

Committee: Planning Committee
Date: Thursday 6 October 2011
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

| | |
|---|---|
| Councillor Rose Stratford (Chairman) | Councillor Alastair Milne Home (Vice-Chairman) |
| Councillor Ken Atack | Councillor Fred Blackwell |
| Councillor Colin Clarke | Councillor Tim Emptage |
| Councillor Mrs Catherine Fulljames | Councillor Michael Gibbard |
| Councillor Chris Heath | Councillor David Hughes |
| Councillor Russell Hurle | Councillor Mike Kerford-Byrnes |
| Councillor James Macnamara | Councillor George Parish |
| Councillor D M Pickford | Councillor G A Reynolds |
| Councillor Trevor Stevens | Councillor Lawrie Stratford |

Substitutes

| | |
|--|--------------------------------------|
| Councillor Maurice Billington | Councillor Kieron Mallon |
| Councillor Norman Bolster | Councillor Leslie Sibley |
| Councillor Paul O'Sullivan | Councillor O'Sullivan |
| Councillor Diana Edwards | Councillor Nicholas Turner |
| Councillor Andrew Fulljames | Councillor Douglas Williamson |
| Councillor Timothy Hallchurch MBE | Councillor Barry Wood |

AGENDA

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

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

3. 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 - 21)

To confirm as a correct record the Minutes of the meeting of the Committee held on 8 September 2011.

Planning Applications

6. **Cherwell Valley Service Area, Junction 10 M40, Northampton Road, Ardley**
(Pages 24 - 54) **11/00524/F**

7. **Land and Buildings to the rear of 81-85 Sheep Street, Bicester, Oxon OX26**
6JS (Pages 55 - 59) **11/01132/CDC**

8. **Land and Buildings to the rear of 81-85 Sheep Street, Bicester, Oxon OX26**
6JS (Pages 60 - 64) **11/01133/CDC**

9. **Thames Valley Police HQ, Oxford Road, Kidlington, Oxfordshire, OX5 2NX**
(Pages 65 - 77) **11/01151/F**

10. **Paragon Fleet Solutions, Heyford Park, Camp Road** (Pages 78 - 96)
11/01247/F

11. **Silverstone Circuit, Towcester, Northamptonshire** (Pages 97 - 100)
11/01343/ADJ

Review and Monitoring Reports

12. **Decisions Subject to Various Requirements** (Pages 101 - 104)

Report of Development Control Team Leader

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.

Recommendations

The Planning Committee is recommended to:

- (1) Accept the position statement.

13. Appeals Progress Report (Pages 105 - 107)

Report of Development Control Team Leader

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.

14. Exclusion of Public and Press

The following report contains exempt information as defined in the following paragraphs of Part 1, Schedule 12A of Local Government Act 1972.

3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Members are reminded that whilst the following item has been marked as exempt, it is for the meeting to decide whether or not to consider it in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

Should Members decide not to make a decision in public, they are recommended to pass the following recommendation:

“That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.”

15. Bodicote Post Office - Update on Enforcement Action (Pages 108 - 111)

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

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or (01295) 221589 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 Natasha Clark, Legal and Democratic Services natasha.clark@cherwell-dc.gov.uk (01295) 221589

Sue Smith
Chief Executive

Published on Wednesday 28 September 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 8 September 2011 at 4.00 pm

Present: Councillor Rose Stratford (Chairman)
Councillor Alastair Milne Home (Vice-Chairman)

Councillor Ken Atack
Councillor Fred Blackwell
Councillor Tim Emptage
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor George Parish
Councillor D M Pickford
Councillor G A Reynolds
Councillor Trevor Stevens

Substitute Members: Councillor Barry Wood (In place of Councillor Lawrie Stratford)

Apologies for absence: Councillor Colin Clarke
Councillor Lawrie Stratford

Officers: John Hoad, Strategic Director - Planning, Housing and Economy
Bob Duxbury, Development Control Team Leader
Simon Dean, Planning Case Officer
Ross Chambers, Solicitor
Natasha Clark, Senior Democratic and Scrutiny Officer
Aaron Hetherington, Assistant Elections Officer

71 **Apologies for Absence and Notification of Substitute Members**

Please refer to information above.

72 **Declarations of Interest**

Members declared interests in the following agenda items:

6. Land Between Birmingham London Rail Line and Gavray Drive, Bicester.

Councillor D M Pickford, Personal, as a Member of Bicester Town Council which had been consulted on the application.

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council which had been consulted on the application.

7. 35 The Rydes, Bodicote.

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council which had been consulted on the application.

8. Penrose House, 67 Hightown Road, Banbury.

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council which had been consulted on the application.

10. Former J A Pye Oxford Ltd site, Langford Locks, Kidlington, OX5 1HZ.

Councillor Tim Emptage, Personal, as a Member of Kidlington Parish Council which had been consulted on the application.

13. Land at Station Road, Enslow.

Councillor Michael Gibbard, Personal, as the applicant was known to him.

14. 21 and 22 Portland Road, Milcombe, Banbury, Oxfordshire, OX15 4RL.

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council which had been consulted on the application.

15. 237 Balmoral Avenue, Banbury.

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council which had been consulted on the application.

20. Appeals Progress Report.

Councillor Mike Kerford-Byrnes, Personal, as the neighbour of the applicants referred to in paragraph 1.1 of the report.

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

The Chairman reported that no petitions had been received and that requests to address the meeting would be dealt with at each item.

74 **Urgent Business**

There was no urgent business.

75 **Minutes**

The Minutes of the meeting held on 11 August 2011 were agreed as a correct record and signed by the Chairman.

76 **Land Between Birmingham London Rail Line and Gavray Drive, Bicester**

The Committee considered a report which sought an extension of time limit for the implementation of the application 04/02797/OUT which was allowed at appeal for residential development in outline only with all matters reserved.

Dominic Woodfield, local ecologist, and David Redhead, Chairman Upper Thames Branch of Butterfly Conservation, addressed the Committee in opposition to the application.

David Keyse, applicant, addressed the Committee in support of the application.

The Committee considered the ecological impact of the development and noted that the application was outline and therefore further discussions with the applicant could take place.

In reaching their decision, the Committee considered the Officers' report, presentation, written update and the presentations of the public speakers.

Resolved

That application 10/01667/OUT be approved subject to:

- (a) The applicant entering into a planning obligation satisfactory to the District Council to link the existing Section 106 to this permission to secure the required financial contributions and other matters.
- (b) The following conditions:
 - (1) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application site plan drawing no. JJG014/101 submitted with the application.
 - (2) No development shall be started on any phase until full details of the siting, scale, design, layout and external appearance of all buildings, landscaping and all means of access within that phase, the provision of infrastructure and the laying out of open space, (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority. The reserved matters submissions shall be in accordance with the Approved Master Plan and Design Codes, unless otherwise approved in writing by the Local Planning Authority. (RC1)
 - (3) In the case of the reserved matters, application for the first reserved matters approval shall be made not later than the expiration of three years from the date of this permission and the last no later than five years from the date of this permission. (RC1)
 - (4) The development to which this permission relates shall be begun not later than whichever is the later of the following dates:

- a. the expiration of five years from the date of the grant of outline permission
 - b. 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 such matter to be approved.
- (5) No building on the site shall exceed 3 storeys in height.(RC7A)
- (6) The residential development shall be at a range of densities as set out in the Design Codes but at not less than 30 dwellings per hectare in any phase and to achieve an average density of not less than 35 dwellings per hectare across the site. (RC4A)
- (7) No more than 500 dwellings shall be built on the site. (RC8A)
- (8) A strategy for public consultation in respect of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This shall include details of the consultation process to be carried out whilst construction works are proposed, carried out and completed on the site including consultation on Design Codes, Master Plans, Ecological Construction Method Statement and reserved matter applications. The approved consultation strategy shall thereafter be implemented and complied with at all times unless any alteration or variation has first been agreed in writing with the Local Planning Authority. (RC4A)
- (9) That with the exception of an application for the approval of the detailed design and strategy of the surface water drainage and for the layout of the internal road network no other reserved matters applications shall be made or development commenced until the submitted Master Plan has been approved in writing by the Local Planning Authority. The Master Plan shall include:
- a. an overall layout plan showing the distribution of all principle land uses throughout the site, including residential, primary school, areas of open space, the retained County Wildlife Site, and the means of access thereto, including the general alignment of the access roads and principal pedestrian and cycle routes,
 - b. the character areas to be covered by Design Codes,
 - c. details of the landscape structure, mitigation planting and hedge/tree protection corridors, including a scheme for hedgerow retention/removal if proposed and agreed,
 - d. the phases and parcels of the development to which the Affordable Housing Parcel Scheme relate,
 - e. details of the foul, surface and land drainage from the site and the development including surface water control measures and balancing, sewers and connections,
 - f. the location of the neighbourhood equipped area of play (NEAP) and the boundaries and principal features of the flood plain area.
 - g. results of the ecological surveys carried out within the 12 months preceding its submission including how any harm to biodiversity has

been avoided, mitigated against and compensated for to result in a net enhancement to biodiversity.

Thereafter, the development shall be carried out in accordance with the approved Master Plan.

- (10) No reserved matters applications shall be made or development commenced until Design Codes for the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the Approved Design Codes. The Design Codes shall include:
- a. the character, mix of uses and density of each phase or parcel identified on the Master Plan to include the layout of blocks and the structure of public spaces,
 - b. the character and treatment of the perimeter planting to the development areas,
 - c. the building height, scale, form, design features and means of enclosure that will form the basis of the character of each phase or parcel,
 - d. the street form, hierarchy and features that will be used to restrict traffic speeds and create legibility and requirements for street furniture,
 - e. the approach to car/cycle parking within the phases and parcels and the level of car/cycle parking to be provided to serve the proposed uses,
 - f. the materials to be used within each character area,
 - g. the treatment of the hedge corridors and retained trees and local areas of play within each phase or parcel,
 - h. measures to ensure energy efficiency and compliance with BRE Eco Homes good/very good ratings,
 - i. measures to ensure the retention of the footpaths through the built development and their enhancement for walkers.
- (11) The Master Plan and Design Codes shall be submitted to the Local Planning Authority within 18 months of the date of this permission. (RC4A)
- (12) The Ecological Construction Method Statement (ECMS) shall be approved in writing by the Local Planning Authority prior to any work commencing on the site pursuant to this permission. All work on site shall thereafter be in accordance with the approved ECMS, unless any alteration or variation has first been agreed in writing by the Local Planning Authority. (RC85A)
- (13) An implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. This shall include the timing of the provision of mitigation planting, major infrastructure, access roads, laying out of the open spaces and the development of any proposed phases or parcels.
- (14) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment

(FRA) by JBA dated March 2010 and the following mitigation measures detailed within the FRA:

