the District away from Banbury and Bicester with most the new housing development scheduled for development in the 2011-2016 plan period. This seems a feasible proposition as the outline permission is now in place.
6.18	One significant change has occurred since the Public Inquiry took place in that the appellant sold the site to the Dorchester Group PLC (DG), the current applicants. They have a different view towards the concept of developing the former base and for the last few months have been preparing a new, revised masterplan for the settlement area and which has evolved into the current application. The application site and details of the proposal are set out elsewhere in this report but Committee should be advised that the owners are fully aware of the need to discharge and comply with conditions on the planning permission, and have been submitting those for the Flying Field which they intend to fully implement in line with the appeal decision.
6.19	As part of the change in the applicant's philosophy and attitude towards the development of the settlement area, Committee will recall the application for the permanent change of use of 253 existing military dwellings for residential class C3 (primarily the bungalows) on land south of Camp Road, subject to a section 106 agreement. That development is, in effect, repeated as part of the current application.
6.20	There is also a current application (ref10/01778/F) seeking temporary permission for the retention of uses in a number of the military buildings eventually proposed for demolition.

<b>7 Appraisal</b>	
7.1	The new scheme raises a number of issues but the main ones are considered to be: <ul style="list-style-type: none"> <li>• The Principle of Development and Compliance with the Development Plan</li> <li>• Form, Layout and Use</li> <li>• Impact on the Conservation Area</li> <li>• Access and Highways</li> <li>• Affordable Housing</li> <li>• Section 106 Agreement</li> </ul>
7.2	<b>The Principle of Development and Compliance with the Development Plan</b>

7.3	The Development Plan is in a state of transition and requires a basic recital. The main thrust of the South East Plan (SEP) was to encourage sustainable development in or adjacent to urban areas albeit that its life span looks to be limited
7.4	<p>The Structure Plan (OSP) which had effectively been replaced by the SEP included, unusually for such a strategic document, a site specific policy for Upper Heyford. This policy, H2, was saved by the SEP and remains in place despite the on/off revocation of the regional plan. Due to the significance of this policy and the development now proposed the policy is reproduced in full:</p> <p><b><i>Upper Heyford</i></b>  <b><i>H2 a) Land at RAF Upper Heyford will provide for a new settlement of about 1000 dwellings and necessary supporting infrastructure, including a primary school and appropriate community, recreational and employment opportunities, as a means of enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved, compatible with achieving a satisfactory living environment.</i></b>  <b><i>b) Proposals for development must reflect a revised comprehensive planning brief adopted by the district council and demonstrate that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements will be achieved across the whole of the former air base in association with the provision of the new settlement.</i></b>  <b><i>c) The new settlement should be designed to encourage walking, cycling and use of public transport rather than travel by private car. Improvements to bus and rail facilities and measures to minimise the impact of traffic generated by the development on the surrounding road network will be required.</i></b></p>
7.5	<p>The supporting text states (para 7.7):  <i>“Land declared surplus by the Ministry of Defence at the former airbase at Upper Heyford represents an opportunity to achieve an appropriate balance between environmental improvements to a rural part of Oxfordshire, conservation of the heritage interest from the Cold War, and re-use of some existing buildings and previously developed land located in the former technical and residential core area of the base. However, the scale of development must be appropriate to the location and surroundings. The County Council is opposed to the development of a large new settlement due to the site’s relatively isolated and unsustainable rural location, the threat of urbanisation in a rural area, the location of the site in relation to Bicester with which it would compete for investment in services and facilities, and conflict with the objectives of Government planning policy in PPG13 to provide accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel by</i></p>

	<i>car*. Therefore, the Plan provides for modest development of about 1,000 houses. There are about 300 existing houses on the site of which some or all could be retained or demolished, but the total limit of about 1,000 dwellings will be the determining factor. This proposal has been recognised by the First Secretary of State as ‘an exception to normal sustainability objectives as a means of facilitating the remediation of the former airbase to enable the site to present a more environmentally acceptable face than it does now.’</i>
7.6	Para 7.8 continues: <i>“Proposals for development must be in accordance with a revised comprehensive planning brief for the site adopted by Cherwell District Council. Care should be taken to ensure that the heritage interest of the site as an air base with Cold War associations, landscape restoration and biodiversity are all taken into account in deciding appropriate measures.”</i>
7.7	The adopted Local Plan is largely silent on Heyford, the non-Statutory Cherwell Local Plan 2011 reinforces OSP H2 setting out in policies UH1-UH4 a large number of conditions requiring compliance in order to seek a comprehensive approach to its development. It set out the need for a Comprehensive Development Brief (CDB) for the site and this was produced and approved as supplementary planning guidance (in a modified form) in 2007.
7.8	Looking slightly further ahead, the Core Strategy identifies the site as providing 1,000 homes but is otherwise rather light with reference to the former base. It also has limited weight compared with the other Plan documents.
7.9	This application in broad terms is only marginally different from the scheme approved at appeal. In quantum and conceptually it is very similar. It provides for a settlement of about 1000 dwellings, provides the supporting infrastructure needed. It is sensitive to heritage interests retaining those buildings already identified as important together with a substantial amount more. Employment is only likely to be marginally different from what is approved and is used to achieve the retention of buildings of heritage value. It has to be designed for means other than the private car and this will be dealt in more detail below. When taken together with the flying field development that was approved at appeal and which is in the course of being implemented now, it does seem what is proposed in the current application is a comprehensive package of development at Heyford in which the primary aim has been to seek a satisfactory lasting arrangement for the whole site as a means of enabling development in the form of environmental improvements and conservation of the heritage interests of the site. This is therefore in line with OSP H2 and the RCPB 2007, together with the more general policies on design, landscaping, access etc which will be dealt with in more detail below.

7.10	<b>Form, Layout and Use</b>
7.11	The former base at Heyford has had a somewhat tumultuous recent planning history culminating in the appeal decision in January last year to grant planning permission for a new settlement of 1075 dwellings including employment and community uses, school and infrastructure. It was subject to 71 conditions and a s106 agreement to make significant provisions towards community undertakings and securing heritage interests. That permission was for the whole of the base including the flying field, and not just the settlement and technical areas as is the current application. The decision to grant permission must be given significant weight in determining the current application.
7.12	It is not intended to fully rehearse the arguments in this report on the sustainability of Heyford or the concept of enabling development. The Inspector considered them at the Inquiry and concluded the site specific allocation meant the issue of sustainability had been dealt with by other policies in the OSP and that the use of the unilateral undertaking to secure improvements to travel, inter alia, addressed that issue. As to enabling development, the Inspector felt the scale of development was limited by policy H2 to secure specific interests, including compliant types of development. It therefore allowed for a small settlement and necessary infrastructure to support it. Nevertheless the importance of the site's heritage should not be underestimated. At the appeal, significant undertakings were made to retain and enhance heritage features on site. Heritage management plans were drawn up and a new heritage centre proposed. Whilst these are secured by the existing unilateral undertaking they are also rolled forward into this application, for example, the same buildings (126, 129 and 315) approved for heritage use in the appeal scheme are again proposed as a heritage centre.
7.13	In the course of the appeal inquiry which lasted many months, the site was sold and the current application is submitted in the name of the new owner. They have come forward with a modified concept for developing the site. In broad terms they will implement the scheme approved at appeal which keeps the employment uses on the flying field.
7.14	The current application seeks to modify what was granted on appeal, primarily in the residential settlement area, with a consequent change to the masterplan. The reason for this is the retention of a greater proportion of buildings on site, primarily 253 dwellings on the south side of Camp Road, mainly bungalows, but also houses, all at a low density. As a result this extends the zone of development westwards. (It was also intended to construct new housing alongside Larsen Road but this element has been deleted from the scheme after concerns was expressed that it would be detrimental to the character and appearance of the area, adversely effect the setting and character of the officer's housing and be detrimental to the long-

	term health and viability of trees in the vicinity.)
7.15	The essential elements of the approved scheme remain. The same number of dwellings (1,075). A new commercial centre at the heart of the settlement. A new school. A remodelled parade ground although in this scheme it becomes a village green. The church and community centre are retained. And buildings 126,129 and 315 are retained for heritage purposes. The commercial floorspace remains approximately the same although there appears to be a modest loss of business use (Class B1
7.16	Turning to some of the main elements of the scheme and expanding on the details set out in the report so far, starting with land use, the appended schedule sets out the quantity and volume of the various uses. The spatial arrangement is shown on a parameter plan and is largely reflective of the appeal permission. At the core of the settlement is the local centre with a mix of Class A, C3 and D1 uses. These line either side of Camp Road retaining and reusing the most significant heritage buildings (100, 103, 455 and 457). 100 and 455 will have the unsightly accretions that diminish their quality removed and be extended more sympathetically. Other community buildings retained include 549 and 572, the community centre and church.
7.17	The proposed primary school is shown in the same position previously approved, south of Camp Road linking north to the Local Centre, and of the same size. One regret is that the approved scheme had better linkage through green space and pathways between the local centre, school and community centre/church than the current proposal. But this is outweighed by the treatment of the parade ground.
7.18	<p>The RCPB 2007 advises that:</p> <p>“It is not only the built form that contributes to the special character of the conservation area, but the significant spaces and the relationships of buildings that frame them. These often functional relationships also assist with an understanding of how the air base worked. The retention of such spaces not only retains a link with the past, it will assist with creating a legible place and one with a sense of distinctiveness. These key spaces should be retained and incorporated into the master plan for the new settlement where practical to do so. These include.....The former parade ground. This sits within what is likely to become a predominantly residential area, potentially adjacent to local centre facilities and could become a focal neighbourhood space serving the community.” It goes on to say:</p> <p>“KEY SPACES WITHIN THE BUILT FORM THAT ARE OF HISTORIC SIGNIFICANCE OR WHICH HAVE POTENTIAL TO MAKE A POSITIVE CONTRIBUTION TO THE NEW SETTLEMENT SHOULD BE INTEGRATED INTO THE MASTER PLAN.”</p>

	<p>In the approved masterplan a lot of open space is created but in some places its value is not great as it might have been, certainly the quality of the parade ground is limited by only a small part of it being retained. In the current scheme, the aspiration of the applicant to create a village settlement with a green at its heart has resulted in a significant portion of the parade ground being retained. It is further enhanced by retaining buildings, some of which were previously scheduled for demolition, being retained and together with new buildings to the east side, framing it to reflect a historic relationship. The space will also be capable of multiple recreational uses, for cricket, jogging, play and relaxing. It is also intended that building 455 and 457 can be used for A3/A5 uses, café or pub, or even provide pavilion facilities requested by Sport England.</p>
7.19	<p>The remainder of the land south of Camp Road will be residential or green space with the exception of Building 488, the lamplighter building, a former dining room and Institute Building. After pressure from the Conservation Officer, this building, previously to be demolished, has been saved and will provide approximately 1,500 sq metres of B1 floorspace after it has been refurbished. This is another gain as it is one of the few buildings identified as making a positive contribution to the character and appearance of the conservation area and its loss would have been regretful. So keeping it is in line with stated national and local policy on heritage and conservation, and complies with D7, EMP1 and EMP4 of the NSCLP to seek mixed uses and employment opportunities.</p>
7.20	<p>The residential uses south of Camp Road will be dominated in many respects by the retention of the bungalows. In the report to Committee on application 10/00640/F, it was stated:</p> <p>“The retention of the dwellings subject of this application had never been a formal requirement although the housing that predates the development of the site by the Americans, Carswell Circle, is identified as of architectural merit and making a positive contribution to the conservation area (designated in 2006). In terms of the bungalows which form the dominant building group in this location, they are considered of “no architectural merit” and that there is no planning requirement to retain them”. It is suggested a sample group could be kept “to represent occupation of the base by USAF personnel”. The RCDB concludes “more efficient use of the land would result from redevelopment.” This assessment reflects the character analysis set out in the Conservation Area Appraisal, the whole of the base site being designated a conservation area in 2006.....</p> <p>So, whilst the Planning Authority had been working towards a comprehensive package of development at Heyford in which the primary aim has been to seek a satisfactory lasting arrangement for the whole site as a means of enabling development in the form of environmental improvements and conservation of the heritage interests of the site, the bungalows in</p>

	<p>particular have been assumed to be part of the redevelopment package. This has been due, not just because they lack an aesthetic quality and have been considered to have limited enhancement value to the conservation area, but also because they provide homes of limited quality because of poor insulation and limited internal amenity standards. However a demonstration scheme by the applicants on two bungalows elsewhere on the site has shown they can be brought up to modern standards with a modest investment and with external works to the structure to improve their appearance. Officer's therefore feel that whilst their retention was not considered to constitute a "lasting arrangement" they have had to reassess the position and now accept they can be satisfactorily integrated into a larger scheme."</p>
7.21	<p>The implication that their retention will have an opportunity cost has come to pass and the development zone has been extended west beyond Buildings 581 and 582, the former store and hospital, on to land formerly part of the sports field. This loss of open space (POS) will be addressed below but in terms of sensitivity, it will not harm any heritage assets and this includes not just those on the base but the Rousham vista which has been assessed by landscape consultants working for CDC. In fact with all the new housing proposed in this area being single and two storeys (specified on the parameter plan) there will be a limited visual impact.</p>
7.22	<p>Some residential development will be three storey south of Camp Road but only to frame the parade ground, a positive visual enhancement that will further improve the setting of this space, and to Camp Road itself, again to create a space and active village frontage to the street.</p>
7.23	<p>The thrust of the proposed masterplan for the whole site is to retain and develop the best of what exists. So, on the south side the road layout utilises very much what is there now, although a new loop will be created to make the residential area more accessible and allow bus penetration. There will also be new routes for pedestrians and cyclists along green corridors. There will also be important areas of open space retained, Carswell Circle, another key open space which reflects the garden city movement of the 1920's, and a new surface water attenuation feature consisting of swales with a green corridor running along the old boundary between the sports field and the settlement area. Again this is in line with CDC's policies to create SUDs and areas for ecology. The intention is also to demolish the gymnasium and create a new area of open space although Sport England have requested the developer to reconsider this element. As the running track and football pitch are to be retained, as well as the other softball/baseball/tennis courts outside of the application site, it is one part of the scheme that may be revisited in the future and could be used to provide changing facilities and other internal recreation uses required by the development to meet CDC's recreational requirements.</p>

7.24	<p>Turning to the north side of Camp Road, the layout is dominated firstly, by the huge A frame hangers which run within the boundary of the site clearly demarcating the break between the settlement area and the flying field, and which will be retained and used for commercial operations (Class B1, B2 and B8). And secondly, the trident layout, another key space that dominates the character of the technical area. This space is proposed primarily for residential use with large buildings in landscaping to reflect the campus nature of the area. If and when developed this will be the most likely part of the site to provide flats (87 units are proposed) and a higher density to create the balanced and mixed community that we seek at Heyford.</p> <p>The concept of the design has been worked up closely with English Heritage who have encouraged the larger scale buildings in an almost haphazard arrangement to reflect the random historic nature of this part of the site. Officers have expressed some reservations about the details shown on the masterplan, which may be a drafting error but there appears to be an over dominance of parking rather than landscaping, but revisions have been submitted which seek to strengthen the avenue planting, reduce parking and treat the surface details in a way to soften the impact of any development.</p>
7.25	<p>Other housing was proposed to the east of the site in the Trenchard Circle area. There is already residential use here, primarily a group of bungalows and the officers housing. The latter form an attractive low density group of red brick houses built in two phases, in the 1920's and 1950's, and which are set off by their attractive mature, landscaped surrounds. Because of the quality of this immediate environment Officers requested housing in this part of the development was omitted and the applicant has agreed.</p>
7.26	<p>Turning finally at this point to the heart of the scheme and Camp Road. Surprisingly Camp Road is not identified as one of the important spaces at Heyford which may be an omission. Certainly there is no in depth assessment of its quality although it was discussed at the Inquiry and its strong straight military line is clearly an important feature in the landscape of the base. Its treatment in this application varies along its length. In maintaining this feature the architect has to consider other matters such as road safety, traffic calming, crossings, etc. The proposed solution is to vary the treatment along different parts of the road. At either end are gateways, a suggestion taken from the RCPB 2007 that advocates some form of landmark entry to Heyford, and at which point traffic speeds drop to 30mph. It is hoped at the centre to drop this to 20mph through a mixture of constraining traffic, surface treatment, cross routes, boulevard planting and direct frontages of some new houses on to the road.</p>
7.27	<p>Whilst Officers are very supportive of these ideas it is felt that they could be taken further. It would be, for example, an opportunity to create a more pedestrian friendly environment if the main traffic could be dog legged and routed around the north side of the Local centre. The space left can still be</p>

	used as a public transport corridor but would also be a public square or piazza for shoppers, visitors and other pedestrians and cyclists. This is an issue that has not been quite resolved between the officers and applicants but it is suggested that a condition be imposed so the details of this area's public realm can be drawn up in advance of the main development taking place. The success of this element of the scheme could be crucial in the success, or otherwise, of the new settlement.
7.30	<b>Impact on the Conservation Area and other Heritage Issues</b>
7.31	At the last Inquiry for what was, of course, a much bigger scheme and dealing with areas considered to be more sensitive from a heritage viewpoint, The Secretary of State concurred with the Inspector that achieving the preservation of the character and appearance of the Conservation Area through the reuse of buildings, as proposed, would outweigh the harm caused by any increase in employment (although clearly he did restrict the open car processing on the flying field). In fact the focus of the Inquiry was dominated by the flying field rather the settlement area from the heritage perspective.
7.32	It is the view of English Heritage that the proposed revised masterplan reflects a real gain in heritage terms compared with the approved scheme. The expansion of the developable area does not detract from conservation area or setting of listed buildings. More buildings of historical interest are being retained. The form of the parade ground is being restored. The retention of the bungalows is a small gain in heritage terms.
7.33	<p>Since the Inquiry there has been one significant change in policy in so far as PPS3-Planning for the Historic Environment was issued last year. In it, the Government's objectives for planning for the historic environment are set out as:</p> <ul style="list-style-type: none"> <li>• “to deliver sustainable development by ensuring that policies and decisions concerning the historic environment: <ul style="list-style-type: none"> <li>— recognise that heritage assets are a non-renewable resource</li> <li>— take account of the wider social, cultural, economic and environmental benefits of heritage conservation; and</li> <li>— recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term.</li> </ul> </li> <li>• to conserve England's heritage assets in a manner appropriate to their significance by ensuring that: <ul style="list-style-type: none"> <li>— decisions are based on the nature, extent and level of that significance, investigated to a degree proportionate to the importance of the heritage asset</li> <li>— wherever possible, heritage assets are put to an appropriate and viable</li> </ul> </li> </ul>

	<p>use that is consistent with their conservation  — the positive contribution of such heritage assets to local character and sense of place is recognised and valued; and  — consideration of the historic environment is integrated into planning policies,  promoting place-shaping.</p> <ul style="list-style-type: none"> <li>• to contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available, particularly where a heritage asset is to be lost.</li> </ul>
7.34	<p>Although this site has been subject to numerous studies, it is still a requirement to make use of this evidence base and assess the significance of the heritage assets. (Policy He, HE6 and HE7). The effect of an application on the significance of such a heritage asset or its setting is a material consideration (HE8). Policy HE9 sets out principles to guide consideration on heritage assets whereby the more significant an asset the greater the presumption to keep it. Assets can of course include a wide range of assets including gardens. Where substantial harm is caused consent should be refused. However there are exceptions including where it is necessary to deliver public benefits, if an assets prevents reasonable use of the site or the loss of an asset is outweighed by bringing a site back into use. Interesting, bearing in mind the current application for the site to gain World Heritage Status, HE9.5 makes clear that not all elements of a World heritage Site or Conservation Area necessarily contribute to its significance. There also has to be an element of place-shaping where it may be desirable for an asset can be developed. Policy HE11 deals with enabling development but the applicants maintain the appeal was not fought on the grounds that permission should be granted as if it were enabling development and likewise, this proposal is not considered to be enabling development and should not be seen as such.</p>
7.35	<p>What is clear is the applicants have submitted an Environmental Statement in which Archaeology and Cultural Heritage are assessed. A number of conclusions are reached including:</p> <ul style="list-style-type: none"> <li>• The northern area (flying field) is where most the highest level of heritage potential exists;</li> <li>• The only area of high significance for heritage value are the two scheduled ancient monuments, the Hardened Telephone Exchange and the Command Centre</li> <li>• Overall the more significant buildings and areas would not be impacted by the development</li> <li>• Mitigation is proposed by recording</li> <li>• And there is a beneficial effect from the heritage centre, open days and better access proposed.</li> </ul>

7.36	So, the details of the scheme are discussed elsewhere but it is the Officer's conclusion that what is proposed does not conflict with the policies set out in PPS5, nor with local policies, and that appropriate conditions and obligations can be used as advised in HE7.7 where loss is justified on the overall merits of the application. Furthermore, the present application reduces the amount of demolition and increases the preservation of assets identified in the CAA and RCPB which were previously proposed to be lost. The proposed scheme is part of wider application in which there are considerable social, economic and cultural factors applicable. The changes proposed are considered to make those assets retained more viable in the long term. And finally, there is a clear opportunity for the development being proposed to contribute to our knowledge and understanding of the historic environment particularly relating to the Cold war period.
7.37	It is also reconfirmed that the Rousham vista will not be affected by the current proposal.
7.38	One other factor that is material but to which Officers give little weight at present is the site is subject, in its entirety, to an application by a third party for world heritage status. 38 Sites across the UK have made applications. These will be assessed by an expert panel appointed by the Government (not English Heritage) and it is hoped that the Government will publish a Tentative list of sites that they consider meet the criteria for WHS status in spring 2011. The 3rd meeting of the expert panel was believed to have taken place on the 17 February and a report of the sites that have made it on to the tentative list is supposed to be circulated to Ministers at the beginning of March. The tentative list would be submitted to UNESCO at the end of March. Those sites that make it on to the tentative list will be submitted to UNESCO for consideration one at a time from 2012 onwards. There will not necessarily be a UK application for WHS status every year.
7.39	<b>Access and Highways</b>
7.40	OSP H2 required the new settlement to be designed to encourage walking, cycling and public transport rather than the private car. It is recognised that the development conflicts with the objectives of PPS 13-Transport but that normal sustainability objectives have to be set aside as a means of facilitating the remediation of the former airbase.
7.41	<p>This is worked up in the RCPB where three policy objectives are set out in relation to transport:</p> <ul style="list-style-type: none"> <li>• MEASURES TO ENCOURAGE WALKING AND CYCLING AND THE USE OF PUBLIC TRANSPORT FOR TRIPS WITHIN THE SETTLEMENT WILL BE REQUIRED</li> <li>• MEASURES TO ENCOURAGE THE USE OF PUBLIC TRANSPORT</li> </ul>

	<p>FOR TRIPS TO OTHER MAJOR CENTRES WILL BE REQUIRED</p> <ul style="list-style-type: none"> <li>MEASURES TO MINIMISE THE IMPACT OF TRAFFIC ON THE SURROUNDING ROAD NETWORK THROUGH VILLAGES, AND TO THE WEST, WILL BE REQUIRED</li> </ul> <p>The policies UH1 and UH3 in NSCLP also repeat these requirement</p>
7.42	<p>Due to the level of traffic likely to be the same as the previous proposal the highway authority have not required a new Transport assessment (TA). They and the applicants have agreed that mitigation measures previously required are still necessary and have been incorporated into the draft heads of terms for the s106 agreement for this application. The Environmental Assessment advises that although floor levels rise for B1 use in the proposed scheme the overall result is one additional vehicle every 4 minutes in the peak flow, a very marginal increase in traffic terms. The TA from 2007 has been submitted as an appendix with the EA.</p>
7.43	<p>The Design and Access Statement looks at traffic and movement in connection with the development at the site mainly from an internal perspective. It looks at the connectivity to the surrounding district and the need to improve transport especially in terms of bus services and HGV traffic. The route for HGV's to access the flying field site has been agreed at the Inquiry. They will primarily be directed to/from the motorway and when arriving at Camp Road access adjacent the officer's mess before circling around the outside of the new residential zone and on to the flying field.</p>
7.44	<p>A hierarchy of roads has been created although bearing in mind the limited scale of development permitted there are not too many roads to classify. Camp Road is clearly the principal road taking the majority of vehicular traffic. There is a looped circulatory route to the south through the residential area. There is also a more modest circulatory route around the proposed housing and circulating the trident area. Below that is a network of residential streets largely based on the existing layout. The southern circulatory route is also that which will be used by the bus service from Bicester that can swoop through the estate and out in the direction from whence it came having collected or deposited its passengers</p>
7.45	<p>The hierarchy of streets has been drawn up to demonstrate through a series of cross sectional drawings how they work with roads drawn to cater for HGV's and major traffic flows, e.g. Camp Road, to the smaller mews, green lanes and shared drives where pedestrians should be given primacy.</p>
7.46	<p>At a level even below that are routes designed to give pedestrians and cyclist's safe and easy passage around the settlement. They are to be dedicated paths or shared surfaces.</p>

7.47	Clearly all this is laudable, good intentioned and reflective of the policies listed above. However it can only succeed with a combination of carrot and stick and the County Council have repeated their requirements for a major raft of conditions and obligation to improve the site's accessibility and these are run through below.
7.48	<p>The Highway Authority advise: the traffic impact work which was undertaken for the 2007 application has been updated. The traffic generation of the application remains unchanged compared to that studied previously albeit for a slight increase due to general growth. The applicant has produced a supplementary Transport Assessment.</p> <p>The general location of the application site is not particularly well serviced by public transport compared to the level of service the Council wishes to provide. Compared to many other sites and locations accessibility is dominated more by the motor car and has relatively poor support in terms of public transport.</p>
7.49	<p>The transport impact will need to be mitigated by a number of measures:</p> <ul style="list-style-type: none"> <li>○ Internal estate development (pedestrians, cycles, buses, road layout etc)</li> <li>○ Improvements to external locations (traffic calming, rights of way improvement etc)</li> <li>○ Improved public transport services</li> <li>○ Improved travel planning</li> </ul>
7.50	<u>Public Transport</u>
	<p>Contributions already secured from other permissions should be brought forward but in addition, if this permission is implemented, contributions will be required of £705000 to be paid on the first occupation of new build dwelling or the first occupation of previously unoccupied commercial floor space however a notice period of 3 months will be required to be able arrange service improvements ready for the first occupation. A second contribution of £705,000 will be paid on the occupation of the 408<sup>th</sup> dwelling (109<sup>th</sup> new build). The payments are a full settlement of the provision of improved public transport. If the revenue receipts balance the contribution then any remaining money will be returned to the developer.</p> <p>Details are require of the route for buses around site to provide turning of the bus for the out and back service to Bicester or to provide a turning facility close to Camp Road whilst ensuring that bus stops are in place to get as many dwellings within the shortest walking distance as possible. The bus route must be designed to the County Councils standard for adoption for buses to be able to use the route. Details will include all bus stop facilities.</p>

The calculation is based on two sums of £705000 per annum (up to 408 dwellings then the remainder of development) which are the costs of provided to the two stepped service upgrades based on phases which the developer has indicated.

The commuted sum is a one off payment which is paid to cover all of the Councils costs over the term of the contribution period.

The commuted sum is calculated from assuming full contribution in year one (£214000) to a nil contribution after 15 years as the sum required to invest to return the appropriate payments on an annuity basis. The calculation is based on the frequencies of the 6 year contract which the Council uses. This option assumed a full contribution for the first few years until a contract is re-negotiated. The step down in contributions is done in 4 parts. Also this calculation ignores the initial higher cost of improving the service mid contract which the Council would bare.

A 15 year return period has been chosen because the current patronage has been compared to the information in the transport assessment and discrepancies have been found. The current daily average of tickets issued from Upper Heyford is about 54 a day. To get viability it would need about 200 a day. Even the best of modal shift initiatives doubles public transport patronage. The figures are based on sharing the risk between the Council and Dorchester. If we were to choose the method of making the contribution proportional to the patronage then Dorchester would not cease making payments. The annual scrap of assessing the figures would take a fair amount of effort on both sides and to be honest the contribution coming from that calculation would only be stored until the next contract was signed. So it would be much more efficient to spend the money at the beginning of each contract or service review. By having the money available at year one would mean that the Council could direct that money much more effectively.

The one off payment would allow the Council to use the money as effectively as possible, and prevent the need for an annual negotiation. The travel plan would then just need to concentrate on dissimilation of information and encouragement for residents to use public transport.

The applicant will pay two contributions to improve the public transport provision to the application site to and from Bicester and Oxford. The first contribution is based on the service provision specification and draft

	<p>timetable as attached. The second contribution enhances that service further to the provision set out by the Inspectors report of 11<sup>th</sup> January 2010 (Annex 3, Part 1, bus services specification dated 25<sup>th</sup> June 2010)</p> <p>The payment of the public transport contributions will be indexed from date of the issue of the consent to the date of the payment using the Oxfordshire Public Transport Index.</p> <p>Details to be submitted for the route for buses around site to provide turning of the bus for the out and back service to Bicester or to provide a turning facility close to Camp Road whilst ensuring that bus stops are place to get as many dwellings within the shortest walking distance as possible. The bus route must be designed to the County Councils standard for adoption for buses to be able to use the route. Details will include all bus stop facilities.</p> <p>Two bungalows are proposed to be demolished to facilitate a circular route around the site for buses, cyclists and pedestrians. At present buses cannot penetrate the site and the route is somewhat convoluted for vehicular and non vehicular traffic. This was agreed on the previous application to retain the bungalows.</p> <p>The extant conditions set out by the inspector include for a shuttle bus service for commercial uses on the flying field to link up with the public transport service. Whilst this is not part of the application, it is essential that this is retained in the agreements. It is a valuable method of encouraging those employees on the flying field to use public transport.</p>
7.51	<p><u>Travel Plans:</u></p> <p>A travel plan is required for any part of the site to be approved before it is developed. This will also entail a fee for monitoring and discharging (£5,000).</p> <p>A travel plan has not been produced. However the basis for a travel plan has been set out in the transport assessment and transport strategy framework. The framework is not in an acceptable form however the applicant will be required to produce the document prior to the application being presented to Committee.</p> <p>The concept of the travel plan thus far agreed with the applicant is such that suitable initiatives and targets are agreed which will produce a shift from</p>

	<p>travel from the car onto public transport. The location of this development is not particularly accessible. The previous hearing in front of an Inspector highlighted this fact and in the light of the Inspectors decision the County Council is reluctant to refuse the application because recent investigations have confirmed that there may not be enough bus patronage generated from development to deliver a self financing bus service. The applicant is aware of this. The outcome is that an appropriately structured bus service contribution will be needed to obviate this pressure.</p>
7.52	<p><u>Public Rights of Way:</u></p> <p>Within 3 months of the date of this permission, details of the surface treatment of the linking sections across the runway of Aves Ditch "optional route" and of Portway, as indicated on Plan Ref L10B shall be submitted to and approved in writing by the Local Planning Authority. Within 18 months of the date of the approval of those details the Aves Ditch and Portway sections identified on Plan Ref: L10B and L10A shall be implemented in accordance with such approved details and thereafter made available for use by the general public.</p> <p>Access to the countryside needs to be improved with bridleways and footpaths up graded and created. For which there is a likely cost of up to £197,000</p>
7.53	<p><u>Highway works:</u></p> <p>A range of highway engineering works are required:</p> <ul style="list-style-type: none"> <li>• Within 3 months of the granting of consent install automatic traffic counters at access points (junctions of the development roads with Camp Road between and including Chilgrove Drive up to but excluding Kirtlington Road).</li> <li>• External works (Annex B in Inspectors report of 11<sup>th</sup> January 2010): on the granting of consent the improvement works details to the junction (intersection of B430 and B4030) in Middleton Stoney have been submitted agreed and implemented to those details.</li> <li>• External works (Annex B in Inspectors report of 11<sup>th</sup> January 2010): prior to the occupation of the 500<sup>th</sup> dwelling or more than 50% increased floor area of the commercial use (which is not occupied at the granting of consent) shall not take place until improvement works details to junction 10 of the M40 (figure 36 carriageway marking alterations) have been implemented.</li> <li>• External works: on the first anniversary of the commencement of the</li> </ul>

	<p>construction of the first dwelling or the occupation of the 50<sup>th</sup> new dwelling the applicant will pay an initial instalment of £11K to the County Council in order to undertake consultation and investigation works into providing traffic calming at the villages of Fritwell, Ardley, Bucknell, Middleton Stoney, Kirklington, Lower Heyford, Steeple Aston, Middle Aston, The Bartons, North Aston, Somerton and Upper Heyford. If the County Council determines to proceed with all or any of the works the applicant will pay on receipt of invoice the County Councils reasonable costs for the design and construction of all the works as being identified as required. The applicant will be expected to pay a maximum of £55,000 for these works.</p>
7.54	<p><u>HGV Routes</u></p> <p>Routing agreements will be required to ensure that the main HGV routes do not impinge on the central area which is being designed as a local centre.</p>
7.55	<p><u>Design Codes:</u></p> <p>No reserved matters application to be submitted until design codes for each phase (all new build areas) have been submitted and agreed. Transport and highway related parts of the Design Code shall consist of surface water control, car and cycle parking, and street realm design (estate layout and surface specification</p> <p>Details to be submitted of the detailed pedestrian and cycle routes to link the various land uses using designed which provide the shortest routes and to appropriate standards.</p> <p>No reserved matters application to be submitted until phasing details are submitted and agreed.</p>
7.56	<p><u>Camp Road</u></p> <p>Re-design of including the local centre: supply detailed design to increase pedestrian use, reduce vehicle speeds and to provide a more balanced and sustainable environment.</p>
7.57	<p><u>Drainage:</u></p> <p>For all new build areas no works will commence until a scheme for the sustainable method of surface water disposal (both for new roads and all</p>

	other hard surfaces) has been submitted and agreed.
7.58	<p><b>Housing</b></p> <p>The Government policy in terms of housing is set out in PPS 3-Housing:</p> <p>“In support of its objective of creating mixed and sustainable communities, the Government’s policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. This should be achieved by making effective use of land, existing infrastructure and available public and private investment, and include consideration of the opportunity for housing provision on surplus public sector land (including land owned by Central Government and its bodies or Local Authorities) to create mixed use developments. The priority for development should be previously developed land, in particular vacant and derelict sites and buildings.” (Para 36).</p> <p>This is backed up by policy H2 from the OSP, the RCPB 2007 and the policies set out the NSCLP UH1-UH4. The principle of the residential development accords with these policies in particular the number of units proposed, 1,075, albeit slightly more than the policy identifies but which has now been accepted through the appeal process.</p> <p>One of the benefits of the proposed development is that there is a strong and vibrant community resident at Heyford. However, those residents that may be entitled to social housing will not be guaranteed to continue to reside in the bungalows. However, they will be able to continue to occupy their homes until the new build dwellings are constructed. Other residents who wish to stay in their homes and can afford to, are likely to be given the opportunity to purchase them. It is understood Dorchester Group also intend to maintain a considerable number of the currently dwellings as part of their property portfolio for rent.</p> <p>The application is in outline so limited details are provided. The density is 30 dwellings per hectare so fairly modest but not inappropriate in this rural location, and this includes the retention of the large number of single storey dwellings that are extremely low density.</p> <p>The masterplan and Access and Design Statement set out the design guideline principles and provide sketches for some, though not all, of their character areas. The principle seems to follow the advice for “Built Form” set out the RCPB. To ensure the proposed housing meets the high quality required by the RCPB the permission should be conditioned that development must comply with design codes agreed in advance with the Planning Authority.</p>

	<p>There are two other significant things from the Officers point of view. The first is delivery and bearing in mind the situation elsewhere in the District, this is a site allocated for development where if the permission is in place will make it easier to resist less acceptable green field sites currently being proposed for housing elsewhere.</p> <p>And secondly is the issue of affordable housing. Negotiations have been on going for some months over the form of social housing, the type, tenure, mix, location etc. These talks have concluded with agreement that what will be provided broadly complies with our guidance set out in the CDC Code of Practice and Obligations Guidelines so 30% will be affordable and 50% built to lifetime standards. This is a significant achievement at a time when grant for social housing is extremely difficult to obtain.</p>
7.59	<b>Section 106 Agreement</b>
7.60	<p>In the RCPB 2007, it is made clear that “the Council will seek appropriate S106 planning obligation agreements as required to secure the provision of facilities to serve the settlement, appropriate phasing of delivery and the delivery of the requirements of Policy H2.” The applicant has prepared a set of “heads of Terms” in accordance with normal practice and the Council’s validation requirements. The terms have been subject of negotiation both prior to submission of the application and in the course of processing it. They are considered to meet the tests of Government Circular 05/05: Planning Obligations together with the policies and terms set out in the Council’s Local Plan policies and SPD’s.</p> <p>The existing approved scheme for the comprehensive development of the former Upper Heyford Airbase already has a detailed Unilateral Undertaking setting out a range of obligations which apply to the New Settlement Area and the Flying Field. Some of these obligations have already been triggered and acted upon. As Dorchester have decided to amend the housing solution and submit a new outline application for the New Settlement Area it will be necessary to restate those obligations that relate to the New Settlement Area as set out below; the remainder of the obligations relating to the Flying Field will remain unchanged but for ease of reference will be incorporated in a new obligation, for avoidance of doubt this will cover the Heritage Centre, Flying Field Management Plan and on and off site countryside access measures.</p> <p>The following obligations will be contained within the Agreement:</p>
7.61	<p><b>Affordable Housing</b></p> <p>The development will ensure the provision of 30% of the additional dwellings in the development as affordable housing units. This will be provided as either shared ownership units (to be provided at between 25% and 75% shares with an average of between 40 and 50%), discount market sale at a</p>

	<p>level which is deemed to be affordable under the Council's policy for DMS (for those residents wanting to stay in their existing homes) or intermediate rent (80% of market rent) or the emerging class of affordable rent at up to 80% of market rent (capped at LHA caps). The affordable housing will be located across the development, and comprise a mix of sizes and tenures dependent upon the needs of the existing residents, who will be surveyed to establish this. These measures will seek to provide Affordable Housing for those existing residents who qualify for this benefit in accordance with the Council's Local Lettings Policy. The sizes of the units will be no less than:</p> <ul style="list-style-type: none"> <li>1 Bedroom Apartment (2 person)</li> <li>2 Bedroom Apartment (4 person)</li> <li>2 Bedroom House (4 person)</li> <li>3 Bedroom House (5 person)</li> <li>4 Bedroom House (7 person)</li> </ul> <p>The mix may also include a percentage of wheelchair accessible units which will be built to Habinteg wheelchair design guide (ed 2)</p> <p>50% of all units will need to reach Lifetime Homes Standards, and in other respects reach current HCA design standards.</p>
7.62	<p><b>Education</b></p> <p>The provision of additional homes on site gives rise to an increased demand on education facilities, as a result of this demand Dorchester will:</p> <p>Transfer a site for primary education to OCC and pay an education contribution toward the provision of a primary school along with the payment of a contribution to the County Council towards the provision of new or the improvement or expansion of existing secondary schools in Bicester, and special education needs. It has been agreed that the contributions will be based on pupil numbers and the government published per pupil contribution ratios. Pupil modelling is underway, and will be agreed prior to the signing of the s106 agreement.</p> <p>The site for the school is identified on the masterplan. It is required to be 2.2ha in size, and serviced and remediated by mid 2012. Other contributions sought by the County include:</p> <p><u>Primary School:</u></p> <ul style="list-style-type: none"> <li>Provision for an on-site facility <ul style="list-style-type: none"> <li>• a maximum of £5.53M</li> <li>• actual sum calculated as £15,800 per primary school or Early Years childcare place.</li> </ul> </li> <li>For Off-site provision of primary school places <ul style="list-style-type: none"> <li>• a maximum of £4.94M</li> <li>• actual sum calculated at £14,116.57 per primary school or Early Years</li> </ul> </li> </ul>

	<p>childcare place If there is a combination of these the overall maximum shall not exceed £5.53M(£4.86m)</p> <p><u>Secondary school provision (not at Heyford Park)</u></p> <ul style="list-style-type: none"> <li>• £5.53M (£4.86m) towards facilities provided at a new site (e.g. at Bicester South West) or</li> <li>• £4.69M (£4.12) towards expanding facilities at existing schools.</li> </ul> <p><u>School Transport costs</u></p> <ul style="list-style-type: none"> <li>• £200,000 (£176k)towards costs of transporting children to Tackley Primary School and secondary schools in Bicester and Woodstock</li> </ul> <p><u>Removal of redundant facilities</u></p> <ul style="list-style-type: none"> <li>• £40,000(£35k)towards the removal costs of temporary buildings at Tackley Primary school.</li> </ul> <p>The figure in brackets represents an adjustment to the sums based on the index linking set out in the existing unilateral agreement. At present there is a difference between the County Council's calculated requirement of £8,079,502 towards education and that of the applicant at £5,248,415 (the applicant's figures). The difference is believed to be as a result of differences in the way the total sum is calculated rather than the principle of the calculation.</p>
7.63	<p><b>Transport</b></p> <p>A commuted payment of £705,000 will be payable on the first occupation of a new build dwelling, with a further £705,000 to be paid on occupation of the 109<sup>th</sup> new dwelling. These payments are contributions towards enhancements to public transport serving the development. Both of these payments are based on an extra bus cost of £214,000 – this will be verified before signing of the s106 agreement. There will be a claw back provision if OCC fail to deliver the service as agreed within 15 years, and in the event that breakeven is reached sooner than 15 years from the first payment.</p> <p>A routing agreement is also required</p>
7.64	<p><b>Countryside Access</b></p> <p>Payments have previously been agreed and need to be reaffirmed to improve local footpaths and bridleways. A total sum of £197,000 is required to be paid in two tranches.</p> <p>Aves Ditch and the Portway need to be brought in to use</p>
7.65	<p><b>Highway Improvement Works</b></p> <ul style="list-style-type: none"> <li>• Up to £66,000 is require for traffic calming of the surrounding villages,</li> </ul>

	<p>if required.</p> <ul style="list-style-type: none"> <li>• Middleton Stoney Junction Improvements</li> <li>• Improvements to Junction 10 of the M40.</li> </ul>
7.66	<p><b>Sport, Community, Open Space and Children’s Play Areas</b></p> <p>The provision of sport, community, Open Space and/or children’s play facilities within the NSA on the development in accordance with the District Council’s policy, and either:</p> <ul style="list-style-type: none"> <li>• payment of a contribution towards the provision of indoor sport serving the development (£326,000), or the option for the provision of indoor facilities on site to serve the development or an off-site contribution towards indoor sport. The size of contribution should accord with the Local Authority’s development plan documents relating to planning contributions.</li> <li>• Provision of two pavilions or changing facilities to support the proposed new playing fields adjacent to Upper Heyford Airfield and the existing playing fields to the south of Camp Road.</li> </ul> <p>The facilities will either be managed in perpetuity by the base management company or put up for adoption by the local authority.</p>
7.67	<p><b>Heritage</b></p> <p>The use of buildings 126, 129 and 315 for heritage use/centre and financial contributions towards securing their provision</p>
7.68	<p><b>Management Company</b></p> <p>A mechanism for the future management and maintenance of the facilities to be provided as part of the proposed development including the common areas of the NSA.</p>
7.69	<p><b>Public Art</b></p> <p>Funding measures to secure the provision of public art as part of the development.</p>
7.70	<p><b>Adult Learning facilities and Library facilities</b></p> <p>Payment of a contribution to the County Council to improve facilities serving the development</p>
7.71	<p><b>Waste Management</b></p> <p>The provision of waste management facilities for the development. In addition, contributions will be made towards the provision of waste disposal</p>

	sites for the development and the implementation of initiatives to promote recycling.
7.72	<p><b>Social and Healthcare</b></p> <p>If it deemed necessary to serve the residents of the proposed development measure will be included to fund the upgrading of day care facilities. Dorchester will refurbish the existing community hall if required and provide a neighbourhood police facility provided that it will be staffed</p>
7.73	<p><b>Retail</b></p> <p>Provision will be made on the proposed development to offer an appropriate range of retail services to meet the needs of residents.</p>
7.74	<p><b>Nursery</b></p> <p>Provision will be made on the proposed development to offer a nursery or site for a nursery.</p>
7.75	<p><b>Security Fence</b></p> <p>To be removed and a scheme of boundary treatment to be agreed.</p>
7.76	<p><b>Monitoring Sum</b></p> <p>A sum in the order of £5,000 for CDC and £9,000 for the County is likely to be required to be paid on commencement of development of the new build</p>
7.77	<p>In concluding on the issue of s106 matters, it should be said that so far there has been a constructive three way dialogue between the applicant, the County Officers and those of CDC. However, we all recognise that even in the space of the two years since the Public Inquiry took place, despite the two local authorities have firm adopted policies on obligations, circumstances have changed due the changes in the economic and political climate. Should resolution not been reached on the current negotiations there is a fall back position that we all recognise by the existence of the unilateral undertaking secured at the Inquiry.</p>
	<b>Other Issues:</b>
7.78	<p><b>Residential Amenity</b></p> <p>Whilst the proposal integrates residential development with commercial</p>

	<p>activity in line with the guidance contained in the NSCLP and PPS3, the issue of residential amenity has to be a major consideration bearing in mind the industrial operations likely to be undertaken in some of the A frame hangers and proximity to the proposed residential buildings. Some survey work has been undertaken as part of the Environmental Statement but it is recommended a further assessment is undertaken as required by the existing permission.</p>
7.79	<p><b>Education</b></p> <p>The issue of education is a very important one at Heyford. At present children travel to be educated at Tackley. A primary school is a requirement under OSP H2, the RCPB 2007 and under policy OA2 of the NSCLP. The masterplan allocates land for a school, centrally located in the settlement area making it accessible and a potential fulcrum for the community. This meets the Council's requirements in terms of size (a site of 2.2 hectares is required), layout and open space.</p>
7.80	<p>However, the key issue is how the school will be delivered under the terms of the planning agreement. As part of the current planning application the applicant has requested that any new agreement has provision to either transfer ownership of the primary school site and make the education payments (as per the extant S106), or provide education at Heyford Park through the provision of a "Free School" (subject to DfE agreement and planning). The applicant has clarified that the Free School would provide primary aged education. The applicant is also discussing with the County Council the idea of a Free School, on a different part of the application site (Building 74-the Officer's Mess) that would provide an all through facility (aged 3-15 years) for about 1,000 pupils.</p> <p>This approach raises concerns for the councils. The start point in dealing with this application should be to secure an agreement that provides certainty in provision for primary education (effectively as good or better than the appeal unilateral undertaking).</p> <p>The optional arrangement not only creates uncertainty about how education will be delivered at Heyford, but also raises questions about future strategic planning for secondary education in the wider area. Bicester is the planned location for secondary expansion as it meets the needs of a growing settlement and aids efficient home to school journeys.</p> <p>This matter must be resolved before the application is determined. It may be necessary to contemplate a deferral to allow further exploration of this issue, or to consider refusal on this point alone.</p> <p>Officers will report the latest position at the meeting.</p>

7.81	<p><b>Employment</b></p> <p>To make the community sustainable it is necessary to provide employment opportunities and this is set out in OSP H2, RCPB and UH1(iii) of the NSCLP.</p> <p>“The RCPB states: The site is located in an unsustainable location and therefore, if it were not for the proposed dwellings, the site would not be viewed as a suitable location for employment generating development. However, to create a sustainable settlement, the opportunity for employment accessible to the residents should be provided. To maximise the opportunities for residents to work close to where they live a range of employment opportunities will be sought. Employment provision should be within and part of the settlement to enable access by foot and be conveniently served by public transport. The premises could support local services and contribute to the vibrancy and vitality of the settlement.”</p> <p>It goes on to say:  “A RANGE OF EMPLOYMENT OPPORTUNITIES SHOULD BE PROVIDED TO MEET THE NEEDS OF THE RESIDENTS AND THE NUMBER SHOULD REMAIN APPROXIMATELY IN BALANCE WITH THE ECONOMICALLY ACTIVE POPULATION.”</p> <p>The RCPB seeks to avoid an over-reliance on one employer and one type of employment. At the moment the car processing operations do provide a stable economic base to the site and probably about a third of the total employment population. However, there is currently a wide range of commercial organisations on site ranging from storage to the police to research and development. They are also accommodated in a wide range of buildings. The RCPB seeks high density employment to make best use of the previously developed site. The current application sees the level of employment rising from 1000 to 1,150 employees so a modest increase.</p> <p>The final concern about the current proposal is the level of general industrial floorspace, over 20,000 square metres. The concern arises from proximity to proposed residential property. However this figure is what was approved at appeal so why it may be of concern to the Planning Authority the Secretary of State did not think likewise. Conditions to protect residential amenity were imposed previously and should be again.</p>
7.82	<p><b>Open Space, Landscaping and Recreation</b></p> <p>A green infrastructure parameter plan has been drawn up. This identifies the large areas of the settlement where sport and public open space are proposed. These will be linked by a series of green routes for use by pedestrians and cyclists. Structural planting is also proposed particularly along the exposed southern boundary. A surface water attenuation scheme</p>

	is also proposed to run along the boundary between the sports and settlement areas.
7.83	The landscaping in the trident area has been increased to strengthen the layout pattern and reinforce the avenue effect. Another key space as defined in the RCPB is the area in front of the officer's mess. This is one of 8 "doorstop greens" which are described as "green oasis for quiet local recreation and doorstep play". The parade ground is also identified to be a "community park".
7.84	In terms of recreation, the RCPB sets out a requirement for 3.8 ha of sports pitches and 1.9ha for children's play area. The architect has calculated in the Design and Access statement that provision for sport is 4.2 ha and for other informal recreation (NEAPs, LEAPs and LAPs) a total of 4.4ha although there is a certain degree of tenuousness in the calculations. The main recreation pitches are the running track and football pitch retained in the sports area, the new village green on the former playground and the area in front of the officer's mess where bowls and tennis can be played.
7.85	32 LAPs are scattered through the settlement and 4 LEAP's with a single NEAP located on the Green. To comply with our normal requirement for informal recreation space a second NEAP is required. This can be conditioned and one of the other less formal spaces upgraded.
7.86	The comments of Sport England are generally very supportive despite the loss of a portion of sports ground and the gymnasium building. The latter they still wish to keep despite consent for its demolition already having been granted. It is possible this may be another issue to be revisited as development get under way.
7.87	<b>Hotel/Care Home</b>  The use of the Officer's mess (Building 74) is already permitted for hotel use. The current application seeks to make that more flexible by combining it with a potential for care home. No supporting information has been found in the submitted documentation to explain the rationale behind such a proposal but in pre application discussion Officers were made aware of the concept that Heyford could provide accommodation for elderly people. The bungalows obviously provide single access living. He care facility could provide a greater degree of care for those who choose to live in the area and do not want to move on.
7.88	<b>Sustainability</b>  South East Plan policy NRM11: Development Design for Energy Efficiency and Renewable Energy states that: "In advance of local targets being set in development plan documents, new developments of more than 10 dwellings or 1000sqm of non residential

	<p>floorspace should secure at least 10% of their energy from decentralised and renewable or low carbon sources”.</p> <p>Whilst the Council does not have any adopted development plan documents, on 7 December 2009 the Council approved a ‘Planning Advice Note on Sustainable Construction’ which repeats the South East Plan guidance. The Sustainability Statement does not acknowledge this requirement but suggests a number of renewable energy sources which could be investigated later as part of the reserved matters application. It also suggests that a CHP/district heating feasibility assessment will be undertaken at a later stage in the proposals. However, effective CHP depends on appropriate minimum densities (35-50dph) and so is best considered at an early stage.</p> <p>The Draft Core Strategy suggests that reductions in carbon emissions could be better met not through a 10% renewable energy requirement but through the use of comprehensive sustainable construction standards (such as the Code for Sustainable Homes), which could also meet wider policy objectives. Accordingly, Draft Core Strategy policy SD5 sets out local requirements for sustainable construction. The Sustainability Statement does not meet the requirements of this draft policy.</p> <p>Clarification could be sought on the references to the Code for Sustainable Homes within the Sustainability Statement. It refers varyingly to meeting Code Level 4, 5 and 6 (pages 24 &amp; 26), Level 4 in Appendix A and Level 3 or 4 in Appendix B – the aim appears to be that buildings will be constructed to the prevailing Building Regulations standard. However, the timetable for strengthening Building Regulations referred to in para 5.1.1 relates only to the energy element of the Code, not any other elements. The current Building Regulations standard for water efficiency is less stringent than even the ‘entry level’ of the Code for Sustainable Homes. Water efficiency cannot therefore be guaranteed by referring to “the prevalent Code for Sustainable Homes level” (page A.8). This is an issue of particular importance to Cherwell, which is within a water stress area, and Draft Core Strategy policy SD5 reflects this.</p>
7.89	<p><b>Protected Species</b></p> <p>PPS9 places a duty upon Local Planning Authorities to ensure that a protected species survey be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. PPS9 states that “It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”</p>

	<p>Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application, as prescribed by Regulation 3(4) of the Conservation (Natural Habitats etc) Regulations 1994 (as amended). Under art.12(1) of the EC Habitats Directive, Member States requires that a system of strict protection of animal species be established to prohibit the deterioration or destruction of their breeding sites or resting places. The result is that there is in practice two linked systems of regulation. First under reg. 39(1)(d) it is a criminal offence to damage or destroy a breeding site or resting place but under reg.44 this does not apply if a licence has been granted for such operations and Natural England being that licensing authority. Secondly where planning permission is required reg.3(4) provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements might be met.</p> <p>Para. 98 of Circular 06/05 states that Local Planning Authorities should consult Natural England before granting planning permission and the views of Natural England would clearly have to be given substantial weight. The Circular at para 121 affords protection to specific species of animals listed in Schedule 5 (see Table 2, Annex A of this Circular) under Part I of the Wildlife and Countryside Act 1981 (as amended).</p> <p>The advice of the Ecology Office and Natural England are set out above.</p> <p>The Environmental Statement assesses the site as low nature conservation value. However, two European protected species have been identified, bats (3 species) and great crested newts. There are also breeding birds on site. Demolition of buildings, home to the bats, and the relocation of the newts will need to be undertaken by licence from English Nature. Any trees removed will need to be removed outside the breeding season. Other mitigation measures are proposed such as replacement tree and hedge planting of native species, bird boxes, bat roost provision and creation of ponds suitable for newts. A condition would however be necessary to ensure that the scheme is undertaken in accordance with the Ecological appraisals and that if necessary further surveys are undertaken prior to the commencement of the development to ensure that up-to-date details and activity is known and dealt with accordingly.</p> <p>It is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with PPS9 and policies C2 and C4 of the Adopted Cherwell Local Plan.</p>
7.90	<b>Building 572-The Church</b>

	<p>The issue of the church was discussed at the last appeal. The Inspector said “The Place of Worship is an existing use which appears to play a significant role in the existing community and its character. Its retention for a period of at least 10 years for worship or community use, if not permanently as condition 29 would require, would be necessary to help the new settlement develop its own community identity.”</p> <p>The issue has been raised again and it is suggested that the same condition previously imposed is reused. Certainly the church is shown retained on the Land Use Parameter plan.</p>
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8.0	<b>Conclusion</b>
	<p>The application is recommended for approval subject to conditions as and a s106 agreement. The principles behind this development were approved by the Secretary of State in the appeal decision last year. This scheme is a modification as a result of the retention of a greater number of heritage assets and a remodelling of the central area creating a village green. The consequence is an expansion of the development zone westwards on to recreational land</p>

<b>Recommendation</b>	
<p><b>Environmental Statement</b></p> <p>Regulation 21 of The Town and Country Planning (Environmental Assessment) (England and Wales) Regulations 1999 requires that where an EIA application is determined by a local planning authority the authority will inform the secretary of state and the public of the decision. The authority must also make available for public inspection the content of the decision and any conditions, the main reasons and considerations and a description of the main measures to avoid, reduce and off set adverse impacts.</p> <p>It is therefore recommended that this report (minus the summary of consultation responses) and the planning conditions are approved as setting out the main reasons, considerations and measures proposed with regard to the ES to comply with the requirements of Regulation 21 of The Town and Country Planning (Environmental Assessment)(England and Wales) Regulations 1999.</p> <p><b>Approval</b> subject to:</p> <ul style="list-style-type: none"> <li>▪ the conditions set out below and</li> <li>▪ the applicant entering into a section 106 agreement with the District and County Council as outlined above</li> </ul>	

## **SCHEDULE OF CONDITIONS**

- 1 That the buildings identified within the parameter change of use Plan No. 023D for B2 (General Industrial) use shall be used only for the defined purpose and for no other purpose whatsoever, including any other permitted change within that specific use class as identified within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995.

Reason - In order to maintain the character of the area, control the flow of traffic to the site and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy BE1 of the South East Plan 2009 and Policies C28 and C31 of the adopted Cherwell Local Plan.

- 2 That no development shall be commenced until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority. Plans and particulars of the reserved matters referred to above shall be carried out as approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

- 3 That in the case of the reserved matters, application for approval shall be made not later than the expiration of six years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

- 4 That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004,

and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

- 5 The development referred to, if undertaken at all, shall be constructed strictly in complete accordance with the schedule of proposed uses specified in para 2.7 of the supporting planning statement to the application.

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 Central Government guidance contained in PPS1: Delivering Sustainable Development.

- 6 The details required in accordance with Condition 1 shall be in general accordance with the provisions of Parameter Plans:

i) Illustrative Masterplan (Amended) 031 Rev M

ii) Development Uses 023 D

iii) Buildings and Roads Retained 011 D

iv) Access 028 D

v) Buildings Heights

vi) Green Infrastructure

And with the Environmental Statement dated October 2010; or with such subsequent amendments to any of the above as have first been submitted to and approved in writing by the Local Planning Authority.

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 Central Government guidance contained in PPS1: Delivering Sustainable Development.

- 7 No reserved matters applications shall be submitted pursuant to the outline application or occupation of any buildings the subject of change of use, (other than those which are currently occupied) until such time as a phasing plan (to include demolition, the identification of the general location of affordable housing within each phase, the laying out of open space and play areas in accordance with the green infrastructure parameter plan and access proposals) has first been submitted to and approved in writing by the Local Planning Authority; and shall be implemented in accordance with such details as approved.

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 Central Government guidance contained in PPS1: Delivering Sustainable Development.

- 8 No reserved matters applications shall be made for any phase until a Design Code for that phase of the New Settlement Area, as identified in Condition 6 above, has been submitted to and approved in writing by the Local Planning Authority.

The Design Code shall comprise:

- i) Land use, density, layout of streets and public spaces and character areas;
- ii) Landscape, including for the immediate setting of the new settlement, to include retained trees and vegetation, new planting, public open space, amenity space, children's' play areas, sports facilities, footpaths, public spaces, together with adoption arrangements and extent;
- iii) Surface water control, including design standards and methodology for sustainable drainage systems, details of specific features, including appropriate options for Sustainable Urban Drainage, swales, together with adoption arrangements and extent;
- iv) Public realm, including hierarchy of streets and public spaces, characteristics, dimensions, building line and or set backs, materials, means of enclosure, street furniture, including street lighting, and car parking, methods to control traffic speeds and create legibility, together with adoption arrangements and extent;
- v) Built form, including scale, materials, roof treatment, elevational treatment, treatment of landmark and marker buildings, key frontages and gateways;
- vi) Sustainable design, including the measures to be incorporated to ensure that the development complies with at least the minimum Code Level required by the Building Regulations in the Code for Sustainable Homes and to assess the impact this would have on appearance;
- vii) Car and cycle parking, including standards of provision by land use and dwelling type; and
- viii) Waste recycling, including how the Councils standards for individual householders' waste and recycling bins are to be accommodated within the dwelling curtilage and refuse vehicle access to these obtained.

The development shall thereafter be carried out in accordance with the approved Design Codes.

Reason: Design Codes, together with the Approved Master Plan, are required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality design as out in the Environmental Statement, the Revised Comprehensive Planning Brief for the site, and Policies UH4 of the Non Statutory Cherwell Local Plan, H2 of the Oxfordshire Structure Plan 2016 and comply with Policies CC6, CC7 and H5 of the South East Plan 2009.

- 9 No more than 1075 dwellings in total shall be accommodated on the site, including any existing dwellings which are to be retained.

Reason: The Environmental Statement has assessed the impact of a development of 1075 dwellings and demonstrates that a development of that scale will not have significant adverse effect. The development is therefore limited to the assessed development to ensure no impact occurs that has not been subject to assessment and to comply with the revised Comprehensive Planning Brief 2007 for the site, Policy H2 of the Oxfordshire Structure Plan 2016 and Policy H5 of South East Plan 2009.

- 10 None of the existing dwellings that are retained as part of this permission shall be occupied under the terms of this permission until the two bungalows 5 and 7 Portal Drive South have been demolished. Written notice shall be given to the Council seven days in advance of their demolition

REASON: To ensure that the premature demolition of the buildings does not take place to the detriment of the special character and appearance of the Conservation Area and in advance of an agreed scheme for the circular access route in order to comply with the Structure Plan policy H2, the non Statutory Cherwell Local Plan 2011 policy UH1 and the government advice contained in PPS5 and PPS13.

- 11 Neither 5 nor 7 Portal Drive South shall be demolished until a scheme has been submitted to and approved by the Local Planning Authority for the laying out of a new circular access route around the estate and a legally binding contract for the carrying out of the works is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure that the premature demolition of the buildings does not take place to the detriment of the special character and appearance of the Conservation Area and in advance of an agreed scheme for the circular access route in order to comply with the Structure Plan policy H2, the non Statutory Cherwell Local Plan 2011 policy UH1 and the government advice contained in PPS5 and PPS13.

12 No development within any phase of the development shall take place, save for existing uses already in occupation at the time planning permission is granted, until there has first been submitted to and approved in writing by the Local planning Authority a scheme of landscaping for that phase 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,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

(d) details of the soft landscaping, hard surfaced areas, pavements, pedestrian areas, crossing points and steps;

(e) details of laying out of Public Open Space;

(f) details of boundary treatments to each phase where appropriate (including retained security fencing).

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009, Policy UH1 of the Non Statutory Cherwell Local Plan and Policy C28 of the adopted Cherwell Local Plan.

13 All planting, seeding or turfing comprised in the approved details of landscaping for each phase of the development hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the final new building of that phase; and that any trees and shrubs which within a period of five years from the completion of the phase 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 - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009, Policy UH1 of the Non Statutory Cherwell Local Plan and Policy C28 of the adopted Cherwell Local Plan.

- 14 No works or development shall take place in connection with each phase or sub phase of the development until a scheme for the protection of the existing landscape features identified for retention under Condition 11 has been agreed in writing with the Local Planning Authority. This scheme shall include:
- a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
  - b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.
  - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
  - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
  - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
  - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
  - g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).

- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the Root Protection Areas of retained trees.
- l) the details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction.
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any Root Protection Areas (para. 9.2.3 of BS5837).
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

Implementation shall be in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 15 During the course of building operations or construction works on the site and at all reasonable times, the developer shall afford access to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds.
- Reason - In the interests of archaeological investigation or recording and to comply with Government advice in PPS5: Planning for the Historic Environment and Policy BE6 of the South East Plan 2009.
- 16 The development permitted shall not be begun until details of the layout of the settlement's commercial centre/hub have been submitted to, and approved in writing by, the Local Planning Authority. Details shall include a plan at a scale of not less than 1:100 of a scheme to traffic calm Camp Road between buildings 52 and 549 to demonstrate how traffic speeds will be reduced to 10 mph, hard and soft landscaping of the area, a scheme to improve the public realm and demonstrate how the centre will function as a commercial entity.
- The scheme as approved shall be implemented prior to the occupation of the 350th house and/or before the occupation of any 4 of the buildings adjacent to the traffic calmed area shown on the Development Uses Parameter Plan as being the Local Centre, whichever is the sooner.
- REASON: To enable the Local Planning Authority to give further consideration to these matters, 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 Central Government guidance contained in PPS1: Delivering Sustainable Development.
- 17 The development permitted by this planning permission shall only be carried out in accordance with the approved Environmental Statement (Waterman, October 2010) reference EED10658.103.R.3.2.1.AH and Flood Risk Assessment (Waterman, October 2010) reference C11234 ES 001, and the following mitigation measures detailed within those documents:
- Limiting the surface water run-off generated by the development for all storm events up to and including the 1 in 100 year storm including a 30% allowance for climate change in accordance with Section 9.56 of the Environmental Statement and Appendix D of the FRA.
- Reason: To prevent increased run-off and flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- 18 No development approved by this planning permission shall take place until a surface water drainage scheme for the site, based on sustainable drainage

principles and an assessment of the hydrological and hydrogeological context of the development, 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.

The scheme shall also include:

- Where appropriate the use of infiltration for the disposal of surface water, this shall follow site specific investigation into the feasibility of using infiltration for the disposal of surface water in accordance with Section 4.6 of the Flood Risk Assessment (Waterman, October 2010) reference C11234 ES 001. This should include an assessment of infiltration in potentially contaminated areas.

- The inclusion of sustainable drainage techniques in accordance with the principles set out in Table 1 of the Flood Risk Assessment (Waterman, October 2010) reference C11234 ES 001.

- Controlled discharge rates to ensure there shall be no increase down stream or down gradient of the site, during or following construction as a result of the combined surface water and Sewage Treatment Work discharges.

Reason: To prevent the increased risk of flooding, to improve and protect water quality in the Gallos Brook as required under the Water Framework Directive and improve habitat and amenity. The site is underlain by the Great Oolite Limestone (Principal Aquifer) and this site has housed many potentially contaminative activities including fuel filling stations, above and underground fuel storage tanks, boiler houses, incinerators, workshops and a dry-cleaners. We need to prevent the possibility of infiltration drainage methods increasing the mobilisation of contamination into the Principal aquifer below the site.

19 No development approved by this planning permission shall take place (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- i-all previous uses.

- ii-potential contaminants associated with those uses.

2. a conceptual model of the site indicating sources, pathways and receptors.

potentially unacceptable risks arising from contamination at the site.

3. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

4. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

5. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The site is underlain by the Great Oolite Limestone (Principal Aquifer) and this site and the airfield to the north has housed many potentially contaminative activities. We need to ensure that the site has been fully characterised with respect to soil and groundwater contamination.

20 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reasons: The site is underlain by the Great Oolite Limestone (Principal Aquifer) and this site has housed many potentially contaminative activities. We need to ensure that the site has been remediated to a level that ensures no lasting impact to groundwater.

21 If during development contamination not previously identified is found to be present at the site then no further development within 20m of the contamination shall be carried out until the developer has submitted to and obtained written approval from the local planning authority for an addendum to the method statement. This addendum to the method statement shall detail how this unsuspected contamination will be remediated (if necessary) and thereafter this

will be carried out as approved before any development within 20m recommences. Following completion of any such additional remediation, a verification report shall be submitted within 3 months of the completion of the works for the approval of the Local Planning Authority in writing.

Reason - It is suspected that this site and/or nearby land and water may be contaminated as a result of the former military and industrial use(s) or otherwise. 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 Policy ENV12 of the adopted Cherwell Local Plan and UH2 of the Non Statutory Cherwell Local Plan

- 22 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: The site is underlain by the Great Oolite Limestone (Principal Aquifer). In order to complete the conceptual model, the complexity of the geological stratum under the site has to be assessed. We need to ensure that piling does not create pathways for contamination to migrate vertically.

- 23 No development approved by this planning permission shall take place until a scheme to install oil and petrol separators (Class 1) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: The site is underlain by the Great Oolite Limestone (Principal Aquifer) and this aquifer has to be protected from contamination from the proposed future uses of the site.

- 24 No development approved by this planning permission shall take place until a scheme for the improvement of the existing sewerage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the scheme for improvement of the existing sewage system has been completed.

Reasons: To protect the water quality of the Gallos brook.

- 25 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the

local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community

- 26 Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

- 27 No new use within Use Classes A3-A5 shall commence within the New Settlement Area as shown on Plan Ref: N.0111\_58-1 until such time as details of the hours of opening of such premises have been submitted to and approved in writing by the Local Planning Authority. The use shall thereafter operate only within those hours.

Reason - In order to safeguard the amenities of the area and to comply with Policy BE1 of the South East Plan 2009 and Policies C31 and ENV1 of the adopted Cherwell Local Plan.

- 28 For each phase or sub phase of the development, no works shall be undertaken until such times as a detailed scheme of noise assessment and possible sound insulation measures for the residential units (including a timetable for its implementation) has first been submitted to and approved in writing by the Local Planning Authority. That scheme shall be implemented in accordance with the approved details.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with advice in PPG24: Planning and Noise, Policies C30 and ENV1 of the adopted Cherwell Local Plan.

- 29 Before the change of use of any building is implemented, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the building or its adjacent service area. In the case of uses that would be implemented on grant of this permission such a scheme shall be submitted to

the Local Planning Authority within 6 months of the date of the permission.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with advice in PPG24: Planning and Noise, Policies C30 and ENV1 of the adopted Cherwell Local Plan.

- 30 No new occupation of any Class C1 (Hotel), A3, A4 or A5 (Cafes, Restaurants, Takeaways, Public House) and B2 (General Industrial) premises shall take place until such times as a detailed scheme of fume extraction/odour mitigation measures has first been submitted to and approved in writing by the Local Planning Authority; and implemented in accordance with such approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Policy ENV1 of the adopted Cherwell Local Plan.

- 31 Prior to the commencement of development details for the phasing of development, including the provision of and improvements to the existing playing fields (including all those within the blue line see Site Location Plan D.0291\_42), sports pavilions/changing facilities and tennis courts shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Non-Statutory Cherwell Local Plan 2011 Policy R7a.

- 32 The playing fields and tennis courts shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Town and Country Planning (Use Class) Order 1987 (as amended), or in any provision equivalent that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the playing field and tennis courts from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches.

- 33 No development shall take place unless and until:

A detailed assessment of ground conditions of the land proposed for the new playing field land (as shown on drawing number D.0291\_38-1) shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and

Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure that site surveys are undertaken for new playing fields and that any ground condition constraints can be and are mitigated to ensure provision of a new/replacement playing field of at least an equivalent or better quality and to accord with Non-Statutory Cherwell Local Plan 2011 Policy R7a and paragraph 15 of PPG17. The playing fields shall be made available for use on substantial completion of the works.

Informative: It is recommended that the drainage assessment and improvement scheme is undertaken by a specialist turf grass consultant.

The applicant should ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical design guidance note entitled Natural Turf for Sport and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the England & Wales Cricket Board.

- 34 No signs or advertisements shall be erected on any buildings unless a signage strategy has previously been submitted to and agreed in writing with the Local Planning Authority. Any proposed signage shall comply with the terms of the signage strategy

Reason - In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan.

- 35 Prior to the first occupation of any residential unit hereby permitted, a scheme setting out expected community use of the indoor and outdoor facilities shall be submitted to and approved by the Local Planning Authority in consultation with Sport England. The report shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development and shall thereafter be retained and maintained'.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport.

- 36 Within three months of the date of this permission, a lighting strategy shall be provided in association with the use of the non residential buildings in the technical area. The strategy as approved shall be implemented within 6 months of the date of this permission and the development shall be undertaken in accordance with the details as approved
- Reason - In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan.
- 37 Prior to commencement of the development/use details of the siting, design and layout of the two pavilions to be provided on site, which shall comply with Sport England Technical Design Guidance Notes to include; Pavilions and Clubhouses, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The sports pavilions shall be constructed in accordance with the approved design and layout details.
- Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable and to accord with Non-Statutory Cherwell Local Plan 2011 Policy R10a.
- 38 Within three months of the date of this permission, a waste management strategy shall be provided in association with the use of the non residential buildings. The strategy as approved shall be implemented within 6 months of the date of this permission and the development shall be undertaken in accordance with the details as approved
- Reason - In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan.
- 39 That prior the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- Reason - To secure the provision of essential community infrastructure on site in accordance with Policy CC7 of the South East Plan 2009.
- 40 Building 572 shall be used solely for the purposes of a Place of Worship and/or community use for a minimum period of 10 years from the date of this permission. Subsequent to that period it shall not without the express consent of the Local Planning Authority be used for any other purpose within Use Class D1 including any other permitted change within that specific Use Class as

identified within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order

Reason: To ensure a satisfactory development and community facilities, to comply with the revised Comprehensive Planning Brief 2007 for the site and Policy H2 of the Oxfordshire Structure Plan 2016

- 41 Building 552 (Water Tanks) shall not be removed until such time as a scheme for their relocation (including a timetable for its implementation) has been submitted to and approved by the Local Planning Authority. The relocation shall subsequently be implemented in accordance with the approved scheme.

REASON: To ensure that the premature demolition of the buildings does not take place to the detriment of the special character and appearance of the Conservation Area and in advance of an agreed scheme for that phase of the proposed development, in order to comply with the Structure Plan policy H2, the non Statutory Cherwell Local Plan 2011 policy UH1 and the government advice contained in PPS5.

- 42 Before commencement of any phase of development as agreed under the phasing plan (condition 6) details of the existing and proposed levels, including finished floor levels, shall first have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with such approved details.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 43 That no goods, materials, plant or machinery shall be stored repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan.

- 44 All plant, machinery, mechanical ventilation equipment and ducting shall be installed internally. No other plant, machinery, mechanical ventilation equipment, flues or ducting shall be placed on the outside of the building without the prior written permission of the Local Planning Authority.

Reason: In the interest of visual and residential amenity.

- 45 Within 9 months of the date of this permission a programme for implementation

of the mitigation and ecological objectives set out in the Ecology Section of the Watermans Environmental Statement dated October 2010 shall be submitted to the Local Planning Authority for approval. And the permission shall be implemented in accordance with the details approved.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with the requirements of PPS 9: Planning and Biodiversity, Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

- 46 All site clearance (including vegetation removal) should be timed so as to avoid the bird nesting/breeding season between March-August

Reason - To ensure that the development will not cause harm to any protected species or its habitat in accordance with Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan).

- 47 The construction of the new development shall be carried out in such a manner as to ensure that the structural integrity of existing buildings in the vicinity of the construction works is preserved.

Reason - To safeguard the preservation and retention of the existing historic building(s) to comply with Government advice in PPS5: Planning for the Historic Environment, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.

- 48 Prior to any demolition of any building as shown on Plan Ref: 010/D a scheme of demolition for those buildings to be removed shall have been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include;

(a) the demolition techniques to be employed in respect of each building to be removed;

(b) proposed hours of operation in respect of the proposed demolition works and demolition material processing/treatment;

(c) dust and noise mitigation measures to be employed in respect of the demolition;

(d) details of the treatment of the demolition material including whether it is to be removed from the site or re-used in connection with the development;

(e) If demolition spoil is to be processed on site details of the method of

processing shall be submitted, including dust and noise mitigation measures to be employed;

and shall be implemented in accordance with such approved details.

Reason - To safeguard the preservation and retention of the existing historic building(s) to comply with Government advice in PPS5: Planning for the Historic Environment, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.

- 49 Details of the location of all compounds and the associated areas for plant storage and access thereto, as well as a scheme for their subsequent removal and restoration of the land, shall be submitted to and approved in writing by the Local Planning Authority prior to their establishment. The compounds and accesses shall be located and subsequently removed in accordance with the approved details.

Reason - To ensure that site compounds are sited in locations that will not adversely affect the amenities of nearby residents or the environment and to comply with the Policy ENV1 of the adopted Cherwell Local Plan.

- 50 No works in relation to any phase or sub phase shall be undertaken until such time as wheel washing facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety and to ensure a satisfactory standard of construction.

- 51 Save for existing uses already in occupation at the time of planning permission being granted, prior to commencement of new development, an access phasing strategy shall be submitted to and approved in writing by the Local Planning Authority, including a phased approach to the closure of access points. The provision and closure of accesses shall be carried out in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice in PPG13: Transport.

- 52 Save for existing uses already in occupation at the time of planning permission being granted, before any new non residential building is first occupied any temporary or permanent turning areas shall be provided within the curtilage of

the site so that vehicles may turn around and leave in a forward direction. Any such turning area shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall thereafter be retained and kept unobstructed for the manoeuvring of motor vehicles at all times.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 53 Parking and manoeuvring areas: Save for existing uses on the site, before any non residential buildings are first occupied parking and manoeuvring areas shall be provided in accordance with plans approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall be constructed, laid out, surfaced in bound material, drained and completed, and shall be retained unobstructed except for the parking of vehicles at all times.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 54 Details of parking provision for the existing and to be retained non residential uses shall be submitted to and approved in writing by the Local Planning Authority at the same time as the reserved matters application for the phase of the development in which the existing use/s are located. The approved parking shall thereafter be implemented within 3 months of the completion of that phase and thereafter be retained in accordance with such approved details.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 55 Save for existing uses already in occupation at the time of planning permission being granted, the development hereby permitted shall not commence until arrangements for the off-highway parking provision of construction vehicles have been implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 56 Before any demolition or building operations begin, a scheme to prevent the discharge of surface water to the highway shall be submitted to and approved in writing by the Local Planning Authority and this scheme shall be implemented before such works commence.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 57 The development hereby permitted shall not commence until such time as a detailed Travel Plan for each phase of the proposed development, to cover residential and non-residential uses, including the construction phases (including a timetable for its implementation), has been submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with those details.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 58 Within three months of the date of this permission, a parking strategy shall be provided for vehicles operating in association with the use of the non-residential buildings. A plan showing car parking provision for vehicles to be accommodated within the site together with any areas for manoeuvring, shall be submitted to and approved in writing by the Local Planning and such parking and manoeuvring facilities shall be laid out, surfaced, drained and completed in accordance with the approved plan within 6 months of the date of this permission. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of satisfactory car parking, to ensure the development is in keeping with and conserves the special character of this part of the Conservation Area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan, and to comply with Government advice in PPG13: Transport and Policy T4 of the South East Plan 2009.