1. A flood storage compensation scheme shall be provided in accordance with Section 5 of the FRA.
 2. Finished floor levels shall be set no lower than 67.3m AOD, in accordance with Section 6.1.2 of the FRA.
 3. Ground levels within the developed areas which encroach into the 1 in 100 year flood extent with an allowance for climate change shall be raised to at least 67m AOD as set out in Section 6.1.1 of the FRA.
 4. The surface water drainage scheme shall include permeable paving, water butts and ponds as detailed in Section 6.2.2.
- (15) 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, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include an assessment of the capacity of the receiving drainage network.
- (16) No development on any phase or parcel shall commence until a scheme for disposal of surface water, including phased works and maintenance thereof, attenuation and storage and on-site balancing arrangements, reflecting current best practice for sustainable urban drainage, have been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved scheme.
- (17) No development shall take place within the site until the applicant has secured the implementation of a stage programme of archaeological investigation measures in accordance with a written scheme which shall be submitted to and approved in writing by the Local Planning Authority. The programme of work shall include all processing, research and analysis necessary to produce an accessible and usable archive and full report for publication. The work shall be carried out by a professional archaeological organisation acceptable to the Local Planning Authority.
- (18) No development shall commence until a scheme for the disposal of surface water, including phased works and the maintenance thereof, attenuation, storage and on-site balancing arrangements, reflecting current best practice for sustainable urban drainage, has been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved scheme. (RC67AA)
- (19) Prior to the commencement of the development details of any flood storage works shall be submitted to and approved in writing by the

Local Planning Authority and thereafter development shall take place in accordance with those approved details. (RC88A)

- (20) No development shall commence until a scheme for dealing with foul drainage from the site, including any phased works, has been submitted to and approved in writing by the Local Planning Authority. The foul drainage shall thereafter be carried out in accordance with the approved scheme. (RC23AA)
- (21) Details of the siting and design of the Local Areas of Play (LAPs) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development in any phase or parcel and thereafter provided in accordance with the approved details, prior to the occupation of any dwelling situated within 30 metres of the perimeter of the LAP. (RC92A)
- (22) Prior to the construction of any dwelling in any phase of the development a noise assessment, including any necessary mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any dwelling any necessary mitigation measures shall be completed in accordance with the approved assessment. (RC53AB)
- (23) Hedges and trees identified for retention shall be protected by a buffer zone on either side measured at least one metre beyond the existing canopy spread of the hedgerow and trees prior to any agreed pruning or reduction works. The buffer zone shall be fenced prior to any work on the phase or parcel taking place, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved fencing shall thereafter be retained during all construction activity. (RC73A)
- (24) That within 3 to 6 months before works commence on site a survey to check for badger activity shall be undertaken and a report of the findings and recommendations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved recommendations. (RC85A)
- (25) That within 3 to 6 months before works commence on site a survey to check for bat activity shall be undertaken and a report of the findings and recommendations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved recommendations. (RC85A)
- (26) No works of site clearance, demolition or construction shall take place unless or until an egg search survey report for White letter Hairstreak (survey to be carried out by Butterfly Conservation on behalf of the applicant in the November/ December preceding the submission of the survey report and covering the entire proposed development site and any accessible land within a 50m buffer and the report to include details of species & population present, potential impacts and how impacts will be avoided and mitigated and compensation and

enhancement measures) has been submitted to and approved in writing by Cherwell District Council. Any works must, thereafter, be carried out in accordance with the approved scheme.

- (27) A scheme for the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of each phase and shall thereafter be implemented in accordance with the agreed details. (RC87A)
- (28) Details of the location of all site compounds, access thereto and construction site parking, 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, accesses and parking shall be located and subsequently removed in accordance with the approved details. (RC91)
- (29) That prior to the first occupation of the development a scheme for the provision of street nameplates, including their location and full design details, shall be submitted to and approved in writing by the Local Planning Authority.
- (30) That prior to the first occupation of the development the street nameplate details approved under condition 29 shall be installed, retained and maintained in accordance with those details.

77

35 The Rydes, Bodicote

The Chairman advised the Committee that application 11/00819/F had been withdrawn by the applicant.

78

Penrose House, 67 Hightown Road, Banbury

The Committee considered a report for the Construction of 14 no. apartments including associated landscaping.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/00820/F be approved subject to:

- (i) The applicant entering into a planning obligation satisfactory to the District Council to secure financial contributions towards;
 - a) the provision and maintenance of outdoor sports facilities in the locality/town

- b) the improvement of education, library, community and waste 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.
- (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.
- (4) 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.
- (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.
- (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) 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.
- (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.
- (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.
- (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.
- (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.
- (12) That prior to the first occupation of the development hereby approved 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.

- (13) 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.
- (14) 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".
- (15) 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.
- (16) 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.
- (17) 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 and the materials and finishing details included therein.

79 **The Bell Inn, High Street, Hook Norton**

The Chairman advised the Committee that application 11/00894/F had been withdrawn by the applicant.

80 **Former J A Pye Oxford Ltd site, Langford Locks, Kidlington, OX5 1HZ**

The Committee considered a report for the erection of 4 no. two storey buildings for B1, B2 or B8 use with associated vehicle access and parking

Members of the Committee raised concerns about traffic movements. Members welcomed the proposal for B1 and B2 use which provided for a range of businesses and employment.

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

Resolved

That application 11/00906/F be approved subject to:

- (i) The applicant entering into a planning obligation satisfactory to the District Council to secure financial contributions towards;
 - transport infrastructure in Kidlington
 - improvement of the Oxford Canal towpath to be paid to British Waterways.
- ii) The imposition of the following conditions;
 - (1) SC 1_4A (Time limit for implementation)
 - (2) 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.
 - (3) 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 and landscape management of the site which shall include:
 - Tree and hedgerow protection measures
 - 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.
 - (4) 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.

- (5) 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 under condition no. 3 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.
- (6) 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.
- (7) Before the development is first occupied the access road, parking and manoeuvring areas shall be provided in accordance with the plan (D001-P4) hereby approved and shall be constructed, laid out, surfaced (bound material), drained (in accordance with SUDS) in accordance with full details which shall be submitted for the prior approval in writing of the Local Planning Authority and shall be completed and retained unobstructed except for the access, parking and manoeuvring of vehicles at all times.
- (8) That prior to the first occupation of the development hereby approved full details shall be submitted for the prior approval in writing of the Local Planning Authority of the 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 prior to the occupation of the development and retained unobstructed thereafter.
- (9) 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 drainage scheme shall incorporate oil interceptors in conjunction with permeable paving in the car parking areas. 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".

- (10) Prior to the commencement of the development and notwithstanding condition no. a further survey shall be carried out to investigate the presence or otherwise of water voles, the survey and results shall then be submitted to the Local Planning Authority and if water voles are found to be present alongside the site, appropriate mitigation measures shall be agreed and implemented prior to the commencement of development to ensure they are not disturbed during the course of the development works.
- (11) 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 shall be erected prior to the first occupation of the development.
- (12) That prior to the commencement of the development, full design details of the proposed lighting to fixed to the buildings or within the site shall be submitted to and approved in writing by the Local Planning Authority.
- (13) Prior to the commencement of development, a working method statement covering the diversion of the Thrupp Ditch culvert in accordance with Option 1 of the Drainage Strategy Report, Project No:170.0001/A (Nola Design, May 2011) and in particular Annex 6.14 (overlay on Drawing SK10 Rev P0), 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.
- (14) 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, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.
- (15) That prior to the occupation of the units hereby permitted full design details of any method of mechanical ventilation to be installed within the premises shall be submitted to and approved in writing by the Local Planning Authority. The ventilation system shall be installed and operated in accordance with the approved details thereafter.

- (16) That notwithstanding the approved plans and documents, units 24 – 30 (inclusive) shall not be used for the purposes of Class B8 of the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.
- (17) 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.
- (18) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Phase 1 Habitat Scoping Survey and Protected Species Assessment by CP Ecology dated June 2011 and Reptile Survey Report by CP Ecology dated July 2011 unless otherwise agreed in writing by the Local Planning Authority.
- (19) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the documents submitted with the application and the following drawings: M900P0, D002P2, D003P2, D004P2, D005P2, D006P2, D007P2, D009P2, D010P2 and amended drawing no. D001P4 received 26/08/11.
- (20) That the rated level of noise emitted from the site shall not background when measured in accordance with British Standard BS 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas at the nearest noise sensitive level.

81 **42 South Bar Street, Banbury**

The Committee considered a report for the conversion of existing offices to 13 no. apartments to include rear service area and bicycle store.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/00974/F be approved subject to

- (i) the applicant entering into a planning obligation satisfactory to the District Council to secure financial contributions towards;
 - ii) the provision and maintenance of outdoor sports facilities in the locality/town
 - iii) the improvement of education, library, community and waste facilities in the locality/town
- (ii) the imposition of the following conditions:
 - (1) SC 1_4A (Time limit 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.

82 **42 South Bar Street, Banbury**

The Committee considered a report for the conversion of existing offices to 13 no. apartments to include rear service area and bicycle store. The application was the tandem application to a major planning application (reference 11/00974/F).

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/00975/LB be approved subject to the following conditions:

- (1) SC 1_5A (Time for implementation specific to Listed Buildings)
- (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.
- (3) SC 5_7B (Making good in materials to match)
- (4) SC 5_5AA (Design details) "internal staircase"

83 **Land at Station Road, Enslow**

The Committee considered a report for the demolition of the existing buildings to be replaced with an office building near the entrance to the site, and 7 new residential dwellings.

Kevin Minns, the applicant, addressed the Committee in support of the application. Tony Saunders, Chairman of Bletchingdon Parish Council, addressed the Committee on behalf of The Bletchingdon Community Project in support of the application.

In considering the application, the Committee discussed whether it is complied with existing planning policies. Members noted that there were a series of proposals for reform of the planning system which would be introduced by the Localism Bill. The National Planning Policy Framework (NPPF), part of the governments programme for streamlining the planning system, favoured sustainable development, however as the Localism Bill had not yet been enacted it could not be given much weight and the application had to be considered in line with current planning policies.

In reaching their decision, the Committee considered the Officers' report, presentation, written update and the addresses of the public speakers.

Resolved

That application 11/01071/OUT be refused for the following reason:

- (1) Enslow is a Category 3 settlement as defined in the adopted Cherwell Local Plan. Policy H15 of the adopted Cherwell Local Plan states that within such settlements new residential development will be restricted to the conversion of non-residential buildings or where an essential need for agriculture, or other existing undertaking, can be established. It is the opinion of the Local Planning Authority that the proposal does not accord with these provisions and that it would be unsympathetic to its rural context, contrary to Government guidance contained within PPS3: Housing and Policies H15 and C28 of the adopted Cherwell Local Plan.
- (2) The proposal will result in the loss of a significant proportion of an employment site which can continue to make an important contribution to the economic development of the area. As a lack of need has not been established or no substantial and demonstrable planning benefit has been demonstrated, the proposal is contrary to Government advice contained within Policy EC12 of PPS4: Planning for Sustainable Economic Growth, Policy RE3 of the South East Plan 2009 and Policy EMP5 of the Non-Statutory Cherwell Local Plan 2011.
- (3) In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, other than the proposed contribution to Bletchington Parish Council, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, off-site playing pitches, off-site indoor sports facilities, education facilities, library facilities and transport measures will be provided. This would be contrary to Policy CC7 of the South East Plan 2009, Policies H5 and R12 of the adopted Cherwell Local Plan and Policies OA1, H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.