- 59 Occupation of the 100th new dwelling or occupation of more than 10,000 square metres of commercial floor area above that existing at the grant of this permission (whichever is the earlier), shall not take place until such time as improvement works to the junction at Middleton Stoney have been submitted to and approved by the Local Planning Authority in writing and shall thereafter be implemented in accordance with those details.

Reason: In order to ensure there is adequate highway capacity and in the interests of highway safety

- 60 Prior to the commencement of development details of improvement works to M40 Junction 10 shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Highways Agency. Occupation of the 500th or subsequent net additional dwellings or occupation of more than 50%

increased floor area of commercial use above existing (whichever is the earlier) shall not take place until such time as the works have been implemented in accordance with the details as approved.

Reason: In order to ensure there is adequate highway capacity and in the interests of highway safety

61 The construction of the highways on site shall use a minimum of 30% recycled materials.

Reason - To ensure resource efficiency practices are incorporated into the development in accordance with Government advice contained in PPS: Planning and 'Climate Change' (Supplement to PPSI) and to comply with Policies CC2 and CC4 of the South East Plan 2009.

### **PLANNING NOTES**

Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.

This permission authorises and relates to a change of use only, and does not authorise any internal or external alterations to the building that may be necessary as a result of this change of use, for which separate listed building consent will be required from the Local Planning Authority.

The District Council, as local planning authority, in deciding to approve this proposal has taken into account the Environmental Statement submitted with the application and any relevant representations made about the likely environmental effects by the public or consultees.

This permission shall not imply or be deemed to imply approval for the indicative sketch details shown on the plans accompanying the application.

In the submission of reserved matter details for approval, a particularly high standard of architectural design in the external appearance of all buildings is expected in view of the prominence and heritage value of the site.

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 2501.

The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact : County Archaeologist, Department of Leisure and Arts, Oxfordshire County Council, Central Library, Westgate, Oxford, OX1 1DJ (Telephone 01865 815749).

#### Advice from Environment Agency to Applicant

Due to the proximity of the site to tributaries of Gallos Brook all works carried out in connection with this development should comply with Environment Agency pollution prevention guidelines (PPG5): 'Works and maintenance in or near water'. Copies and further information are available from your local Agency office or from [www.environment-agency.gov.uk/ppg](http://www.environment-agency.gov.uk/ppg)

It is suggested that larger areas of hard standing e.g. walkways/car-parking are constructed following the recommendations set out in Sustainable Urban Drainage Systems guidance. This can be continued with designs for open space and landscaping within the area. The use of SUDS can attenuate the disposal of water and reduce the impact of pollutants to nearby watercourses. Guidance is available from Planning Policy Statement 25 or from the Environment Agency website, [www.environment-agency.gov.uk/suds](http://www.environment-agency.gov.uk/suds)

Underground storage tanks no longer in use should be decommissioned according to the current Institute of Petroleum guidance. The Environment Agency would also advise that the guidance given in PPG 27 - Installation, decommissioning and removal of underground storage tanks is followed.

The foul drainage from this development will drain to the site Sewage Treatment

Works which will need refurbishment. The developer should confirm with the sewerage undertaker that; (a) sufficient capacity remains to properly deal with the additional load and (b) the sewerage conveying foul drainage to these works has sufficient hydraulic capacity.

Note:- If the refurbishment work at the sewage treatment facility are likely to improve the water quality of the effluent discharged, it will be necessary to apply to vary the discharge consent to ensure that the facility complies with current legislation. For more information on how to vary a discharge consent please refer to the EA website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).

For more information with regards to the WFD please refer to the EA website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)) and the website for the United Kingdom Technical Advisory Group ([www.wfduk.org](http://www.wfduk.org)).

We are pleased to see from the Environmental Statement that a ground investigation is planned and where necessary remediation will be carried out on the site. In order to complete the conceptual model, the complexity of the geological stratum under the site has to be assessed. Our records also suggest that there was a dry-cleaners within the former settlement area, therefore chlorinated solvents should be included as a potential contaminant of concern.

Advice from Thames Water Utilities to the Applicant:

Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

As there are a number of ordinary watercourses in the vicinity of the site it should be noted the erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.

The Control of Pollution (Oil Storage ) ( England) Regulations 2001 apply to all above ground commercial oil storage in tanks over 200 litres in volume.

This means that tanks must be fit for purpose and have secondary containment (or bund) sufficient to contain 110% of the tanks contents.

The secondary containment must be impermeable to oil and water and not have any drainage valve. All the tank's ancillary equipment (valves, delivery hose, gauges, vent) must be within the curtilage of the secondary containment or bund.

The Regulations have other stipulations and full information can be found on:

[www.environment-agency.gov.uk/osr](http://www.environment-agency.gov.uk/osr)

or from Pollution Prevention Guidance note 2 for above ground tanks or note 26 for drums and IBCs.

From 6 April 2008 it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000.

The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT.

For projects estimated at between £300,000 and £500,000 (excluding VAT) the SWMP should contain details of the:

- types of waste removed from the site
- identity of the person who removed the waste
- site that the waste is taken to.

For projects estimated at over £500,000 (excluding VAT) the SWMP should contain details of the:

- types of waste removed from the site
- identity of the person who removed the waste and their waste carrier registration number
- a description of the waste
- site that the waste was taken to
- environmental permit or exemption held by the site where the material is taken.

At the end of the project, you must review the plan and record the reasons for any differences between the plan and what actually happened.

You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you

comply with the duty of care. Further information can be found at [www.netregs-swmp.co.uk](http://www.netregs-swmp.co.uk)

The developers/applicants attention is drawn to the need to make provision for the future maintenance of public open space/landscaped areas in the development.

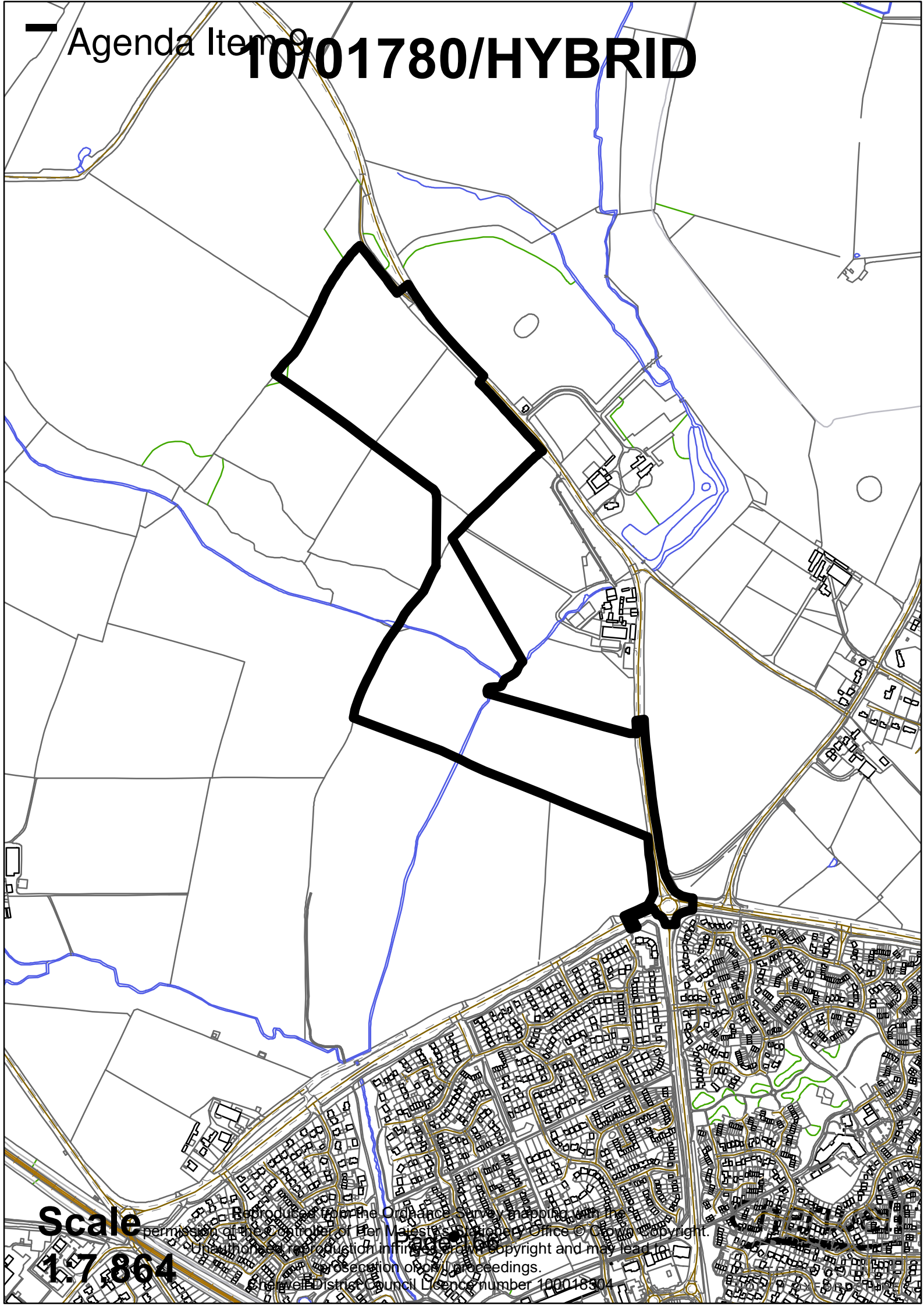
**SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, Government advice contained within PPS5, in accordance the Revised Comprehensive Planning Brief, the development plan and other material considerations. The development is considered to be acceptable on its merits as the proposal preserves the character and appearance of the Conservation Area and delivers the comprehensive approach sought through saved policy H2 of the Oxfordshire Structure Plan. The development is considered to be acceptable on its planning merits as the proposal will enable the existing residents to remain on the site in a lasting arrangement.

As such the proposal is in accordance with Policy H2 of the Oxfordshire Structure Plan 2016 and UH1 of the Non Statutory Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

<b>CONTACT OFFICER:</b>	<b>Andrew Lewis</b>	<b>TELEPHONE NO:</b>	<b>01295 222183</b>
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Agenda Item 9  
**10/01780/HYBRID**



**Scale**  
**1:7,864**

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<b>Application No:</b> 10/01780/HYBRID	<b>Ward: Caversfield</b>	<b>Date Valid:</b> 23/12/2010
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<b>Applicant:</b>	A2 Dominion Group/ P3Eco (Bicester) Ltd
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<b>Site Address:</b>	Bicester Eco Town Exemplar Site Caversfield Oxfordshire
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**Proposal:** Development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 394 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined.

## Introduction

This report is brought to the Committee to update Members on the progress that is being made in assessing the planning application for the first, exemplar, phase of the proposed eco-development at NW Bicester. The report will also enable partners working through the Eco Bicester Strategic Delivery Board – SDB\_ (an informal local partnership established with Government to help implement the Eco Bicester and Eco town) Project to judge progress on the application. This is particularly important for the Government’s Homes & Communities Agency, who have undertaken to provide funding for affordable housing at the site. This report therefore does not lead to a recommendation to determine the application but the application will be returned to the committee in due course for determination .

## 1. Site Description and Proposal

- 1.1 The application site is located to the north of Bicester, it adjoins the B4100 on its eastern side and wraps around Home Farm Caversfield. The most southerly part of the site is approximately 120 metres north of the existing extent of development at Bicester (Bure Park).
- 1.2 The site is just over 21 ha and currently in agricultural use. The land is currently in use for grazing with native hedgerows dividing up the fields. A small stream transects the site running west to east and then south through the southern part of the site.
- 1.3 The application proposes 393 dwellings, 30% provided as affordable, together with an energy centre, open space and infrastructure for which full planning permission

is sought. The application also seeks outline permission for a children's nursery, community centre, retail units, business centre, offices, public house for which outline planning permission is sought. A site for a primary school is also identified within the application site.

## 2. Application Publicity

- 2.1 The application was publicised by way of press advert in the Oxford Times, site notices and neighbour notification letters.

## 3. Consultations

- 3.1 **Bucknell Parish Council** object to the application and highlight the first phase of the development does not fall within their parish boundary. A summary of their concerns are listed below:

1. General Observations

- Density is high as insufficient consideration has been given to land available for each property.
- There is no variety in design of the properties and this has been disguised by using different types of cladding.
- Shape of the land available has had a detrimental effect on the layout and 'community' principle.

2. Traffic

Pleased to see no direct vehicular access to the Bucknell Road, however the issues of number of parking spaces was raised, that if the same 8% of parking spaces is applied to the masterplan a total of 8 800 parking spaces would be built and therefore it would undermine the eco concept and have a negative impact in traffic travelling through Bucknell. They would like to know what provisions will be made to restrict the 'through Bucknell' vehicular traffic accessing junction 10 of the M40.

3. Light Pollution

Very concerned over additional light pollution, how will this be addressed especially in view of the proposed high density housing.

4. Noise

Parish Council wants to know what mitigating measures will be put in place to mitigate the unacceptable noise intrusion on the rural community.

5. Buffer Zones

To help obviate some of the issues raised above the timing of the buffer zones needs careful consideration to protect rural Bucknell and the growth of biomass.

3.2 **Chesterton Parish Council** makes no objections to the application but do make the following comments:

1. They fully support the comments made by Phillip Clarke (Vice chairman) in his 'Why Shops & Offices' letter. (Details of the letter are awaited).

3.3 **Middleton Stoney Parish Council** object to the planning application and they state that they were not consulted directly by CDC, but felt duty bound to communicate their views as the masterplan of 5,000 houses will eventually extend closer to the parish boundary.

The parish council also highlighted that the web-based planning application was very vast and highly technical and it was not conveniently accessible and therefore undermined the consultation process. A summary of their comments are below.

1. Masterplanning

CDC must very carefully consider the longer term effect of any decision made in regards to the exemplar phase of NWBicester, as this application cannot be considered in isolation, but as part of a masterplan. It is felt that if the exemplar application is granted permission it will most certainly mean that applications for further developments within the Eco town site may simply be 'rubber stamped' and that is not compatible with good planning practice.

2. Examination in Public

There has been no examination in public of the proposed Eco town development, and due to the size and scope of the proposed project we believe there should have been. We question whether CDC should even accept the application for determination as it was only a small group of councillors who made a decision in regards to the use of this land not owned by CDC justified by the PPS. Alternative sites for this development should be examined.

3. Size of development

Question the need for a development of the size of the Eco town, and whether CDC were just reacting to the now defunct SE Plan. As Bicester is already growing quickly with agreed housing development, how will the local infrastructure cope with a further 5000 houses on its outskirts. There is lack of planned infrastructure to serve the development, and a further transport study must be undertaken as the Halcrow study is out of date. Once the development is finished it will mean an extra 10,000 cars travelling on daily journeys to and from the development to work far outside both the Eco town and Bicester itself. The Eco town will become a dormitory town where even if 1 job per household is achieved there will be up to 10,000 extra people).

4. Location of development

The site is detached from Bicester, approximately 2.0 miles from the

centre of Bicester (Market Square) and it is set alone within open countryside, with green fields between it and the edge of Bicester. It claims that the town is easily accessed by cycling and public transport, we believe that private vehicles will be used for the majority of journeys. Real concerns that the exemplar and indeed the whole Eco town it's driven by expectations divorced from reality that people choosing to locate in the eco development will adopt the sustainable living ethos. No real solutions are considered here other than 'discussions with OCC and Highways Agency will continue'.

5. Loss of agricultural land

The whole of the Eco town development will cover 850 acres of productive agricultural land that will be used for housing when DEFRA is already highlighting the need for a significant increase in food production. The existing landowners which CDC or the developer are not, should be encouraged to continue making a significant contribution to the agricultural economy and not be insulted by dismissive statements in regards to the quality of the land.

6. Alternative sites for development

Alternative sites existing brownfield sites within Bicester should be used without destroying productive land. These sites include MOD land at Graven Hill proposing 1800 houses and SW Bicester Phase 2 land which is already under option by a potential developer. However the MOD option was dismissed by CDC on the basis that the Eco town would provide all of Bicester's housing needs until 2026.

7. Financial viability

Concerns have been raised over the financial viability of the development.

The shortfall in central government funding has been raised as well as the funding need to provide three primary schools and one secondary school which would be in the region of £60m. Other issues raised were the land values and the uncertainty of where the funding will come from.

8. Prematurity

The submission of the planning application for the exemplar site is premature and we call for the Local planning authority to refuse this application, which will give an opportunity to assess the level of development Bicester need going forward and looking into the possibilities of development at Graven Hill and SW Bicester Phase 2.

3.4 **Bicester Town Council** support the principle of the application, however they raise some concerns summarised below:

1. General concerns

- The improved social, economic and environmental infrastructures promised for Eco Bicester as a whole does not appear to be being considered as part of this application, although the Eco Town concept has been 'sold' to the residents with these benefits as part of the whole package.
  - Again we stress that with the necessary incremental nature of the NW development over many years it is essential that wider educational, health, social, community and transport needs are built into a master plan for NW Bicester so they are part of planned development and not addressed as an emergency after thought.
  - In addition this master plan should also dovetail with a wider blue print for New Bicester as a whole so that the whole community benefits from Eco town status.
  - We appreciate that this is not the traditional planning approach but having Eco Town status is not about being traditional it's about being cutting edge and looking forward to showing how things can be done differently both by the applicant and the planning authority
2. Sustainable houses
- We would like to see opportunities for sustainable 'self build' housing in all applications for NW Bicester including this one. We believe that unless this is built in at the start it is unlikely to become part of the overall master planning for NW Bicester.
  - Need to be satisfied that provision for home working has been fully considered in respect of impact on family life as well as providing the right tools such as effective high speed broadband.
3. Economy and job creation
- The Economic strategy accompanying the application does not sufficiently enlarge on its aspirations of providing one additional job per dwelling that is accessible by public transport, walking or cycling.
  - This first phase would generate some 465 new local on-site jobs. The vast majority of these jobs are of the type that would be generated by any development of this size. They are not the high skilled or green technology or construction jobs that are intended to be derived from being an eco exemplar.
  - Lack of any focus on when or how high skilled and green technology and industry jobs can be attracted to New Bicester. Nor is it necessary for the new jobs to be solely located in the new development. Bicester Town Council wishes to see the employment and economic benefits of development being shared right across the town.
4. Education, health, social and community infrastructure
- The application outlines a site but gives no details about providing a primary school. Our expectation is that an on-site primary school will be available from the beginning of occupation of the first homes. We recognize that this is a major shift from the traditional approach but that is what being an

exemplar is all about.

- The school and significant indoor community space should be located together to increase community identity and reduce the carbon footprint. The application proposes a community building above a commercially operated nursery in a local retail centre. There is no certainty when this would be provided and its isolation from the school is not in the best interests of community development. Bicester Town Council suggests that closer location of the school to the retail centre or vice versa would be advantageous.
- We are very concerned that no medical facilities and services are identified in the application. The assumption is that already available local surgeries will absorb the additional numbers and meet their medical needs. However, it appears that local doctors have not been engaged with to ascertain their views on existing availability.

5. Heat, light and power

- The application makes reference to using CHP and bio-mass systems.
- There is no mention of the Ardley Incinerator, which could offer heat and power benefit to NW Bicester and to Bicester as a whole. It has been promised that the incinerator would benefit the local community, and the development on the NW is geographically ideally positioned to best benefit and act as a conduit to the rest of Bicester. The incinerator at Ardley will be generating power to feed back to the National Grid and exhaust heat to the atmosphere so denying local people, the environmental and financial benefits of local heat and power. Bicester Town Council is perplexed that this is an opportunity lost and we strongly urge that this is further and fully examined.

6. Transport

- Transport continues to be an issue. The application does not address integration of the Phase 1, NW development with the rest of Bicester.
- Lords Lane is an obvious barrier but no real options are offered to reduce or overcome this physical barrier to greater integration with the rest of Bicester. To be integrated into the existing town, efforts need to be made to break through this barrier; otherwise, the development will remain segregated.
- The timing of the Primary School provision is also key, in order to encourage the first residents to be able to access education as soon as they move in, otherwise travel patterns will be established with children being driven offsite to access school facilities elsewhere. In addition it will form a social hub helping to stimulate community identity and cohesion.

3.5 **Oxfordshire County Council (OCC)** object to the planning application, however that through further engagement with the applicant, more detailed information being provided and a commitment to fund measures that will ensure that the standards set for eco-towns are met, many of the concerns could be resolved. Detailed officer

recommendations were also submitted by OCC as part of their response.

Having reviewed the application, county officers are concerned that there is little evidence to demonstrate how this development is different from any other development of this scale, with the exception of the houses on the site meeting the standard for Code for Sustainable Homes level five.

1. Relevant strategic policy

- The Oxfordshire City-Region Enterprise Partnership identifies Bicester as a key spatial priority where the eco-town will be used to act as the focus for delivering an international exemplar of sustainable development. In addition to this, the County's emerging Local Transport Plan outlines a transport strategy for Eco-Bicester taking account of all of the known development that is due to take place in the town over the next 20 years. The application will also need to be considered in accordance with national policies, such as PPG13 (Transport).
- Following the site's identification in PPS1, CDC has, with support from the County Council, Bicester Town Council and other key stakeholders, promoted North West Bicester because it believes the building of an exemplar eco-town offers an opportunity to re-position Bicester as a place where new communities are built to high environmental standards and where people across the town enjoy more sustainable lifestyles built on features such as first rate public transport and zero carbon technology. This aspiration, together with the standards an eco-development should meet, are set out in the "Eco Bicester – One Shared Vision" document, approved by the County Council's Cabinet in December 2010.

2. Economic Strategy and job creation

- The economic strategy is highly aspirational in terms of how the overall eco-town development could help reposition Bicester and how the first phase would generate 465 jobs opportunities. The applicant's' aspirations appear dependent on partnership working; many of the on-site jobs would not be highly skilled nor related to green technology and it is not clear how or when the jobs would be delivered. In particular the heavy reliance on home working (one job per every three households) appears to be based on a large number of people who currently commute choosing to rebase existing jobs to their home location rather than the creation of new jobs in the Bicester economy. In conclusion, the strategy is ambitious but is light on substance.
- Further information is required explaining how it is intended to implement the proposed strategy to ensure the timely provision of high quality jobs (on and off-site). In addition further background information is required to demonstrate the assumed levels of home working.

3. Social and Community Infrastructure

- There is a political aspiration for a primary school to be available on-site from day one of occupation to ensure sustainable travel patterns to school and to provide a focus for the new community. The application offers a site

for a school and indicates its general location; however, the applicant considers that sufficient spare places exist in Bicester to accommodate the number of children they consider their development would generate. Officers have the following concerns with regards to the primary school:

- a) **Timing of on-site provision:** Officers are currently looking at how the design and construction programme for a new primary school could be accelerated to enable places to be provided as early in the development as possible; in addition we are looking at options for the provision of temporary places to accommodate the number of children generated between occupation of the first dwellings and the opening of a school.
  - b) **Funding of the new school:** Work is being undertaken on updating school place provision and catchments in Bicester, taking account of the impacts of already planned housing developments on future capacity. The nearest school to the eco-town site (Bure Park) is at capacity.
  - c) **School site:** The application only provides the general indication of land for the school; detailed information is required to enable the site to be agreed and fixed for inclusion in a s106 agreement.
- It is the County Council's presumption that community space will be collocated with the primary school at the heart of the new community. However, the applicant continues to propose a community building above a ground floor nursery located within the local centre. There is no certainty as to when this facility would be delivered as it would depend upon demand for the private nursery and it remains separated from the school site.

#### 4. Transport

- PPS1 requires that 50% of movements generated by the development be by non-car means, with a more stretching target of 60% being the ultimate aim for eco developments attached to existing urban areas. The Travel Plan demonstrates how the applicant proposes to reach 45% by non-car means by 2016 and 50% by 2026, with an aspiration to reach 60% once the whole site is developed.
- The location of this first phase of this development is driven by land ownership and this will present a further challenge in meeting the mode share targets, due to the fact that the site is "disconnected" from the existing town. There are five areas of concern:
- a) **Connection between the northern and southern fields** – should be bus-only from the start, not a commitment to become so in later phases.
  - b) **Bus frequency** – the applicant commits to providing a 30-minute frequency 7am-7pm with an intention to seek to find ways to increase this to 15 minutes and cover a longer period of the day at the earliest opportunity. However, we require the applicant to provide a 15 minute frequency: without this commitment the bus element of this application is very poor and in order to achieve this level of frequency, the applicant should explore innovative ways to provide this service.
  - c) **Parking** – the parking strategy within the Transport Assessment for this application states that residents are expected to own at least one car and the development requires a careful balance between meeting the needs of the residents and the businesses without unduly encouraging car use. However, the parking levels being proposed for the residential element of

Phase 1 are in accordance with the maximum parking standards of CDC and OCC. This would do little to support all the positive elements of the Travel Plan and in fact could undermine them and therefore damage the chances of meeting the “non-car” targets.

- d) **Rights of Way** – officers have some concerns that insufficient consideration has been given to the impact on the Rights of Way network and opportunities for its enhancement. This will need to be subject to further discussion with the applicant.
- e) **Drainage** - there are a number of design, technical and legal issues with the proposed Drainage Strategy for the site which are currently unacceptable. These include that the proposals do not accord with the County Council’s specifications for Sustainable Urban Drainage Systems (SUDS) and a lack of information on the materials that would be used means that these would need to be resolved before support can be given.

#### 5. Bridges

- The two bridges proposed within the site appear to be structurally sound, but the functional appearance is a missed opportunity to create an architectural statement that is exemplary in its design. Further details are required before “Approved In Principle” (AIPs) plans can be issued for their implementation.

#### 6. S106 package

- Section 106 requirements for on and off-site transport and social & community infrastructure have been sent to the applicant. However, agreement has yet to be reached on the population profile for the development on which these requirements were based and the applicant has yet to respond on the acceptability of these requirements.

#### 7. Waste & Energy

- Officers welcome some of the ideas put forward and the ambitious targets for recycling and composting and reducing residual waste detailed in the application. However, there is not enough information on what actually will be provided, by whom, by when and with what resources.
- The applicant should be working actively with the EfW operator to consider the potential for links between the site and the Plant.
- The principle of ensuring a varied energy mix is supported; however there could be greater recognition within the Energy Strategy of the degree to which architectural design and layout will be key to the degree of flexibility the proposed mix will have.
- There are several references within the application to the Feed-in Tariffs for solar PV. These will be less financially attractive by March 2012 (pending Government review)

#### 8. Biodiversity

- This development does not stand out as one that is demonstrating best practice by taking full account of the biodiversity present on the site or one that has taken opportunities to maximise biodiversity within the proposed development. The main issues are:
  - a) Advice from natural environmental consultees was not taken on board in the pre-application consultation process;
  - b) The application masterplan design was finalised prior to ecological

surveys being complete so was not based on '*up to date information about the environmental characteristics of the area*' as required by PPS9;

- c) There is a lack of detail on biodiversity enhancements;
- d) The development design does not maximise opportunities for biodiversity enhancement;
- e) There is a lack of evidence that the development will deliver a '*net gain in local biodiversity*' as required by PPS1;
- f) The delivery mechanism for the management of green space within the development is not secured;
- g) It appears that the applicant's timetable for the wider eco-town site includes a "design-fix" of the masterplan prior to the completion of all the ecological surveys, which will result in the same issues for the wider site which have occurred for this application.

9. Community Engagement

- Officers consider the applicant approach to Community Engagement as set out in the Statement of Community Involvement should be commended. However, it needs to go much further in providing evidence of community engagement in design and planning of the proposal. To avoid a feeling of over-consultation future engagement should focus on key issues to ensure that the development creates something different.

10. Archaeology

- An archaeological field evaluation has been carried out on the exemplar site which did not record any archaeological features. There will therefore not be a need for any further archaeological investigation as part of this proposal.

3.6 **Thames Water** has provided the following comments on the application.

1. Waste

- Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed requiring a requirement for a drainage strategy .

2. Water

- The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommends a condition requiring impact studies to be undertaken and agreed.

3.7 **SEEDA (South East England Development Agency)** identified that the application did not meet their Regionally Significant Planning Application criteria, therefore no planning comments were made, however they welcomed the scheme and its eco credentials.

3.8 **Highways Agency** has directed that the following condition be attached to any planning permission which may be granted.

- *“Development shall not commence until highway improvement details have been submitted and approved in writing to the Highways Agency in conjunction with the local planning authority and the houses and buildings shall not be occupied until the highway improvements have been constructed in accordance with the approved plans.”*

- 3.9 **Network Rail** has no objections to the application and would support the developer contributions towards railway/station improvements in the area as clearly stated in the transport assessment at £186 per dwelling.
- 3.10 **Chiltern Rail** raise no objections but believe any rail contribution should be provided to them.
- 3.11 **Natural England** stated that this application does not have the feel of an exemplary Eco town site, not least in terms of biodiversity. Natural England’s concerns relate to the delay in biodiversity survey information within the master planning process, a lack of survey data relating to wintering birds, a lack of evidence on the net gain of biodiversity, and a lack of evidence on the impact of air quality on Ardley Cutting and Quarry SSSI.

1. Conservation Target Areas

11. The development should endeavour to help meet the aims of the Conservation Target Areas, either on or off site, rather than show a lack of impact.

2. Wintering Birds

12. Concerned that a wintering birds survey has not been included in the Environmental Statement following from Arup’s recommendation to produce one. This is so the applicant must be clear of the levels of loss that will occur.

3. Net Gain in Biodiversity

13. The current value of the hedgerows and the watercourses is related to their setting within the surrounding farmland and the species utilising them reflect this. Enhancements proposed, such as reduced cutting of the hedgerows and the provision of buffers will serve to mitigate the change in context, but not result in a gain in biodiversity.
14. The construction of SuDS features are planned to create a network of wet and dry habitats throughout the site, which will be designed to be of value for wildlife. However there is no detail as to how these features will be created and so Natural England remain unconvinced that this will be delivered. We are also disappointed that more wetland features have not been incorporated around the river corridors.

15. There is inconsistency in the detail of the habitats enhancement proposed for the site. For example on the landscape framework plan (drawing 3-2) there orchards to be planted on the wet grassland along the tributary of the River Bure. Orchards will not survive in wet grassland. However elsewhere in the document it is stated that these area may not in fact be wet, but actually quite dry. It need to be decided what habitats are planned for the proposal, and how this will be created and delivered before it can be decided what the biodiversity value will be.

16. 25% of the green space within the development is to be dedicated to nature conservation (page 61). These areas should be made clear in the plans, and access should be minimised in these areas in order to reduce disturbance. From the plans it appears that the areas considered to be important for nature conservation contain footpaths and cycle ways, and will probably make attractive dog walking areas. This will result in highly disturbed habitats which will not be of a high vale for nature conservation. One solution would be to incorporate carefully designed wetland features which will reduce permeability and hence disturbance. Where access is an essential part of the design then the value of these areas for biodiversity will be reduced and this should be taken into account when calculating biodiversity gains.

#### 4. River Corridor/Bats

17. Natural England is concerned that we have been unable to find any evidence or designs to show that the lighting of the site will allow a dark corridor along the River Bure. The lighting strategy in the Design and Access statement says that 'This has been accommodated, as far as practicable,' but there is no detail to show what the result of this is, and how much of the river corridor will remain dark at night time.

#### 5. Bridge Design

18. Natural England is concerned with the provision of box culverts as the bridge design for crossing the River Bure and its tributary. We believe that clear span bridges would allow for a more effective corridor for both continuity of habitat and movement of wildlife and people. This design would also retain a more open view along the river corridor, increasing the feeling of open space, and creating a more attractive landscape.

#### 6. Long Term Management

19. The applicant needs to demonstrate that the green infrastructure can be managed, maintained and monitored in the long term in order to guarantee that a net gain in biodiversity can be delivered. This includes the need to commit to a management option which can be proven to be viable in the development.

## 7. Green Infrastructure

20. Natural England is pleased that 46% of the proposed development has been allocated as Green Space. (page 58 of ES). However we are concerned that the term multifunctional has been taken to mean that all areas of GI must serve more than one purpose. This does not have to be the case, and in some cases combinations of functions are not compatible.

## 8. Agriculture and Land Use

21. Natural England are happy that most if not all of the small area of best and most versatile land (Grade 3a) is being retained as part of the Green Infrastructure for the site, and that soils will be relocated to suitable locations, depending on the land use e.g. allotments and habitat creation.

## 9. Masterplanning

22. Natural England are disappointed that the design of this proposal was carried out without all of the relevant background information being available. Indeed the extended phase 1 habitat survey data was only received in November 2010, weeks before the application was submitted. Ecological surveys must be carried out first in order to inform the design as stated in PPS9. This must be the case for the wider eco-town master plan in order to prevent many of the problems that have been encountered here.

3.12 **Berks, Bucks & Oxon Wildlife Trust (BBOWT)** has commented on the application and the comments are set out below.

### 1. Legislation and guidance

- In addition to the normal legislative and policy guidelines in relation to biodiversity, we are looking for this eco-town development to meet the guidelines of the supplement to PPS1 on eco-towns with regard to biodiversity and green infrastructure, as well as following the eco-town worksheets on biodiversity and green infrastructure published by the TCPA, CLG and Natural England. In light of the guidance available, I wish to submit the following comments.

### 2. Net Biodiversity Gain

- Overall, whilst the proposal is unlikely to be significantly detrimental to local biodiversity, it does not stand out as an exemplar in terms of biodiversity enhancements.

- Late provision of ecological survey information did not allow for ecology to be considered at initial stages of the design of this development. Further information is required in the Environmental Impact Assessment as it is considered that the level of information submitted is insufficient to determine whether the Eco-town will achieve the aim of a net gain in biodiversity, and as such whether it fulfils the requirements of the supplement to PPS1.

- Arrangements for the long term management of green spaces, including identification of a management body and funding, have yet to be secured. As a result it is unclear that the measures incorporated for biodiversity will

be fully realised.

3. Environmental Impact Assessment

- The results of wintering bird surveys are not available to inform the ecological assessment, so any gains or losses with regards to this group cannot be taken into account.
- In relation to assessment of impacts on Ardley Quarry and Cutting SSSI, I note that it is reported that calcareous grasslands would not be enriched by nitrogen. Reference to the Air Pollution Information Service (APIS) website indicates that whilst this is often the case as phosphate is limiting, and critical loads for nitrogen deposition, for this habitat it is indicated that *B.pinnatum* (which currently occurs on the site) is tolerant of low phosphate and therefore an increase in this species may result from increased nitrogen, thus resulting in a change in species composition.
- It is suggested that further consideration needs to be given to this issue, including assessment of contributions of nitrogen from increased traffic as well as the energy centre and with reference to the critical levels for nitrogen oxides.
- It should be noted that a systematic review of potential impacts on Local Wildlife Sites (LWSs) has not been included. Whilst many of the LWSs in the locality have been mentioned, I would expect to see an assessment of potential impacts on the specific features for which these sites have been selected as being of local value; this should include assessment of any likely recreational, air pollution or hydrological impacts.
- Whilst impacts on Conservation Target Areas (CTAs) have been considered, the purpose of CTAs is in fact to identify areas of opportunity for biodiversity enhancements to help deliver the aims of the UK and local Biodiversity Action Plans (BAPs) through landscape scale conservation. Policy ET16.3 of the supplement to PS1 indicates that the Biodiversity Strategy should set out priority actions in line with Local Biodiversity Action Plans. In line with this policy, I would wish to see an assessment of opportunities for the development to contribute towards the aims of the Tusmore and Shewell CTA and the Ray CTA. Whilst a negative impact on the Ray CTA has been excluded due to its location upstream of tributaries feeding from the proposed development site, I would wish to see consideration of the impact on the Otmoor CTA, and designated sites, which lie downstream of the proposed development.
- There is no mention of records for BAP priority butterflies in proximity to the proposed development, records were provided to Arup by Butterfly Conservation. These included brown letter hairstreak at Bure Park, and white letter hairstreak south of the application site. I would expect to see identification of opportunities to enhance the habitats for these species to encourage population expansion in line with Policy ET16.3 of the supplement to PPS1. Whilst I understand that hedgerow management is to be improved and may benefit brown hairstreak, the provision of elm for whiteletter hairstreak does not seem to have been considered (varieties resistant to Dutch elm disease are available). The EIA also reports water voles in the nearby area, consideration should be given to design of water features to provide appropriate habitat for this species.

4. Delivery of a 'net gain in local biodiversity'

- I welcome that a Biodiversity Strategy has been submitted with the

application, as is required under Policy ET 16.3 of the supplement to PPS1. However, it is not clear that a net gain in biodiversity will be delivered. Policy ET 16.1 of the supplement to PPS1 makes it clear that 'Eco-towns should demonstrate a net gain in local biodiversity'.

- Overall, it appears that it is intended that delivery of a net gain in biodiversity would be achieved through retention of existing features including hedgerows and watercourses, including management of these features, and habitat creation within corridors of open space.
- The eco-towns biodiversity worksheet emphasises the need to integrate biodiversity within the built environment to create a high degree of permeability for wildlife. Whilst bird and bat boxes are to be provided, I am disappointed not to see more innovative design of the built environment to provide for biodiversity.
- Whilst more sympathetic management of the hedgerows may well benefit certain species, particularly invertebrates, the setting of the hedgerows will change, which in turn is likely to make them less attractive to some of the farmland bird species (for example yellowhammer) which currently use them. Therefore achievement of an overall net gain for this habitat and associated species is unclear.
- The main corridor of open space following the watercourses in the southern section of the site is divided by roads. I understand that the bridges which are planned to carry these roads will consist of a box culvert. This is likely to reduce the ability of wildlife to move along these corridors of open space. It also creates a series of small management units which severely limits the ability to manage these areas in a suitable way to achieve successful wet grassland and species rich meadow creation. A clear span bridge design would be preferable to allow better connectivity and management of these areas.
- Whilst the need to maintain dark corridors along the watercourses has been recognised in the submission, particularly with regard to provision of foraging corridors for bats, I have some concern that this will not be achieved particularly since there is likely to be demand to light pedestrian routes along these corridors. Consideration should be given to routing these paths along the edges of the corridors to maintain a larger proportion of unlit space and to aid management of these spaces.