(Councillor Gibbard did not vote on this application as he had declared a personal interest)

84 **21 and 22 Portland Road, Milcombe, Banbury, Oxfordshire, OX15 4RL**

The Committee considered a report for the demolition of 2 No. buildings and to then erect five new dwellings on the site, along with an associated access drive and parking areas.

Jonathon Wright, agent for the applicant, spoke in support of the application.

The Committee considered if all of the reasons for the original refusal of the application had been adequately addressed and noted that the application before the Committee was different from the original application.

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

Resolved

That application 11/01081/F be approved subject to:

- (i) The comments of the Council's Ecologist.
- (ii) The following conditions:
 - (1) 1.4A (RC2) [Full permission: Duration limit (3 years)]
 - (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: application forms, design and access statement, information received with agent's email of the 17 August 2011 and drawing numbers 1167CCCD100 rev A, 1167CCCD102 rev A, 1167CCCD103, 1167CCCD201, 1167CCCD211 rev B, 1167CCCD212 rev A, 1167CCAB113 rev A (proposed first floor plans), 1167CCCD112 rev C.
 - (3) 2.0A (RC4A) [Details of materials and external finishes] insert 'dwellings' after 'finishes' insert 'including samples' at end add 'The development shall be carried out in accordance with the schedule and samples so approved.'
 - (4) 4.0AB (RC13BB) [Access, specification, proposed (as plan)] insert 'construction' 'dwellings'
 - (5) 4.12AA (RC14AA) [...Surface, laid out etc] insert 'access road'
 - (6) 4.13CD (RC13BB) [Parking and manoeuvring area retained]
 - (7) That a plan demonstrating the shared pedestrian access to be extended to join to the access road to the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details. (RC13BB)
 - (8) 2.10A (RC7A) [Floor levels] insert 'dwellings'
 - (9) 2.13AA (RC8A) [Demolition of buildings – before commencement of the development]
 - (10) 3.7AA (RC12AA) [Submit boundary enclosure details (more than one dwelling)]
 - (11) 3.0A (RC10A) [Submit landscaping scheme]

- (12) 3.1A (RC10A) [Carry out landscaping scheme and replacements]
- (13) 3.3AA (RC72A) [Scheme to be submitted to protect retained trees]
- (14) That the full details of the treatment of the gable of the retained dwelling at 20 Portland Road shall be submitted to and approved in writing prior to the commencement of the development. The development shall be carried out in accordance with the approved details. (RC4A)
- (15) Ecology condition as required by the Council's Ecologist
- (16) 6.2AA (RC32A) [Residential – No extensions]
- (17) 6.3A (RC33) [Residential – No new windows]

85 **237 Balmoral Avenue, Banbury**

The Committee considered a report for a single storey front extension. The application was presented to Committee as the applicant was related to a member of staff.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/01127/F be approved subject to the following 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 following plans and documents;
 - drawing 108/11/01 (submitted with the application)
 - drawing 108/11/02/A (submitted with the application)
 - the details set out in the application forms

86 **Tree Preservation Order (No.8/2011) Wellingtonia Tree at the Vicarage, Cropredy**

The Committee considered a report which sought the confirmation of an unopposed Tree Preservation Order (no.08/2011) relating to a Wellingtonia tree at The Vicarage, Cropredy.

Resolved

That Tree Preservation Order no. 08/2011 be confirmed without modification.

87 **Tree Preservation Order (No.09/2011) Norway Maple Tree at 17 Old School Close, Caversfield**

The Committee considered a report which sought the confirmation of an unopposed Tree Preservation Order (no.09/2011) relating to a Norway Maple tree at 17 Old School Close, Caversfield.

Resolved

That Tree Preservation Order no. 09/2011 be confirmed without modification.

88 **Quarterly Enforcement Report**

The Committee considered a report which informed and updated Members of the progress of outstanding formal enforcement cases.

The Committee expressed their thanks to the Enforcement Team for their hard work and noted that a number of cases would not be appearing on the next update as they had been complied with.

In response to Member questions about the travellers site at Mollington, the Development Control Team Leader confirmed that officers had held meetings with the occupiers of the site and matters were progressing.

Resolved

That the report be accepted.

89 **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.

90 **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.

The Committee expressed their disappointment at the Inspectors decision to allow the appeals by Leda Properties Ltd against the refusal of application 09/01592/OUT and considered the Inspector's conclusion.

Resolved

That the position statement be accepted.

The meeting ended at 6.30 pm

Chairman:

Date:

PLANNING COMMITTEE

6 October 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.

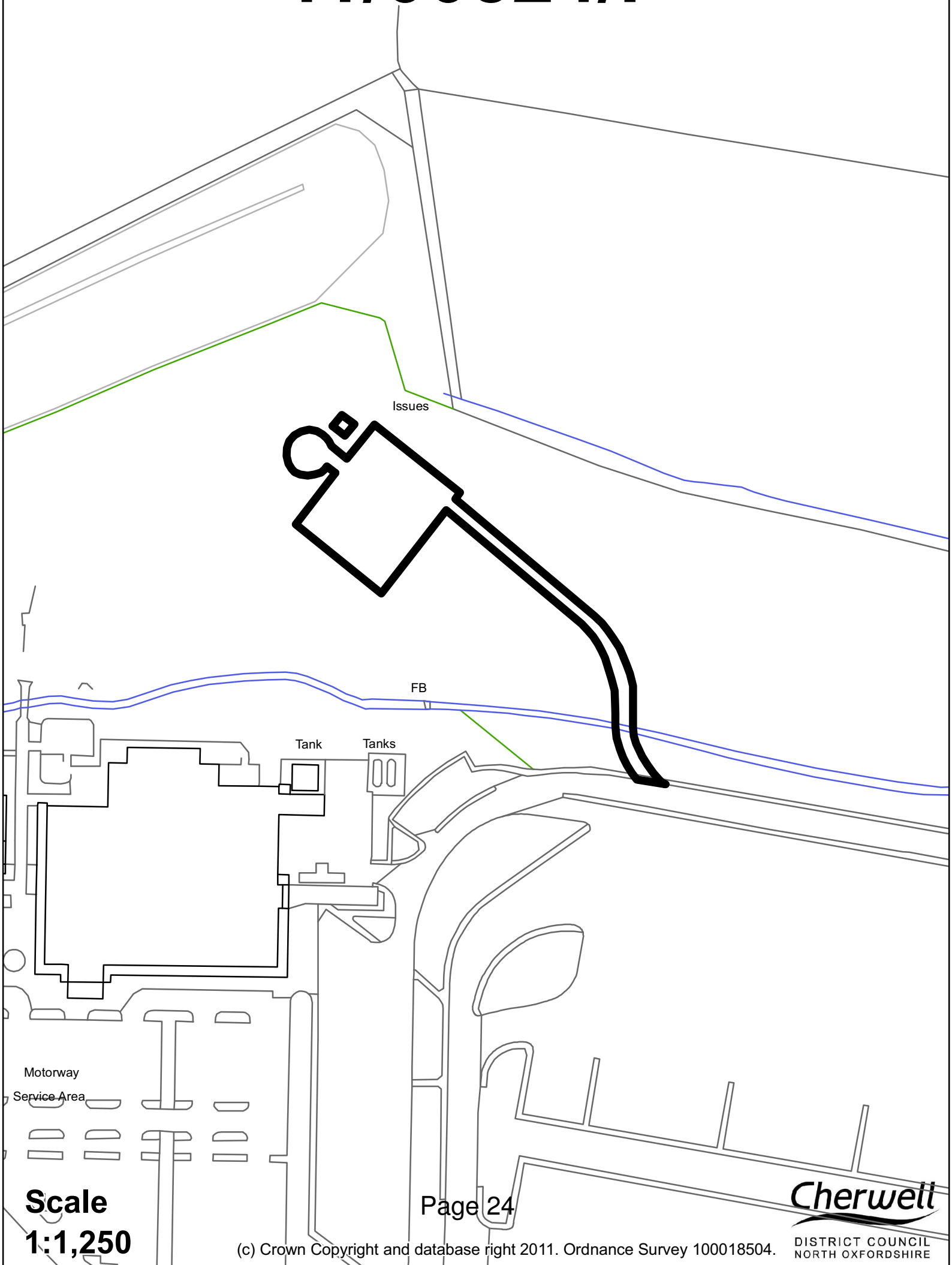
Background Papers

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

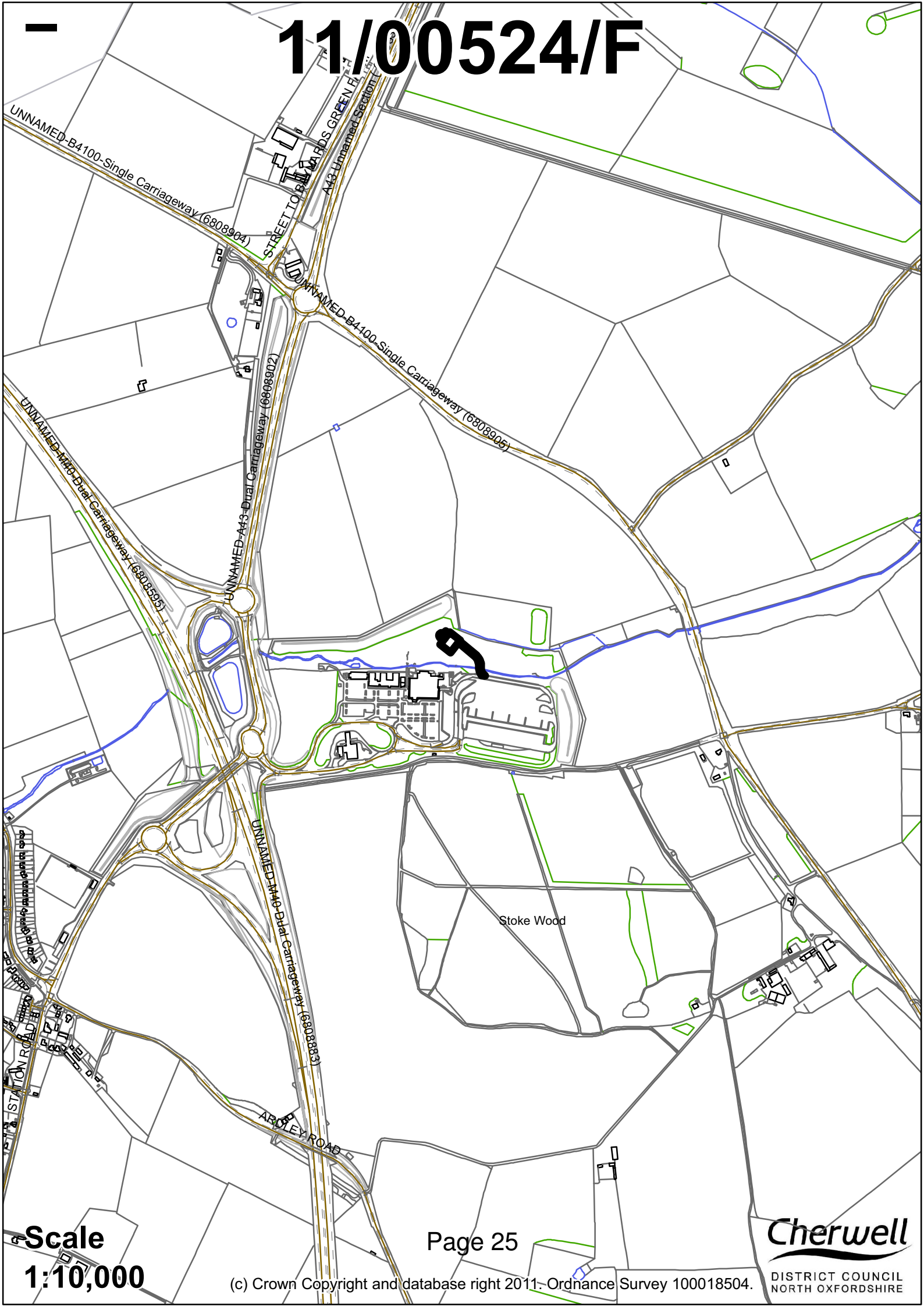
| | Site | Application No. | Ward | Recommendation | Contact Officer |
|----|---|------------------------|----------------------------------|---|------------------------|
| 6 | Cherwell Valley Service Area, Junction 10 M40, Northampton Road, Ardley | 11/00524/F | Caversfield | Approval | Caroline Roche |
| 7 | Land and Buildings to the rear of 81-85 Sheep Street Bicester Oxon OX26 6JS | 11/01132/CDC | Bicester Town | Approval | Michelle Jarvis |
| 8 | Land and Buildings to the rear of 81-85 Sheep Street, Bicester, Oxon OX26 6JS | 11/01133/CDC | Bicester Town | Approval | Michelle Jarvis |
| 9 | Thames Valley Police HQ, Oxford Road, Kidlington, Oxfordshire, OX5 2NX | 11/01151/F | Yarnton, Gosford and Water Eaton | Approval | Caroline Ford |
| 10 | Paragon Fleet Solutions, Heyford Park, Camp Road | 11/01247/F | The Astons and Heyfords | Approval | Andrew Lewis |
| 11 | Silverstone Circuit, Towcester, Northamptonshire | 11/01343/ADJ | Outside district | Advise South Northamptonshire Council that Cherwell District Council raises no objections | Laura Bailey |

Agenda Item 11/00524/F



Scale
1:1,250

11/00524/F



Scale
1:10,000

| | | |
|-----------------------------------|---|-----------------------------|
| Application No: 11/00524/F | Ward: Caversfield | Date Valid: 30/03/11 |
| Applicant: | Moto Hospitality Ltd | |
| Site Address: | Cherwell Valley Service Area, Junction 10 M40, Northampton Road, Ardley | |

Proposal: 1 No. 800kw wind turbine and associated works

1. Site Description and Proposal

- 1.1 The proposal is for the erection of 1 wind turbine and ancillary development including a short stretch of access track, an electronics enclosure, crane hardstanding and the erection of 1 no. temporary anemometer monitoring mast.
- 1.2 The turbine is proposed to have a hub height of 60 metres and a total height of 86.5 metres. This means that the rotor diameter is 53 metres. This compares to 84 metres height to hub and 125 metres total height for the 4 turbines approved on appeal at Ardley with Fewcott in July 2010. The turbine is proposed to be constructed in an area of open grass land located to the north of the service station buildings, but within the area controlled by Moto as the head lessee of the site. At either end of the open space are balancing ponds. The site is to the east of the M40 Motorway and A43, south and west of the B4100 and north of Stoke Wood.
- 1.3 The proposed main access to the site will utilise the existing access into the service area, but internally a new access track will run from the northern edge of the lorry park to the turbine.
- 1.4 A substation (electronics enclosure) is proposed. This accommodates a switchgear unit that transfers the electrical power from the turbine transformers to the electricity distribution system. The building is proposed to be approximately 3.5m by 5.2m in area and have a height of 3.9m. Its appearance is one of a typical pre-fabricated electricity cabinet and is to be located close to the turbine base. The submission sets out the hope that grid connections will be below ground to a new substation which was constructed at the time of the new services building which was designed to take account of the proposed turbine. In the event of this not being possible the connection may have to be to the substation at Ardley landfill site via a range of under and over ground lines. A condition was imposed on the Ardley with Fewcott appeal decision requiring that all connections were underground. A similar condition can be imposed for this development.
- 1.5 The monitoring mast is only proposed as a temporary structure for a period of up to 18 months and would be on approximately the same site as the proposed turbine. It would therefore be removed prior to the construction of the turbine. The mast would be a single mast secured by steel wires and would be 60 metres in height.
- 1.6 The site is not covered by any landscape designations but is in close proximity to conservation areas in Ardley, Fewcott and Stoke Lyne. Within these villages are also a number of listed buildings. There is also a listed building at Swifts House Farm approximately 1km from the site.
- 1.7 The closest properties to the turbine are at Swift House/The Lodge (at the entrance to Stoke Wood), approximately 660 metres from the turbine, Lone Barn (on the road to Stoke Lyne) approximately 770 metres from the turbine and the properties at Baynards Green, approximately 750 metres from the turbine. The closest properties in Ardley are located on Ardley Road at just over 1km away.

- 1.8 There are public rights of way that run close to the application site. Along the northern boundary of the site is bridleway 367/21. This appears to start/end to the west adjacent to the A43, run eastwards across the top of the site then runs south until it joins with bridleway 367/20. This second bridleway runs along the south of the service area and starts from the A43 and ends at B4100. Footpath 367/3 runs from the eastern boundary of the site towards the B4100, crosses it and continues to Stoke Lyne. There are other footpaths and bridleways in the vicinity.

2. Application Publicity

- 2.1 The application was publicised by way of press notice dated 29 April 2011 and site notices displayed in the following locations;
- a) Bridleway sign at Stoke Wood to north of Services
 - b) Access to Stoke Wood off B4100
 - c) Opposite the Old Rectory in Stoke Lyne
 - d) Lamp post by new services building
 - e) Public notice board at village hall in Ardley
- 2.2 2 letters/emails of objection have been received, including a letter from CPRE (Bicester and Ploughley District). Reasons for objecting include:
- Not a high wind speed site
 - Intrusive and alien development in sensitive farmland plateau and wooded estates landscape
 - Impact will be beyond well-shielded Motorway Service Area, accentuated by the moving blades
 - Well-populated and wide-open landscape interspersed with small villages will be sensitive to alien intrusion
 - Turbines could be visible for up to 15km. Given uncounted nature of landscape and lack of intervening high ground the development will have unacceptable impact on heritage assets such as Aynho, Tusmore and Rousham
 - Impact on Conservation Areas at Ardley and Fewcott, Stoke Lyne, Fritwell and Juniper Hill
 - Close to permitted site at Fewcott – unacceptable inter-visibility
 - Impact on horse riders – turbine is within minimum suggested separation distance and not entirely screened
 - Impact on motorists along the M40 and entering the motorway service area
 - National government supports renewable energy along major transport areas but does not specifically refer to turbines. Policy C8 is still a relevant policy and resists sporadic development in vicinity of major road junctions
 - Little by way of renewable energy to offset the harm caused
 - Site wasn't identified in CAG report as wind speeds are too low

3. Consultations

- 3.1 **Ardley with Fewcott Parish Council** vehemently objects to the application. The Parish Council supports the views of Stoke Lyne Parish, Oxford Airport, British horse Society, OCC, BBOWT and Natural England. The proposal is not in keeping with the surroundings and could lead to more development along the M40 corridor. Local villages are at risk of being totally encircled by massive buildings – giving a negative

impact on the environment and is certainly not 'green' or justified.

- 3.2 **Stoke Lyne Parish Council** objects to the application on the grounds that it is inappropriate for the proposed location and will have a great impact on wildlife and the visual impact is unacceptable. Wind power is not reliable and the negative impact far outweighs any benefit.
- 3.3 **Fringford Parish Council** raises no objections
- 3.4 **Cherwell District Council's Rural Development and Countryside Manager** has stated that no public path order would be required to enable the proposed development.
- 3.5 **Oxfordshire County Council as Strategic Planning Authority** advises that the application should be considered against the South East Plan Policies and the objectives of Oxfordshire 2030 relating to climate change. The comments made in relation to the previous application are still valid and are summarised below;
- Development has 800kW capacity which makes very modest contribution towards meeting South East Plan target of 140MW for the Thames Valley sub region.
 - Contribution to climate change is consistent with South East Plan climate change policies and strategic objective on climate change in Oxfordshire 2030.
 - Should ensure the development is compliant with Policy NRM15 of the South East Plan and that there will not be an unacceptable impact on the wildlife or protected species in close proximity to the proposal.
- 3.6 **Oxfordshire County Council's Field Officer** reiterated the comments made in relation to the previous application which are summarised below.
The turbine will be within the recommended distance suggested by the BHS but where this occurs it will be shielded from the bridleway by an existing bund and well established planting. This, it is believed, provides a significant mitigating measure which could allow the guidelines to be relaxed in this case. It is not therefore considered that this issue is of significant importance to object to the proposal, some concerns still exist though,
- the turbine should be relocated so that it is more that falling distance from the bridleway so that in the event of it falling there is no potential impact on the bridleway
 - shadow flicker – is there a method of mitigating against it?
 - the suggested alternative bridleway routes are not appropriate
- 3.7 **Oxfordshire County Council as Local Highway Authority** raises no objections subject to conditions.
- 3.8 **The Highways Agency** has not objected to the application.
- 3.9 **Cherwell District Council's Anti-Social Behaviour Manager** raises no objections or observations as the noise assessment addresses the issues.
- 3.10 **Cherwell District Council's Ecology Officer** made the following comments
- the need for further reptile surveys
 - the need for an updated badger survey in the event of an approval and a

- significant time lapse
 - able to accept recommendations for mitigation in relation to dormice but if it cannot be achieved a further dormice survey will be required
 - a pre-works check will be required in relation to water voles
 - Surveys for birds and bats are sufficient and the location of the turbine is broadly suitable to minimise impacts although Natural England should be consulted as there stand off of 50m in relation to bats is not adhered to in every direction. It is not thought that the disturbance that may occur would constitute 'harmful disturbance'.
 - Would be desirable to see proposals for biodiversity enhancements
- 3.11 **Berks, Bucks & Oxon Wildlife Trust** recommended refusal of the application and the basis that it is not clear that mitigation measures can be complied with in relation to dormice and bats and the minimum stand-off of 50m in relation to bats is not met.
- 3.12 **Natural England** objected to the application on the basis that there was insufficient information to satisfy them that there will be no adverse impact on the landscape. In relation to protected species they are happy to defer to the in house ecologist. After further clarification was sought with regard to the objection it was suggested that the assessment of landscape impact and impact on visual receptors was for the District Council to assess.
- 3.13 **Banbury Ornithological Society** does not consider that the works give cause for concern on ornithological grounds.
- 3.14 **English Heritage South East Region and East Midlands Region** do not provide detailed comments on the proposal but states that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 3.15 **British Horse Society (BHS)** in general supports government's renewable energy strategy but the application may present problems for equestrians on nearby bridleways.
- BHS policy states that ideally there should be a 200m exclusion zone around bridleways to avoid turbines frightening horses...but some negotiation should be undertaken if this cannot be achieved.
 - If 200m cannot be achieved a distance of three times the overall height of the turbine should be sought
 - The proposed turbine is less than 200m away from the bridleway, at one point it is only 76 metres
 - Shadow flicker is a concern
 - Using alternative routes in the area is not an appropriate mitigation measure
 - Conditions suggested in the event of an approval
- 3.16 **Network Rail** has no objection or comment to make.
- 3.17 **Southern Gas Networks** has no gas mains in the area.
- 3.18 **The Environment Agency** considers that the application is of low environmental risk and as such has not commented on the proposal.

- 3.19 **London Oxford Airport** objects to the application. The proliferation of the turbines in the area is a major concern as they will affect the performance of the radar which is planned to be operational by March 2012. The cumulative impact of the proposed turbines and the turbines approved previously is a particular concern.
- 3.20 **The MOD (Safeguarding)** has no objection to the application but in the interest of air safety the turbines should be fitted with appropriate lighting and in the event of an approval they should be notified of construction dates, the maximum height of construction equipment and the precise location of the development.
- 3.21 **NATS (National Air Traffic Services)** on behalf of **NERL** states that the development has been examined from a technical safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, NATS (En route) Public Limited Company (“NERL”) has no safeguarding objection to the proposal.
- 3.22 **The Joint Radio Company (JRC)** analyses proposals for wind farms on behalf of UK Fuel and Power Industry and the water Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements. JRC does not foresee any potential problems.
- 3.23 **Aylesbury Vale, West Oxfordshire and South Northamptonshire District Council’s** have no comments to make or objections to the proposal.

4. Planning Policy

4.1 South East Plan

- CC1 – Sustainable Development
- CC2 - Climate Change
- NRM13 – Regional Renewable Energy Targets
- NRM14 – Sub-regional Targets for Land Based Renewable Energy
- NRM15 – Location of Renewable Energy Development

4.2 Adopted Cherwell Local Plan 1996

- C7 – Landscape Conservation
- C8 – Sporadic development in the Open Countryside
- ENV1 – Materially detrimental levels of noise etc

4.3 Non-Statutory Cherwell Local Plan 2011

- EN21 – Renewable Energy Schemes
- EN34 – Landscape Character

4.4 Regional and National Guidance

- PPS1, Delivering Sustainable Development
- Planning and Climate Change – Supplement to PPS1
- PPS7, Sustainable Development in Rural Areas
- PPS9, Biodiversity and Geological Conservation
- PPS5, Planning and the Historic Environment
- PPS22, Renewable Energy and its companion guide
- PPS23, Planning and Pollution Control
- PPG24, Planning and Noise
- PPS25, Development and Flood Risk

4.5 **Other Relevant information**

Government policy statement, '**Building a Greener Future**' (July 2007) and the **Energy White Paper** (May 2007) – emphasis on the pressing need for action on climate change and contributions towards national carbon emissions reductions targets.

The Draft Core Strategy (February 2010) (although not adopted and therefore does not have the weight of adopted policy it contains the following relevant policies) - draft Policy SD3 sets out the criteria to be assessed in considering renewable energy proposals, and is based on a recent evidence study, the **Cherwell Renewable Energy and Sustainable Construction Study** (September 2009).

The Council has produced informal planning guidance entitled '**Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development**' (February 2011). This document provides guidance on separation distances between large scale wind turbines and residential development. This document is not part of the statutory development plan but was subject to consultation and has been adopted by the Council as informal planning guidance.

4.6 **History**

10/00308/F – 800kW turbine, submitted in March 2010, withdrawn in May 2010.

5. Appraisal

5.1 The key considerations when assessing an application for wind turbines are listed below;

- Planning policy
- The benefits of the scheme in terms of the renewable energy generated
- Landscape and visual impact
- Impact on the historic environment
- Impact on residential amenity (noise, shadow flicker, safety, TV reception, construction activity)
- Proximity to roads and public rights of way
- Impact on protected species
- Impact on aviation and telecommunications
- Highway safety

Each of the above issues will be addressed in turn.

5.2 **Planning policy**

5.2.1 Tackling climate change is a key Government priority for the planning system (as stated in the Planning and Climate Change Supplement to PPS1). National policy, including PPS1 (Delivering Sustainable Development), the Planning and Climate Change Supplement to PPS1, PPS22 (Renewable Energy) and its Companion Guide, promotes the development and use of renewable energy.

5.2.2 The Supplement to PPS1 advises that where there is any difference in emphasis on climate change between the policies in PPS1 and others in the national series, PPS1 takes precedence (Para 11). It also suggests that planning authorities should ensure any local approach to protecting landscape and townscape does not preclude the supply of any type of renewable energy other than in the most

exceptional circumstances (Para 20). It goes on to state that even in the absence of up to date development plan policies planning authorities should make their position very clear in terms of their intentions to address climate change and work closely with applicants to achieve sustainable development.

- 5.2.3 Paragraph 1 (ii) of PPS22 states that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission. Section (vi) of the same paragraph goes on to state that small scale projects can provide limited but valuable contribution to overall outputs of renewable energy and planning authorities should not reject planning applications simply because the level of output is small. Paragraph 15 states that local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for renewable energy developments.
- 5.2.4 PPS7 (Sustainable Development In Rural Areas) indicates that local authorities should;
“provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22’. PPS7 also seeks to ‘raise the quality of life and the environment in rural areas through the promotion of ...local distinctiveness and the intrinsic qualities of the countryside’ and to ensure the ‘continued protection of the open countryside for the benefit of all”.
- 5.2.5 The generation of renewable energy will contribute towards the sub regional and regional targets as set out in the South East Plan policy NRM13 and 14 and subsequent carbon reductions as set out in policy CC2. Policy NRM15 of the South East Plan goes on to refer to the location of renewable energy projects stating that;
“Renewable energy development, particularly wind and biomass, should be located and designed to minimise adverse impacts on landscape, wildlife, heritage assets and amenity. Outside of urban areas, priority should be given to development in less sensitive parts of countryside and coast, including on previously developed land and in major transport areas.” The site is not in a designated landscape, and is alongside the M40 and A43, with the B4100 to the north and east. Therefore the location accords with this element of the South East Plan policy. In relation to minimising landscape, wildlife and heritage impacts further assessment is made elsewhere in this report. Although there are proposals for the withdrawal of Regional Spatial Strategies in the Localism Bill they remain capable of being material considerations in the determination of planning applications.
- 5.2.6 The adopted Cherwell Local Plan 1996 does not contain any specific policies on renewable energy. However Policy C7 seeks to prevent development that would cause demonstrable harm to the topography and character of the landscape and policy C8 seeks to prevent sporadic development in the open countryside including development in the vicinity of motorway or major road junctions.
- 5.2.7 Policy EN21 of the Non-Statutory Cherwell Local Plan 2011 states that;
“Proposals for renewable energy schemes will be permitted provided that such development would not cause significant harm to the local environment. Proposals will be considered against the following:

- i) landscape impact;
- ii) the protection of features or areas of historical and archaeological interest;
- iii) protection of wildlife habitats and species;
- iv) impact on residential amenity;
- v) traffic generation;
- vi) the economic and environmental benefits of the scheme; and
- vii) whether opportunities have been taken to include combined heat and power facilities or recover waste heat for use in other processes in appropriate cases.”

5.2.8 The supporting text states that “mean wind speeds are high enough mainly on the higher ground in some parts of the County to make the development of wind turbines viable. However, due to the nature of the wind resource and environmental constraints, it is unlikely that large-scale wind farms will be feasible or appropriate. Single turbines or very small groups could be viable, which would serve farms or small hamlets. The main considerations from any schemes will be their impact on the landscape, on historic or ecological sites and residential amenity including noise and shadow flicker” (para 9.43).

5.2.9 It is important to note that national policy relating to renewable energy has progressed rapidly and there are several more recent statements of national policy and emerging regional policy which represent material considerations in the determination of planning applications. The main documents are referred to above, the supplement to PPS1 and PPS22.

5.3 The benefits of the scheme in terms of the renewable energy generated

5.3.1 PPS22 states that development proposals should demonstrate any environmental, economic and social benefits. The need for a turbine in this particular location may be considered a relevant consideration. However, whilst the benefits of such a scheme are a material planning consideration, it should be noted that the Climate Change Supplement to PPS1 states that Local Authorities should “not require applicants for energy development to demonstrate either the overall need for renewable energy and its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location.”

5.3.2 Despite this the applicant sets out that the turbine would form part of a number of energy reducing and offsetting measures on the services site. The 800kW wind turbine would cover the service areas energy demand, effectively making it carbon neutral. This being a small contribution to the overall renewable energy targets. However as previously referred to PPS22 states that small scale projects can provide limited but valuable contribution to overall outputs of renewable energy and planning authorities should not reject planning applications simply because the level of output is small.

5.3.3 Representations have suggested that the site is not windy enough to generate the amount of power suggested. The Renewable Energy and Sustainable Construction Study which provides the evidence base for the LDF demonstrates that the site experiences an average wind speed of between 6 metres per second (m/s) and 6.5m/s in which there are some opportunities for wind turbine developments. More viable schemes are obviously likely to occur where wind

speeds are higher than 6.5m/s and this site does not fall within this wind speed. However paragraph 1 of Chapter 8 of the technical annex to the Companion Guide to PPS22 states that 'developments in technology and the electricity market over recent years now mean that wind power is found to be viable across the UK. As such wind farm developments can reasonably be expected to be proposed in all regions of the country'. Based on this information it would not be advisable to refuse the application based on wind speeds, viability of the scheme or this contribution made towards the renewable energy targets.