##### 5. Green Infrastructure

- I welcome that the development meets the PPS target for 40% Green Infrastructure, but the multi-functionality of this green space means that there are unlikely to be many areas undisturbed by the public, thus limiting the ability to achieve a net gain in biodiversity. Through planting design and use of wetland features (such as ponds, scrapes and fen habitats), it is possible to design areas of open space which allow for quiet areas for wildlife alongside those areas which are more accessible to the public, but currently the design appears to encourage access throughout most of the open space.
- It has been identified that wet grassland and species rich grassland will be created within the watercourse corridors, but it is unclear whether the hydrology and soils in these areas suit these habitats. If the soils are too enriched or too dry or wet then creation of the habitats suggested will not be achievable. Additionally, in order to successfully create these grassland habitats, appropriate ongoing management will be needed. Such habitats

need to be cut and/or grazed; since the species rich grassland is also to be planted with trees it is unclear how this will allow for machinery to be used to cut the grassland.

- It does not appear that any fencing of these grassland areas has been identified, which would preclude the ability to graze. Grazing on such sites would provide the most effective management to achieve the desired habitats in terms of wildlife conservation and enhancement.
- Since a management body, and mechanisms for funding management work, have not yet been secured it is not clear that the biodiversity benefits of management of existing features will be realised, or the successful creation of wildlife habitats will be achieved.
- We would encourage the applicants to consider creative approaches to long term management involving the local community.

3.13 **Sport England (SE)** objects to the application, the reasons for their objection are stated below; however SE would be willing to withdraw this objection should further details be provided which address their concerns:

- The developments site does not include any playing field land, as identified by Article 16(1) Schedule 5 of the Town and Country Planning (Development Management Procedure) (England ) Order 2010 or any other sporting provision. Consequently, Sport England does not have any comments to make on the principle of the proposed development.
- Due to the nature of the development Sport England would expect the application to ensure that
  - a) the demand for sporting provision generated by the development will be adequately met,
  - b) The design of the development actively promotes participation in sport and physical activity, thereby enabling residents to lead active and healthy lifestyles.
- It is therefore essential that new developments, especially residential, provide for the additional demand they will generate for sporting provision as supported by PPG17.
- No information is provided on how the demand for sporting provision that will be generated from the development will be adequately met. The planning Statement under the 'leisure' heading refers only to green infrastructure provision rather than wider leisure facilities such as those for formal sports.
- The Social Infrastructure Provision (SIP) paper does include information on leisure and recreation facilities in Bicester, but concludes that the development will not generate the level of demand necessary to support a wider range of facilities beyond those local and neighbourhood facilities already proposed for the site.
- Due to the size of the development Sport England accepts that it may not be appropriate to provide formal sporting provision on site. However the information supporting the application does not provide any assessment of the likely demand that will be generated by the development and how this demand may be met by existing provisions.
- Details regarding a contribution towards meeting this demand off site through new and/or enhanced provision are also not included. Work is currently being undertaken to look at the likely demand that will be generated from the wider Eco town proposal for sporting provision. Using

Sport England's Sports Facility Calculator it was found that for the 1,000 population included within the SIP the demand that will be generated from the exemplar site for certain facilities types: Sports Halls – 0.31 courts at a cost of £219, 799, Swimming Pools – 11.01 Sqm at a cost of £123,396 and Artificial Grass Pitches – 0.03 pitches at £25,427 (3G Surface) & £20,517 (Sand Based surface).

- The design of the proposed primary school site should ensure that it lends itself to community use. Providing this new facility offers the opportunity to design in ease of access to ancillary provision (changing rooms and toilets) and an appropriate pitch specification to ensure local sports clubs could benefit from the provision at the site (e.g. playing field land) outside school hours. In addition a community use agreement should be secured to ensure the maximum benefit to sport of the school facilities. These points could be secured by way of condition to any forthcoming planning permission.

3.14

**Campaign to Protect Rural England (CPRE)** raised some concerns regarding the application, however they support the aspiration that if Bicester is to grow significantly, it should be achieved in a more innovative and eco-friendly way so that any new development truly minimises its impact on the natural environment, and indeed can be demonstrated to enhance that environment. Their main concern is the potential loss of 850 acres of “greenfield” land, which is currently productively farmed, should the whole eco-town plan go ahead. Therefore demonstration of special circumstances prevailing and appropriate mitigating features applicable to such a development are of prime importance.

1. Planning process

- The application is premature and driven by the PPA. An overall strategy needs to be approved instead of starting in a piecemeal manner. There need to be far more certainty over the financial viability and deliverability of the whole Eco town before embarking on the exemplar. At the same time the overall need and timing for building 5,000 additional dwellings at Bicester should be scrutinised and justified in the context of the changing national scene with the expected abolition of RSS 9, the removal of the Government's housing targets and a much less buoyant housing sector.

2. Alternatives

- The specific question of alternative sites needs to be reviewed in light of the possibility of development in the MOD Graven Hill area. Having attended your workshop on “how Bicester might grow in future”, on balance we are of the opinion that the development envisaged to the North West is the most appropriate given the assumed housing pressures and the other alternatives. Whether this has been altered by the possibility of at the MOD's Graven Hill “previously developed” site becoming available is hard to judge at this stage. Certainly initial proposals from the MOD do not appear to carry any eco credentials.

3. Eco aims

- We should like to applaud in general Dominion group/P3ECO's commitment to making this extension as eco friendly as possible. If Bicester has to grow, let it be in as eco friendly way as possible, and, if at all feasible, let such development influence the rest of the town so that Bicester can be held up as an example of what in future towns can achieve in their sensitivity to the local environment.

#### 4. The Exemplar

- The development is very piecemeal, strung out and detached – which may be a function of opportunistic land acquisition.
- It is not at all clear how the local job formation will occur, and therefore how the new development's residents will be prevented from joining the vast majority of existing Bicester inhabitants in commuting by car to their work.
- We concur with OCC's view that the transport plan needs tightening up if sustainable travel from, to and within the site is to be the norm. In addition the overall effect of the new development on Bicester's existing traffic patterns remains unclear. We are reminded of Councillor Barry Wood's insistence that the long term problems at Junction 9 of the M40 need to be solved to make the NW Bicester eco-town viable. It is unclear what progress is being made with the Highway Agency on this major project.
- We are particularly concerned that given its overall eco-credentials that the proposed development does not appear to have made a full survey of the existing biodiversity on the site, and more importantly does not spell out how, under the terms of PPS 1 and 9, the developers intend to meet their statutory duty to enhance that biodiversity.
- Is there any sound reason why the Exemplar site should not achieve the Council's proposed policy (NWB1) of Level 6 of the Code for Sustainable Homes? Surely by definition an "Exemplar" should set the highest standard aspired to?
- The new eco village at Milton Keynes though the dwellings and gardens were sympathetic, however the community had no pivotal point or fulcrum. This may be a function of scale or timing, but we would echo OCC's concerns that there is no certainty as to when the proposed community building will be delivered. Somehow the outcome of a soulless, piecemeal estate must be avoided even at this embryo stage.

3.15

**The Environment Agency** object to this planning application, however they do support elements of the scheme and it should be noted that their concerns may be overcome through revisions to the development and further information being provided. Their concerns are listed below:

#### 1. Water Cycle Study (WCS)

- The submitted WCS is a good outline investigation. To fully demonstrate the likely impact the exemplar development may have on the water environment, certain elements of the study need to be expanded.

#### 2. Water supply

- We support the proposal to limit potable water use to 80 litres, per person, per day through the use of water efficient devices and rainwater harvesting. This would ensure the development meets level 5 of the Code for Sustainable Homes. We support this commitment.

### 3. Foul drainage

- The foul drainage for the exemplar site will connect to the existing Bicester sewage treatment works. The study concludes that capacity at the works is sufficient for the exemplar but the network is likely to require upgrading and a proposal has been outlined to identify what would be required. It is essential that a development phasing arrangement is agreed to ensure that the upgrades are implemented prior to, or in line with the development to avoid pollution. There should be no occupation of the homes until the necessary upgrades are in place.
- Including water efficient devices within the development will reduce the volume of water going to the sewer network. However, we recommend a margin of error is built in to the network so there is no risk of overloading in the future by any changes that may be made within the houses.

### 4. Water quality

- The Eco-town development must not result in deterioration in water quality and should take steps to ensure water quality is improved. Further work is required on this element to ensure the likely impacts of the development are fully understood and there is confidence that it is feasible to address them.
- In addition, there should be an outline of the steps that will be taken towards water neutrality. There is currently insufficient detail to show how this development can contribute to this aspiration.

### 5. Fluvial flood risk

- We have reviewed the fluvial flood model to inform the Flood Risk Assessment (FRA) and while there are no significant issues with it, we do require some further explanation as to how the hydrology used within the model has influenced the outputs.
- we are supportive of the FRA objectives which identifies that all

development will be located in Flood Zone 1 (low risk) and therefore the risk of fluvial flooding will not be increased.

- As a precautionary measure, we recommend that the internal floor levels of all buildings are set no lower than 300mm above the 1 in 100 year climate change flood level. This will ensure the development is resilient to any future changes in flood risk. It is not clear from the details of the application whether this is feasible within the current design parameters of the development.

#### 6. Surface water drainage

- It is proposed that surface water will discharge via soakaway wherever feasible and the remaining runoff managed through attenuation features with a controlled discharge to local watercourses.
- We welcome the commitment within the drainage strategy to limit surface water discharges from the site to the Greenfield runoff rate of 40 l/s for all rainfall events up to and including the 1 in 100 year (including a 30% allowance for climate change).
- Both the FRA and the drainage strategy have concluded that a certain number of properties will be able to drain via soakaway. However, there have been only 3 drainage tests carried out and these conclude that there is variable infiltration potential across the site. We are concerned that the size of the attenuation features relies on those property numbers being drained by soakaway but there is no clear explanation or evidence to show that level of soakaway is feasible. If the required volume of storage needs to be increased, the size of the attenuation features may need to increase and we are concerned that there will not be sufficient space to allow this within the current layout.
- Although the proposed discharge rate is to be limited to Greenfield rates, discharged from the site will increase as a result of the development, a volume has not been stated. This presents a risk of increasing flooding downstream, particularly at the confluence of the River Bure (to which the site will discharge), the Pingle Stream and Langford Brook.
- Any increase in the rate or volume of water leaving the site should be avoided or mitigated on site through storage, re-use and infiltration

#### 7. Sustainable Drainage (SuDS)

- We are very disappointed to see the inclusion of sub-surface attenuation in the form of tanks as part of the design. Although tanks will attenuate surface water, they do not deliver any further benefits that other SuDS features can. They also have the disadvantage of traditional drainage systems as they are below ground, which can lead to maintenance difficulties and hide any potential blockages and failures within the system.

We would not wish, or expect, to see tanks within the drainage system of an exemplar environmental development on a greenfield site of this size and would like to see them replaced.

- We also note the proposal includes decking and walkways over a number of the SuDs ponds. This also can hinder maintenance through the accumulation of litter, debris and silt. We advise that access to the ponds be limited to the edge so not to obstruct maintenance access.

#### 8. Ground Water flooding

- The FRA identifies that parts of the site may be at high risk from groundwater flooding and that mitigation measures will be required to manage this risk. However, it does not identify which parts of the developments will be at risk, quantify the level of risk or detail the mitigation required beyond generic examples. Without understanding and mitigating this risk the development could be susceptible to prolonged periods of flooding. Any mitigation must be designed with consideration of other environmental factors such as avoiding surface water and fluvial flood risk, and not depleting groundwater levels.
- The conclusion of the FRA is misleading as it states the risk from groundwater flooding is low, this is only the case if suitable mitigation is provided.

#### 9. Bridges – flood risk

- To ensure no obstruction to the flow of the watercourse and maintain a natural watercourse corridor we would wish to see bridges on this site be of clear span design and not culverted as shown on the plan.
- The culvert is shown to be undersized, impinging on the natural banks of the watercourse. This will restrict flows on the watercourse especially during flood events, increasing flood risk upstream. The large heavily engineered headwalls also reduce the aesthetic value of the watercourse corridor through what is meant to be an environmentally sensitive development.
- The erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. As we have concerns with the current design, we may refuse this consent.

#### 10. Biodiversity

- The assessment of risks to nature conservation is inadequate by virtue of being incomplete and the mitigation measures do not ensure the achievement of net biodiversity gain.
- Although there has been a significant range of ecological surveys to support the development, a number of these (i.e. wintering bird survey) were

completed too late to substantially influence the design of the scheme. The results of the wintering bird survey must therefore be integral to the assessment of the impacts on the local biodiversity resource, and also to the appropriate design of mitigation measures, and is therefore pertinent to support the overall conclusion of net biodiversity gain.

- Without a more robust design of a mosaic of wet features in the stream corridor, carefully designed to allow some access but with areas which are less permeable to people and are therefore less disturbed, it is not clear how the stated claim for net biodiversity gain can be secured in the Exemplar site.
- The achievement of this net gain is also predicated in the Biodiversity Strategy on the future management of the habitats to be established, but although the Strategy sets out options to achieve this management, none of this has been secured nor demonstrated to be viable.

#### 11. Development close to watercourse

- An adequate buffer between the development and watercourse is essential to support biodiversity and link spaces to allow wildlife to move between suitable habitats, currently it is shown to be inadequate.
- The stream corridors in the Exemplar site are an essential component in the Biodiversity Strategy for securing net biodiversity gain. The current design shows built development, a NEAP and access routes in close proximity to the Bure which all serve to reduce the potential for the stream corridor to achieve the objective of net biodiversity gain.
- The development claims 40% GI, with 20.5% claimed as 'enhancement' to provide biodiversity net gain, which in principle we support. However, the design does not demonstrate an imaginative use of the stream corridor to provide the multiple benefits of GI to biodiversity, flood risk management and amenity which will allow all these objectives to be achieved successfully. .
- Of particular concern is the requirement for the stream corridor to provide a dark foraging and transit route for bats – although this is acknowledged as an important design element, the proximity of the development and the lack of clarity in the lighting strategy as to whether access routes through and across the corridor may be lit, provides no confidence that this objective can be achieved.

#### 12. Bridge design – biodiversity

- Culverting of the River Bure will have a damaging impact on nature conservation and landscape; in particular it deteriorates the river and bankside habitat while interrupting the wildlife corridor.
- The current proposal for a box culvert with concrete wingwalls and earth embankments severs this corridor, compromising its value for wildlife movement in general and in particular disrupting the flight path corridor for

bats, an attribute recognised as important by the developers. The current design also detracts significantly from the natural landscape characteristics of the stream corridor.

#### 13. Waste

- We support the use of a Site Waste Management Plan (SWMP) linked to a Sustainable Resource Management Plan and the high recycling targets outlined.
- We accept that some materials may need to be placed in landfill, provided that this is the best environmental option.

#### 14. Contaminated land & Groundwater quality

- We agree with the indication that levels of contamination on the exemplar site are low and therefore unlikely to impact groundwater quality. However, section 3.2 of the Interpretative report it states that the full results of the gas and groundwater monitoring will be issued as a separate addendum to this interpretative report, then Section 6.4 of the same report concludes that no remedial action is required. However, it is not clear how this conclusion is reached because no results for water analysis are included within that report. The interpretative report refers to a Factual Report which perhaps includes some groundwater quality data which has not been included within the application documents.
- This is particularly relevant because of the proposal to drain surface water via soakaway. We would not want to see any infiltration through contaminated soils as this would present an unacceptable risk to groundwater quality. The developer will need to demonstrate that this risk does not exist.

3.16 **Commission for Architecture of the Built Environment** cannot support the application as they comment that the execution of the first phase is disappointing and that the eco-credentials of the scheme are limited and that there is little deviation from the standard suburban housing model. They highlight that as this application needs to set a precedent for development in the area over the next 20 to 30 years it is crucial that the first phase sets high standards for the future, therefore the proposals must be more visionary in their approach if the requirements of the PPS1 Eco towns supplement are to be met. Details of their comments are below:

##### 1. Masterplan

- It is unfortunate that the planning application for the exemplar phase has been submitted prior to the submission for approval of the overall masterplan. This is a back to front approach and makes it more difficult for the exemplar phase to be considered as an integrated part of the masterplan development, given that the masterplan is still yet to be finalised and agreed.

##### 2. Site layout

- Convincing work has been undertaken to consider the flexibility of the landscape and to incorporate the existing field pattern into the site plan. This could successfully deal with the co-existence of the developed and undeveloped plots, by providing clear boundaries. It is inevitable that the phasing of the development will result in changes to the co-existence of different land uses, with fields directly adjacent to new homes when initial plots are developed,

which overtime will be built upon.

- We are encouraged that thought has been given to how the phases will link to one another by providing lanes that can continue into adjacent phases and not constrained dead ends. However we think that this work should be taken further. It is essential to the success of the masterplan that individual phases are not designed in isolation and we suggest that site layout plans are put together for adjacent plots from the outset in order to ensure that the design of different phases fit together. In light of this point, we question whether it is desirable to build right up to the site boundaries, which could lead the next phase to do the same which would then blur the development boundaries and lose sight of the original ethos of the site plan.
- We find that the arrangement of clusters provides a structure to the development which is more manageable than the whole. We suggest that different clusters could create different characters or types of development, providing choices for the future community. However we query how the different clusters relate to each other and how the clusters relate to individual plots.
- We find the layout of streets and spaces interesting, such as the single carriageway streets with passing places that could add interest and variety to the public realm. It needs to be demonstrated that sufficient access will be provided for emergency services and refuse trucks. We question whether the levels of maintenance required for this form of street design can be sustained, or will these spaces be adopted and maintained by the local highways authority?

### 3. Density

- We think that the density of the development is too low, lower indeed than that of the nearest areas of existing development. The idea behind an eco-town development is to provide an efficient and intensive scheme layout, however this scheme does not meet these requirements generated by the imperative of efficient use of infrastructure. The team has not demonstrated why such a low density development is being proposed as we see no reason why a higher density scheme would not be viable in this location. We are concerned that the low density will militate against the principles of the EcoTowns PPS principally greater resource efficiency and the reduction of car use.

### 4. Architecture

- We are encouraged to see that three different architects are working on the housing designs, but are disappointed that a greater variety of house types is not emerging to provide a greater choice for buyers. All the clusters of development are the same in terms of building typologies and architecture, and that there is limited variety in terms of the size of dwellings.

### 5. Conclusion

- For the exemplar site, we would expect to see a proposal that captures the essential aspirations of an eco-town: the current proposals fall short of that mark.

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3.17 **Thames Valley Police Authority (TVP)** fully supports the identification of the North West Bicester Eco town, however they wish for the Local Authority to consider the issues below when determining the application.

- The location for the whole North West Bicester Eco town has not been

subject to SEA as is required by the EU Directive and Government legislation.

- This speculative application has no adopted development plan, area action or masterplan basis that should similarly be subject of SEA.
- The location for this first phase of the eco town is based purely on land ownership and would not be the first choice for a sustainable development by any sensible town planner and indeed there has been no appraisal of alternative first phase locations to inform this choice.
- In an unfavourable economic climate, there is a danger that this development could remain an island of inappropriate development for some time in the future.
- The application proposals fall short of the PPS Eco town supplement to PPS1 in many respects and on a number of issues.
- TVP has developed a formula for calculating the level of contributions required from new developments in Cherwell to fund the additional police infrastructure needs generated by population growth arising from planned residential and business/commercial developments. Using the methodology, the proposed development of 394 dwellings and other proposed development subject to this application, would generated a financial contribution of £202,910, less the cost of any permanent on-site office provision. TVP see this as a starting point, based as it is on a national formula for new housing development, as it is recognised that this may be the first phase of a larger and fairly unique development. Unfortunately, there is no masterplan or outline application for the whole Eco town development to allow TVP to confirm the level of development it needs to police and how it would do so from an operational view.

3.18 **Countryside Properties (Bicester) Ltd** does not object to the planning application and cognises the eco credentials of the proposal along with the history to the site but they do raise the following concerns:

1. Planning Justification

- The key justification for the planning application therefore lies in the supplement to PPS1 on Eco-towns as the planning application documents clearly state throughout that the application is a departure from the adopted development plan, consisting of the saved policies within the Cherwell District Local Plan and the South East Plan.
- The application is significantly below the level set out in the PPS of a minimum 5,000 and 5,000 new jobs at 394 dwellings with an equivalent level of employment generating development. This is without greater certainty over the ability to deliver the remainder of the 5,000 dwellings and jobs, it is

surely inappropriate to rely upon the PPS as justification for the development of this site at this time. Also if the development is being brought forward in a piecemeal manner it is not allowing the Bicester Eco town concept to be tested.

- The eco town concept appears to be becoming outdated and liable to change as national policy thinking evolves over months and years. Within the Localism Bill there continues to be a need for LDF documents to be tested for 'soundness' and deliverability (PPS3) and at no point in the application does it state that developers have control of the wider land required to bring forward 5,000 residential units.
- The development should only be viewed as acceptable if it represents the first part of the Eco Town the Council may consider it appropriate to use planning conditions/legal agreements to ensure that an application does indeed come forward within a reasonable timescale for the remaining 4,606 residential units, employment uses and infrastructure.
- We consider it premature to bring a site forward on the basis of that draft allocation. The core strategy, along with the associated evidence base, has not yet been tested through public examination and remains open to potentially significant change.
- We have raised through the Core Strategy consultation some fundamental concerns over the evidence base supporting the strategic allocation of NW Bicester. These concerns still stand, and are reinforced by the fact that the Council is having to re-visit its evidence base for district-wide housing requirements, in the light of the forthcoming revocation of Regional Plans.

## 2. EIA

- The Local authority needs to have environmental information available for the whole site as part of the Environmental Statement (ES) so the whole NW Bicester development can be assessed as the planning documents clearly identify that the exemplar site forms part of the wider Eco town proposal. The point is raised again that the PPS1 states a minimum of 5,000 homes for an Eco town, therefore the application should be assessed as a whole development, because currently the validity of the submitted ES is questionable when the development is clearly part of a larger scheme.
- If this Exemplar Development proposal were to be permitted on the assumption that it is the initial phase of the wider Eco-Town, and it is this assumption that makes it acceptable, then the decision cannot be made in the absence of environmental information about the consequences of the entire Eco-Town project. Therefore the scope of the submitted ES would need to encompass the entire Eco-Town masterplan.
- It is accepted that the ES considers the potential cumulative environmental effects of the Exemplar development alongside the wider Eco-town scheme. This concludes that there would be little or no cumulative impact, as a range of mitigation measures will be put forward for the wider Eco-town scheme to alleviate any potential issues.
- The assessment has been done on a very broad basis, which means that

many key elements, such as traffic issues, have not been considered in a level of detail to provide any degree of certainty with regards the assumptions made in the cumulative assessment.

- As the applicant is also promoting the wider site, and goes as far as including a detailed master plan within the application documents, that in this instance a more detailed cumulative assessment should have been undertaken and that if the wider scheme is key to the planning argument then the entire development should have been assessed in an EIA context.

### 3. Transport

- WSP reviewed the transport assessment submitted in support of the exemplar proposal and a summary can be found below.
- The location of the 'exemplar' site is not conducive to sustainable modes of transport.
- All connections between the northern and southern site are channelled through the centre of the site. This is not permeable as per Manual for Street principles.
- The applicant makes a case for mixed-use to support internalisation but admits that significant employment provision to achieve this could only be realised with the wider NW Bicester Eco-town. This undermines the 'establishing mindset early' arguments made in the TA.
- It is unclear how modal shift assumptions can be achieved within the context of a stand-alone development when there is no certainty that the Eco-town would be deliverable/viable.
- Only local junctions have been assessed with no reference to whether the improvements are incremental or abortive in the long-term.
- No agreement has been reached with OCC/HA on wider impacts, these are described simply as 'subject to further discussion'. This is not considered sufficient for a site with such potentially far reaching transport implications.
- The majority of parking is off-plot, leading to uncertainty over how parking levels across the site will be enforced. This leads into further uncertainty over how the travel plan will be monitored and enforced.

### 4. General comments

- In the absence of vigorous testing and meaningful examination could result in what would be an incomplete development in an unsustainable location.

3.19 **Defence Estates** raise an objection to the planning application; they ask for the application to be refused on the following grounds:

- The application is premature in that its determination would have a prejudicial pre-determination impact upon the draft Core Strategy in contravention of the guidance set out in PPS1.

- The application does not have a current allocation and has no approved masterplan in contravention of guidance as set out in PPS1, PPS12, the Eco-Town supplement to PPS1, and policy NWB1 of the draft Core Strategy. Furthermore, in its development the local community has not been afforded adequate opportunity to shape the proposal through well managed community consultation which does not comply with the guidance, also set out in PPS1.
- The application fails to protect the natural environment by proposing unnecessary use of productive green field land, and housing development in an unsuitable and unsustainable location in contravention of the guidance as set out in PPS1 and PPS3.
- The application does not offer sufficient evidence that the proposed development can comply with the guidance set out for Eco-Towns in the supplement to PPS1 in terms of employment or transport modal shift;
- The eco-credentials proposed have not been sufficiently demonstrated, in particular, with the lack of a Water Cycle Study or a Sustainable Waste Resources Plan, and
- The application does not comply with policy R12 of the adopted Local Plan, Policies I3 or I4 in the draft Core Strategy, or guidance as set out in PPS3 or the Eco-Town supplement to PPS1 in regard to sufficient levels of sports and play provision;

1. Assessment of Prematurity

- The proposal is not in accordance with current development plans.
- It is of such a significant scale that it is likely to prejudice the outcome of the Core Strategy.
- The emerging Core Strategy is only at draft stage and there have been objections to the Eco-Town proposal contained within it.
- Alternative strategic housing sites have been put forward for consideration but have not yet been tested through the examination process, the application is considered to be premature.

2. Case for the principle of an Eco-Town to be progressed as a Supplementary Planning Document

- The proposed application has been submitted without the benefit of an allocation in the LDF and in the absence of any approval for a wider masterplan.
- A 4.5 year supply of housing has been identified. Sufficient time is available for the principle of an Eco-Town to be considered properly, and delivered in an achievable timeframe, if the principle of the proposed eco-town is determined by the local community as desirable and necessary.
- The proposed development does not:
  - a) Comply with an approved masterplan as set out in Policy NWB1 of the draft Core Strategy
  - b) Comply with an approved masterplan as set out in paragraphs

ET20.1 and 20.2 of the supplement to PPS1; or

- c) Set out clearly, in a draft Section 106 legal document, how the proposed development would progress in order to support the 394 dwellings proposed, in line with paragraph ET21.1, 22.1 or 22.2.

### 3. General Policy Considerations

- The proposed development does not comply with the policies in the SE Plan:
  - a) SP3 in that it does not support the urban focus;
  - b) CC1 as it does not constitute sustainable development; or
  - c) H5 in that it does not comply with the minimum density of 40 dph.
- The proposed development does not comply with the following policies in the adopted local plan:
  - a) EMP1 or EMP4 in that it is not an existing or allocated employment site;
  - b) C8 in that it constitutes sporadic development in the countryside; and
  - c) C28 and C30 in that there is no adopted design code, brief or masterplan for this development.
- The proposed development does not comply with the following policies in the non-statutory local plan:
  - a) H3 in that it does not constitute efficient use of land at less than 30dph;
  - b) H8 in that it is not a rural exception site;
  - c) H11 and H19 in that it is not within the built up limits of Bicester; and
  - d) S1 in that it is not located following the sequential approach.
- The proposed development does not comply with PPS1 in that it does not:
  - a) Protect or enhance the natural environment;
  - b) Make efficient use of previously developed land;
  - c) Take advantage of significant economies of scale; or
  - d) Demonstrate evidence of sustainability and deliverability of infrastructure.
- The application does not comply with the Eco-Town supplement to PPS1 in that it does not:
  - a) Set out facilities to support job creation... (of) one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport;
  - b) Demonstrate evidence of sustainability and deliverability, including infrastructure;
  - c) Re-use land that has been previously developed; or
  - d) Safeguard wider policy objectives.
- The application does not comply with PPS3 in that it does not offer:
  - a) A range of community facilities
  - b) Good access to jobs, key services or infrastructure; or
  - c) Housing in a suitable location.

#### 4. Community Consultation

- The proposed development does not comply with policy CC6 in the South East Plan in that it does not develop or implement a local shared vision as it is not an allocated site and is not in compliance with an approved masterplan.
- The proposed development does not comply with PPS1 in that the community consultation carried out has not:
  - a) Been an essential part in delivering sustainable development;
  - b) Enabled the local community to say what sort of place they want to live in at a stage when it can make a difference;
  - c) Enabled the community to put forward ideas and suggestions and participate in developing proposals and options – it has simply invited people to comment on proposals that have already been worked up; or
  - d) Provided or sought feedback.

#### 5. Transport

- The application does not comply with the following policies in the non-statutory local plan:
  - a. TR1 in that it does not contribute to achieving the objectives of the local transport plan
  - b. TR2 in that it is not located in an existing centre
  - c. TR4 in that it does not include all appropriate mitigation measures required to support the development in an implementation strategy.
- The application does not comply with the policy set out in the Eco-Town supplement to PPS1 in that it does not provide walking and cycling connections at anything above the standard required in an attempt to overcome the sites isolated location. It would not provide a sufficient level of public transport provision in order to promote and encourage modal shift from private cars. The proposal does not go beyond national standards with the exception of a reduction in parking provision. Without sufficient public transport provision this is likely to be problematic. As car based travel is likely to be the dominant mode. The proposal does not comply with guidance as set out in the Eco-Towns supplement to PPS1 in paragraphs 11.1, 11.2 or 11.3.

#### 6. Eco Standards

- All new dwellings will be carbon neutral by 2016. The building standards proposed do not outweigh the significant detrimental impact that would occur in building 394 dwellings on productive agricultural land, in an isolated location, in the absence of a demonstrable and pressing housing need.
- The application is not accompanied by a full Water Cycle Strategy or a Sustainable Waste Resources Plan which does not comply with the policy in the supplement to PPS1.

#### 7. Public Open Space

- No sports provision is proposed to serve a 394 house development. This is in direct contravention of policy contained within PPS3 and paragraph ET14.1 of the Eco-Town supplement to PPS1 and does not comply with policy R12 of the adopted Local Plan. The proposed playspace does not comply with the minimum standards contained within policy I4 of the draft CS.
- The proposed allotment provision meets minimum standards only and does not appear to have been planned in an integral manner, but located in the left over spaces in the development.

3.20 **BioRegional** are working as part of the project team on sustainability and outline some concerns that need to be resolved:

1. Density

- On the exemplar, far too much space is taken up by roads, driveways, parking and garages. It results in really low density without the sense of ample quality space.
- The exemplar design is short on play space. The biodiversity areas have been squeezed. Net biodiversity gain has not been demonstrated.
- The draft travel plan has fallen short of demonstrating the modal shift needed. A higher density of homes would help make the bus, the car club and all the services at the village hub more viable.
- The majority of Milton Keynes has a density of 27dph and they have found bus services to be unviable without prohibitive subsidy. The newer parts of the city are 50dph and can support a good bus service.
- The energy solution put forward in this application opts for a district heating system, allowing for renewable centralised technologies. Energy Saving Trust and CHPA recommend at least 55dph for district heating to be financially viable.
- The home zones would be far more successful at an increased density as they would have the critical mass of households to be populated and vibrant.

2. Sustainability Statement

- Even though on p3 reference is made to enabling low carbon footprints, there is no mention of any analysis or strategy for achieving this either in the vision or in any of the Hyder Heartbeat headings. Whilst individual measures such as zero carbon buildings will help to deliver this aspiration, the Sustainability Statement should follow through and demonstrate how this core aspiration will be achieved and to what degree.
- P25 – Construction – best practice in minimising embodied impacts of construction materials should go beyond the use of the BRE Green Guide. Embodied CO2 should be monitored and managed and reduced.
- 1046 NW BICESTER Masterplan report 23-11-10 part 1

- Says all homes are within 800m walking distance of local centres. This is not true of the exemplar.
  - It is questioned if there will be green roofs on all garages? (Document BIMP2\_PA\_05\_200\_GARAGES)
3. Design and access statement
- P56 Viewpoint 3 looks terrible and uninspiring.
  - P131 – Lighting – says “request for dark corridors has been accommodated as far as possible.” What does this mean?
  - No details is provided on street design or the degree to which junctions and street textures have been designed to prioritise walking and cycling
4. Environmental Statement Vol 1 Main Text p66
- The report suggests that the construction phase of the development will have no residual impact on the biodiversity of the site. This cannot be correct. Most birds and other animals will leave due to the noise and disturbance.
  - What measures are in place to oversee good ecological practice during the construction phase?
  - Need details on the construction phase lighting with a plan showing lighting free zones
  - Need details on post occupancy lighting – plan showing lighting strategy
5. Economic Strategy
- What evidence is there that the eco business centre, office space, nursery and retail units will be viable and taken up?
  - What measures are being proposed in order to promote and facilitate home working?
6. Bridge
- The box culvert bridge is ugly and it disrupts large areas of the supposed watercourse corridor.
7. Draft Travel Plan
- It is a technically robust report as far as it goes with a wide menu of sensible, intelligent and some novel measures, however the measures in this Travel Plan do not go far enough to deliver the targets or meet the PPS.
  - A detailed table (also submitted by BioRegional), shows the list of measures proposed, the associated trip reductions and modal shifts due to each measure. If Hyder’s individual mode targets for walking, cycling, bus and train are achieved, then a modal shift of 49% (just short of the target 50%) is achieved. However, there are questions over whether each mode target is achievable. Targets for all 4 modes are ambitious and measures to deliver

them are falling short.

- When specific key journeys are examined, the travel plan shows that unless the resident is a cyclist (some 1-2% of UK population cycle regularly and some 5-8% cycle occasionally), then the measures proposed do not offer a quicker, easier alternative to the car. The alternative travel options for non cyclists therefore need to be improved.
- The plan rightly proposes to place a lot of emphasis on promoting cycling and positively attracting cyclists to live there, some of the ideas in this section are potentially exemplary and could be a UK showcase. However, detailed plans showing how cycle friendly the site is are missing. Bicycle storage facilities are nothing special and not particularly convenient.
- The density of the scheme is not sufficiently high to support the services needed to really deliver modal shift. Campaign for Better Transport recommend 100dph.
- The carbon reduction target, T5 is fine but from the work done to date, it is not possible to even start to assess the degree to which the travel plan delivers against this target. Some analysis of baseline transport related carbon emissions and potential reductions through modal shift and low carbon vehicles is needed.
- Measures to promote and incentivise low carbon motoring are not at all developed in this plan. There is a lot of potential for this scheme to pioneer alternative fuels and super efficient cars. A strategy and commitments to resource and promote these alternatives would be a good addition to this report.
- The Travel Plan relies heavily on travel behaviour work, travel planning, branding, marketing and promotion. It is not clear how well resourced these activities will be.

3.21 Cherwell's **Building Control Manager** has highlighted there is some information outstanding from the application that has made it difficult to give a complete set of comments. However his comments are below:

1. Communal Area (River Corridor) Dwr No. 8010-UA001881 & UP23D-01 and 8011-UA (etc)  
Lack of 'spot' levels relating to the proposal; no details relating to the materials/surface finishes are available. Ramps are referred to a 'DDA compliant' which is meaningless. Also very little in the way of 'furniture' is provided which would be suitable for older or disabled individuals to watch or part take in activities.
2. Specific comments on 'access' section of DAS  
No mention of - consultation/involvement conducted with user groups  
- Imminent demographic change specially age profiles and

aging population (as well as those with impairments).  
- Lifetime, home and neighbourhood standards within the DAS.

The DAS makes vague and meaningless reference to compliance with the Disability Discrimination Act and 'relevant guidelines'. It's not clear what provision has been made for visually impaired individuals relating to way finding in and around 'shared spaces'. Reference is made in regards to refuse collection, however how will the designer ensure the bins do not become obstacles and barriers for those with sight limitations? Also how will the bins be moved for occupants with mobility restrictions? It does state that all integrated walking and cycling routes will be segregated.

Over all not convinced that the 'access' part of the DAS clearly demonstrates that the philosophy of the 'social model' of disability has been adopted as the design goal.

3. General comments relating to the application

Application should a) establish from the onset the appropriate technical standards which have been adopted as part of the access strategy b) justify any intended departures/variations from the national guidance relating to 'inclusive design' and c) aim to demonstrate that the 'social model' of disability has been adopted.

4. Specific comments relating to the application

- Housing should be no greater than 500m from primary and 800m from secondary services.
- All pedestrian footways should have gentle gradients not exceeding 1:20.
- Bicycle lanes should be separate from footways and clearly marked(already mentioned in DAS).
- Lifetime homes provide 'improved access' to dwellings for wheelchair users but does not make them fully accessible. It is recommended that 10% of all houses are built to 'Wheelchair Housing Standards' (which exceed LTH criteria).
- With respect to external information the house plans do not provide sufficient detail to conclude whether the proposals satisfy criteria 1 of the Lifetime Home Standards': (Also there appears to be conflict between the planning strategy of a reduction in vehicular use/ownership and the requirement of LTH's to provide a parking space (2.400m wide which has the potential to be increased in width to 3.300m) for every house (as all houses are required to meet the LTH criteria as required by the PPS1 supplement).

3.22 Cherwell's **Ecology officer** comments that the application has not made the most of opportunities enhance and conserve biodiversity within the development as might be expected in an Eco town exemplar.

- Low levels of space given to the more natural areas is disappointing when taking into account the pressures these areas are likely to experience in terms of disturbance.
- Not clear if the Eco town PPS is and PPS9 requirements for 'net

biodiversity gain' will be achieved as incorporating designs to benefit wildlife have not been maximised.

- Retainment of hedgerows is welcomed; however the value of the translocated hedgerows will be reduced once removed from the agricultural context, this could to some extent be mitigated for with large buffers adjacent to the hedgerows limiting disturbance.
- The Environmental Strategy outlines that the 'majority' of hedgerows will have a buffer of 3m. However for those hedgerows which may have less of a buffer than this their value to wildlife will probably be less than current, despite the intended sympathetic management. I note the hedgerow survey undertaken by Arups recommends buffers of at least 10m either side of the hedgerows managed for biodiversity not amenity in order to retain value which does not appear to have been taken into account.
- If the habitat creation and retention proposed along the riparian corridors are achieved in their entirety these are likely to be beneficial in terms of biodiversity. However there seems insufficient proof and inadequate detail and clarity which make its achievability uncertain.
- There is little information on how the hydrology may be manipulated to achieve the wetter areas along the Bure corridor for the proposed wet grassland and the inclusion of orchard planting within these areas seems inconsistent. Even if it is achieved there is potential that the value of these habitats will be reduced by other impacts i.e. lighting strategy on road, footpaths and play areas within and adjacent to the river corridors which is not fully detailed.
- The design of the bridges which currently do not appear sympathetic to wildlife movement and are likely to fragment the corridor. There should be some strategies in place to discourage high intensity usage of these areas for recreation and dog-walking etc in order to provide some level of refuge and space for wildlife.
- There is little mitigation for the loss of habitat for farmland birds. I understand the wintering bird survey is still ongoing, the results of which should determine the value of the site in this respect. As it is not possible to mitigate for the loss of open space and foraging ground for birds on site compensation for this aspect off-site should be sought.
- The proposals for biodiversity enhancements within the built areas of the development should deliver some benefits for wildlife if carried out – green walls, green roofs on garages, higher levels of planting, suds features (lack of detail)
- The 'classic homezones' appear to deliver comparatively little of benefit to biodiversity or green connections. Could the enhancement proposals not be carried through these as well?
- The Environmental Statement that allotment areas can achieve some of the biodiversity aims on site forming quite an extensive area of transitional habitat in parts. It is unclear whether this is achievable when such areas are to be managed by residents and therefore cannot be guaranteed to be managed in a wildlife friendly way.
- The mechanism for management of the created and retained habitats is not yet agreed nor have the viability of the various options in terms of achieving the funding and management required been outlined. The long-term management and monitoring of the green spaces on site is critical for the successful delivery of the biodiversity enhancement

objectives and to prevent deterioration of the retained habitats. This needs to be fully outlined before it can be assessed whether there will be clear gain in biodiversity on site.

3.23 Cherwell's **Strategic Housing Officer** provided their comments and submitted draft Heads of Terms. Details can be found below:

1. Affordable housing mix and tenure

- Although 30% affordable housing is being offered in line with current policy this is not at CDC's current policy mix –a suggested mix has been put forward. A total of 102 units, 18 of which would be for affordable rent and 120 for shared ownership (Table of detailed mixture was submitted).
- The mix of size and types has been agreed. Affordable rents (including eligible service charges) will need to be set at a level that is deemed affordable against local market rents.
- There are particular concerns with regard to service charge costs and the affordability of these which will need to be addressed.
- We will need to determine an approach to fixed term tenancies.
- We would expect shared ownership units to be sold at a variety of shares between 25 and 75% with an average share across the scheme of between 40 and 50%. We believe there is a healthy market for shared ownership units within Bicester and would like the number of units available as shared ownership to be increased on the wider application.
- A block of 2 bed flats is to be kept for special downsizing units for older people releasing family homes. This will be of a higher spec than the other blocks and age restricted to 55 years. The majority of flats in this block should be for rent.
- One of the 2 bed terrace and an adjoining 3 bed terrace will be set aside for the re- provision of Lucan House, teenage parent's project and leased to Stonham for that purpose. This will have an exit strategy for reconversion to general needs and a separate referrals procedure.

2. Location

- CDC policy is for a well integrated mix of tenures and we have not generally accepted clusters of more than 15 units, with the rented and intermediate housing mixed in each cluster. We would prefer to see the affordable housing more integrated throughout the development than the current plan shows to achieve a mixed and sustainable community and a consistent stream of delivery..

3. Standards and Design

- PPS 1 lays down standards for the new build which this application achieves. Standards include:
  - a) Code level 5 and Carbon Neutral
  - b) CABE –Building for Life –silver level
  - c) Lifetimes Homes Standard
- Wheelchair units are to be designed to standards laid down in the Habinteg design guide (2<sup>nd</sup> Ed) but agreed at internal design stage with CDC Housing team as these may be tailored to individual needs.
- Lucan House internal layout is to be agreed with CDC and Stonham Housing.
- The affordable housing should be tenure blind in design.
- Housing Services would like sight of the revised plans to be able to comment further on the wider design issues.

4. Delivery triggers

- These will need to be set in line with the build programme but would want to see the affordable housing come forward simultaneously with the private sale units.

5. Nominations and Local Lettings Plan

- All housing will be subject to our standard nominations agreement and processes but will also benefit from a local lettings plan both of which will be attached to the planning agreement. The lettings plan will give priority to Bicester applicants and seek that new residents have a pre-tenancy qualification which covers residents being in work or training or actively involved in community work and their intention to embrace a greener living agenda.

3.24 Cherwell's **Design and Conservation Manager** has made the following comments on the application:

1. Local distinctiveness / appropriate to context

- The palette of elements of construction, elevational detailing, windows and doors is not derived from local architectural styles. Given the very contemporary elevational treatment, the untraditional roof profiles, the buff brick and the timber proposed for elevations and the particularly regimented approach to layout, the design does not appear appropriate to its context.
- It is the role of the DAS to explain the design rationale behind the proposal and how this has been informed by an analysis of context etc. There is little in the submitted DAS to explain these matters.

2. High Quality Inclusive Design

- The architecture of the housing relies very heavily on very similar floor plans with repetitive pattern of openings and three elevational

treatments. The effect is repetitive with a risk of monotony and many dwellings and terraces are visually unappealing, particularly the affordable bungalows and flats. The gabled elevations, particularly those with differential widths and heights or asymmetrical pitches or extended roofs, create a discordant image.

- Some of the “enriched” house types are visually stimulating but have little in common with their neighbours. This does not appear to constitute high quality design.
- The house types are grouped into enclaves, with streets composed of single house types. This does not constitute inclusive design that creates well mixed and integrated development which avoids segregation. Although the 2 and 3 bedroomed houses are tenure blind, the affordable bungalows and flats are distinctively different by virtue of their scale and appearance and thus their design could not be described as inclusive.
- There is a rigidity of building line, a lack of variety, a lack of change of scale, a lack of public spaces within the housing areas, a lack of landmarks, lack of successful corner buildings, etc and the resultant places do not create high quality streets, open space, public realm or places to inspire and delight.
- The layout does not offer continuity and enclosure, consistent with local character, because the perimeter blocks are too small. The distorted grid layout has high permeability but movement for pedestrians and cyclists and legibility through recognisable routes is not clear due to the repetitive layout and a lack of landmarks to help people find their way around. All dwellings outside the High Street centre are designed for residential use without opportunities for other uses, even working at home for most, included, and no expressed adaptability through building types that enables their use for different purposes over time.
- The development is designed to meet Code 5 but the layout of the street grids does not maximise solar gain through layout and orientation of buildings. The PV panels on the gable fronted terraces results in asymmetrical pitches and the requirement to lift the PV panels above the shadow line to increase their efficiency results in an aggressive roofscape.
- The housing layout is inefficient, with a high proportion of highway to dwellings. Despite the resultant relatively low density, the size of private gardens attached to the terraced houses is small and some of the gardens of the affordable homes will be dominated by cycle and bin stores and their sheds.

- The inefficient layout compromises the amount of green space.
- The size of some private gardens result in some dwellings having a very small area of private amenity space, some north facing.
- The master plan for the whole site is in preparation. It is not clear that the detailed design of this layout has been considered in relation to the interface with subsequent adjacent phases. As the aspiration for the non residential elements on the High Street is very specific in terms of height, elevational treatment, order, symmetry etc and is to be delivered by different developers at different times, a design code will be needed to ensure consistency.

## 2. Density / efficiency of layout

- The layout of the housing is inefficient, with small perimeter blocks and a high proportion of road to dwelling. This results in a relatively low density development, which is inefficient in terms of district heating and encouraging measures such as the provision of a viable public transport service, car clubs etc to encourage modal shift.
- The pattern of field boundaries has been followed in the layout of streets such that the orientation of buildings does not maximise solar gain. The reliance of PVs as a significant source of electricity has required a high proportion of gable fronted terraces and the pitches of some are asymmetrical and others need to be extended to ensure sufficient solar gain. Not only does this produce a visually discordant street scene but it also conflicts with policy requirements for locally distinctive development.

## 3. Green Infrastructure

- 44.92% of the whole exemplar site is to be Green Infrastructure and 37.69% of the exemplar site is to be public Green Infrastructure, but this largely comprises hedgerow buffers (27.72% of total GI and 33.04% of public GI) and water course corridors of high biodiversity value (18% of total GI and 21.47% of public GI), where development is not possible.
- The buffers are linear features, mainly around the edges of the site and, although they incorporate some amenity planting and allotments, are of little value to the whole community because of their peripheral location. The water course corridor is required to accommodate a range of potentially conflicting uses, which could compromise biodiversity and existing vegetation.
- There are no amenity green spaces within the net housing areas and this is a loss to residential amenity and successful place making. A further 21.26% of the total GI (25.22% of the public GI) is due to come from the

Home Zones but information on this has not been provided.

#### 4. Car parking

- Oxfordshire County Council and the District Councils across the County have worked together to develop residential parking standards, taking account of empirical evidence about actual levels of car ownership in recent housing developments in the County. The parking provision proposed is higher than the local standards.
- All dwellings are provided with a garage, but the dimensions of these are intended to ensure they do not count towards parking provision so additional parking spaces are also provided. All spaces appear to be allocated, although there might be the intention to enable visitor parking within Home Zones. It is unlikely to discourage the use of the private car in favour of public transport, walking or cycling and so is unlikely to contribute to modal shift.

#### 5. Design and Access Statement

- The DAS submitted with the application was lacking in many respects and additional subject areas were requested to enable the application to be registered. A contents list for a further, fully revised DAS was agreed and the revised document is awaited.

3.25 6 Letters have been received with regard to the planning application. These letters comprise 5 objections to the proposals and 1 letter which neither state support or objection but that raise interesting and specific points regarding issues in the application. The main points of the letters have been summarised below.

3.26

#### Traffic

- Bicester already has the Kingsmere development being built, and if this development is also built, I do not see how the roads in Bicester will cope with major increase in traffic.
- Lords lane is already heavily used 7 days a week,
- Bicester Village traffic brings the roads around it to a standstill in the weekend.
- A41 & A34 are gridlocked on a daily basis, and not sure if the widening of J9 will help with this.
- Will new residents at the development be enforced to walk and cycle everywhere?
- Appalling conditions of many major and minor roads within Bicester and the surrounding local area is where the money should be spent.

- Increase in traffic will increase traffic pollution and noise to houses backing on to Southwold Lane. This is already a problem and will only be exacerbated by heavy lorries during the building stage. What will the council plan to protect these houses?

#### Environment

- The farmland and wildlife that the development will be built on will be demolished and the surrounding villages will be engulfed.
- loss of valuable rural land & agricultural land and how it will be lost forever while the land is in such desperate need for an ever growing UK population.

#### Location

- possibility of alternative brown field sites in Gravel Hill, Bicester RAF and former US Air Force base at Heyford.

#### Planning policies

- the application does not accord with the development plan and that no material considerations have been put forward to the residents of Bicester.

#### Funding

- How much taxpayers money has already been spent on this ecotown?

#### Local services

- Money used to fund this development should be used to improve local road infrastructure, General Hospital and Secondary/Academy schools for the current population. It should also be spent on the local police and libraries with threats of closure.

#### Growth of the town

- There were too many building projects occurring in Bicester, such as Kingsmere. Bicester should retain its rural status and not become another Milton Keynes.

#### Masterplanning

- the masterplan seemed to be put together as the proposed development evolves.

#### Materials to be used

- Will materials to be used on the development be organically grown?

## 4. Relevant Planning Policies

National Policy Guidance -	Documents	PPS1 and supplements, PPS3 as amended, PPS4, PPS7, PPS9, PPS10, PPG13, PPG17, PPS22, PPS23, PPG24, PPS25.
South East Plan 2009 -	Policies	SP1, SP3, CC1, CC2, CC4, CC6, CC7, CC8, RE5, H1, H2, H3, H4, H5, T6, NRM1, NRM2, NRM4, NRM5, NRM9, NRM10, NRM11, NRM12, NRM16, W2, W8, C4, C6, BE1, BE4, S2, S3, S5, CO1, CO2, CO3, CO5.
Adopted Cherwell Local Plan 1996	Saved Policies	H3, H5, S28, TR1, R12, C1, C4, C7, C9, C28, C30.

## Other Policy Considerations

Non-Statutory Cherwell Local Plan 2011	Policies	H1a, H2, H3, H4, H5, H7, TR1, TR3, TR4, TR5, TR6, TR9, TR11, TR19, TR19a, R4, R8, R9, R10a, R11, EN1, EN5, EN6, EN11, EN13, EN15, EN16, EN21, EN22, EN24, EN27, EN30, EN34, EN35, D1, D2, D3, D4, D5, D9,
LDF draft Core Strategy	Policies	SD1, SD2, SD3, SD4, SD5, SD6, SD8, SD11, SD13, NWB1, H1, H2, H3, H4, H5, H6, I1, I3, I4, I5, BIC6
One Shared Vision for Bicester	Document	The document sets out the aspiration for Bicester and includes development standards that reflect those contained in the Eco Towns supplement to PPS1.
Emerging Local Transport Plan	Document	

## 5. Appraisal

### 5.1 Issues raised by the application

- 5.1.1 It will be necessary to address a number of significant issues when the application is determined. In particular the committee will need to look carefully at the content of the Environmental Statement, the Development Plan position, national planning policy and emerging national and local policy, compliance with PPS Eco Town standards and the scope to provide infrastructure as part of what could be the first phase of what is eventually to be a much larger development.
- 5.1.2 At the present time amendments are being made to the application to address the detailed consultation responses to the submission proposals. This report therefore

outlines the issues and indicates the current progress. A full report will be brought back to the committee following the receipt of amendments for the Committee to determine.

## **5.2 Environmental Statement**

5.2.1 The application is accompanied by an Environmental Statement (ES). The ES contains information describing the project, outlining the main alternatives considered, aspects of the environment likely to be significantly affected by the development and measures to prevent or mitigate any identified impacts. Where an ES has been submitted an application the Local Planning Authority must have regard to it in determining the application and can only approve the application if they are satisfied that the ES provides adequate information.

5.2.2 The ES accompanying the application considers landscape and visual assessment, ecology, flood risk and hydrology, air quality, noise & vibration, built heritage and archaeology, contaminated land, agriculture and land use, human health, socio economics and community, waste, traffic and transport and cumulative effects. At present the ES is still being assessed to ensure it provides the right information to support the determination of the application.

## **5.3 Development Plan Policy**

5.3.1 The development plan comprises of the saved policies in the adopted Cherwell Local Plan and the South East Plan. Section 38 of the Planning & Compulsory Purchase Act requires that applications should be determined in accordance with the development unless material planning considerations indicate otherwise. The adopted Cherwell Local Plan dates from 1996 and planned for growth up to 2001 and therefore does not identify the application site for development. As such the proposal is a departure from the adopted local plan.

5.3.2 The adopted Cherwell Local Plan was due to have been replaced by the Non Statutory Cherwell Local Plan but the plan was never formally adopted due to changes to the planning system. The plan has however been approved by the Council for development control purposes. This plan was produced to cover the period up to 2011 and identifies the land at SW Bicester as the primary site to meet housing need and that site is now has planning permission and is being developed. The proposal is clearly a departure from the adopted local plan and also does not feature in the non statutory local plan. However there is a special, and quite complex national and local policy context created by the Government policy

approach to Eco Towns over the last few years.

5.3.3 The South East Plan was published in 2009 and set out the regional spatial strategy (RSS). The Secretary of State Eric Pickles has since announced that the RSS's are to be removed and there is provision within the Localism Bill to abolish them. In the mean time they remain part of the development plan, although it could be argued that in view of their pending abolition less reliance might be placed upon them. The RSS contains a number of relevant policies in particular identifying the Central Oxfordshire sub region area for growth and Bicester as one of the main locations within it for that growth. The RSS also seeks sustainable and distinctive communities and the delivery of 6,400 new dwellings within that part of Cherwell falling within the sub region. The RSS leaves local development documents to identify the location for growth. The RSS had been through the examination before the Eco Town proposals were finalised. Therefore RSS policy H2 requires that in planning for housing delivery local planning authorities will take account of considerations including the need to facilitate any proposals that are agreed for growth points and eco towns to be assessed through the next review.

5.3.4 The proposal needs to be seen in primarily in the context of "other material considerations" that go beyond the formal Development Plan, in particular the draft Core Strategy which sets out the Council's approach to delivering housing to 2026 and the National Planning Guidance. These are considered further below.

#### **5.4 LDF Draft Core Strategy**

5.4.1 The LDF draft Core Strategy sets out broadly how the district will grow and change over the period to 2026. The draft Core Strategy was published in February 2010 and has been the subject of public consultation. The draft Core Strategy will now be amended to take account of the changed circumstances such as the abolition of the RSS before a submission draft Core Strategy is published which will then be considered at an examination in public before formal adoption. The draft Core Strategy as an emerging document can not carry the weight of adopted policy but does set out the Council's strategy for growth within the District.

5.4.2 The draft Core Strategy identifies NW Bicester as the strategic direction of growth for Bicester (policy NWB1). The policy requires development in accordance with the standards set out in the Eco Towns supplement to PPS1. Delivery of the exemplar scheme from 2012 to 2017 would broadly be consistent with the expectations of the Draft Core Strategy (Table 18, p.134) which suggested that 500

homes could be provided at North West Bicester by 2016.

5.4.3 Although further work has been done on the housing need for the District to provide a robust position in the LDF when the RSS is abolished this still identifies the need for significant growth in the District and supports the strategic allocations identified. Without prejudice to consideration of the application, the exemplar site has been included as a deliverable site in the district's 5 year housing land supply (see the 2010 AMR). This in itself carries no weight. Nevertheless, if the site was ultimately shown not to be deliverable, then it would need to be removed from the district's land supply. Under current circumstances, this would mean that the district would not be able to maintain a 5 year land supply for the period 2010 to 2015 and paragraph 71 of PPS3, requiring favourable consideration of planning applications for housing (subject to other policy considerations) would come into effect. Although, the district would continue to have a 5 year land supply for the next 5 year period beginning in April 2011 (2011-2016), without the exemplar scheme a significant change in circumstances could leave the district with a more vulnerable housing supply position.

5.4.4 At its meeting on 19 July 2010 Full Council considered the emerging planning strategy afresh in the light of the Government's intent to abolish the RSS. The resolution confirmed the council's commitment that the nationally designated eco town site would be a central part of the development strategy stating:

*'This Council welcomes the letter from Eric Pickles MP signalling a clear intent to release us from the constraints of the SE Plan. The Council instructs Officers to continue work on a Local Development Core Strategy, but to progress on the basis of meeting the locally proposed housing target originally endorsed by Councillors and included in the submission of the draft plan to the Government (11,800 to 2026). In general terms the Council anticipates this may result in a Core Strategy that creates less pressure on Banbury to expand beyond its natural boundaries, less pressure on Rural Areas to accept housing growth, and a firming up of housing growth for Bicester in line with its Eco Town status. More recently (7 March 2011) the Council's Executive gave more detailed consideration to local population and household change projections and confirmed revised figures for growth within the District.*

## **5.5 National Planning Policies**

5.5.1 A number of the planning policy guidance and statements issued by the

government are relevant to the current proposals. Of particular relevance to the principle of development is the Eco Towns supplement to PPS1. This PPS issued in 2009 and identifies NW Bicester as one of four locations nationally for an Eco Town. The PPS advises *'The policies set out in this PPS should be taken into account by regional planning bodies in the preparation of revisions to regional spatial strategies<sup>1</sup>, by the Mayor of London in relation to the spatial development strategy for London, and by local planning authorities in the preparation of local development documents. The policies may also be material, depending on the particular circumstances of the case, to decisions on individual planning applications.'* The PPS goes on to advise when considering planning applications that *'This PPS including the list of locations set out in Annex A will be material considerations that should be given weight in determining planning applications for eco-towns.'* Never the less the PPS does indicate where there is an up to date development plan that makes provision for adequate housing applications can be refused. As set out above the District does not currently have an up to date development plan and the draft Core Strategy identifies NW Bicester as the location for the growth of Bicester. Cherwell's emerging Development Plan is thus picking up and endorsing a strong national policy approach.

## **5.6 PPS 3 & Housing Delivery**

- 5.6.1 PPS 3 requires at paragraph 57 *'the supply of land should be managed in a way that ensures that a continuous five year supply of deliverable sites is maintained ie at least enough sites to deliver the housing requirements over the next five years of the housing trajectory'* Members will be aware from other applications that recently the District has not been able to demonstrate sufficient housing delivery to meet housing targets. However the AMR for 2010 does show that the position on housing delivery improves during 2011/12 and exceeds targets in 2012/13. The AMR identifies 400 houses at NW Bicester delivering from 2012 as one of the deliverable sites that contributes to the five year housing land supply. The inclusion of a site in the AMR does not justify the grant of planning permission but the inclusion of housing at NW Bicester is consistent with the Council's draft Core Strategy and strategy for growth.
- 5.6.2 The PPS goes on to advise at para 71 that ;
-

*'Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69.'*

Para 69 states;

*'In general, in deciding planning applications, Local Planning Authorities should have regard to:*

- Achieving high quality housing.*
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.*
- The suitability of a site for housing, including its environmental sustainability.*
- Using land effectively and efficiently.*
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives eg addressing housing market renewal issues.'*

In seeking to achieve the standards in the Eco Town PPS the application will address the issues around quality and mix of housing, environmental sustainability, effective and efficient use of land and these issues are considered further below.

5.6.3 A number of the representations received have suggested that the application should not be considered until the Core Strategy is adopted. However PPS 3 advises at para 72 that where there is not a five year housing land supply that; *'Local Planning Authorities should not refuse applications solely on the grounds of Prematurity'* . Although the five year housing land supply is improving there remains a need to deliver housing to meet targets. It is not considered that a refusal reason relating solely to prematurity in advance of the draft Core Strategy could be successfully defended at the current time, given the time it will take to get the draft Core Strategy adopted and the identification of NW Bicester in the Eco Towns PPS.

5.6.4 In summary although the proposal is contrary to the adopted Cherwell Local Plan the identification of the location as the Council's strategic allocation in Bicester for growth and the identification in the Eco Towns PPS, as well as the need to deliver houses supports the consideration of development proposals on the site at the present time.

## **5.7 Eco Town Standards**

5.7.1 The Eco Town PPS sets out the government's objectives for eco towns as achieving sustainability standards significantly above equivalent levels of development in existing towns. It goes on to advise that eco towns should develop unique characteristics by responding to the opportunities and challenges of their location and community aspiration. However it also requires standards set out in the PPS to be met. These standards have also been incorporated in the Eco Bicester One Shared Vision for the town which has been approved by Bicester Town Council, Cherwell and Oxfordshire County Council. These standards and the response of the current proposals to them are central to assessment of the application. This is considered further below.

5.7.2 **ET7 Zero Carbon**

The PPS defines zero carbon as 'that over a year the net carbon dioxide emissions from all energy use within buildings on the eco town development as a whole are zero or below. The planning application is accompanied by an energy statement. In summary the statement proposes Solar PV on all residential properties as well as non residential buildings together with heat and power generation by gas CHP (combined heat and power system) and bio mass boiler. These latter elements would be located within the proposed energy centre.

5.7.3 The proposed energy sources, together with building properties that have high levels of energy efficiency, would deliver zero carbon development. However further work is being done on the details and deliverability of the proposals and it is anticipated that a revised energy strategy will be received.

5.7.4 Given the planning permission that has now been granted for the incinerator at Ardley the use of waste heat from that process is being explored. However given the development timescales being worked to it is unlikely to be an option for the first houses to be built on the site.

5.7.5 **ET8 Climate Change Adaptation**

The PPS requires eco town developments to be designed to minimise future vulnerability in a changing climate. The application specifically addresses this the design of buildings and in considering impacts of rainfall on the scheme. Buildings will have high levels of insulation but also consideration has been given solar shading and mechanical ventilation to control temperatures and prevent over heating. In considering the impacts of rainfall on flooding and drainage an allowance has been made for climate change. Consideration has been given to the

use of most up to date data that is available at a sufficient level of detail and the Environment Agency are satisfied the data used is the most appropriate.

**5.7.6 ET9 Homes**

The PPS requires developments to achieve Building for Life Silver Standard and Level 4 for the Code for Sustainable Homes as a minimum, meet Life Time Homes Standards, have real time energy and public transport monitors, high speed broadband, potential digital access to support assisted living, 30% affordable housing, demonstrate high levels of energy efficiency, achieve carbon reductions of at least 70% relative to current building regulations. These requirements are reflected in the One Shared Vision although that seeks Code for Sustainable Homes Level 5.

5.7.7 Building for Life is a method for assessing housing schemes and recognising good design. The current proposals have been assessed and have fallen short of the Silver Standard required. The scheme is therefore undergoing redesign to address a range of concerns that have arisen in respect of the layout and design including the need to meet Silver Standard.

5.7.8 The application is accompanied by a completed Code for Sustainable Homes Pre Assessment Estimator form. The Code for Sustainable Homes covers levels from 1 to 6 with 6 being the highest. A development is scored against the requirements of the code which cover a wide range of issues including energy, water, materials, surface water, waste, pollution, health & well being, management and ecology. The pre assessment indicates the scheme achieves a Level 5. This exceeds the minimum level required by the PPS and meets the Shared Visions requirement.

5.7.8 Life Time Homes Standards have been designed to ensure dwellings can be adapted to accommodate the changing needs of the occupants if for example they are wheelchair bound. The application states all properties will be to lifetime homes standard.

5.7.9 The application states that real time energy monitors and high speed broadband will be provided to all homes and real time public transport information will be provided at bus stops. However to achieve a change in the way people travel and reduce car use it is important that real time public transport information is available in peoples homes, as set out in the PPS, as well as at bus stops. This is being taken up with the applicants.

5.7.10 30% affordable housing is proposed as part of the application (120 dwellings). The

affordable housing is a mixture of rented properties and shared ownership and includes flats, bungalows and houses. The Homes and Communities Agency has also confirmed that it will provide grant support to deliver the affordable housing on the site.

5.7.11 The buildings will have high levels of energy efficiency and together with the energy generation on site will deliver the carbon reductions sought. This would be delivered through by achieving Zero Carbon and meeting Code for Sustainable Homes level 5 (100% improvement on CO2 emissions rate over building regs).

5.7.12 **ET 10 Employment**

The PPS identifies the importance of creating mixed use communities and minimising unsustainable commuting. The PPS requires an Economic Strategy to accompany planning applications. The strategy should set out facilities to support job creation to achieve as a minimum access to one job per new dwelling that is easily reached by walking cycling and/or public transport. The application is for mixed use and includes in outline an eco business centre, neighbourhood store and retail provision, public house, children's nursery and site for a school. This is a greater level of mixed use provision than might normally be provided with an application for this number of homes and reflects the PPS requirement for mixed use and the need to encourage sustainable lifestyles and reduce the need to travel, although the non residential elements of the scheme are in outline and further information is required to understand the timing of delivery of these elements. The application is accompanied by an employment strategy which identifies employment in the non residential elements of the scheme and further employment generation is identified through construction jobs, services to the population and home working. The strategy has been subject to considerable negotiation and a revised strategy is anticipated shortly.

5.7.13 **ET 11 Transport**

The PPS identifies the need to support people's desire for mobility whilst achieving the goal of low carbon living and design to give priority for walking cycling and public transport and reducing the reliance on the private car. The PPS therefore advises all homes should be within ten minutes walk of frequent public transport and neighbourhood services. Travel plans are to be provided which demonstrate; how the town's design will enable at least 50% of trips originating in eco towns to be made by non car means with the potential to increase to 60% over time, good

design principles and how transport choice messages, infrastructure and services will be provided from day one and how carbon impact of transport will be monitored. The PPS goes on to identify that where an eco town is close to an existing higher order settlement planning applications should also demonstrate options for ensuring key connections do not become congested and include significantly more ambitious targets for modal share than 50%. The PPS also seeks sufficient headroom in energy generation where schemes for electric vehicles are proposed, that private vehicles will not cause congestion and that the maximum walking distance to primary schools is 800m.

- 5.7.14 The design of the application proposals include a link for walking cycling and public transport between the northern and southern sections of the site and therefore give advantage to these modes over the use of the car in this respect. The proposals include a school site centrally located and accessible by walking. The scheme also includes cycle storage for residential properties and a bus route has been identified that is accessible to all properties. However the scheme also includes parking for private cars of at least 2 spaces per dwelling and more for larger properties. Further work being undertaken on the design and layout but it is unlikely to impact on the accessibility of school or bus provision.
- 5.7.15 The application is accompanied by a Transport Assessment (TA) and a draft Travel Plan. The TA does not indicate any off site impacts from the proposal that could not be mitigated but the Highways Agency has suggested a condition seeking off site works for which further details have been sought.
- 5.7.16 The draft travel plan shows 45% of trips originating the eco town being by non car modes by 2016 and 50% by 2026. This is below the target for eco town sites adjacent to higher order settlement. However it does reflect the ambitious and challenging nature of the target for modal shift and the high levels of car ownership and use within the area. The travel plan does identify measures such as a travel plan co ordinator to be in place at the start of the development and traffic counters to monitor traffic and carbon. A 30 minute frequency bus service is currently proposed. Further work is being done to consider potential further measures to support modal shift including a more frequent bus service.
- 5.7.17 **ET12 Healthy Life Styles**  
The PPS advises that Eco Towns should be designed and planned to support healthy and sustainable environments and enable residents to make healthy

choices easily. The scheme includes mixed use facilities to meet basic everyday needs of residents, measures to encourage walking and cycling and green infrastructure including provision for play, informal recreation and allotments. A commuted sum has been sought for off site formal sports provision. Amended layout, including increased green infrastructure provision is anticipated shortly. The Primary Care Trust has advised that no new provision is required for a doctor's surgery on this part of the site.

**5.7.18 ET 13 Local Services**

The PPS advises applications should include a good level of service provision, proportionate to the size of the development. The mixed use nature of the current application is set out at 5.7.12 above. This is considered to potentially provide a good level of services for the size of development proposed. Further work is required around certainty of delivery of the non residential elements of the proposals.

**5.7 19 ET14 Green Infrastructure**

The PPS seeks 40% of an eco town's total area to be green space of which at least half should be public. The PPS advises that a range of greenspace should be provided, that it should be multifunctional and particular attention should be given to local food production. The Cherwell Local Plan contains a policy R12 which requires a minimum of 2.43ha of open space per 1000 population as part of new developments. The draft Core Strategy policy I4 seeks 3.73 ha of open space per 1000 population.

5.7.20 The application proposals do include a plan showing over 40% green infrastructure (approx 10ha) but including some of the homezones within the calculation. Revisions to the design are anticipated that will increase the green infrastructure by providing a larger green corridor along the water courses crossing the site and introducing green areas central to the development of the northern fields. The green spaces will be multifunctional in that they will address play, informal recreation, biodiversity and drainage functions. Further assessment and calculation of GI will be required on receipt of amended proposals.

**5.7.21 ET 15 Landscape & Historic Environment**

Planning applications should demonstrate that they have adequately considered the implications for the local landscape and historic environment. The ES accompanying the application includes the assessment of Landscape and Visual

Impact and Built Heritage and Archaeology. The application site is not subject of any landscape designation but is an attractive stretch of countryside. The ES concludes that *'The visual influence of the proposed development is in keeping with landscape character through carefully considered design, with the retention of open land and/or provision of planted landscape buffers, around heritage features, safeguarding the majority of existing vegetation , extensive green infrastructure proposals, and proposed built form in response to local settlement'*. In assessing the proposals it is clear that development around the perimeter of the site will be visible in local views to the site and, despite some screening, the regular form of the development proposed would not blend with the existing landscape character or reflect local settlements relationship with the surrounding landscape. The revision to the design of the scheme is expected to address the landscape impact of the proposals.

5.7.22 There are no listed buildings within the site but Home Farmhouse, to the west of the B4100 and separated from the site by fields, is listed as well as St Lawrence's Church, grade II\*, that lies to the east of the B4100. The development would inevitably have some impact on the settings of these buildings given the development is on existing farmland. However the Church is separated from the site by the B4100 and existing boundary enclosures, which will remain, and Home Farmhouse will remain within the existing buildings at the farm, which form its immediate setting, and with the retention of the surrounding fields it is not considered that the settings will be so adversely impacted as to make the development unacceptable. The ES advises that the impact is slightly adverse. An archaeological field investigation including trial trenching has been carried out on the site. There is considered to be low potential for archaeological remains within the site, based on the evidence from the investigation that has been carried out.

5.7.23 **ET 16 Biodiversity**

Eco Towns should show a net gain in bio diversity. A strategy for conserving and enhancing local bio diversity should be produced to accompany planning applications for Eco Towns. The site has no designated sites within it and hedge and stream corridors have been identified as the areas of greatest bio diversity value and these are retained. The site is used by protected species, for example the stream corridor is an important route for bats. The applicant's ecologist has also made a case that the scheme will deliver net bio diversity gain but Natural England,

the Environment Agency, Wildlife Trust and District and County Ecologists are not convinced (see representations). Amendments anticipated to the scheme will increase the area adjacent to the watercourses and introduce further green space to seek to address the concerns and demonstrate further bio diversity gain.

**5.7.24 ET 17 Water**

5.7.25 Eco Town are required to be ambitious in terms of water efficiency and to ensure water quality in their localities. A water cycle strategy is required and eco towns in areas of serious water stress should aspire to water neutrality. The incorporation of sustainable urban drainage (SUDs) systems and proposals for its long term maintenance and management.

5.7.26 Bicester lies within an area of water stress and the application is accompanied by a water cycle strategy. Code for Sustainable Homes also includes requirements regarding efficient water use. The application includes proposals for rainwater harvesting to reduce water use and includes SUDs. The revised design of the layout will include revisions to the SUDs proposals. The water cycle strategy is general in nature and it s not clear the details of the measures proposed as part of the development or proposals to move towards water neutrality.

**5.7.27 ET18 Flood Risk Management**

5.7.28 The PPS advises that Eco Towns should reduce and avoid flood risk. The application site is mainly free from flood risk except for areas along side the water courses that run through the site. These areas are to be left free from development and form part of the green infrastructure. The Environment Agency have raised a number of concerns of the details of the flood risk assessment which needs to be revised to address the concerns.

**5.7.29 ET 19 Waste**

5.7.30 The PPS advises that applications should include a sustainable waste and resources plan which sets targets for residual waste levels, recycling levels and landfill diversion which are substantially more ambitious than the 2007 National Waste Strategy targets for 2020. The design of development needs to facilitate the achievements of targets, consideration of the use of waste for CHP is required and no construction waste should be sent to landfill unless this is the least environmentally damaging option.

5.7.31 The application is accompanied by a waste strategy which proposes that the existing district waste collection is extended to the proposed residential

development with a target for recycling of 70 % and a residual waste target of 330 kg per household. A number of measures are suggested to help to achieve targets including a reuse repair centre, community composting project, incentivising the residents and a site waste management plan. Further negotiation is required to ensure delivery of measures to meet the waste targets.

**5.7.32 ET 20 Master Planning**

5.7.33 The PPS advises that all Eco Town application should be accompanied by a masterplan and demonstrate how eco town standards will be met. Design codes are identified as an approach to deliver high quality design and a high level of engagement and consultation is sought.

5.7.34 The application is for just a part of the eco town site identified at NW Bicester. As set out above it is unusual to consider an application for part of a large site without first having an agreed masterplan. In this case an emerging masterplan accompanies the application and shows how the application scheme could link into further development on the NW Bicester site. However the emerging masterplan requires further work to be completed. It is anticipated that the masterplan will be submitted accompanying an outline application later this year. The masterplan accompanying the application provides a framework that shows how the current application could link to further development in an acceptable fashion.

**5.7.35 ET 21 Transition**

5.7.36 The PPS advises that planning applications for Eco Towns should set out a detailed timetable for the delivery of neighbourhoods, facilities and services. This is to include delivery of services to underpin low levels of carbon emissions, health and social care, support for formation and growth of community , encouragement of environmentally responsible behaviour , annual monitoring, how carbon emissions from construction will be limited managed and monitored.

5.7.37 The matters covered under the transition standard relate to the delivery of facilities and services, reduction in carbon and monitoring. The level of services and community infrastructure to be provided and the timing of delivery are still areas being negotiated to ensure the development enables people to live more sustainable lifestyles. The Department of Communities and Local Government has funded the development of a monitoring tool for eco towns. This is currently being trialled and it is anticipated that it will be available by the time development takes place at NW Bicester.

**5.7.38 ET 22 Community and governance**

5.7.39 The PPS advises that a long term approach is necessary to ensure that the integrity of an eco town is maintained and is able to manage change in a planned way. A long term governance structure is therefore required. The application is accompanied by an outline of an approach to governance and further discussions are on going to establish the most appropriate short and long term approach to governance of the new development.

5.7.40 The PPS and Shared Vision Standards provide a comprehensive framework against which to assess the application proposals and in meeting them ensure that a scheme is produced that goes beyond the approach that is otherwise likely to be taken and to ensure the delivery of a much more sustainable development. There is policies in the development plan, non statutory local plan and in other national policy statements that also address many of these issues but the PPS and Vision standards seek a higher level of provision and therefore have been referred to above.

**5.8 Design**

5.8.1 The Eco Town PPS standards do not make specific reference to design but PPS 1 states *'High quality and inclusive design should be the aim of all those involved in the development process.'* The PPS also highlights the importance of design in creating attractive and robust environments. The Design and Access Statement (DAS) accompanying the application is considered deficient in a number of areas and a number of problems with the design and layout of the scheme have been highlighted. A revised DAS is anticipated to accompany amendments to the design and layout of the scheme.

**5.9 Planning Obligation**

5.9.1 All large scale development, with the resulting increase in population, would put pressure on existing facilities. Some facilities may have spare capacity but others will require expansion to enable them to accommodate increased demand form increased population. Work has been undertaken to identify the necessary community infrastructure to support the proposed development and mitigate its impact, this includes a mixture of on site and off site provision. The application includes a supporting statement on social infrastructure provision. However this document does not take account of the PPS standards and the need to produce sustainable development and address travel behaviour. It has to be recognised that

there are additional development costs associated with achieving some of the PPS standards such as the development of homes to high Code for Sustainable Homes levels. As a result negotiations are on going regarding the securing of essential community infrastructure and the ability of the scheme to deliver these.

## **5.10 Conclusions**

- 5.10.1 The development of a sustainable extension on land identified at NW Bicester is part of the Council's strategy for accommodating necessary growth within the District. Furthermore as set out in the One Shared Vision for the town the aspiration is to integrate growth and to lever wider benefits for the town, reducing the impact of development and residents on the environment whilst creating a vibrant place where people will choose to live, work and spend their leisure time. The application, once in an acceptable form would contribute to meeting these aims.
- 5.10.2 This application for a first phase of development within the NW Bicester site has sought to address the requirements of the Eco Towns PPS and whilst the application site is not immediately contiguous with the existing built development in the town it is within easy walking and cycling and over time it is anticipated that further development will take place between the site and existing development. It is also unusual to consider an application for part of a larger site allocated for development before an outline application has been granted as a whole. However in this case the application proposals were, following consideration with Government after the publication of the PPS, invited as an exemplar for a wider development. The, proposals are capable of being amended to deliver a scheme that can stand alone and provide the opportunity to test this form of development and the deliverability of a scheme to the PPS standards which has not previously been done on a large scale scheme. This will be able to inform other development proposals that also seek to meet standards.
- 5.10.3 Never the less achieving the PPS standards and delivering the high standard of development sought is challenging and the application proposals, as submitted, have drawn a number of criticisms and comments. Revisions to the proposals and supporting documents have been discussed with the applicants and are being prepared. These are anticipated at the beginning of April and will be subject of further consultation. The application is therefore not yet ready for determination and this report is to update Members on the progress in processing the application to date and some of the issues the application raises. Not only is progress on the

application of interest to Members of the Planning Committee but also other organisations particularly those who have representatives on the Strategic Delivery Board for Eco Bicester such as the HCA who have identified funding to support the provision of affordable housing on the site.