Landscape and visual impact

- 5.4
- 5.4.1 The need for renewable energy is clearly set out in Government policy and planning policy at all levels. A key consideration of the proposal will therefore be its impact on landscape character and visual amenity, and whether this will result in such significant harm as to outweigh the scheme's renewable energy benefits.
- 5.4.2 The applicant has undertaken a landscape and visual impact assessment (LVIA). The Council appointed a firm of landscape consultants, Aspect Landscape Planning, to assess the landscape and visual impact assessment. Some of their comments and conclusions are fed into the following considerations.
- 5.4.3 The main source of guidance to assess landscape and visual impact is the document entitled 'Guidelines for Landscape and Visual Impact' produced by The Landscape Institute and Institute of Environmental Management and Assessment (LI/IEMA 2002). The methodology used in the submitted LVIA is considered robust, utilising criteria set out in the Guidelines. It is also considered that the assessment of landscape sensitivity and significance of landscape and visual effects is robust.
- 5.4.4 The study area should contain all of the likely significant effects of the proposal on any component of the landscape and visual resource. The applicant chose a study area of 10km radius from the centre of the development site which was considered appropriate given the nature of the proposal being a single turbine and of a height of 86.5 metres.
- 5.4.5 It is considered that the landscape character assessment and key viewpoints presented within the submitted LVIA represent an appropriate appraisal of the baseline conditions associated with the site and its setting.
- 5.4.6 Within the LVIA, the assessment identifies that, in agreement with the Council, the Cherwell District Landscape Assessment 1995 was the most appropriate assessment upon which to base the assessment of effects in terms of character. The site lies within the Oxfordshire Estate Farmlands, as identified within the LVIA, with the Upper Heyford Plateau character area lying just to the west. The Cherwell District Landscape Assessment provides a detailed appraisal of the character of the district outlining key landscape features and characteristics. It is considered that the assessment forms a robust basis for the assessment of effects arising from the proposed development upon landscape character.
- 5.4.7 As noted within the LVIA, land 500m to the north east of the site is designated as an Area of High Landscape Value, while land some 3km to the north is designated as a Special Landscape Area. Although Planning Policy Statement 7: Sustainable Development in Rural Areas seeks to remove local landscape designations, it is considered that the sensitivity of landscapes currently covered by such

designations should be afforded appropriate consideration.

- 5.4.8 With regard to the visual environment the key viewpoints have been agreed with the Council and it is considered that the viewpoints represent a fair reflection of the site's visibility. The key viewpoints accord with the Zone of Theoretical Visibility (ZTV), which accompanies the application, and take into account local settlements, footpaths, motorway and road corridors and the setting of historical features.

5.5 ***Assessment of Effects Landscape Impact***

- 5.5.1 The site lies within the Oxfordshire Estate Farmlands which is identified within the Cherwell District Landscape Assessment as being a large-scale agricultural landscape. Man-made elements such as the M40 and A43 road corridors introduce significant elements which characterise the western part of this landscape area within the localised setting of the site. The proposal will have a direct impact upon this landscape character area, introducing a vertical element into longer distance views which is not currently associated with the area. The direct impact of the proposal will be localised, with indirect effects extending to around 2km.

- 5.5.2 As noted within the submitted LVIA, the proposal will give rise to a sub-type landscape character area, Oxfordshire Estate Farmlands with Wind Turbine. It is considered that this landscape, albeit in reasonably good condition, has the capacity to accommodate a degree of change. The landscape is identified as being characterised by large-scale arable fields separated by areas of mature woodland. It is considered that such large-scale landscapes have a greater capacity to accommodate wind farm development. The proposal is located within a part of the character area which has experienced a considerable degree of change as a result recent developments such as the highways network and the service area and as such is less sensitive to change. The proposed single turbine will ensure that the effect is localised and while the proposal will result in a significant change within a 1.5-2km radius, it is considered that the landscape of the Oxfordshire Estate Farmlands can accommodate the proposal without resulting in an unacceptable degree of change.

- 5.5.3 The Upper Heyford Plateau lies just to the west of the site, with the A43 / M40 junction forming the transition between the two character areas. As with the Oxfordshire Estate Farmlands, this is another large-scale agricultural landscape with a number of significant man made features present within the localised setting of the site. The proposal, although located outside of this character area, will give rise to a sub-type, Upper Heyford Plateau with Wind Turbine within 2km of the development. It is considered that the degree of change will be significant, although, as outlined above, the single nature of the proposal will ensure that this is localised to within a 2km radius.

- 5.5.4 The proposal will result in a significant impact upon the localised landscape setting. However, existing land cover will create a degree of containment, limiting the perceived effect of the proposal to within 2km of the site. This will affect two separate character areas, however, it is considered that both have an ability to accommodate a degree of change. It is also noted that the extent of the perceived effect is relatively localised and will not affect a significant proportion of the overall character types affected. Therefore it is considered that the conclusions reached

within the submitted LVIA are appropriate and Aspect is in agreement with the extent of effects and the acceptability of the proposal given the prevailing landscape context. It is Aspect's opinion that the proposal can be accommodated within the localised landscape setting without adversely affecting the wider landscape context or resulting in permanent damage.

5.5.5 ***Effect upon Landscape Designations***

Under current policy, the landscape around 500m to the north east of the site is designated as an Area of High Landscape Value. As noted above, PPS7 seeks to remove local landscape designations, however, it is considered that the sensitivity of areas covered by such designations should be given additional weight. The assessment of effects upon landscape character identifies that the perceived extent of the proposal will be around 2km from the site. The proposal will therefore have an indirect effect upon the south western part of the designation. Due to the sensitivity of the landscape, it is considered that the proposal will have a significant effect upon the localised part of the AHLV covered by the 2km radius extent of anticipated effects. It is considered however, that the degree of change upon the landscape designation is acceptable. The AHLV covers a considerable area within the northern part of the District, and it is considered that the extent of the designation that will be affected by the proposal forms a small proportion of the designated landscape and is positioned on the peripheries. It is therefore considered that the proposal can be accommodated without unacceptably affecting the AHLV designation.

5.5.6 ***Visual Impact***

With regard to the visual impact, based on the 13 views presented within the submitted LVIA, Aspect anticipate a significant degree of change within most of these views where intervening vegetation and built form is not present to contain the proposal. The proposal will introduce a prominent new feature and significant vertical element within the landscape. Having visited the site and the key viewpoints, Aspect would concur with the assessment that the proposal will result in significant visual effects up to 3km from the site.

5.5.7 The proposal will affect views from a number of key locations within the localised setting including: Stoke Lyne; Ardley; Fewcott; Fritwell; Bucknell; several dispersed dwellings; Tusmore Park; M40 motorway; A43 road corridor; B4100 road corridor; and a number of local footpaths.

5.5.8 With regard to the effect of the proposal upon the localised settlements listed above it is considered that the effects of the proposal will generally only be experienced by a limited number of properties on the edges of the village. Due to the residential nature of these properties the sensitivity of the receptors is high, and where the proposal has an unobstructed view, the proposal will have a significant effect upon the visual amenities of these properties. Properties set back from the edges of the village are likely to experience a reduced degree of intervisibility, due to intervening built form and vegetation, and as such the effect becomes less significant. It is considered that where the proposal is visible from the properties within these settlements, the localised landscape character together with intervening landscape elements will ensure that the proposal does not have an overbearing effect upon the dwellings.

5.5.9 Several dispersed properties are identified within the localised setting of the site,

including Swift House/The Lodge, Lone Barn, several properties at Baynards Green and Swifts House Farm. The proposal will result in a significant visual effect upon these properties, however, established vegetation structure associated with the curtilages of the properties, together with the intervening landscape setting will filter views. The single nature of the proposal means that the horizontal extent of the scheme is limited and therefore, where it is visible from the dwellings, the turbine would only occupy a narrow extent of the panorama. It is therefore considered that although the proposal will have a significant effect upon these localised properties, the localised landscape structure and narrow horizontal extent of the proposal, will ensure that the impact of the development will not be overbearing.

- 5.5.10 From Tusmore Park, the proposal will be visible from the southern edges of the estate. The turbine will introduce a significant vertical element into the landscape context of views from this location. It is considered that the proposal will have a significant impact upon the southern edges of the estate. However, established vegetation associated with the grounds will reduce the intervisibility between the house and the proposal and it is considered that the effect upon the overall character of the estate will not be unacceptable in landscape and visual terms.
- 5.5.11 The proposal will be visible from a number of transport routes within the localised setting, including the northbound and southbound M40, the southbound A43, the B4100 and other local roads. It is considered that the proposal will have a significant effect upon users of these roads up to 2km from the site. However, intervening landscape features, together with the transient nature of receptors on these routes will ensure that the effect of the proposal is not unacceptable.
- 5.5.12 From the localised footpath network, it is considered that the sensitivity of receptors using the network is high. Intervening vegetation structure will create a degree of visual containment along parts of the network, however, where footpaths cross fields or are aligned with the site, views of the turbine will be available. The proposal will be visible from a number of points on the local network, introducing a prominent vertical element into the landscape and as a result will have a significant effect.
- 5.5.13 Within longer distance views, intervening vegetation will create a degree of visual separation and containment, reducing the overall significance of the effect upon these views. Beyond the 3km radius, the proposal may be visible from certain viewpoints, introducing a vertical element into the landscape setting, however, distance and intervening vegetation structure, together with the larger scale character of the wider landscape context will ensure that the effect of the turbine is not significant.
- 5.5.14 ***Cumulative Impact***
With regard to the cumulative effect of the proposal, the scheme must be appraised in relation to the approved scheme at Fewcott. As noted within the submitted LVIA, cumulative effects upon the landscape and visual environment can arise in 3 ways:
- Appearance of the existing and proposed turbines within the landscape in relation to good design principles;
 - An increase in incidence of turbines within views from fixed locations; and
 - The increase of incidences of turbines as one moves through a landscape.