## **6. Recommendation**

**It is recommended that the Committee notes this report on the significant progress now being made in assessing the application and also recognises the very encouraging commitment shown by the applicants to meeting the challenges set by the Eco Town Standards.**

**CONTACT OFFICER: Jenny Barker**

**TELEPHONE NO: 01295 221828**

# 10/01816/HYBRID

8  
Aislable House  
6  
3 4 5 6

LOWBARD WAY

92.4m

91.7m

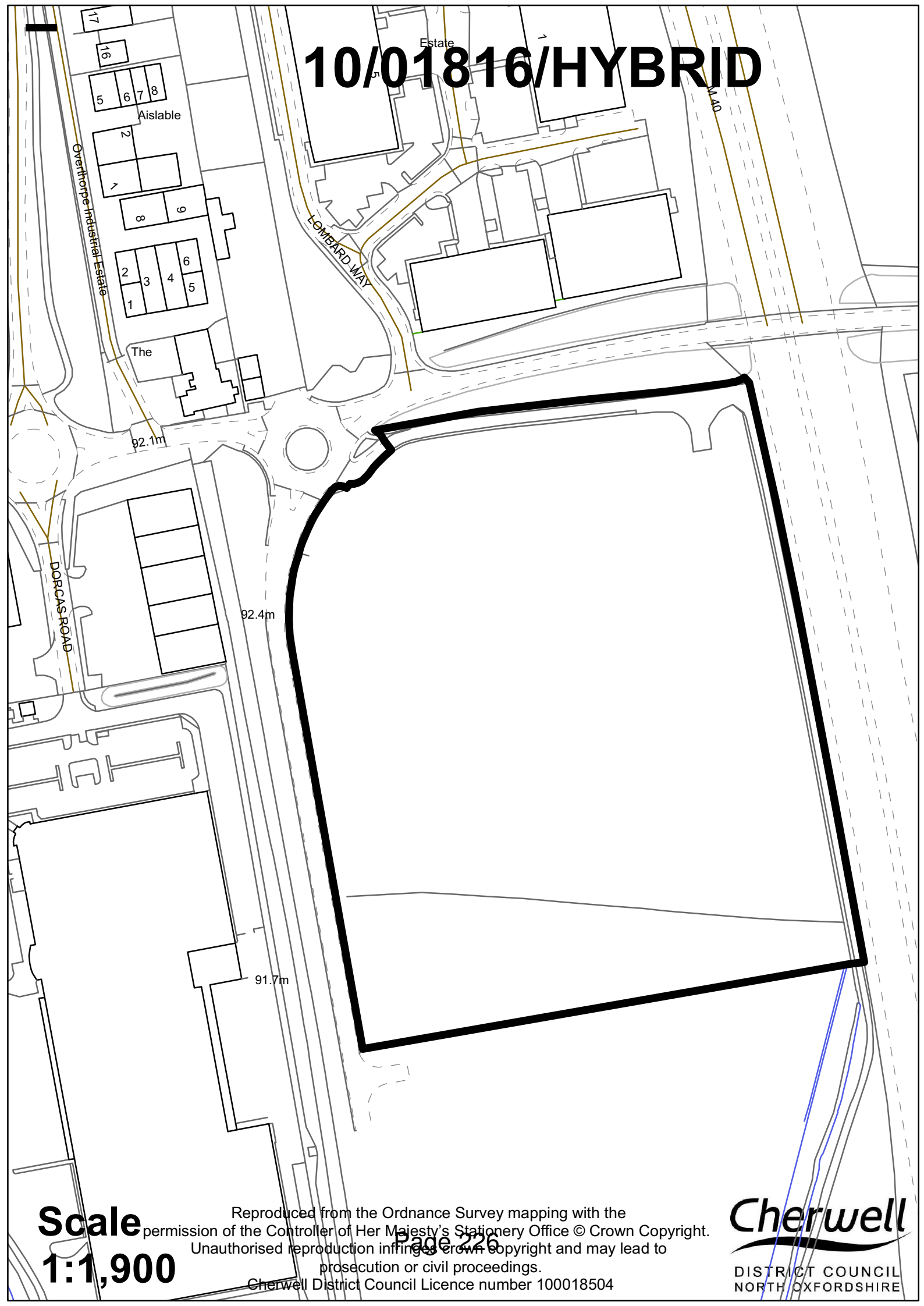
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**Scale**  
**1:1,700**

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# 10/01816/HYBRID



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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application No:</b> 10/01816/HYBRID	<b>Ward:</b> Banbury Grimsbury and Castle	<b>Date Valid:</b> 06.12.2010
<b>Applicant:</b>	Albion Land (High Wycombe) Ltd	
<b>Site Address:</b>	Land east of Dorcas Road adjoining and south of Overthorpe Road, Banbury	

**Proposal:** Hybrid planning application for 24,005sqm B2 (industrial) and/or B8 warehouse/distribution) uses (and associated infrastructure) with full details provided for Phase 1 comprising 12,574sqm floor space and all details except external appearance for Phase 2 comprising 11,431sqm floor space

## 1. Proposal

- 1.1 Members will recall giving consideration to this application at the last committee meeting on 24 February and resolved to approve it subject to:
- (i) Applicant entering into Section 106 Agreement with the County Council to secure contributions towards the transport network and the implementation and monitoring of the Travel Plan
  - (ii) Departure procedures;
  - (iii) 14 Conditions:
- 1.2 Since this resolution, the agent for the application has contacted the Council voicing his concern at the lack of urgency displayed by the County Council to secure the Legal Agreement quickly in order for a decision to be released, notwithstanding the fact that the exact figure for the contribution required towards the transport infrastructure has not, to date, been determined. As the District Council is not required to be party to the agreement, it has little control over the time in which the Agreement is prepared and completed and to date little progress has been made.
- 1.3 First Line Ltd intend to build and occupy Unit 2 by October this year and if they are not in a position to keep to this timescale due to the delayed completion of the Legal Agreement, they may well pull out of developing the site at all, which would jeopardise economic development and job creation in Banbury.
- 1.4 The agent for the application has made three suggestions to overcome this predicament, one of which is to enter into a unilateral undertaking with the District Council to make the required financial contributions available to them. The District Council would then be in a position to pay the County Council the monies required towards the transport infrastructure.
- 1.5 Given the wording of the resolution for the application as a result of the previous committee meeting, the above process would not result in a lawful decision unless the application was again presented to Members of the committee with a recommendation to vary the wording of the resolution as set out below at Para 4.1. The type of agreement and the parties involved are not directly referred to which allows the applicant to enter into either form of agreement with either party, without

being restricted to one route or another.

- 1.6 During the process of this application, although a specific figure has not been provided, the County Council has indicated that the financial contribution required towards the transport infrastructure in association with the application would be similar to the previous application for this site, which was £235,000 (secured in relation to outline planning application 08/02352/OUT). A draft agreement submitted with the current application, set out that First Line Ltd would be prepared to pay this amount.
- 1.7 In addition to the above, an extra condition is proposed which would secure the detail of the required Travel Plan (previously to be secured via the S106 Agreement) and the monies required to monitor that Travel Plan (£500) would be secured via the unilateral undertaking.
- 1.8 The applicant's solicitor is currently giving consideration to the District Council's standard format for a unilateral undertaking with the view to completing and returning it for the Head of Legal and Democratic Services to examine and approve. It is expected that this process will be complete by the date of the Committee and as such together with approval from Members to revise the wording of the resolution, the Council would be in a position to release a decision notice of approval for the scheme immediately after.
- 1.9 It should be noted that a decision from the Secretary of State is expected by 18 March and it is not envisaged that the application will be called in.

## **2. Application Publicity, Consultations and Relevant Planning Policies**

- 2.1 All as previously reported.

## **3. Conclusion**

- 3.1 SDPHE is satisfied with the approach described above as it would result in securing the required contributions towards the transport infrastructure in the shortest time, thus ensuring that the applicant invests in the site and works begin to develop it.

<b>4. Recommendation</b>	
<b>4.1 Approval, subject to:</b>	
(i)	<b>Applicant entering into a planning obligation to secure contributions towards the transport network and the monitoring of the Travel Plan the subject of condition</b>
(ii)	<b>Departure procedures (SOS already informed of application);</b>
(iii)	<b>The following conditions,</b>
Conditions 1 – 14 (previously considered by Members see minutes of previous meeting) And the following extra condition:	
15.	Prior to the first use or occupation of the development hereby permitted a Green

Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guide Note 'Using the planning process to secure travel plans', shall be submitted to and approved in writing by the Local Planning Authority. The approved Green travel Plan shall thereafter be implemented and operated in accordance with the approved details.

Reason – In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy T5 of the South East Plan 2009.

**Planning Notes**

As previously reported

**SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application with primary regard to the development plan and other material considerations. Although a departure from the development plan, it is considered to be acceptable on its planning merits as the proposal would introduce increased employment opportunities in a sustainable location and would not give rise to any unacceptable transport or landscape impact, furthermore the proposal is considered to be acceptable in terms of flood risk, land contamination, biodiversity, archaeology and the adjacent public Right of Way. As such, the proposal is in accordance with government advice contained within PPS1 - Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth, PPS9: Biodiversity and Geological Conservation, PPG 13: Transport, Policies CC1, RE3, T1, T4, NRM4 and NRM5 of the South East Plan, Policies TR1, C2, C7, C17, C28 and ENV12 of the adopted Cherwell Local Plan and Policies EMP1, EMP2, TR1, TR3, TR4, TR5, R4, EN6, EN17, EN25, EN34, EN36, D1 and D12 of the non-statutory Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above, and a legal agreement to secure the essential infrastructure requirements.

**CONTACT OFFICER:** Jane Dunkin

**TELEPHONE NO:** 01295 221815

House

The Walled  
Gardens

The Coach  
House

Bicester House Cottage

Oxford  
House

73.3m

**Scale**  
**1:400**

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10/01856/F

BICESTER



**Scale**  
**1:5,000**

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DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Application No:**                    **Ward: Bicester Town**     **Date Valid: 15/12/10**  
**10/01856/F**

**Applicant:**     Mr T Clarkson, The Old Coach House, Queens Avenue, Bicester, Oxon  
OX26 6TA

**Site Address:**                    Land to the Rear of The Coach House, Queens Avenue, Bicester

**Proposal:**            1 No. dwelling (resubmission of 10/00784/F)

## **1. Site Description and Proposal**

### **1.1     Site**

This 0.18 hectare site occupies a corner plot at the junction of Queen's Avenue with King's End. It is a walled garden to the south of The Coach House (a curtilage listed property) and was originally part of the garden to Bicester House, the grade II listed building situated to the west. It remains as garden land under the same ownership as the applicant who lives at The Coach House.

1.2     The site is within the Bicester Conservation Area and is part of the setting of a listed building and a curtilage listed property. The site is further constrained by the presence of several TPO'd trees and is a site of archaeological interests.

### **1.3     Proposal**

The proposal (as amended by revised plans received on 31.01.11) seeks consent for a new dwelling to a height of 6.3 m (2.6m to eaves) allowing for a first floor including a mezzanine to provide four bedrooms. It is linear in form with a gable width of 7.5m including a canopy along the southwest elevation. The design allows for covered parking on the end (north west) elevation and the revised drawings now shows an unbroken roofline, the chimney replaced by a steel flue and repositioned rooflights adding symmetry to the southwest elevation.

1.4     The dwelling is proposed to be built of limestone (Cotswold) with a slate roof and timber windows. A close boarded fence will mark the boundary between the 2 properties. Access to the site is proposed to be shared from the existing point from the Queens Avenue. The established stone wall, at 2.6m in height, will remain untouched along the south and west boundaries to the site.

### **1.5     Relevant Planning History**

- CHS.335/79 – Consent granted for the conversion of the coach house to a dwelling. The detached garage was erected in 1984 (CHS.410/84 refers) and the coach house was extended in 2006 (06/00517/F and 06/00518/LB refer).
- 10/00784/F – Planning permission was refused for a similar development on grounds of harm to the setting of the curtilage listed Coach House and the wider setting of the grade II listed building and threat to the TPO'd trees.

## **2. Application Publicity**

2.1     The application has been advertised by site notice, neighbour letter and press notice. The final date for comment was 4 February 2011. At the time of compiling this report 4 letters had been received objecting to the scheme. These comments are summarised as follows:

- Detrimental effect on the Conservation Area
- Detrimental effect on the setting of a listed building
- A modern building will be at odds with this historical area
- Detrimental effect on the view and outlook enjoyed from Bicester House Cottage
- Mature TPO'd trees will be felled, in particular a fine Horse Chestnut which looks healthy and in good condition
- Adverse impact on wildlife and habitats
- The access will have to be shared with another users
- Disruption and damage to the area during works
- The application represents garden grabbing
- The development will be an eyesore in the landscape
- A large 4 bed house would be totally out of keeping in comparison to its closest neighbours
- The access is not suitable for works traffic

2.2 One letter of support has been received from a nearby resident stating that the proposed property will neither be obtrusive nor detrimental to other residents in the immediate vicinity.

### 3. Consultations

- 3.1 Whilst all the responses to the consultation exercise are detailed on the core file, available electronically via our website, a summary of the submissions received is provided below:
- 3.2 Bicester Town Council: **Objects** strongly to this proposal. They believe that it represents over-development and is not in keeping with the Conservation Area. They are also worried that parking and vehicular access is inadequate and difficult and they have concerns about the impact on local traffic movements.
- 3.3 Oxfordshire County Council (Highways): **No objection**, subject to conditions relating to access spec and no conversion of garage space.
- 3.4 Oxfordshire County Council (Archaeology): **No objection**, subject to conditions to ensure the implementation of a staged programme of archaeological work.
- 3.5 The Council's Conservation Officer: **No objection**, subject to conditions relating to design and construction details. Limited impact on Conservation Area and minimal impact on setting of listed building. Marginal impact on setting of curtilage listed building.
- 3.6 The Council's Landscape Services Mgr (Trees): **No objection**, subject to conditions relating to restriction on service trenches close to trees, site supervision, replacement tree planting and the submission of a landscaping scheme to ensure the continuity of the health of any retained trees and continuity of tree cover generally in the interests of visual amenity.
- 3.7 The Council's Environmental Protection Officer (Contaminated Land): **No objection**, subject to full contaminated land conditions.

### 4. Policy Considerations

- |                 |   |
|-----------------|---|
| National Policy | • PPS1 - Delivering Sustainable Development |
| Guidance        | • PPS3 - Housing                            |

- PPS5 – Planning for the Historic Environment
  - PPG13 – Transport
  - PPS23 – Planning & Pollution Control
- South East Plan 2009 Policies
- Cross Cutting – CC2, CC4 and CC6 – Sustainable Communities and Character of the Environment
  - Housing - H5 – Housing design and density
  - Transport - T1 & T4 – management, investment and parking
  - Natural Resource Management - NRM5 – Conservation and improvement of biodiversity
  - Management of the Built Environment - BE1 & BE6 - management for an urban renaissance and of the historic environment
- Adopted Cherwell Local Plan 1996 saved policies
- C10- Historic Landscapes, Parks and Gardens and Historic Battlefields
  - C23 – Conservation Areas
  - C27 – Design Considerations re: Historic Settlement Pattern
  - C28 – Design, layout etc standards
  - C30 – Housing standards
  - C33 – Undeveloped gaps of historic value
  - ENV12 – Contaminated land

## 5. Appraisal

### 5.1 Principle of the development

The site falls within the town of Bicester so is appropriately located in policy terms. PPS3 reflects policy in PPS1 seeking good design which is appropriate in its context. Good design is fundamental to the development high quality new housing which contributes to the creation of sustainable, mixed communities.

Being constrained by its siting within the Conservation Area and the setting of a listed building, the development needs to be assessed against PPS5 which addresses the historic environment with the overarching aim of conserving heritage assets. The guidance makes it clear that if a proposal would be harmful to a Conservation Area or listed building setting then it should be weighed against any wider public interest and that the proposal should be fully justified. It is equally clear that there is no intention that areas should remain 'frozen in time' and only where there is harm that cannot be outweighed should consent be refused.

In this case the heritage assets would include the listed building (Bicester House) curtilage listed buildings, their settings and the settings of other listed buildings in proximity, the wider Conservation Area including the trees and matters of archaeology.

A recent and very similar application has recently been refused planning permission and provided this application now demonstrates how the reasons for refusal can be overcome then it should be acceptable.

### 5.2 Effect on the Heritage Assets

The boundary of the Conservation Area passes to the north of the subject property and includes the site and the listed building and shares a small section of the boundary to the site on the west side along Queens Avenue. The general layout of the listed building and this part of the Conservation Area has remained largely undisturbed since the 1948, though a close boarded fence now features along the

boundary line shared with Bicester House.

A point has been raised about the curtilage listed status of the site (in association with The Coach House) as if the Coach House is curtilage listed then this site is a crucial part of its setting. When ascertaining whether a building is listed by reason of being within the curtilage of a listed building there is a complex matter of present and past association to be considered i.e.

- the historic independence of the building;
- the physical layout of the principal building and other buildings;
- the ownership of the buildings now and at the time of the listing;
- whether the structure forms part of the land;
- the use and function of the buildings, and whether a building is ancillary or subordinate to the principal building.

Were it to be argued that given any change in circumstances in more recent times that the Coach House is not curtilage listed, it is considered that the site is nevertheless important to the setting of the host listed building (Bicester House) despite the physical separation of the fence. The site is of such character, being very densely tree'd surrounded by a high wall that it clearly has an association with the principle listed building.

The Conservation Area appraisal notes the features of Bicester House and grounds which include the Coach House. It is noted that the visual influence of the former Manor on the public domain is restricted due to the screening effect of its boundary wall. The grounds are private and many of the views enjoyed to it are from private domains. The mature trees are noted in the Conservation Area appraisal and these have a 'significant impact' on the views. The extent of the setting of the former Manor House in landscaped grounds is now restricted to a small area at its front.

It could be argued that more weight should be given to protecting what is left of the original grounds of Bicester House or alternatively now that development around the site has taken place, would further development of the nature proposed cause significant harm. The case, at this point, is finely balanced. The setting of the curtilage listed building is very much more compromised and when considering the degree of harm that impacts on the significance of the designated heritage asset, it is appropriate to ask whether this can be outweighed by the benefit of the proposal. On balance, it is considered that the harm incurred to the setting of The Old Coach House is not of such weight that this application can be justifiably refused.

With regard to archaeological issues, the application has not met with an objection from the County archaeologist who has suggested that this issue can be adequately dealt with by conditions.

### 5.3 Effect on the trees

There is no doubt that the trees at this site make a significant contribution to the character and appearance of this part of the Conservation Area. The trees are mature and enjoyed from the public domain at some distance.

It is considered that, in the short term, there will be a negative impact on the character and appearance of the Conservation Area primarily due to the removal of 9 No. trees. However, 6 of these are recommended and agreed for removal in any event due to noted structural or physiological defects which present an unacceptable level of risk to persons and property. Only 3 No. trees are required to be removed as a direct consequence of this proposal and only one is considered to

have any aesthetic qualities.

The arboricultural advice is that the 9 trees proposed for replacement planting is increased to 13 to provide a greater visual depth to the site and that the size of tree planted should be 14-18cm girth so that they will be visible above the boundary wall. When these trees reach maturity any aesthetic imbalance will be corrected within a reasonable timescale. Consideration could be given to protecting all the trees to be retained and the new trees on site with a TPO.

It is considered that the reason for refusal of the previous recent application has now been overcome based on the detailed submission and subject to the conditions as set out. The character and appearance of the Conservation Area will not be adversely affected in your officers opinion.

#### 5.4 Siting and Design

Policies C28 and C30 seek to ensure that all developments (especially those in sensitive areas such as Conservation Areas) are of a high standard and that housing development should be compatible with existing dwellings in the vicinity.

Were any development on this land to be acceptable it would need to respect the historic settlement pattern but this has been eroded over recent years by the developments to the north and east of the site. The character of the area is very mixed but in the immediate environs it is not unusual for there to be individual properties set in their own grounds. To this end the introduction of a new property would not be out of character with the area.

Keeping the property at bungalow height of not dissimilar footprint, size, gable widths, in materials that match and in a linear form and layout represents a sound design which is appropriate in this area. Having acknowledged these aspects, it should be further noted that there is little more the applicant could do to improve the design. Also it is a fact that the building would be highly unlikely to be visible from the public domain given the high wall and the trees.

A property at this site would be likely to go unnoticed in the public domain and there would be even less disturbance to the site area with the utilisation of the existing access.

#### 5.5 Effect on neighbouring residential amenity

The residential amenities of the adjacent property remain protected given the distances between the properties and the overall scale of the proposal. There would be no overlooking, overshadowing, loss of light or overdomination as a result of the scheme. Most of the impact felt by this scheme will be on the owners of the host property.

#### 5.6 Highway Safety

The application has not met with an objection from the County in this regard and this position is accepted. The existing access arrangement is acceptable.

#### 5.7 Other matters raised by third party representations

Most of the issues raised have been dealt with above. Private views onto an area is not a material planning consideration per se and would only be relevant if the proposal were to prevent views of a heritage asset which it would not in this case. Ecological matters are noted and this is an area where swifts have been documented. Good arboricultural practice (as conditioned by this consent) will ensure satisfactory protection and enhancement. Garden grabbing in itself is not a

reason to refuse an application but it brings some awareness to the need to utilise brown field sites first.

5.8 Conclusion

This case is finely balanced. Impact on the Conservation Area will be negligible because the property will not be visible from the public domain, the established wall will not be touched and the site area will remain densely tree'd by proper long term good arboricultural practice which will also respect the needs of biodiversity. The design and siting of the property are sound and acceptable and there will be no conflict with highway safety or parking and no impact on neighbours. The remaining issue of the historical significance of retaining this site as the last part of the original gardens to the grade II listed Bicester House is a matter of principle but the view is held that on balance the proposal should succeed as it is considered that there would be no significant further harm caused to the heritage asset.

5.9 This application was deferred from the previous Committee to allow Members to do a formal site visit before making a decision.

## 6. Recommendation

**Approval**, subject to the following conditions:

1. SC1.4 (RC2) – Duration Limit.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following information: dwg numbers WG13-020(A), 021(A), 022(A) and 023(A) received on 31.01.11 and dwg numbers 024, 025, 026, the Design & Access Statement and the site location plan received with the application.  
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 PPS1 – Delivering Sustainable Development.
3. SC2.2BB .....slate.....dwelling.....(RC4A)
4. SC2.3DD.....dwelling.....(RC5B)
5. SC3.7BB (RC12AA)
6. SC4.13CD (RC13BB)
7. SC5.5A .....timber windows.....(RC4A)
8. SC5.14A ....doors.....(RC4A)
9. SC5.19A (RC4A)
10. SC6.2AA  
Reason – To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the interests of the heritage assets and the amenities of occupants of adjoining dwellings in accordance with Government Advice contained in PPS5, Policies BE1 and BE6 of the South East Plan and policies C28 and C30 of the adopted Cherwell Local Plan.
11. SC6.3 (RC4A)

12. SC6.6AB  
Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the interests of the heritage assets and to ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Government Advice contained in PPS5, Policies BE1, BE6 and T4 of the South East Plan 2009 and policy C28 of the adopted Cherwell Local Plan.
13. SC9.13A .....4.....(RC93AA)
14. The development shall be carried out strictly in accordance with the Arboricultural Method Statement by Trevor Clarkson of Crown Consultants Ltd submitted with the application, unless otherwise agreed in writing by the Local Planning Authority.  
(RC72A)
15. No service trenches, pipe runs or drains or any other excavation, earth movement or mounding shall be constructed within the Root Protection Area of the tree/trees on the site, without the prior approval in writing of the Local Planning Authority.  
Reason – To ensure that the tree/trees is/are retained in a safe and healthy condition and is/are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
16. No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and shall include details of:  
(a) Induction and personnel awareness of arboricultural matters  
(b) Identification of individual responsibilities and key personnel.  
(c) Statement of delegated powers.  
(d) Timing and methods of site visiting and record keeping, including updates  
(e) Procedures for dealing with variations and incidents.  
The Local Planning Authority will require the scheme of supervision to be administered by a qualified arboriculturist approved by the Local Planning Authority but instructed by the applicant.  
(RC72A)
17. That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas. (RC10A)
18. That 13 No. 14-18cm tree(s) shall be planted in the first planting season (mid November to end of March) following removal of the tree(s) for which permission has been granted.  
Reason – To ensure the continuity of tree cover in the interest of visual amenity of the area and to comply with Policy c4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
19. No development shall commence within the application area until the applicant, or their agents or successors in title, has secured the implementation of a staged programme of archaeological investigation and mitigation in accordance with a written scheme of investigation that shall first be submitted to and approved by the Local Planning Authority. The programme of work shall include all processing, research and analysis

necessary to produce an accessible and useable archive and a full report for publication. The work shall be carried out by a professional archaeological organisation acceptable to the Local Planning Authority.

Reason - To ensure the appropriate measures are taken to detect and preserve archaeological remains either in situ or by record in accordance with Government Advice contained in PPS5 and Policy BE1 of the South East Plan 2009.

20. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

21. If a potential risk from contamination is identified as a result of the work carried out under condition 20, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason – as condition 20 above.

22. If contamination is found by undertaking the work carried out under condition 21, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason – as condition 20 above.

23. If remedial works have been identified in condition 22, the remedial works shall be carried out in accordance with the scheme approved under condition 22. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

Reason – as condition 20 above.

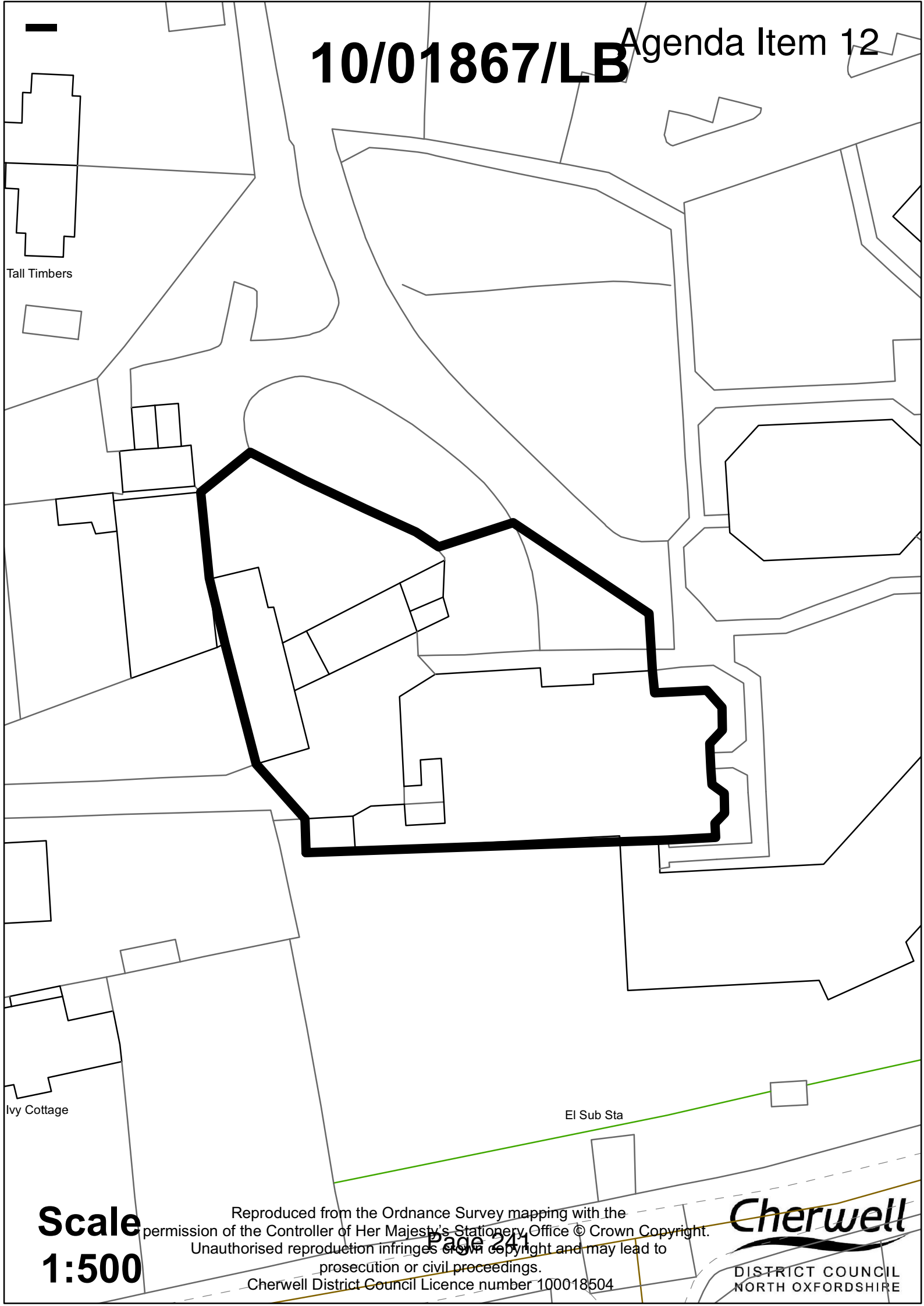
#### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The

development is considered to be acceptable on its planning merits as it conserves the interests of the heritage assets (Conservation Area, listed buildings and their settings, trees and archaeology), is compatible with the scale and character of the surrounding area, not harmful to the public or private amenity, provides adequate amenity space without adversely affecting that of surrounding properties, and is not considered to be detrimental to highway safety. As such the proposal is in accordance with government guidance contained in PPS3 – Housing, PPS5 – Planning for the Historic Environment, PPG13 – Transport, Policies BE1, BE6 and T4 of the South East Plan 2009 and Policies ENV12, C23, C27, C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

**CONTACT OFFICER: Rebecca Horley**

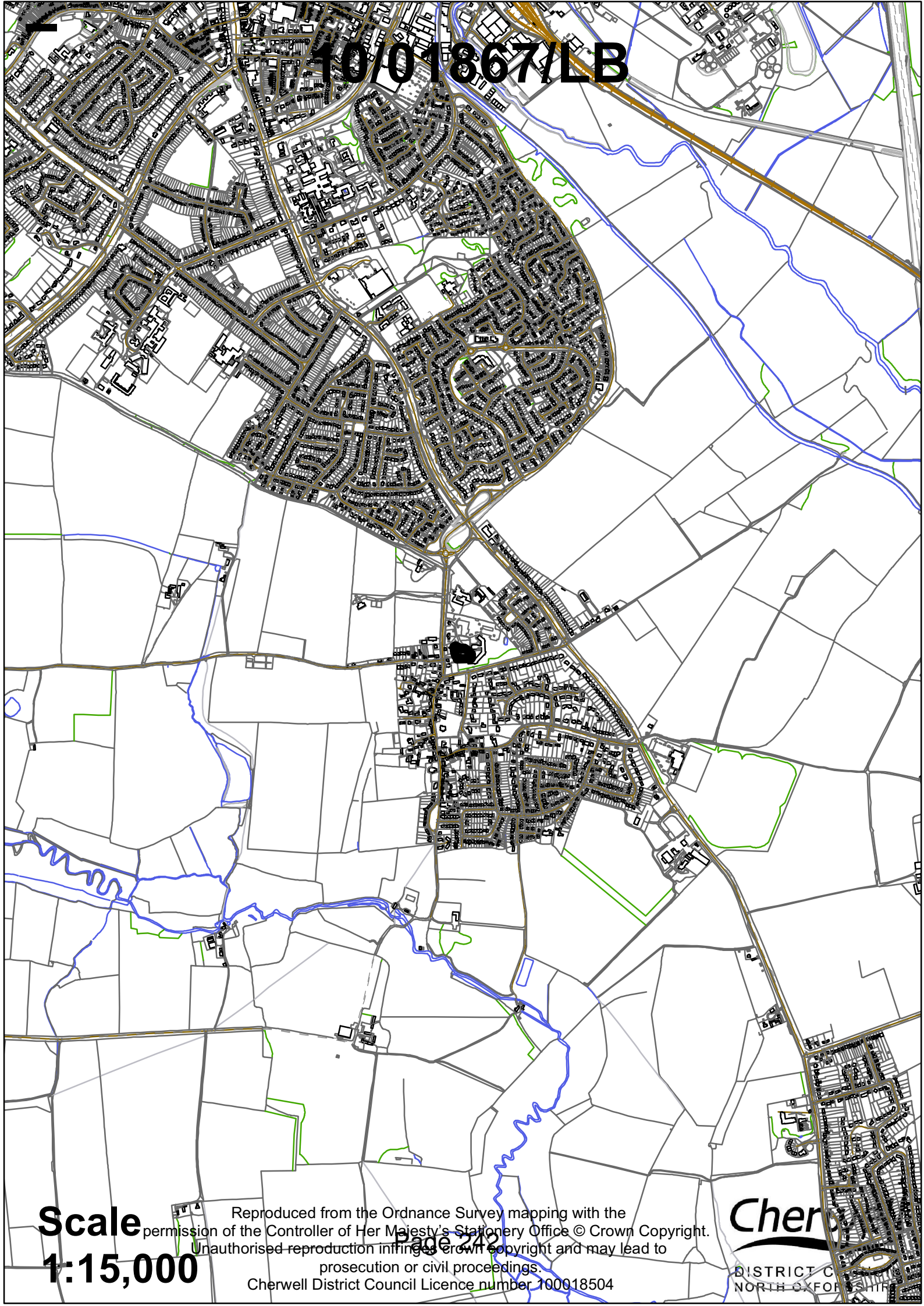
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10/01867/LB



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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application</b> 10/01867/LB	<b>No:</b>	<b>Ward: Bloxham and</b> <b>Bodicote</b>	<b>Date</b> 31/01/2011	<b>Valid:</b>
<b>Applicant:</b>	Cherwell District Council			
<b>Site Address:</b>	Old Bodicote House, White Post Road, Bodicote			

**Proposal:** Refurbishment and internal upgrade of Listed Building. Demolition of internal walls, reinstatement of partition walls, rewire, new fire alarm system, new data cabling, new tea point/ wc facilities, new lighting, redecoration including carpets. Construction of new boiler house. Installation of new biomass boiler and associated underground pipe works.

## 1. Site Description and Proposal

- 1.1 The application site is Old Bodicote House, a Grade II listed 18<sup>th</sup> – 19<sup>th</sup> Century stone built [former] stately home under a complex slate roof. The building has been linked to the 20<sup>th</sup> Century council office building, and its use as offices has led to a number of unsympathetic internal alterations and an accumulation of minor changes and upgrades, common to office buildings undergoing modernisation and computerisation.
- 1.2 The proposal is for a series of internal works for the upgrading and refurbishment of Old Bodicote House. The works will upgrade the standard of the accommodation internally, as well as address a series of structural issues. In addition, the proposal seeks consent for a new boiler house to be sited to the rear of the existing stores building.
- 1.3 The proposals are the result of extensive pre-application discussions between the Conservation Team of the Council and the applicants, and follow the publication of 'Historical and Architectural Survey' of the building, carried out by the Council in 2009.
- 1.4 The application is also accompanied by a planning application (11/00149/CDC refers).

## 2. Application Publicity

- 2.1 The application has been advertised by way of a press notice, site notices and neighbour letters. The final date for comments was 03 March 2011.
- 2.2 No third party representations were received.

## 3. Consultations

- 3.1 Bodicote Parish Council – no objections
- 3.2 Conservation Officer – no objections, subject to conditions

## **4. Relevant Planning Policies**

- 4.1 National Policy Guidance:  
PPS5: Planning for the Historic Environment
- 4.2 Regional Policy in the South East Plan 2009:  
BE6 – Management of the Historic Environment
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:  
C18 – Development proposals affecting a listed building

## **5. Appraisal**

- 5.1 As the application site is a Listed Building, in determining the application special regard must be paid to the desirability of preserving the building, its setting and/or any features of special architectural or historical interest which it possesses.
- 5.2 The structural works to the building are considered to be necessary and appropriate; they will preserve the building and consequently preserve the inherent special architectural and historic interest. The strengthening works to the floor structures allow the retention of the existing oak beams, which are substantial and are in themselves of historic interest; dictating as they do the size of the rooms.
- 5.3 The re-decoration, re-wiring and upgrading works to the interior are also considered to be acceptable, as they will allow the building to be brought back into use, thereby ensuring its future preservation.
- 5.4 The addition of the boiler house and the works necessary to connect it to the existing buildings are similarly considered to be acceptable in terms of their impact on the special interest of the historic building.
- 5.5 Whilst the internal refurbishment will result in alterations to the form of some of the spaces, the alterations are not permanent and largely comprise alterations to 20<sup>th</sup> Century internal partitions, and not considered to cause undue harm to the special interest of the building. In particular, the application seeks to retain the ceiling detailing in the main hallway area, alter the lighting scheme to better reflect the likely original appearance of the rooms (up-lighters with lightly painted ceilings to allow diffuse light and the soft appearance of gas/candle light). Elements such as the replacement of the first floor balcony fire-screen with one which better incorporates and respects the historic detailing and proportions is a particular improvement to the historic interest of the building, as it will restore the currently hidden proportions of these rooms.
- 5.6 In conclusion the proposal is considered to be minor and sympathetic to the architectural and historic character of the building. In addition, the proposal offers several improvements to the historic fabric of the building and therefore its significance.
- 5.7 The scheme is therefore considered acceptable in terms of the relevant national, regional and local policy and is recommended for approval.

## **6. Recommendation**

### **Approval, subject to conditions;**

- 1) SC 1\_5A (Time for implementation of Listed Building Consents)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application, including the material and finishing details set out therein.

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 in PPS5: Planning for the Historic Environment.

- 3) SC 5\_7B (Making good in materials to match)

### **Planning Notes**

- 1) The applicant is reminded that this building is included in the Statutory List of Buildings of Architectural or Historic Interest, and no works to the exterior or interior of the building, which materially affect the character may be carried out without the prior express consent of the Local Planning Authority (given through the submission of an application for, and subsequent grant of Listed Building Consent). This consent gives approval only to those works shown on the plans and details submitted to and approved in this application.
- 2) The applicant is further reminded that the carrying out of unauthorised work to a listed building is an offence, punishable by a fine, imprisonment or both, as detailed in Section 9 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- 3) T1 – Third party rights
- 4) O1 - Archaeology

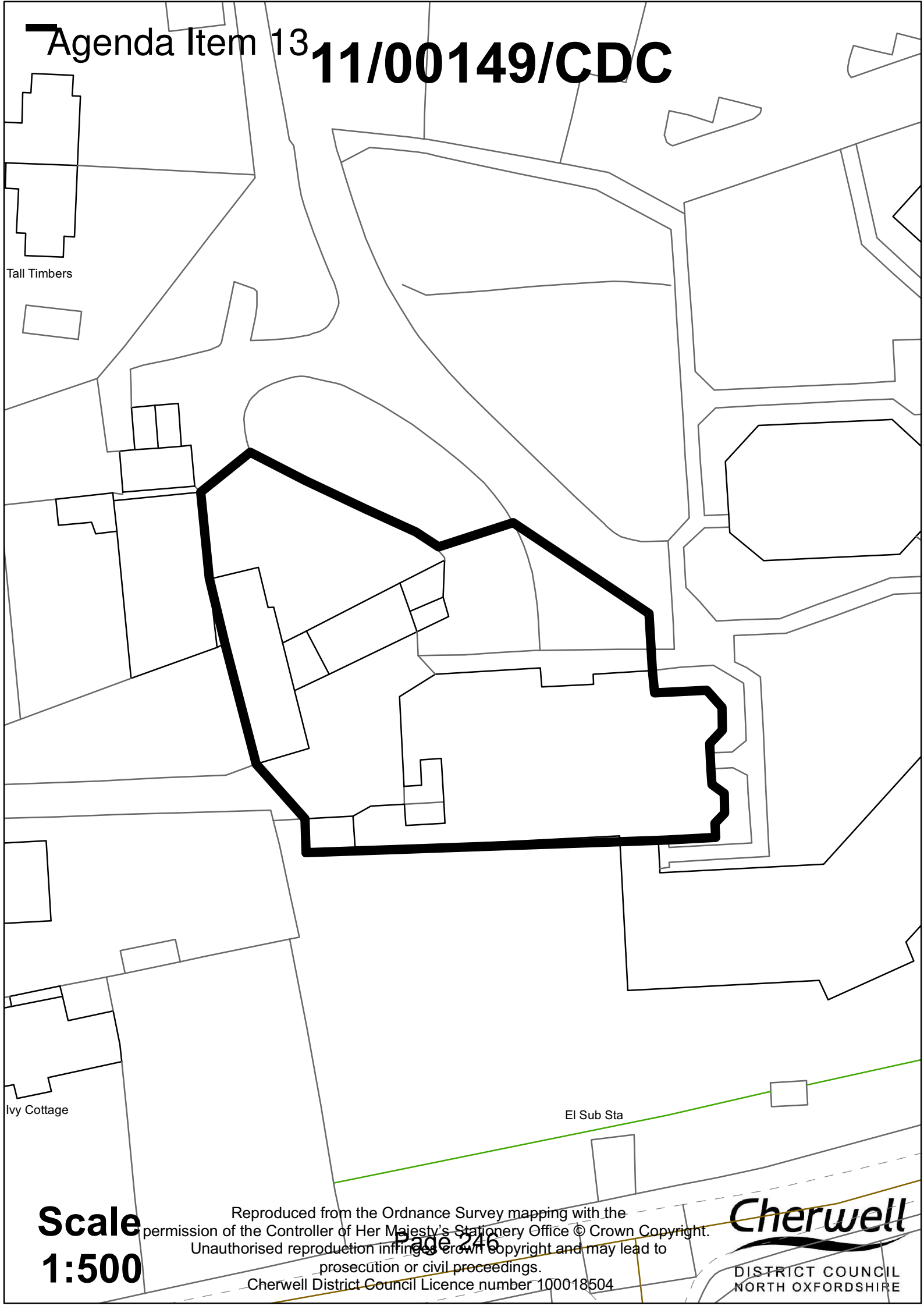
### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

WLB2 “BE6” and “C18”

**CONTACT OFFICER: Simon Dean**

**TELEPHONE NO: 01295 221814**

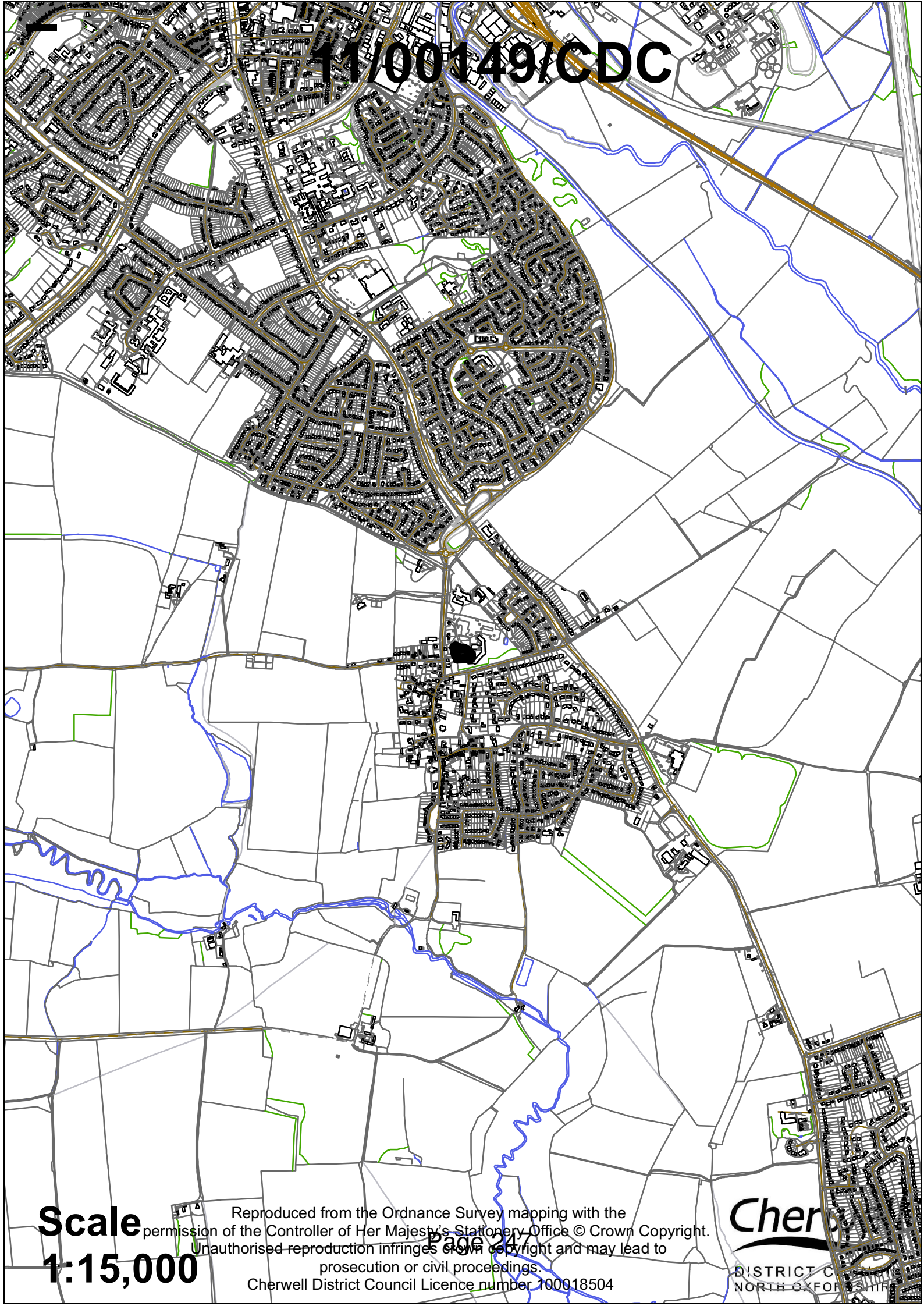
# Agenda Item 13 **11/00149/CDC**



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11/00149/CDC



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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application No:</b> 11/00149/CDC	<b>Ward:</b> Bloxham and Bodicote	<b>Date:</b> 31/01/2011	<b>Valid:</b>
<b>Applicant:</b>	Cherwell District Council		
<b>Site Address:</b>	Old Bodicote House, White Post Road, Bodicote		

**Proposal:** Refurbishment and internal upgrade of Listed Building. Demolition of internal walls, reinstatement of partition walls, rewire, new fire alarm system, new data cabling, new tea point/ wc facilities, new lighting, redecoration including carpets. Construction of new boiler house. Installation of new biomass boiler and associated underground pipe works.

## 1. Site Description and Proposal

- 1.1 The application site is Old Bodicote House; a Grade II listed 18<sup>th</sup> – 19<sup>th</sup> Century stone built [former] stately home under a complex slate roof. The building has been linked to the 20<sup>th</sup> Century council office building, and its use as offices has led to a number of unsympathetic internal alterations and an accumulation of minor changes and upgrades, common to office buildings undergoing modernisation and computerisation.
- 1.2 The proposal is for a series of internal works for the upgrading and refurbishment of Old Bodicote House. The works will upgrade the standard of the accommodation internally, as well as address a series of structural issues. In addition, the proposal seeks consent for a new boiler house to be sited to the rear of the existing stores building. The boiler is intended to be fuelled by wooden pellets, fed from a hopper which will be located in the existing store building at the end of the range of outbuildings. Following the installation of this boiler house, pipe work will be run around the back of the existing kitchen, under the stone wall and into the main building.
- 1.3 The proposals are the result of extensive pre-application discussions between the Conservation Team of the Council and the applicants department, and follows the publication of an 'Historical and Architectural Survey' of the building, carried out by the Council in 2009.
- 1.4 The application is also accompanied by a Listed Building Consent application (10/01867/LB refers).

## 2. Application Publicity

- 2.1 The application has been advertised by way of a press notice, site notices and neighbour letters. The final date for comments was 10 March 2011.
- 2.2 No third party representations were received.

### **3. Consultations**

- 3.1 Bodicote Parish Council – no objections
- 3.2 Conservation Officer – no objections
- 3.3 Ecology Officer – no objections, but requests planning notes
- 3.4 Safer Communities – no objections
- 3.5 Engineering Services – no comments
- 3.6 Building Control – no objections, but several comments which will be passed to the applicant for their information

### **4. Relevant Planning Policies**

- 4.1 National Policy Guidance:  
PPS1: Delivering Sustainable Development  
PPS5: Planning for the Historic Environment
- 4.2 Regional Policy in the South East Plan 2009:  
CC1 – Sustainable Development  
BE6 – Management of the Historic Environment
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:  
C18 – Development proposals affecting a listed building  
C28 – Layout design and external appearance of new development  
ENV1 – Development likely to cause detrimental levels of pollution

### **5. Appraisal**

- 5.1 As set out above, the application site is a Grade II listed office building, close to a number of residential properties. As such, the issues to be addressed are the impact on the special interest of the Listed Building, visual amenity, the impact of the proposal on residential amenity and likely environmental impacts arising from the boiler installation.
- 5.2 The addition of the boiler house is not considered to be unacceptable in terms of its impact on visual amenity or residential amenity as it is located to the rear of the service buildings associated with the main building, and views from public areas will be limited.
- 5.3 The Safer Communities Team have been consulted on the potential pollution or noise implications of such an installation and they are satisfied that the biomass boiler will not cause any detrimental or unacceptable pollution or disturbance.
- 5.4 In light of the Grade II listing, special regard has been paid to the special interest of the building; the proposals are considered to be minor and sympathetic to that special character and interest, and the scheme is therefore considered acceptable in this regard. The proposals will result in preservation of, and improvements to, elements of the building which contribute to its' significance. These issues have been explored in more detail in the associated Listed Building application.
- 5.5 The site is identified as being host to swifts, grass snakes and badgers; all of which

are protected species. However, none of these are European Protected Species. It is not necessary to go through the Natural England licensing/derogation tests as the likelihood of an offence being caused is limited, based on the information held by this authority. The applicant will however, be reminded of their legal duties towards protected species and advised to contact the Council's Ecologist to discuss potential biodiversity improvements and associated issues.

- 5.6 The proposal does not raise any issues of highway safety or parking provision, as the use (and intensity of the use) of the building is not changing. Notwithstanding that, there is an extant consent for the extension of the car-park at Bodicote House (09/01085/CDC refers).
- 5.7 The proposal is therefore recommended for approval, subject to the conditions set out.

## 6. Recommendation

### Approval, subject to conditions;

- 1) SC 1\_4A (Time for implementation)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application, including the material and finishing details set out therein.

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 in PPS5: Planning for the Historic Environment.

- 3) SC 5\_7B (Making good in materials to match)
- 4) Slate sample and treated timber sample for boiler house

### Planning Notes

- 1) The applicant is reminded that this building is included in the Statutory List of Buildings of Architectural or Historic Interest, and no works to the exterior or interior of the building, which materially affect the character may be carried out without the prior express consent of the Local Planning Authority (given through the submission of an application for, and subsequent grant of Listed Building Consent). This consent gives approval only to those works shown on the plans and details submitted to and approved in this application.
- 2) The applicant is further reminded that the carrying out of unauthorised work to a listed building is an offence, punishable by a fine, imprisonment or both, as detailed in Section 9 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- 3) T1 – Third party rights
- 4) O1 – Archaeology
- 5) X1 – Protected Species (add info re: contacting the Council Ecologist prior to starting works)
- 6) I “Building Control”

### SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

W

“does not harm the visual amenities of the area is not likely to cause unacceptable levels of

noise or pollution. In addition, the proposal pays proper regard to the historic significance of and special interest of the Listed Buildings, and is considered appropriate in that regard.”

“CC1 and BE6”

“C18, C28 and ENV1”

**CONTACT OFFICER: Simon Dean**

**TELEPHONE NO: 01295 221814**

# Agenda Item 14 **10/01877/F**

126.8m

El Sub Stas

LB

65

67

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126.8m

HIGHTOWN GARDENS

23

46

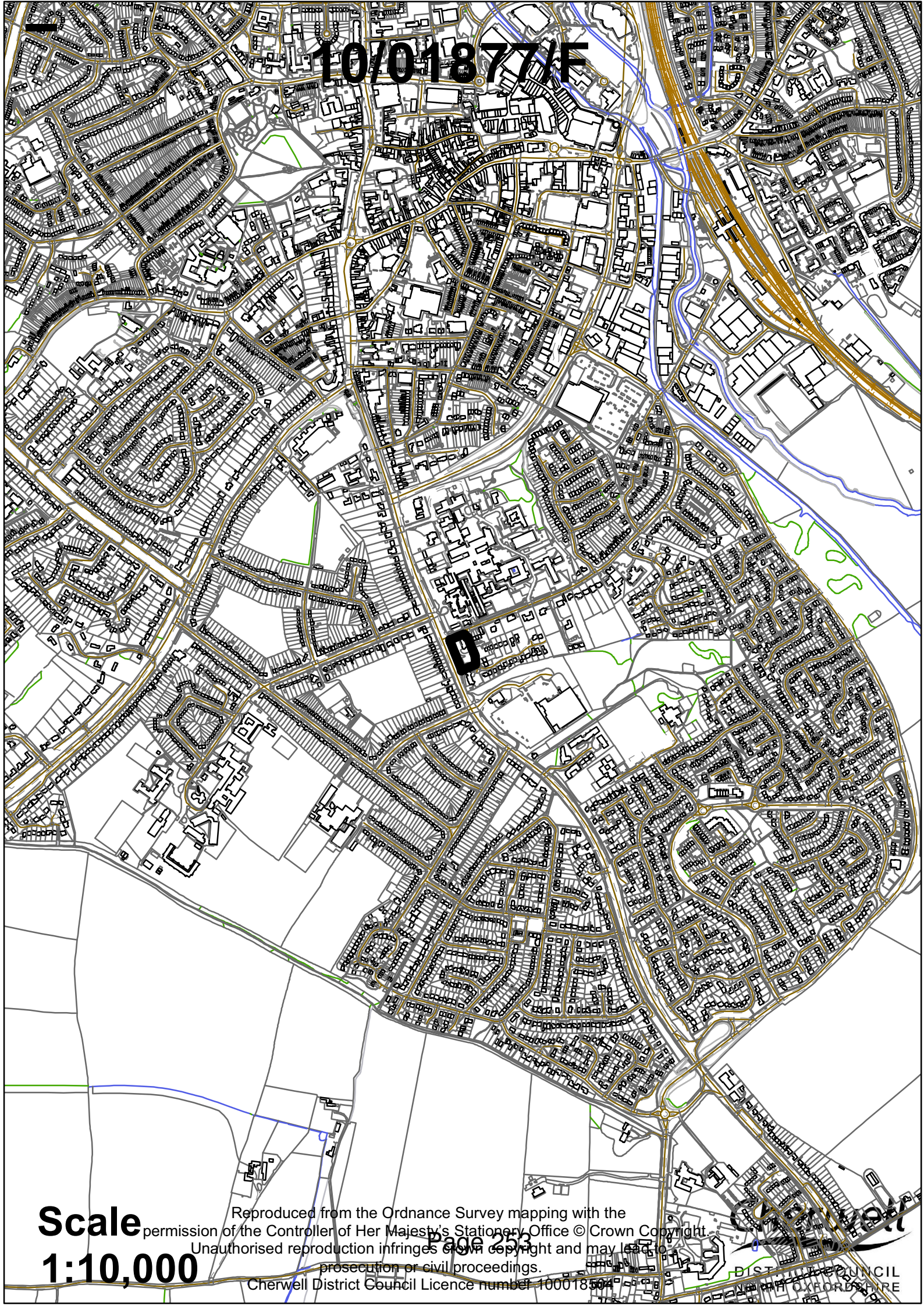
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10/01877/F



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<b>Application No:</b> 10/01877/F	<b>Ward:</b> Banbury	<b>Date:</b> 20/01/2011	<b>Valid:</b>
<b>Applicant:</b>	Kiingerlee Homes		
<b>Site Address:</b>	Penrose House, 67 Hightown Road, Banbury		

**Proposal:** Extension of time-limit of 04/01395/F – Change of use of Penrose House from offices to residential to create 12 No. flats, erection of three storey residential unit to create 12 No. flats, associated parking, alterations of existing access and works to trees under TPO 12/90

## 1. Site Description and Proposal

- 1.1 The application site is Penrose House; a large Edwardian building, on the corner of Hightown Road and Oxford Road, with Hightown Gardens to the rear/side. The original permission gave consent for the conversion of the existing building and an element of new build, to create a total of 24 residential units.
- 1.2 The proposal is for an extension of the time limit, originally attached to 04/01395/F. Although the application was made in 2004, the consent (with a five year time limit) was not granted until 2006 due to the time taken to sign the legal agreement.
- 1.3 The conditions attached to the 2004 application were later varied to allow the provision of parking and ancillary storage to be provided for each phase of the development as it is provided, and to allow a change in the finishing materials to be used. These variations have been included in this scheme, as they are more likely to lead to a deliverable development.
- 1.4 The Report to Committee relating to the 2004 application is attached to this report as an Appendix.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a press notice, site notices and neighbour letters. The final date for comments was 24 February 2011.
- 2.2 Two letters of objections were received from residents of Hightown Leyes. Material comments raised include:
  - access issues
  - traffic generation
  - appropriateness of the development for this site
  - parking

Concerns were also raised concerning traffic, noise and disturbance likely to be generated during the construction phase.

### **3. Consultations**

- 3.1 Banbury Town Council – no objections
- 3.2 County Highways Liaison Officer – no objections, subject to the re-imposition of appropriate conditions
- 3.3 Thames Water – no objections, request notes/conditions
- 3.4 Building Control – no comments
- 3.5 Head of Safer Communities – no objections, subject to the re-imposition of appropriate conditions
- 3.6 Private Sector Housing – no objections
- 3.7 Planning Policy – no objections, but did note that the site is included in the current 5-year supply housing figures
- 3.8 Thames Valley Police – no objections, request note
- 3.9 Contaminated Land Officer – no objections, requests full contaminated land condition
- 3.10 Oxfordshire County Council Development Funding Officer – no objections, seeks the re-imposition of previous conditions and the securing of the contributions from the 2004 application
- 3.11 Public Art Officer – seeks the securing of the contributions from the 2004 application
- 3.12 Conservation Officer – no objections
- 3.13 Ecology Officer – no objections, but wishes to remind the applicant of their responsibility towards protected species

### **4. Relevant Planning Policies**

- 4.1 National Policy Guidance:
  - PPS1: Delivering Sustainable Development
  - PPS3: Housing
  - PPS5: Planning for the Historic Environment
  - PPG13: Transport
- 4.2 Regional Policy in the South East Plan 2009:
  - CC1 – Sustainable Development
  - BE1 – Management for an Urban Renaissance
  - T4 - Parking
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:
  - C28 – Layout, design and external appearance to be compatible with the character of the context of a development proposal
  - C30 – Design of new residential development

## 5. Appraisal

- 5.1 As an extension of time application, the key issue to consider is whether there has been any material change in circumstances since the previous approval.
- 5.2 The opinion of SDPHE is that there has been no change in circumstances which affect the decision. Shifts in the Policy context have not affected the acceptability of the proposal. The overall direction of national, regional and local policy remains the same, and the scheme will deliver housing to a town centre location representing an efficient use of housing land.
- 5.3 The proposal will deliver housing to a sustainable location, close to the town centre, close to transport links and services in a manner appropriate for the location and surroundings.
- 5.4 I note the comments of the contributors to the scheme, but given the lack of material change to the circumstances of the proposal, do not consider that the scheme merits refusal on the grounds raised.
- 5.5 The relevant Section 106 contributions are to be secured through a deed of agreement, tying the parties to the original legal agreements.
- 5.6 The conditions set out below reflect those attached to the original permission, as well as the amendments made in 2006 and 2008 which allow the scheme to be delivered in two phases (conversion and new build).
- 5.7 As such, the proposal is considered to comply with all relevant national, regional and local policies and is recommended for approval.

## 6. Recommendation

### Approval, subject to

- i) the applicants entering into a Section 106 legal agreement with the District and County Councils to secure financial contributions towards;
  - a) the provision and maintenance of outdoor sports facilities in the locality/town and the financial equivalent of maintaining a local area of play in accordance with current standards
  - b) the improvement of education and library facilities in the locality/town
- ii) the imposition of the following conditions;
  - 1) SC 1\_4A (Time limit for implementation)
  - 2) That the development hereby permitted shall be constructed in accordance with a full schedule of materials and finishes (including samples where appropriate) which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved. Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.
  - 3) That full design details of the fenestration to be used on the development shall be submitted to and approved in writing by the Local Planning Authority

prior to the commencement of development. The development shall be carried out in accordance with the approved details. Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter unless agreed in writing with the local planning authority. Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.
- 4) That samples of the clay tiles to be used in the covering of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved. Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.
- 5) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
  - details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - details of the hard surface areas, walls, trellis screens, pavements, pedestrian areas, crossing points and steps. Reason - In the interests of the visual amenities of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.
- 6) That 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; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation. Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.
- 7) The protection of any existing tree to be retained in accordance with the approved plans and particulars shall be achieved as follows:
  - no equipment, machinery or material shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with plans and particulars which shall have been previously approved by the Local Planning Authority in writing;

- if that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced in accordance with the approved plans and particulars;
- the fencing shall be maintained in position during the course of construction and until all equipment, machinery and surplus material has been moved from the site;
- within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above or below the ground, the ground level shall not be altered, no excavation shall be made, nor shall any fires be lit, without the prior written consent of the Local Planning Authority; and
- no tree to be retained in accordance with the approved plans and particulars shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut down or grubbed out without the prior approval in writing by the Local Planning Authority. Reason - In the interests of the visual amenities of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 8) Prior to the commencement of any works on the site, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved. Reason - To ensure that the existing trees and hedgerows are retained in a safe and healthy condition and are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C28 of the adopted Cherwell Local Plan.
- 9) That prior to the construction of the new building, the existing means of access between the land and the highway shall be improved, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification. Reason - In the interests of highway safety and to comply with government guidance contained in PPG13: Transport.
- 10) That prior to the first occupation of the proposed flats, the proposed pedestrian access between the land and the highway shall be formed, laid out and constructed strictly in accordance with the approved plans. Reason - In the interests of highway safety and to comply with government guidance contained in PPG13: Transport.
- 11) That, before the development is first occupied the access drive shall be constructed, surfaced, laid and marked out, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with government guidance in PPG13: Transport.
- 12) That prior to the first occupation of the block of 12 new residential apartments granted planning permission under reference 04/01395/F on the land to the south of the existing Penrose House building, the parking spaces numbered F1-F15 on Drawing Number SK100 Rev. A, submitted with application Ref.

**06/01797/F shall be laid out and made available for car parking in connection with the block of 12 new residential apartments, the details of which of these parking spaces shall be firstly submitted for the prior approval in writing of the Local Planning Authority, and these parking space shall thereafter be fully implemented as approved. Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Policy T4 of the South East Plan 2009 and government advice contained in PPG13: Transport.**

- 13) That prior to the first occupation of the 12 residential units created through the conversion of Penrose House into residential use, granted planning permission under reference 04/01395/F, 15 parking spaces shall be laid out and made available for car parking in connection with the 12 residential units created in the converted Penrose House, the details of which of these parking spaces shall be firstly submitted for the prior approval in writing of the Local Planning Authority, and these parking space shall thereafter be fully implemented as approved. Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Policy T4 of the South East Plan 2009 and government advice contained in PPG13: Transport.**
- 14) That prior to the first occupation of the block of 12 new residential apartments granted planning permission under reference 04/01395/F on the land to the south of the existing Penrose House building, and prior to the first occupation of the 12 residential units created through the conversion of Penrose House into residential use, also granted planning permission under reference 04/01395/F, full details shall be submitted for the prior approval in writing of the Local Planning Authority of the arrangements for the provision of cycle parking facilities and refuse facilities, and thereafter these facilities shall be fully implemented as approved. These facilities shall be constructed and made available for use by residents prior to the occupation of the residential units in the new block or in the converted Penrose. Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with government guidance in PPS1: Delivering Sustainable Development.**
- 15) Prior to the construction of the new building vision splays measuring 2.4 metres x 33 metres shall be provided to each side of the access and retained unobstructed thereafter. Reason - In the interests of highway safety and to comply with government guidance contained in PPG13: Transport.**
- 16) Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water and foul sewage drainage schemes shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption". Reason - To ensure satisfactory drainage of the site in the interests of public health and to avoid flooding of adjacent land and property and to comply with government guidance contained in PPS25: Development and Flood Risk.**
- 17) The development shall not begin until a scheme for protecting the habitable rooms in the new building from noise from Oxford Road to achieve an internal**

sound level of 35 dB (A) with windows closed at night has been submitted to and approved in writing by the Local Planning Authority and all works which form part of the approved scheme shall be completed before any of the flats in the new building are occupied and thereafter the scheme shall be permanently retained in accordance with the approved details. Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy C30 of the adopted Cherwell Local Plan.

- 18) All construction traffic for the development shall enter and leave the site in accordance with a detailed scheme and method statement to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The method statement shall include temporary access arrangements, the construction operating hours on site, arrangements for deliveries to the site, the location of any temporary compounds and site offices, the design/location of any hoardings, the storage of building materials, the arrangement for the parking of contractors' vehicles and details of wheel-washing or road sweeping arrangements. The construction of the development shall be carried out in accordance with the approved details and all temporary buildings or structures shall be removed on completion of the development and the land restored to its former condition or in accordance with the approved plans, as appropriate. Reason - In the interests of highway safety and to minimise the disturbance to neighbouring properties during the construction period, in accordance with government advice in PPG13: Transport.

#### Planning Notes

- 1) T1 – Third party rights
- 2) O1 – Archaeology
- 3) X1 – (add details of District Ecologist for further info re: Swift enhancements)
- 4) I – “The Thames Valley Police ‘Secured By Design’ team”
- 5) I – “Thames Water Development Planning Department”

#### SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of its surroundings, as well as the character and appearance of the Banbury Conservation Area, the setting of Penrose House and existing trees protected by a Tree Preservation Order and has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety through traffic generation or parking. As such the proposal is in accordance with government guidance contained in PPS1: Delivering Sustainable Development, PPS3: Housing, PPS5: Planning for the Historic Environment and PPG13: Transport; in addition, the proposal complies with Policies BE1, CC1 and T4 of the South East Plan 2009 and Policies C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

CONTACT OFFICER: Simon Dean

TELEPHONE NO: 01295 221814

North Area Planning Committee

19 August 2004

PREVIEW : PART II - Approvals

04/01395/F

21 06 04

**Banbury - Penrose House 67 Hightown Road Banbury**

**Change of use of Penrose House from offices to residential to create 12 No. flats, erection of three storey residential unit to create 12 No. flats, associated parking, alterations of existing access and works to trees under TPO.12/90 (as amended by revised plans received 24.06.04 and 15.07.04).**

For Whitley Stimpson c/o Cumming Anderton Architects 38 The Green South Bar Banbury OX16 9EA

**RECOMMENDATION**

**Approval, subject to**

(i) the applicants entering into a Section 106 Legal Agreement with the Council and County Council to secure financial contributions towards

(a) the provision and maintenance of outdoor sports facilities in the locality/town and the financial equivalent of providing and maintaining a local area of play in accordance with current standards,

(b) the improvement of education and library facilities in the locality/town

(ii) the comments of the County Council and the Council's Landscape Services Manager;

(iii) the following conditions -

- 1 1 4 Full Duration Limit (RC2)
- 2 2 0 Details of Matls and Ext Fns (RC4) - development
- 3 2.3E Smpl Panel of Brickwork (RC5A) - development
- 4 2 2B Samples of Roofing Matls (RC4) - clay tiles - development
- 5 3 0 Submit Landscaping Scheme (RC10)
- 6 3.1 Impl Landsc Sch and Repts (RC10)
- 7 3 5 Presrv and Protect Ex Trees (RC10) - trees - tree - tree
- 8 3 11 Dtl of Service Trenches to be Sub(RC58)
- 9 4 0A Access Spec Proposed (RC13) - development hereby permitted - first occupation
- 10 4 12 Surface, Laid Out etc (RC14) - access road
- 11 4 13C Parking & Manvrng Areas Retained (RC13)
- 12 4 21 Surface/Foul Water Disp (RC19)
- 13 The development shall not begin until a scheme for protecting the habitable rooms in the new building from noise from Oxford Road to achieve an internal sound level of 35 dB (A) with windows closed at night has been submitted to and approved in writing by the Local Planning Authority and all works which form part of the approved scheme shall be completed before any of the flats in the new building are occupied and thereafter the scheme shall be permanently retained in

- accordance with the approved details Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy H3 of the Oxfordshire Structure Plan 2011 and Policies C30 and ENV3 of the adopted Cherwell Local Plan
- 14 That, before the development is first occupied the cycle parking facilities shall be constructed and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development Reason - In the interests of sustainable travel, highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy T18 of the Oxfordshire Structure Plan 2011 and Policies TR2, TR5 and TR9 of the adopted Cherwell Local Plan

#### **Planning Note(s)**

- 1 R Archaeology
- 2 I Enclosed copy of TWA letter
- 3 T Legal Agreement
- 4 V Post Permission Changes

#### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of its surroundings, which are proposed as an extension to Banbury conservation area, the setting of Penrose House and existing trees protected by a Tree Preservation Order and has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety through traffic generation or parking. As such the proposal is in accordance with Policies G2 and T18 of the Oxfordshire Structure Plan 2011 and Policies TR2, TR5, C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above

#### **CONSULTATIONS/REPRESENTATIONS**

The Town Council raises no objections to the proposal

The Highway Authority is concerned that the parking levels proposed are not adequate and consider that 150% parking (i.e. one and a half spaces per residential unit) is required This means that 36 spaces will be required (31 spaces are shown)

The Environment Agency has no comments to make on the proposal

The Council's Head of Environmental Services states that it is unlikely that the dwellings proposed by the conversion of Penrose House will be adversely affected by road traffic noise because the property is set back sufficiently from the carriageway However, the new build units are much closer to Oxford Road and accordingly it is recommended that the developers are required to design habitable rooms to achieve an internal sound level of 35 dB at night with the windows closed

The County Archaeologist asks to be notified if finds occur

The Council's Chief Engineer advises that the applicants investigate the feasibility of discharging surface water to Thames Water's public surface water sewer in Hightown Road or Hightown Leyes. Soakaways may not prove suitable for such a density of development on the site

Thames Water have no objection to the application on sewerage or water supply grounds

The Crime Prevention Design Advisor comments.

- 1 This is a much better layout as vehicles are parked within the development and overlooked by residents.
- 2 A fence or extra planting is required to the side of the first ground floor flat to prevent persons coming off the road and being able to gain access to the rear garden
- 3 The developer should seek a Secured by Design Award

11 letters have been received from neighbouring residents objecting to the proposal on the following grounds -

- 1 Development not in keeping with the style of the existing building, surrounding buildings or any buildings in the general area
- 2 Trees have been removed but not replaced.
- 3 The new build would have a dramatic effect upon the appearance of the building as a whole.
- 4 Increased risk to pedestrians and cyclists using the junction of Hightown Gardens with Hightown Road which in turn is close to the busy junction of Hightown Road and Oxford Road
- 5 Parking for houses on Hightown Gardens and Hightown Leyes was on the basis of a minimum of 2 spaces per house and the same ratio should be applied to Penrose House
- 6 Parking is important to prevent Hightown Gardens and Hightown Leyes from becoming a permanent car park as there are already problems associated with visitors to the adjacent Doctors' Surgery due to the lack of spaces within their car park
- 7 The residents of Hightown Leyes expect and require free and safe access to and from Hightown Road for themselves and others including the emergency services and any proposal which is likely to jeopardise this requirement has to be strongly objected to.
- 8 The development will overlook the front of my property and totally change the aspect of privacy I currently enjoy as well as lowering the value of my property (HPDS Note this last point is not a planning matter)

- 9 Increased traffic congestion which the proposal will bring not to mention the large influx of visitors parking.
- 10 Block of flats would be out of character with the area
11. The flats would be much higher than dwellings close by in Hightown Gardens and Hightown Leyes, exacerbated by a lack of tree cover
- 12 Twenty four flats would add to traffic congestion and parking difficulties
13. Dangerous junction onto Hightown Road, where visibility is restricted by vehicles waiting at the traffic lights and made more difficult with five parking spaces at the end of Hightown Gardens, close to the junction
- 14 Any increase in the volume of traffic in this area would bring traffic to a halt and lead to an increased danger of accidents
- 15 More trees will have to be removed
- 16 Loss of a lovely outlook
17. Concern about the loss of Banbury's fine old buildings and their settings Penrose House should be preserved as it is without any more alterations
- 18 Disturbance caused by contractors' lorries and equipment during any construction affecting the peace and quiet of existing residents.
- 19 Existing, vacant office blocks in the town should be converted to dwellings if there is an urgent need for more flats.
20. The proposal although scaled down is still out-of-scale with the other residential buildings in the immediate area

The agents have submitted various letters and information in support of the application and in response to the objections, which can be summarised as follows:-

#### Parking

The scheme makes a provision for parking on the basis of one space per dwelling plus 30% visitor parking. You will be aware of the Government's commitment in PPG3 and PPG13 to make a significant change in the regime for the provision of car parking on the basis that car parking provision is a significant factor in encouraging the use of the motor car, and unnecessary provision of on-site car parking frustrates the efficient use of land for housing.

This site is well located to other urban facilities including major retail development at Sainsbury's and the Horton Hospital as a major source of employment for access by walking and cycling. The Oxford Road is a principal bus route into the town centre. The provision of car parking is adequate to meet the reasonable needs of occupiers. In any event if occasional on street car parking did occur such incidences are not a

planning problem I refer you to the guidance in the companion guide to PPG3 The fact that existing local residents may seek to retain on street parking for their own enjoyment cannot in itself form a sound and clear cut objection to this development

#### Extra Traffic

This objection is erroneous. I have set out the trip movements associated with the current use of the premises during a working day It is clearly demonstrated that a residential use would involve a reduced amount of car movement when compared to the current use of the premises The results are based on a survey of 5 days for the weeks beginning the 24.03.03, 11.07.03, 04.11.03, 07.01.04 and 08.04.04

The traffic count data revealed the following trips

#### Average Daily Trips

24.03.03	138
11.07.03	134
04.11.03	142
07.01.04	133
08.04.04	125

If one assumes that each apartment will give rise to 6 two-way movements per day then 24 apartments as proposed may give rise to 144 two way trips. The level of trip movements is clearly comparable with the existing use of the premises There is no technical basis for contending that the proposal will give rise to a significant increase in vehicular movement

#### Access

The site access is situated in approximately the same position as the existing access onto Hightown Gardens. The proposed development would de-intensify the use of the site.

#### Loss of Trees

The trees proposed for felling would be replaced with new species as indicated on the site plan

The removed TPO trees have been replaced in consultation and agreement with the Council's Tree Officer

#### Effect on Area

The historical area of Banbury is typified with large villa type Victorian/Edwardian properties and the proposed new building deliberately aims to draw on this context To enhance the suitability of the building within the area the external walls utilise large areas of brickwork to match

the existing Penrose House and roof tiles are used in the same way. In addition to this the forms are punctuated by areas of stone banding which is also a feature of the area.

We would argue that the surrounding area has substantial pockets of development and that the proposed scheme deliberately maintains the landscape offered to the Oxford Road side of the site, and respects the existing TPO Copper Beech tree to the south of the site. The building sits low within the site and is less dominant in mass and ridge height than existing Penrose.

As previously described the use of the site as residential is a de-intensification. We understand the existing Hightown Garden road suffers from usage to and from the Surgery building at the end of the road and overspillage from the Horton Hospital. We are not aware of any detrimental issues which will disturb the outlook and the quiet residential area.

#### Overlooking

There are no overlooking issues and the distance between the building fenestration and adjacent properties is in excess of 22 metres, the Council's standard.

#### **HPDS' ASSESSMENT**

This application is a resubmission of an earlier similar proposal (04/00369/F) which involved the conversion of Penrose House from office use to 15 flats together with the erection of a new building within the grounds of Penrose House to create 19 flats with associated works to create parking and access.

The current proposal is to convert Penrose House into 12 No. flats, with a small single-storey extension on the eastern side, creating 4 one-bed flats, 6 two-bed flats and 2 three-bed flats. It is also proposed to construct a new building, at some three-storeys in height to create 12 No. two-bedroom flats, within the grounds of Penrose House, between the existing offices and the Hightown Doctors' Surgery. A total of 31 No. car parking spaces are to be provided in the area between the two buildings and between Penrose House and Oxford Road along with cycle parking, all accessed off an improved entrance onto Hightown Leyes. The new building is to be constructed of red brick with natural stone banding and other architectural details, with clay plain tiles and lead roof areas and aluminium sash windows. The new building is situated 12 metres away from the TPO copper beech tree, which is a prominent feature on the site, and occupies the area presently occupied by the main car park. Two yew, three laburnum and a range of other small trees are to be removed on the periphery of the car park to accommodate the building.