- 5.5.15 In terms of the cumulative effect upon landscape character, both schemes will give rise to character sub-types affecting the Oxfordshire Estate Farmlands and Upper Heyford Plateau. It is considered that the extent of the effect, as a result of the Cherwell Valley scheme, will not extend beyond the perceived extent of effects resulting from the Fewcott scheme. Therefore, rather than extending the perceived extent of the approved development, the proposal will reinforce the existing effects of the Fewcott scheme. It is therefore considered that the cumulative effect upon landscape character will not be unacceptable.
- 5.5.16 With regard the cumulative effect upon the visual environment, it is considered that additional viewpoints which were prepared assist in providing a robust overview of the cumulative effect of the proposal in relation to the Fewcott scheme. Within many of the views the proposal will be perceived as a separate entity, of similar scale to the approved development at Fewcott. From Stoke Lyne, the proposal appears as a natural extension to the Fewcott scheme. From Fritwell there will be a degree of overlapping, however, it appears from the montage that the blades of the approved and proposed turbines will not visually clash.
- 5.5.17 The approved development at Fewcott will result in significant visual effects upon the localised landscape setting. It is considered that the proposal will contribute to this existing effect, but will not increase the extent of this effect upon residential receptors. The two developments will be perceived as separate entities from certain viewpoints, particularly by road users on the M40 and A43. Based on the criteria above, this would seem to increase the incidence of wind turbines within fixed viewpoints, however, the transient nature of road users should also be considered, and therefore the sensitivity is reduced. Road users will experience a localised wind farm landscape as they approach the two sites, however, the location of the two sites will ensure that the sequential perception is not extended as a result of the proposal. The Fewcott scheme will be visible on these approaches, giving rise to a localised wind farm landscape. It is considered that the introduction of the single turbine at Cherwell Valley Services will not increase the extent of the perceived experience and as such extent of the cumulative effects will be limited.
- 5.5.18 It is therefore considered that although the proposal will give rise to significant effects within the localised landscape setting and visual environment, there will be a considerable degree of overlap of effects resulting from the approved Fewcott scheme and although the proposal will contribute to the significant effect within the localised setting, it will not extend the significant effects beyond the existing perceived extent. It is therefore considered that the cumulative effects would not be unacceptable.
- 5.5.19 ***Conclusions on Landscape and visual assessment***
It is considered that the proposal will result in a significant impact upon landscape character and the visual environment within a 3km radius of the site. The effect of the proposal upon the landscape and visual receptors within this area will be significant. Within the immediate setting of the site, the landscape character will change as a result of the introduction of the turbine creating a new sub-type. However, it is considered that the scale of the proposal is appropriate given the larger scale of the landscape within which it will be set.

- 5.5.20 The proposal will be visible from a number of properties within the localised setting and nearby settlements, as well as the localised road and footpath network. Intervening vegetation structure will afford a degree of visual containment, however, unobstructed views of the turbine will be available from a limited number of properties. It is considered that given the single nature of the proposal and the larger scale landscape setting, the development will not dominate or have an overbearing effect upon such views and as such the visual environment has the potential to accommodate the proposal.
- 5.5.21 In terms of the cumulative effect of the proposal, it is considered that there will be a considerable degree of overlap in terms of the impacts resulting from the Fewcott scheme and the proposal. It is considered that the extent of effects as a result of the Fewcott scheme will envelop those resulting from the proposal and as such, although the proposal will contribute to the significant landscape and visual effects of the Fewcott scheme, the proposal will not extend the perceived effects. It is considered that the proposal will not result in a perceived intensification of the Fewcott scheme or the incidence of wind turbines within an extended area of landscape. It is considered that the proposal will largely appear as a natural extension to the Fewcott scheme, or will appear sufficiently separated to ensure that good design principles are reflected and the proposal is a stand-alone development. It is therefore considered that the cumulative effect of the proposal will not result in an unacceptable impact upon landscape character and the visual environment.
- 5.5.22 As an overview, Aspect would therefore concur with the conclusions reached by the submitted LVIA that the landscape and visual environment has the potential to accommodate the scale of development as proposed at Cherwell Valley Services. It could therefore be argued that in relation to landscape impact the development sits comfortably within the national guidance policies on renewable energy.
- 5.5.23 In relation to landscape impact and compliance with Cherwell adopted policies the position may not be quite so clear. It could be argued that Policy C7 of the adopted Cherwell Local Plan which discourages development that would cause demonstrable harm to the topography and character of the landscape is not complied with due to the very nature of the development being a tall structure in an otherwise low lying landscape. However it has previously been identified that the character of the area is one of a large scale which is more capable of accommodating change and has done so previously through the introduction of the motorway and service area. The Inspector, in relation to the appeal for the four turbines concluded that in relation to policy C7 there would be no development of such a scale that would alter the topography of the site and although there would be change to the character of the landscape there would not be harm and as such policy C7 was satisfied. Given that this development only consists of one turbine and is of a smaller scale than those approved at appeal it is difficult to reach a different conclusion and it is therefore considered that Policy C7 is complied with in this instance and it would be difficult to defend a reason for refusal on these grounds.
- 5.5.24 The Council also sought to defend the reason for refusal in relation to the Fewcott wind farm on the grounds of the proposal being contrary to Policy C8 of the adopted Cherwell Local Plan which seeks to prevent sporadic development in the open countryside and near to motorway or major road junctions. However in the appeal decision the Inspector concluded that when applied to renewable energy

development Policy C8 is at odds with Policy NRM15 of the South East Plan which states that “outside of urban areas, priority should be given to [renewable energy] development in less sensitive parts of countryside and coast, including on previously developed land and in major transport areas”. Because Policy NRM15 more closely follows the direction of current national planning policy the Inspector attributed more weight to policy NRM15 than policy C8. As with policy C7 above it is not considered that a refusal reason based on C8 of the adopted Cherwell Local Plan would be defensible in this instance. It is also considered that the cumulative affect of both the approved scheme and submitted proposal will not cause sufficient harm to warrant a reason for refusal.

5.6 Impact on the historic environment

5.6.1 Heritage impact has been assessed within a 5km radius from the site. Two heritage assets have been used as locations from which to take viewpoint photomontages. Those being Tusmore Park the site of a Scheduled Ancient Monument and Aynho Park a registered park and garden. Within the 5km radius there is one other registered park and garden (Middleton Park) and other Scheduled Ancient Monuments at Upper Heyford. There are also a number of listed buildings within the same radius, the closest being in the settlements of Ardley with Fewcott, Stoke Lyne and isolated buildings at Swifts House Farm and Baynards Green.

5.6.2 The Conservation Areas of Ardley, Fewcott, Fritwell and Upper Heyford are within 2km of the site and have been considered. Although Conservation Areas are not specifically referred to in the landscape and visual impact assessment above the level of harm caused to nearby conservation areas is likely to be of a similar level as the assessment made at paragraph 5.5.8 above. The proposal will result in an impact on these conservation areas but it is not likely to be significant and it is considered that the need for renewable energy development outweighs the adverse effect on the setting of Conservation Areas.

5.6.3 Two branches of English Heritage (EH) have been consulted as Aynho Park falls outside of the South East Region. Neither branch has made any specific comments in relation to the scheme. This reflects the view they reached in relation to the Fewcott wind farm proposal in which they commented that the impact upon views of Registered Landscapes is not significant. This is a result of the distances involved. Rousham is just 8km from the site (therefore not considered in the study area for heritage impact). However the upper sections of the turbine may be glimpsed but this is incidental and is not considered to cause harm. English Heritage is satisfied for the Council to make a judgement on whether the setting of Heritage assets is harmed.

5.6.4 The conclusion reached with regard to the two registered parks and gardens in relation to the Fewcott windfarm was that the potential effect upon their setting is not significant. Given that there are similar distances between these features and the proposed turbine it is considered that the same conclusion can be reached and this is the view reached in the submitted landscape and visual impact assessment.

5.6.5 Juniper Hill is just less than 5km away from the site and is referred to specifically by one of the objectors as being one of the locations that may be harmed by the proposal. The distance referred to is a similar distance than that between Juniper

Hill and the approved scheme at Fewcott. At the time of defending its reasons for refusal the Council did not consider the impact on Juniper Hill would be harmful therefore given the proximity of the two development sites and the smaller scale of the proposed turbine it would seem unreasonable to argue that the effect of the turbine would cause particular harm to Juniper Hill.

5.6.6 In addition to the above points it could also be argued that any effects would only be temporary. Whilst this temporary effect may last up to 25 years it could be argued that this is short term in relation to the timescales of cultural heritage.

5.6.7 The Council fought the appeal for the Fewcott wind turbines partially on grounds of harm to heritage assets but these arguments were not wholly supported by the Inspector. It was acknowledged that there would be some moderate/slight effects and some changes of moderate significance. However the harm was not considered to be sufficient enough or long term enough to outweigh the benefits of the scheme. It is unlikely that a case could be defended on the grounds of heritage impact in relation to a single turbine of a smaller scale than those already approved where cumulative impact has been assessed and is not considered to be detrimental.

5.6.8 Since the appeal decision was issued the Council's informal Guidance was produced which makes reference to heritage impacts. In relation to heritage impact the guidance is complied with as heritage assets have been assessed up to 5km from the site and it is not considered that any significantly adverse impacts on designated heritage assets have been identified within 2km of the site.

5.7 **Impact on residential amenity**

5.7.1 The Renewable Energy and Sustainable construction Study contains a plan that identifies areas of the district where wind speeds are over 6.5m/s and also more than 800m from any residential properties, thus suggesting that it is only these locations where wind turbines developments would be acceptable. However the document was produced to provide an evidence base for the production of the LDF and not dictate where future development would or would not be permitted. The site does not fall within the areas identified in the Study.

5.7.2 The proposed turbine is located over 1km from the nearest dwellings at Ardley and Fewcott in accordance with the Council's informal planning guidance relating to separation distances and large scale wind turbines (recommending a minimum separation distance of 800m). It is approx 770m from a dwelling called 'Lone Barn' on the opposite side of the B4100, and approx 660m from a dwelling called 'The Lodge' adjoining the B4100 at the junction with the Stoke Lyne road, which is not in accordance with the recommended separation distance set out in the guidance document. However the document further advises that appropriate distances may also be influenced by the orientation of views, the local effects of trees, other buildings, and the topography, as well as other issues such as noise, safety, shadow flicker and so on.

Visual Impact on residential properties

5.7.3 This assessment has been covered in the landscape and visual impact

assessment section of the report. Given the turbine's relationship with nearby properties and the fact that there is intervening landscaping and changes in land level there will be no direct views of the entire turbine from residential properties. The lower section of the turbine will be hidden by trees which currently screen the service area. Whilst the turbine has the potential to have significant visual effects on residential properties the characteristics of the proposal, being a single horizontal feature will only appear in a narrow field of view, and the nature of the residential curtilage and the surrounding landscape features it is considered that the turbine will not be overbearing. Therefore justifying a reduction in the suggested separation distances set out in the Council's informal guidance. Furthermore in relation to the informal guidance it is not clear what 'group' the proposed turbine would fall into. The capacity of the turbine is 800kW making it a 'medium' scale turbine. However the height of 86.5m to blade tip falls between the two groups, 'large' and 'medium'. The suggested separation distance of 800m refers to 'large' scale turbines therefore suggesting that the distance can be reduced for smaller turbines. For reasons of residential amenity a different separation distance is suggested, that being at least three times the turbine height. For this proposal the distance would therefore be 259.5 metres and no residential property lies within this distance. Whilst the proposal does not wholly comply with the Council's informal guidance it is not considered that particular harm will be caused in relation to visual impact on residential properties. Furthermore there is no statutory distances relating to residential amenity currently in place in England and as such the Council would have to have a strong argument for refusing this application on grounds of visual harm to residential amenity if it were to successfully defend it at appeal.