Penrose House is an Edwardian building, which is not statutorily listed and does not lie within a designated conservation area. However, it does appear on the draft Local List of locally important buildings, and the site is included on the proposed extension of the Banbury Conservation Area. The site is also the subject of a Tree Preservation Order (Ref TPO 12/90). To the south of the site is a modern one and two storey doctors' surgery building. To the south east and east of the site are the modern, two storey houses that comprise

Hightown Gardens, Hightown Leyes and Leyesland Court To the north of the site, across Hightown Road, is the Horton Hospital complex. To the west of the site, across Oxford Road, are two-storey houses, which predominately date from the inter-war and immediately post-war periods

The site itself drops in levels from north to south by approximately 1.5 metres, with Penrose House itself sited on the higher part of the site, close to Hightown Road To the west of Penrose House is a car parking area Access to the site is from Hightown Gardens, and the main car parking area is located to the south of this access, on the lower ground The site contains a number of mature trees, which contribute to the visual amenity of the local area, and consequently are protected by a Tree Preservation Order. The main areas of tree planting are along the western (to Oxford Road) and southern (to the doctors' surgery) frontages. Of particular importance is a mature copper beech tree, which is located close to the southern boundary of the site Its canopy measures over 10 metres, and (given its position to the south of the site) shades a significant proportion of the southern car park area. The frontage to Hightown Gardens is characterised by a formal laurel hedge, with some trees to the rear of it.

The proposed conversion of Penrose House to flats incorporates all four floors of the existing accommodation in the property, including the basement The proposals include the erection of a single storey extension on the north-eastern part of the building, facing the Hightown Gardens/Hightown Road junction. The extension would measure 3.3 metres by 5.8 metres, and be roofed with a shallow pitched, lead covered roof The basement would contain one two-bed flat The ground floor would contain 5 dwelling units, with 2 of these having one-bedroom and 3 with two bedrooms The first floor would contain 3 dwelling units 2 of these would have one bedroom, and the other would have 3 bedrooms The second floor would contain 3 dwelling units 2 of these would have two bedrooms, whilst the other would have three bedrooms

The proposed new building would be located on land to the south of Penrose House and lies parallel to both Oxford Road and Hightown Leyes It would be situated about 9 metres from the Oxford Road boundary of the site and 5 metres from the Hightown Leyes boundary. The building measures some 22 metres in length (maximum) and 27 metres in width, comprising two 12 metre wide blocks with a glazed atrium link Each floor accommodates 4, two-bedroom flats The new building would have a height of 11 metres, similar to that of Penrose House, but will be some 1.5 metres lower than the ridge height of Penrose House due to the change in levels across the site.

It is considered that the proposal raises a number of planning issues, which can be identified as follows:-

- 1 Principle of the proposed development
- 2 Effect on the character and appearance of the locality
3. Parking
- 4 Traffic generation.
- 5 Effect on neighbouring residents.

## 6 Effect on trees

Dealing with each of these issues in turn -

### **Principle**

The proposed retention and re-use of Penrose House for residential purposes is to be welcomed at a time when other buildings on the local list for Banbury have been the subject of recent applications for demolition. The building is worthy of retention and positively contributes to the character and appearance of the area. This is also evident from the planning history of the site, which is characterised by a number of applications to extend Penrose House, which raised sensitive design issues. The residential use of Penrose House is considered to be appropriate and to not cause any conflict with the Council's housing policies. The proposed extension is considered to be modest in scale and acceptable in design terms.

In relation to the new building, there are no policies in the adopted Cherwell Local Plan which are directly relevant to this element of the proposal. Although the site falls within the draft proposed extension to the Banbury Conservation Area, this is still only at consultation stage and of limited height. Further PPG3 gives priority to the re-use of land and requires land to be used more efficiently in order to promote regeneration and minimise the amount of greenfield land taken for development.

The draft Conservation Area appraisal highlights that a key feature within this suburb of Banbury is the openness created by the layout of large properties in spacious grounds. The proposal would reduce this feeling of openness but can be satisfactorily accommodated on the site without, in my view, undue harm to the area. Development has taken place previously within the grounds of a number of properties along Hightown Road and it is considered that the infilling of the gap between Penrose House and the Hightown Surgery is acceptable in relation to advice within PPG3. This windfall housing development, providing the equivalent of some 81 residential units to the hectare on a sustainable site on a main transport route into Banbury would contribute to the supply of housing in the town and the national target is that by 2008, 60% of additional housing should be provided on previously developed land and through conversion of existing buildings.

### **Effect on Character and Appearance of the Area**

This was partly covered in the assessment of the acceptability of the principle of the proposed development. Although within the proposed extension to the Conservation Area, it is considered that the development can be accommodated on this site without undue harm to the quality of the environment. Inevitably, if approved and built, the development will bring about some change to the character and appearance of the area as, at present, the land is undeveloped, except for the car park. The new building respects the main copper beech tree and other principal trees, which are a principal characteristic of the site. There is scope to retain more trees and opportunities for additional planting. This will all help to assimilate the development on the site and into its suburban surroundings.

The new building is set down into the site and is lower than Penrose House,

being screened to a large part to views from Oxford Road by existing vegetation. The building lies 17 metres from the carriageway at Oxford Road and although set in front of Penrose House by about 10 metres it is considered that the new development will appear subsidiary and respectful to the prominent setting of Penrose House.

The majority of recent residential development in the area is indeed two-storey in height but Penrose House and other established buildings in the area around Hightown Road are more substantial and I do not consider that a refusal would be justified on the basis that the new building is 11 metres or three storeys in height, particularly bearing in mind the advice in PPG3 to make the most efficient use of land.

PPG3 does indicate that design and layout should be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality, including the local pattern of streets and spaces, materials and building traditions, whilst recognising that new building technologies are capable of delivering acceptable built forms, which may be more efficient.

The design of the new building draws upon elements of Penrose House with its varying gables, principal roof form and other features without seeking to simply copy its overall appearance. The design incorporates matching brickwork, roof tiles, stone string courses, stone window detailing, bays, window styles and other features in an attempt to be sympathetic to Penrose House and its surroundings. The octagonal glazed bay window on the north west elevation reflects the projecting bay opposite whilst the curved elevation to the south east elevation is a response to the positioning and spread of the copper beech tree whilst producing an interesting façade to this part of the development.

On this basis, it is considered that the proposal satisfies PPG3 but also Policy G2 of the Oxfordshire Structure Plan and Policies C28 and C30 of the adopted Cherwell Local Plan.

### **Parking**

The proposed layout provides 31 car parking spaces for 24 units, which is equivalent to 130% parking as opposed to the 150% sought by the Highway Authority (36 spaces). More car parking could be provided within the site but this would be at the expense of landscaping and amenity space and would not be in the optimum location for parking from either a crime prevention or a highway safety viewpoint. Indeed four spaces were removed from the Hightown Gardens frontage to retain the existing landscape in this location even though 3 of those spaces already have planning permission as part of a consent to extend the offices at Penrose House.

The site is however close to Sainsbury's Superstore, the Horton Hospital, bus routes and has good footway and cycleway access to the town centre. The further views of the Highway Authority have been sought on the additional information supplied by the applicants' agents and any response will be reported at the Committee Meeting.

I can understand the concerns of local residents, which appears to arise principally from on-street parking caused by visitors to the adjacent Hightown

Surgery and the Horton Hospital. Whilst it is important to ensure that any residential development provides adequate car parking facilities for the occupiers' own needs, any additional on-street parking should be discouraged by the lack of available space in the locality or the parking restrictions currently in force in Hightown Leyes and Hightown Gardens.

Government advice in both PPG3 and PPG13 is aimed at reducing reliance on the private car by locating housing developments along public transport corridors and ensuring that all developments are accessible by a range of non-car modes. The site has reasonably good accessibility and there is potential for journeys to the town and other amenities by means other than the car.

PPG3 states that developers should not be required to provide more car parking than they or potential occupiers might want and should allow housing developments with limited off-street car parking in areas with good public transport accessibility and where effective on-street car parking control is present or can be secured. Hence, it is considered that parking is adequate in relation to PPG3 and PPG13 and Policies TR2 and TR5 of the adopted Cherwell Local Plan and Policy TR18 of the Oxfordshire Structure Plan.

### **Traffic Generation**

The figures provided by the applicants' agents show that the level of traffic generation between the existing offices (daily trips average 134 movements) and the proposed residential use (144 movements) is very similar. Therefore there is no evidence to suggest that the proposal will generate a significant increase in vehicular movements. The Highway Authority raises no objection on traffic generation grounds and therefore it is not considered that a refusal could be justified on traffic generation grounds.

### **Effect on Neighbouring Properties**

As indicated earlier, the development would inevitably result in a change to the appearance of the site, with a substantial building on a site currently devoid of any built structures. The outlook across the site, particularly for No 23 Hightown Leyes will be altered, but this property mainly faces the copper beech tree, which is to be retained and sits at an angle to the new building with another substantial copper beech tree alongside.

The relationship between the new building and the Hightown Surgery is satisfactory albeit that the new flats will be taller than the single and low two-storey surgery building.

There will be some loss of aspect and the feeling of spaciousness will be reduced but there are a number of mature trees including the copper beech, in the area, which at this time of the year affect daylight and sunlight across the site and to neighbouring properties.

The proposed new building is situated about 22 metres away from the nearest residential property and it is considered that at this distance it will avoid any undue overshadowing and loss of privacy. As such it is felt that the proposal satisfies Policy C30 of the adopted Cherwell Local Plan.

### **Effect on Trees**

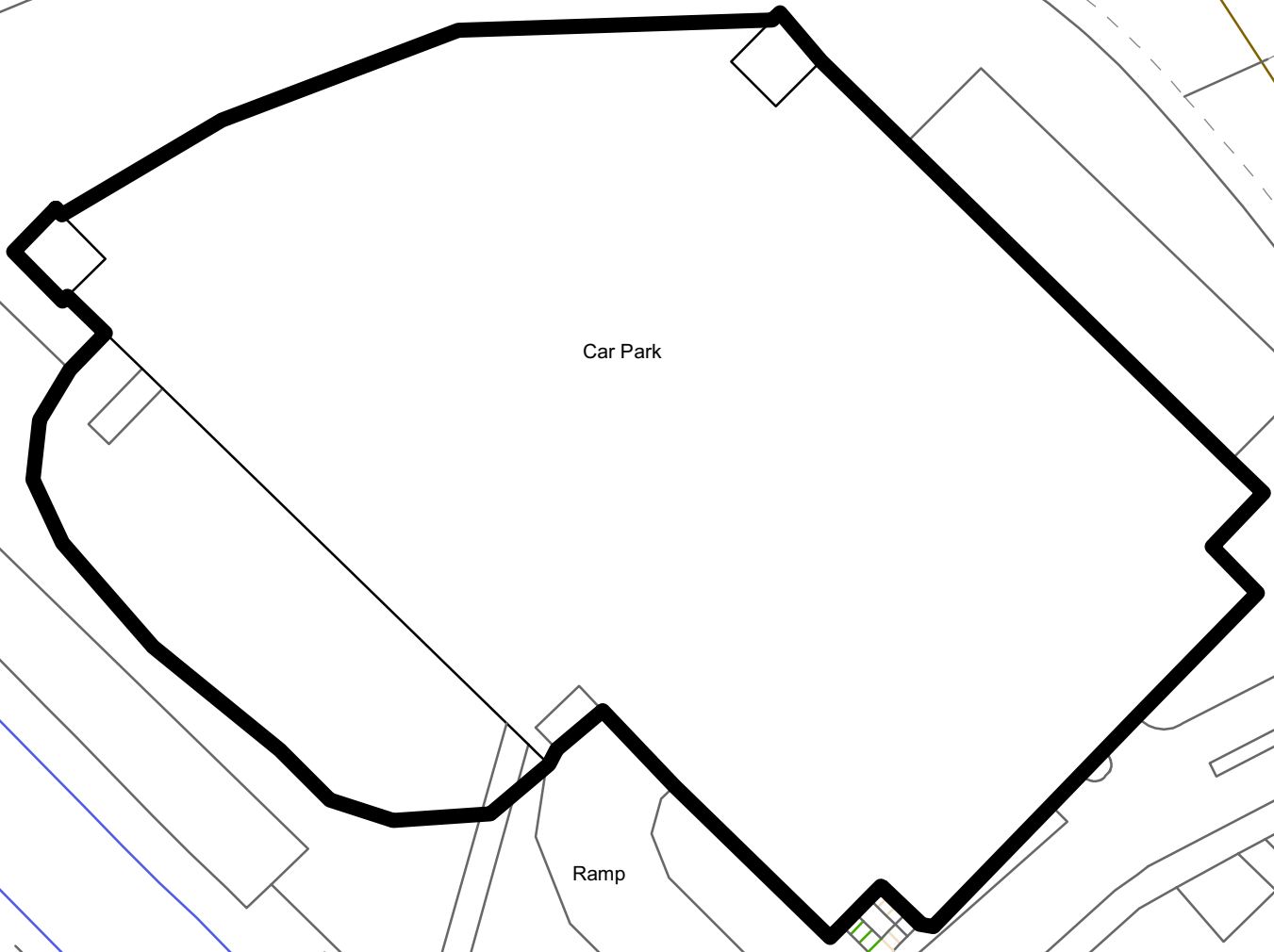
The impact of the proposal on trees on the site is considered to be acceptable, subject to further assessment of a number of trees alongside Hightown Leyes which it appears could be retained and not removed. The development results in the loss of 12 trees and a row of about 10 smaller elder trees. It would appear that 3 or 4 further trees could be kept to minimise tree loss. The main copper beech tree is to be retained and the health of this tree should be improved by the removal of hard surfacing from the car park near to its canopy. It is felt that at 12 metres away the building is now far enough away from the tree not to compromise its future health and viability.

The width of the landscaped area along Oxford Road is between 5 and 9 metres, which offers the scope to mitigate the visual impact of the proposal and compensate for the tree loss. This space should also ensure a healthy growing environment for the retained trees as well as the replacement hornbeam trees for the TPO trees removed recently. Such landscaping should provide an appropriate landscape setting for Penrose House, the new building and character and appearance of the street scene.

### **Conclusion**

Overall, it is considered that the proposal satisfactorily addresses the concerns and criticisms of the earlier withdrawn application. Although the application has given rise to a number of objections it is not considered that a refusal could be justified given the nature of the proposal and Government advice contained in PPG3 and PPG13.

The application is therefore recommended for approval, subject to a Section 106 Legal Agreement to secure appropriate contributions towards meeting the infrastructural requirements of the development. Advice on these requirements is awaited and they would be the subject of negotiation and agreement. They are likely to include financial contributions equivalent to the provision of a local area of play on the site and towards off-site outdoor sports facilities, education and library provision but not affordable housing as the site is below the threshold.



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Club  
**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

11/00057/F



**Scale**  
**1:15,000**

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application</b> 11/00057/F	<b>No:</b>	<b>Ward:</b> Banbury Grimsbury and Castle	<b>Date</b> 13/01/2011	<b>Valid:</b>
<b>Applicant:</b>	Scottish Widows PLC & Scottish Widows Unit Funds Ltd			
<b>Site Address:</b>	North Car Park, Castle St, Banbury			

**Proposal:** Extension of time-limit to 05/02419/F – Renewal of condition 1 of 00/02486/F (construction of an extra storey on existing car park) to allow the permission to remain in existence for a further period of 5 years

## 1. Site Description and Proposal

- 1.1 The application site is the North Car Park serving the Castle Quay Shopping Centre in Banbury Town Centre. It sits opposite a similar car park which is currently one storey taller than this site.
- 1.2 The proposal is for an extension of the time limit, originally attached to 00/02486/F, also renewed in 2005 under 05/02419/F, to allow the provision of an extra storey on top of the existing car park. Were this consent to be implemented, the proposal would add 124 extra spaces, bringing the total available spaces in the North car park to 424. Materials, finishing and design (including the stair towers) are proposed to match the existing.
- 1.3 The Report to Committee relating to the 2005 application is attached to this report as an Appendix.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a press notice, site notices and neighbour letters. The final date for comments was 24 February 2011.
- 2.2 No third party contributions were received.

## 3. Consultations

- 3.1 Banbury Town Council – no objections
- 3.2 County Highways Liaison Officer – no objections, subject to the re-imposition of appropriate conditions
- 3.3 Thames Water – no objections
- 3.4 British Waterways – no objections, request planning note
- 3.5 Environment Agency – no objections, request planning note
- 3.6 Building Control – no comments

## 4. Relevant Planning Policies

- 4.1 National Policy Guidance:  
PPS1: Delivering Sustainable Development  
PPS5: Planning for the Historic Environment  
PPG13: Transport  
PPS25: Development and Flood Risk
- 4.2 Regional Policy in the South East Plan 2009:  
CC1 – Sustainable Development  
BE1 – Management for an Urban Renaissance  
T4 - Parking
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:  
Policy C28 – Layout, design and external appearance to be compatible with the character of the context of a development proposal  
Policy C29 – Appearance of development adjacent to the Oxford Canal  
ENV1 – Development likely to cause detrimental levels of pollution

## 5. Appraisal

- 5.1 As an extension of time application, the key issue to consider is whether there has been any material change in circumstances since the previous approval.
- 5.2 The opinion of SDPHE is that there has been no such change in circumstances; shifts in the Policy context have not affected the acceptability of the proposal, nor has the construction of the replacement Spiceball Centre.
- 5.3 The proposed building will be more prominent than the existing car park, but given the context, it is not considered to have an adverse impact on the visual amenity of the area.
- 5.4 The proposal is also not considered to be detrimental to the free flow of traffic and highway safety.
- 5.5 As such, the proposal is considered to comply with all relevant national, regional and local policies and is recommended for approval.

## 6. Recommendation

### Approval, subject to the following conditions;

- 1) SC 1\_4A (Time for implementation – NB **5 years**)
- 2) SC 2\_6AA (Materials to match)
- 3) That the proposed metal work shall be painted dark green (RAL 6005). Reason – To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with government advice in PPS1: Delivering Sustainable Development and Policies C28 and C29 of the adopted Cherwell Local Plan 1996.
- 4) That the proposed timber cladding shall be stained to match the existing timber cladding on the car park. Reason – To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with government advice in PPS1: Delivering Sustainable Development and Policies C28 and C29 of the adopted Cherwell Local Plan 1996.

- 5) That prior to the commencement of the development, full details of the means of drainage shall be submitted to and approved in writing by the Local Planning Authority and the approved drainage scheme shall be implemented prior to the first use of the additional parking created. Reason – To ensure that the development is served by proper arrangements for the disposal of surface water and to comply with government guidance in PPS25: Development and Flood Risk, and Policy ENV1 of the adopted Cherwell Local Plan 1996.
- 6) That prior to the first use of the additional parking created, additional disabled parking spaces shall be provided on the ground floor of the car park in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority and such spaces shall be retained thereafter. Reason – To ensure that sufficient disabled parking spaces are provided for the shopping centre in accordance with Policy T4 of the South East Plan 2009.

#### **Planning Notes**

- 1) T1 – Third party rights
- 2) The Environment Agency advises the applicant to sign up to their flood warning direct service to ensure that the car park is closed during a flood event. This will stop vehicles being damaged during a flood event and users becoming stranded. Please visit their website for further information: <http://www.environment-agency.gov.uk/homeandleisure/floods/38289.aspx>
- 3) British Waterways have advised that the applicant should contact their third party works engineer, Neil Owen (07824 623 812) in order to ensure that any necessary consents are obtained and the works are compliant with British Waterways' 'Code of Practice for Works affecting British Waterways'.

#### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of its surroundings, including the historic significance of the Oxford Canal and has no undue impact on highway safety. As such, the proposal is in accordance with government guidance set out in PPS1: Delivering Sustainable Development, PPS5: Planning for the Historic Environment, PPG13 – Transport and PPS25: Development and Flood Risk. In addition, the proposal is considered to be in accordance with Policies T4 of the South East Plan 2009 and Policies C28, C29 and ENV1 of the adopted Cherwell Local Plan 1996. For the reasons given above and having proper regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to the conditions set out.

**CONTACT OFFICER:** Simon Dean

**TELEPHONE NO:** 01295 221814

**North Area Planning Committee**

**19 January 2006**

**PREVIEW : PART II - Approvals**

05/02419/F

09 12 05

**Banbury - North Car Park Castle Street Banbury**

**Renewal of condition 1 of 00/02486/F (construction of an extra storey on existing car park) to allow the permission to remain in existence for a further period of 5 years.**

For Scottish Widows PLC And Scottish Widows Unit Funds Ltd c/o  
Turley Associates Apsley House 35 Waterloo Street Birmingham B2 5TJ

**RECOMMENDATION**

**Approval**, subject to

- 1 1\_4 Full Duration Limit (RC2)
- 2 2\_6 Materials to Match Existing (RC5)
- 3 The colouring of the proposed metalwork shall be painted dark green (RAL 6005) Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy G2 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan
- 4 The proposed timber cladding shall be stained green to match the existing timber cladding on the car park Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy G2 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan
- 5 That prior to the commencement of the development full details of the means of drainage shall be submitted to and approved in writing by the Local Planning Authority and the approved drainage scheme shall be implemented prior to the first use of the additional storey Reason - To ensure that the development is served by proper arrangements for the disposal of surface water and to comply with Policy EN8 of the Oxfordshire Structure Plan 2016 and Policy ENV1 of the adopted Cherwell Local Plan
- 6 Prior to the first use of the extra storey additional disabled parking spaces shall be provided on the ground floor of the car park in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority and such spaces shall be retained thereafter Reason - To ensure that sufficient disabled parking spaces are provided for the shopping centre and in accordance with Policies TC2 and TC8 of the Oxfordshire Structure Plan 2016 and Policy TR2 of the adopted Cherwell Local Plan

**SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise The development is considered to be acceptable on its planning

merits as the proposal pays proper regard to the character and appearance of its surroundings and has no undue adverse impact upon highway safety. As such the proposal is in accordance with Policies G2 and T8 of the Oxfordshire Structure Plan 2016 and Policies TR2 and C28 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

### **CONSULTATIONS/REPRESENTATIONS**

Town Council No comment to date

Highway Authority No objections

Chief Engineer No objections but refer to OCC in case they require an updated Traffic Impact Assessment

Thames Water There are public sewers crossing this site, therefore no building will be permitted within 3m of the sewers without Thames Water's approval. A Trade Effluent Consent will be required for any trade effluent discharge. Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local water courses.

### **HPDS' ASSESSMENT**

The application seeks to renew the planning permission granted under application 00/02486/F to erect an additional storey on the top of North Car Park. An additional 124 spaces are to be provided overall taking into account the spaces lost to provide a ramp to access the additional deck. The additional deck is to be of the same design and constructed from the same materials as the existing car park. The stair 'towers' will also reflect the existing towers.

The additional deck was required to provide car parking spaces in lieu of those originally proposed within the Meadows Car Park required by the legal agreement for the Castle Quay Shopping Centre development approved under applications CHN 205/94 and 96/000923/F.

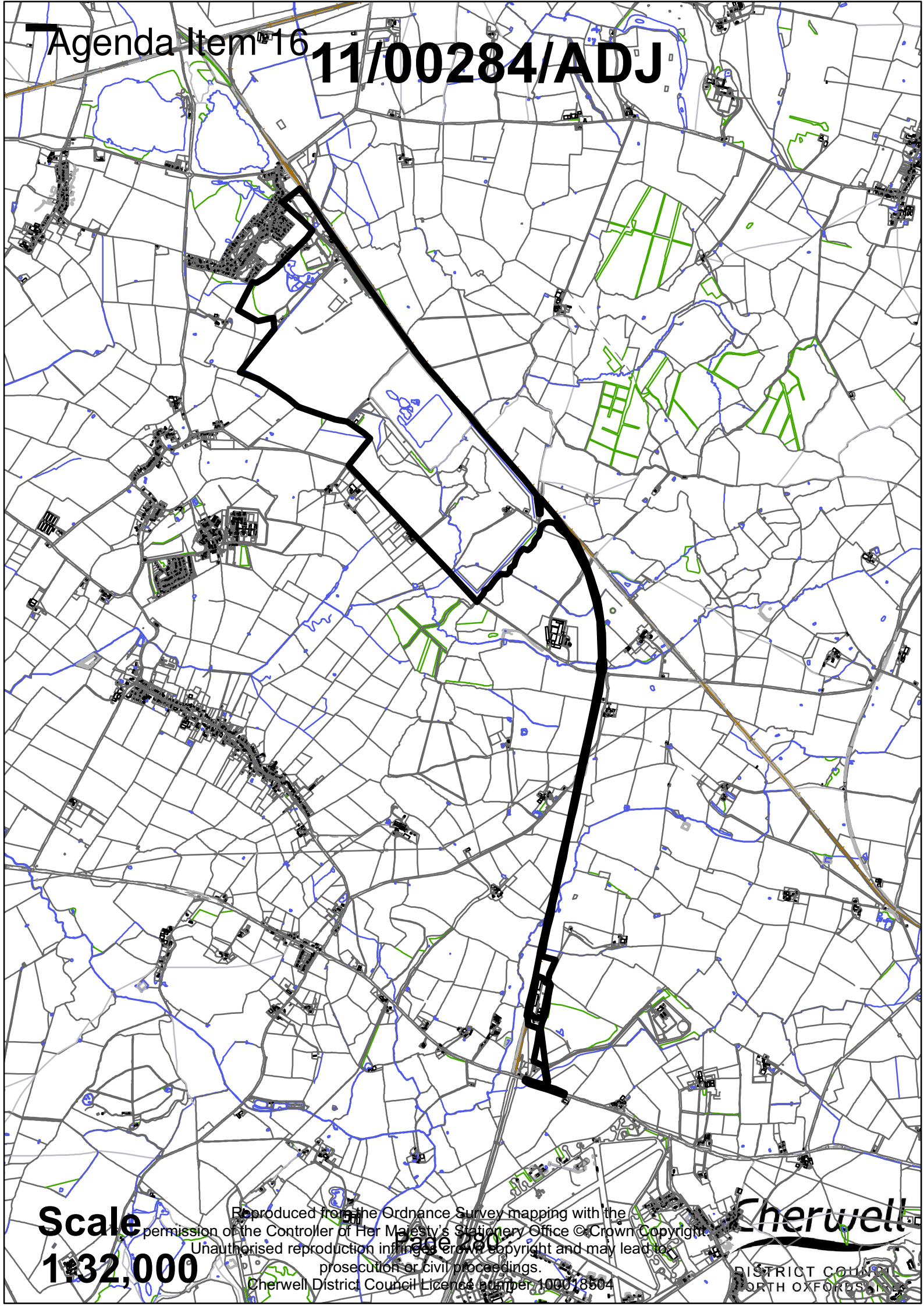
Application 03/00300/OBL which sought to modify the section 106 legal agreement relating to CHN205/94 to permit the provision of 1155 car parking spaces (as existing) instead of the 1330 car parking spaces required by the legal agreement was approved in April 2003. There is no need therefore for the additional deck to comply with the legal agreement, however the additional spaces would, if provided, help to relieve congestion at the busiest times.

The building will be more prominent than the existing structure but the additional deck is not considered to have an adverse impact on the visual amenities of the area. It is also not considered to be detrimental to the free flow of traffic and highway safety.

As such the proposal is considered to comply with Policies TR2 and C28

of the adopted Cherwell Local Plan Furthermore the Non-Statutory Cherwell Local Plan 2011, approved by the Council as interim planning policy for development control purposes on 13 December 2004 contains similar policies relating to design considerations and highway safety Therefore the proposal is in accordance with this Interim Policy

The application is recommended for approval



**Scale**  
**1:32,000**

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDS

<b>Application No:</b> 11/00284/ADJ	<b>Ward: Outside</b> <b>Cherwell Area</b>	<b>Date Valid: 21/02/11</b>
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<b>Applicant:</b>	Waste Recycling Group Ltd - Mr Mike Abbott
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<b>Site Address:</b>	Calvert Landfill Site Brackley Lane Calvert Oxfordshire
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**Proposal:** Energy from waste facility; incinerator bottom ash processing; air pollution control residue treatment; access road from A41, revision to pit 6 restoration contours and restoration scheme, surface water management and habitat management and the application is accompanied by an Environmental Statement - Ref 11/20000/AWD

## 1. Site Description and Proposal

- 1.1 The proposed development consists predominantly of the erection a energy from waste facility, including associated access road, surface water and habitat management, and a revision to restoration contours. The site is located approximately 6300 metres from the edge of the Cherwell District at its approximate closest point.
- 1.2 The site forms part of an extensive area of land that has planning permission for clay extraction, followed by backfilling with waste. Currently the site is in agricultural use. The energy from waste site would measure approximately 9.6 hectares, with the footprint of the building occupying 8746 square metres. The dimensions of the building would be 204 metres in length and a width varying between 54 metres and 72 metres. The height of the building would also vary, being 15 metres at its lowest point and 52 metres at its highest, with the exception of the stack that would reach a height of 95 metres.
- 1.3 The applicant has proposed a curved roof design with a choice of colours intended to 'camouflage' the building within the landscape; green, pale grey and grey, with anthracite lower and ground level elements.

## 2. Application Publicity

- 2.1 The application is being dealt with my Buckinghamshire County Council and they will be undertaking all relevant consultations. Cherwell District Council is a consultee only.

### 3. Appraisal

- 3.1 The key issue is the impact of the proposed development upon the Cherwell District.
- 3.2 The SDPHE considers that the facility has the potential to affect the Cherwell District in two ways; environmental pollution and visual amenity.
- 3.3 Matters of pollution (odour, noise and dust) would be handled by Buckinghamshire County Council and the Environment Agency and whilst these are possible implications of the development, the SDPHE does not consider that it is the place of Cherwell District Council to seek to control these matters. Further, Government guidance contained within PPS 23 that states, *“The planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.”*
- 3.4 It is clear that the proposed facility would represent a significant alteration to the landscape due to both the footprint and height of the building and associated works. At 95 metres at the highest point above ground level, the stack would be visible from various viewpoints, and potentially from vantage points within the Cherwell District. However, due to the distance separating the site from the boundary of the District, the SDPHE does not consider that it would represent an overly prominent feature of the landscape or that it would result in significant detriment to the visual amenity of the Cherwell District.

### 4. Recommendation

The SDPHE therefore recommends that **no objection** is raised to the proposed development subject to the imposition of relevant conditions to prevent environmental pollution.

**CONTACT OFFICER: Gemma Dixon**

**TELEPHONE NO: 01295 221827**

## Planning Committee

### Decisions Subject to Various Requirements – Progress Report

24 March 2011

### Report of Strategic Director Planning, Housing and Economy

#### PURPOSE OF REPORT

This report aims to keep members informed upon applications which they have authorised decisions upon to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

This report is public

#### Recommendations

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The Planning Committee is recommended to:

- (1) Accept the position statement.

#### Details

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**The following applications remain outstanding for the reasons stated:**

Subject to Legal Agreement with Cherwell District Council

- 1.1 01/00662/OUT Begbroke Business and Science Park, Sandy Lane, Yarnton

Subject to legal agreement re:off-site highway works, green travel plan, and control over occupancy now under discussion. Revised access arrangements refused October 2008. Appeal dismissed. Pre-application meetings held in August and October. Meeting held 1/12/10. Application received. To Committee for consideration in April

09/00171/OUT (17.7.08)	Pow Wow Water Site, Langford Lane, Kidlington Subject to agreement re transport infrastructure payments.
10/00640/F	Former USAF housing South of Camp Rd, Upper Heyford Subject to legal agreement concerning on and off site infrastructure and affordable housing
10/00664/F (12.8.10)	Former Dashwood School, Marlborough Place, Banbury Subject to legal agreement re off-site infrastructure contributions. Draft agreement prepared
10/00765/F (9.9.10)	Land SW Wickes, Launton Rd. Bicester Subject to legal agreement re public art and off-site highway infrastructure. Draft agreement with other side
10/00806/OUT (12.6.10)	Land at Arncott Hill Farm Buchanan Rd. Arncott Subject to legal agreement re affordable housing and on-site/off-site infrastructure contributions; comments of Environment Agency and departure procedures. Agreement drafted
10/00807/OUT (12.6.10)	Land SW Orchard Close, Arncott Subject to legal agreement re affordable housing and on-site/off-site infrastructure contributions; comments of Environment Agency and departure procedures. Agreement drafted
10/00967/OUT (9.9.10)	Oak Farm, Milcombe Subject to legal agreement concerning affordable housing and on-site/off-site contributions. Draft agreement with other side
021/F	Otmoor Lodge, Horton-cum-Studley Subject to legal agreement concerning building phases and interim appearance. Draft agreement prepared
10/01302/F (4.11.10)	Land south of Bernard Close, Yarnton Subject to legal agreement concerning on and off site infrastructure and affordable housing

10/01816/Hybrid      Land east of Dorcas Rd. Banbury  
 Subject to legal obligation re transportation contributions and departure procedures

10/01823/OUT      Land south of Overthorpe Rd, Banbury  
 Subject to legal obligation re transportation contributions and departure procedures

**Implications**

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**Financial:**      There are no additional financial implications arising for the Council from this report.  
 Comments checked by Joanne Kaye, Service Accountant 01295 221545

**Legal:**      There are no additional legal implications arising for the Council form this report.  
 Comments checked by Nigel Bell, Team Leader-Planning & Litigation 01295 221687

**Risk Management:**      This is a monitoring report where no additional action is proposed. As such there are no risks arising from accept the recommendation.  
 Comments checked by Rosemary Watts, Risk and Insurance Manager 01295 221560

**Wards Affected**

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All

**Document Information**

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Appendix No	Title
-	None
<b>Background Papers</b>	
All papers attached to the planning applications files referred to in this report	
<b>Report Author</b>	Bob Duxbury, Development Control Team Leader
<b>Contact Information</b>	01295 221821 bob.duxbury@Cherwell-dc.gov.uk

# Agenda Item 18

## Planning Committee

### Appeals Progress Report

24 March 2011

### Report of Strategic Director, Planning Housing and Economy

#### PURPOSE OF REPORT

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

This report is public

#### Recommendations

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The meeting is recommended to:

- (1) Accept the position statement.

#### Details

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##### New Appeals

- 1.1 **10/01316/F – Langford Park Farm, London Road, Bicester** – appeal by Leda Properties Ltd against the refusal of planning permission for engineering works comprising lowering of land to allow 1:100 year plus climate change flooding – Hearing
  
- 1.2 **09/01592/OUT – Land south of Talisman Road, adjacent London Road, Bicester** – appeal by Leda Properties Ltd against the refusal of outline planning permission for Residential development for 140 no. dwellings with associated parking, access and public open space- Hearing

- 1.3 **10/01611/F – 9 The Closes Kidlington** – appeal by Mr G Durand and Miss H Ferguson against the refusal of planning permission for a single storey at first floor and two storey side extensions and loft conversion- Householder Written Reps
- 1.4 **10/01720/F – 72 Daimler Avenue Banbury** – appeal by Mr Michael Furey against the refusal of planning permission for 3no. walls to front of property (retrospective) – Householder Written Reps
- 1.5 **10/00336/EUNDEV – Eco Fridge UK Ltd, Unit 2 Wedgewood Road, Bicester-** appeal against the service of an enforcement notice alleging a breach of planning control – Without planning permission, the erection of a perimeter fence and gates- Written Reps

**Forthcoming Public Inquiries and Hearings between 24 March 2011 and 21 April 2011**

- 2.1 **None**

**Results**

**Inspectors appointed by the Secretary of State have:**

- 3.1 **Dismissed the appeal by Miss J Wyatt against the refusal of application 10/01165/F for the retention of a boundary fence at 15 Heathcote Avenue, Banbury (Delegated)** – The Inspector stated “ Permitted development rights have been removed for front fences within this housing development to protect its open character and appearance. This appears to have been successful on the whole and resulted in an attractive development which has been softened by planting within front gardens. This solid timber fence, even if reduced in height and screened with planting, would erode the established character and appearance of the surrounding area to a harmful degree and conflict with adopted Cherwell Local Plan policy C28.”
- 3.2 **Dismissed the appeal by Matthew Hynes against the refusal of application 10/01399/F for the erection of 1.8m wooden fence to boundary at 21 Lawrence Way, Bicester (Delegated)** – In the Inspector’s view, the section of fence forward of the front elevation of No.21, is visually prominent when entering Lawrence Way from Shakespeare Drive because of its height and solid design. It appears in stark contrast to many of the much lower boundary treatments nearby and reduces the general open character and appearance here. While the rear section of the fence that screens the rear garden and driveway is acceptable, the front section has a significant detrimental effect on the character and appearance of the surrounding area and conflicts with adopted Cherwell Local Plan Policy C28. The front section could be significantly reduced in height and still prevent trespassers cutting across the front garden

- 3.3 **Dismissed the appeal by Brandon Gate Homes Ltd against the refusal of application 10/01220/F for 1 x 3 bedroom detached house at Land at Farriers Close, Fringford, Bicester (Delegated)**- The Inspector stated “that the appeal site creates a break in development here and is an important and integral part of its established character and appearance. The combination of the loss of the tree, which form an attractive copse and the introduction of a dwelling on this elevated site, would alter its character and appearance and that of the street scene to a significantly harmful degree, particularly when view from Rectory Lane.” With regard to the matter of archaeology, the Inspector found that insufficient information has been provided by the applicants to enable an adequate assessment of the impact of the proposal on archaeology at this stage
- 3.4 **Dismissed the appeal by Mr David Morgan against the refusal of application 09/01879/CLUE for a certificate of lawful use or development at the Lone Barn, Stoke Lyne, Bicester (Delegated)** – The Inspector considered that the conversion and extension of the appeal barn to form a single dwelling was not dependant upon the prior approval of a landscaping scheme. Therefore, condition 3 of CHS.129/88 regardless of how it is worded, is not a true condition precedent as it does not go to the heart of the permission, that is, something so important that commencement of development prior to the discharge of a particular condition must be regarded as unlawful. Failure to comply with condition 3 amounted to a breach of condition, which could have been enforced against, but did not render the entire barn conversion and extension unlawful. The Inspector concluded that the Council’s refusal to grant a certificate of lawful use or development in respect of the use of Lone Barn as a single dwellinghouse and surrounding land as residential curtilage was well founded and that the appeal should fail.

## **Implications**

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**Financial:** The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by Joanne Kaye, Service Accountant 01295 221545

**Legal:** There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by Nigel Bell, Team Leader- Planning & Litigation 01295 221687

**Risk Management:** This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by Rosemary Watts, Risk and Insurance Manager 01295 221566

**Wards Affected**

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All

**Document Information**

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<b>Appendix No</b>	<b>Title</b>
-	None
<b>Background Papers</b>	
All papers attached to the planning applications files referred to in this report	
<b>Report Author</b>	Bob Duxbury, Development Control Team Leader
<b>Contact Information</b>	01295 221821 bob.duxbury@Cherwell-dc.gov.uk