Noise

- 5.7.4 It should be noted that the site is located close to the M40 motorway which produces a significant level of noise at the site and in the surrounding environment.
- 5.7.5 Noise can have an adverse effect on the environment and the quality of life enjoyed by individuals and communities. Whilst representations received haven't referred specifically to noise it is common concern with regard to the operation of wind turbines.
- 5.7.6 The applicant has undertaken an assessment of operational noise impacts in line with ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms'. This provides the framework for the measurement of wind farm noise and for deriving suitable noise limits to offer a reasonable degree of protection to wind neighbours without placing unreasonable restrictions on wind farm development. PPS22 recommends the use of ETSU-R-97 for assessing wind farm noise.
- 5.7.7 Background noise levels have been established through monitoring at 4 locations, including residential properties which are considered to be the most sensitive potential receptors. The noise monitoring locations are spread around the site of the proposed turbine i.e. some will be upwind and some downwind and include the closest residential properties. Therefore one can infer that noise levels at properties further removed will be less than the worst case as modelled.
- 5.7.8 The assessment and Rating of Noise from Wind Farms' (ETSU-R-97) states that

noise from the wind farm should be limited to 5 dB (A) above background for both day and night time, remembering that the background level of each period may be different. A fixed limit of 43 dB (A) is recommended for night –time. This is based on a sleep disturbance criteria of 35 dB (A) with an allowance of 10 dB (A) for attenuation through an open window and 2 dB (A) subtracted.

- 5.7.9 Noise mitigation has been incorporated into the scheme, through the selection of the turbine. The Enercon E53 is variable speed and direct drive. The variable speed reduces the speed of rotation of the blades and therefore lowers the blade tip speed, reducing the aerodynamic noise of the blades passing through the air. The direct drive design eliminates the need for a gearbox and reduces the generator speed from the usual 1500 rpm (in a standard turbine) to the same speed as the rotor (16-32 rpm). The mechanical noise output from the generator assembly is therefore substantially reduced. The results of the noise survey demonstrate that operational noise limits are not likely to be exceeded. Conditions can be imposed to require that the specified noise limits are not exceeded.
- 5.7.10 Cumulative noise impact of the proposed single turbine and the permitted wind farm development has also been considered and the impact is considered to be insignificant.
- 5.7.11 The Council's Anti-Social Behaviour Manager is satisfied with the documentation submitted in relation to noise and has not raised any objections in relation to the noise impacts of the proposal.
- 5.7.12 Low Frequency Noise (Infrasound) is also a common concern relating to wind turbine developments. The PPS22 Companion Guide asserts that there is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health.
- 5.7.13 **Shadow Flicker**
- Shadow Flicker occurs as a result of the sun passing behind the rotors of a wind turbine, casting a moving shadow over nearby properties. The likelihood of this occurring and its severity depends upon the relationship between the turbine, the dwelling, and the path of the sun; the turbine hub height and rotor diameter; the time of the year; the proportion of daylight hours in which the turbine can operate; and the frequency of bright sunshine. For example, shadow flicker will not occur in periods of full cloud cover, and its impact will be reduced in overcast skies. The PPS22 Companion Guide illustrates how the duration of such an effect is likely to be very limited: *'A single window in a single building is likely to be affected for a few minutes at certain times of the day during short periods of the year'*.
- 5.7.14 Shadow flicker has been proven to occur only within ten rotor diameters of a turbine. The proposed turbine has a rotor diameter of 53m therefore flicker affect is only likely to occur within and up to 530m away from the turbine. There are no residential properties within this distance and the hotel at the service station is located outside of the potentially affected area as it is to the south of the proposal. It is therefore highly unlikely that any residential property will be affected by shadow flicker.
- 5.7.15 The effect of shadow flicker on the nearby bridleways has been assessed. It has

been calculated that in the worst case scenario shadow flicker along the bridleway is only likely to occur between 06.10GMT and 07.10GMT and at the point potentially worst affected for a maximum of 60 hours per year, possibly for an hour on each of the days where conditions are conducive to shadow flicker. It is possible to prevent this by requiring that the turbine does not operate during the likely time of occurrence. A condition requiring a mitigation strategy can be imposed in the event of an approval.

5.7.16 Turbines can cause flashes of reflected light, which can be visible for some distance. It is possible to ameliorate the flashing but it is not possible to eliminate it. Careful choice of blade colour and surface finish can help reduce the effect. Light grey semi-matt finishes are often used for this.

5.7.17 **Safety**

5.7.18 In terms of safety, PPS22 clearly states that experience indicates that properly designed and maintained wind turbines are a safe technology. The very few accidents that have occurred involving injury to humans have been caused by failure to observe manufacturers' and operators' instructions for the operation of the machines. There has been no example of injury to a member of the public. The minimum desirable distance between wind turbines and occupied buildings calculated on the basis of expected noise level and visual impact will often be greater than that necessary to meet safety requirements. Fall over distance plus 10% is often used as a safe separation distance. This distance is met in relation to this scheme.

5.7.19 Ice fall from turbines is often expressed as a concern, especially where the turbines are in proximity to public rights of way. For ice to build up on wind turbines particular weather conditions are required, that in England occur for less than one day per year. Most turbines are fitted with vibration sensors which can detect any imbalance which might be caused by icing of the blades; in which case operation of machines with iced blades could be inhibited.

5.7.20 **TV reception**

PPS22 states that scattering of signal mainly affects domestic TV and radio reception, and the general public may be concerned that a wind farm will interfere with these services. Experience has shown that when this occurs it is of a predictable nature and can generally be alleviated by the installation or modification of a local repeater station or cable connection.

5.7.21 Mitigation measures can include improving the receiving aerial, changing aerial height, replacing the aerial, retuning television receivers or providing the affected households with an alternative source of suitable television signals off-air from a different transmitter. Where there is no alternative off-air service solutions can include provision of satellite or cable services. The potential for disruption to occur may be reduced with the switch to digital but a condition can be included to cover this potential impact.

5.7.22 **Conclusion with respect to residential amenity**

Overall it is concluded that, with appropriate controls in place, there would be no material impacts on residential amenity in relation to visual impact, noise, shadow flicker, TV interference and no risks to public safety. The impacts are not

considered to be so significant that it justifies requiring the full 800m separation distance recommended in the Council's informal guidance.

5.8 Proximity to Roads, Public Rights of Way

- 5.8.1 Access to the site is relatively straightforward given the sites proximity to the motorway and the road network's ability to cope with large vehicles. The components of the turbines will be delivered via the motorway and it is unlikely that any alterations to the highway network will be required to accommodate the large vehicles. Within the service area a new access track will be required to reach the exact position of the turbine. However this along with the scheme as a whole raises no concerns to the local highway authority
- 5.8.2 The Companion Guide of PPS22 states that to achieve maximum safety in relation to proximity to roads it is advisable to have a set-back of at least fall over distance. The proposed turbine has a total height of 86.5 metres and there is a distance of between approximately 420 metres between it and the nearest public road. This therefore complies with government guidance, and is not a concern to the Highways Agency or the Local Highway Authority.
- 5.8.3 Concern has been expressed over the effects of wind turbines on car drivers, who may be distracted by the turbines and the movement of the blades. PPS22 states that drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attention. At all times drivers are required to take reasonable care to ensure their own and others' safety. Wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous. There are now a large number of wind farms adjoining or close to road networks and there has been no history of accidents at any of them. The Highways Agency who are responsible for the M40 motorway has expressed no concern that the turbines may be a distraction to motorway users.
- 5.8.4 PPS22 sets out that The British Horse Society, following internal consultations, has suggested 200 metre exclusion zones around bridle paths to avoid wind turbines frightening horses. Whilst this could be deemed desirable, it is not a statutory requirement, and some negotiation should be undertaken if it is difficult to achieve this. The closet bridleway runs to the north of the site and at the shortest distance the gap between the turbine and the bridleway is only 76 metres. This does not meet the desirable exclusion zone as suggested by the British Horse Society (BHS) in the companion guide to PPS22 dated 2004. Furthermore the BHS has since published Advisory Statement No.20 'Wind Farms' in which it states its desire to see the minimum distance of three times the total height between the bridleway and turbine. The justification for this change is that when the original distance of 200 metres was suggested the majority of turbines were between 40 and 50 metres in height and there is now a significant increase in the height of modern turbines. The BHS has commented on the application and is not satisfied with the distance between the turbine and the bridleway. Evidence from other wind farm developments suggests that horses are generally not alarmed by wind turbines unless they are both unaccustomed to them and come across them suddenly, for example when emerging from woodland close to the turbines.
- 5.8.5 Whilst there are concerns from the BHS in relation to the proximity of the turbine

to the bridleway it is considered that the presence of an existing bund and established planting shields the turbine and provides significant mitigation allowing the distances to be relaxed. This is a view reached by Oxfordshire Country Council's Field Officer. Despite this opinion the Field Officer still has concerns that the turbine is within fall over distance of the bridleway and the effects of shadow flicker. The issue of shadow flicker has been dealt with in section 5.7.13 and PPS22 sets out that whilst fall over distance is a desirable separation distance the minimum acceptable separation distance between turbines and public rights of way is the over-sail length of the blades. This guidance is therefore complied with in this respect. The closest public footpath is approx 330m away from the proposed turbine therefore not a concern in relation to safety.

5.9 Impact on protected species

5.9.1 The site is part of a UK Biodiversity Action Plan (BAP) Habitat. A Phase 1 habitat survey was undertaken as well as surveys for bats, dormice, birds and reptiles.

5.9.2 In light of her own concerns and some concerns from Natural England and BBOWT, the Council's Ecologist has sought further information from the applicant and is generally satisfied that there won't be any significant adverse impact on protected species or habitats but has suggested that pre-works checks are carried out to ensure the circumstances of the site haven't not altered significantly in the time that lapses between determination of the application and the commencement of development.

5.9.3 Surveys carried out in relation to bats revealed that the majority of bat activity occurred along the wooded areas to the east of the site rather than the woodland edge to the north which is closer to the proposed turbine. The 5m length of hedgerow proposed for removal is not considered suitable to accommodate bats therefore the risks to bats from the removal of vegetation in minimal. Risks to bats can vary depending on their species. For example noctule bats, one of the species found on site, are known to fly at a greater height than other species. Therefore they are more likely to collide with rotating turbine blades in comparison with pipistrelle bats, also found on this site, which are more likely to fly at 10-20 metres above ground level. Species of bats that are considered to be at a lower risk are those that appear in higher numbers on the site whilst those at high risk are found in very small numbers. It is concluded that the impacts on bats is not considered to be significant as the movement of bats on site appeared to be along the plantation routes. However collision cannot be ruled out and the applicants propose to monitor bat activity on the site and install further bat boxes to help retain and manage habitats.

5.9.4 It is considered that there will be no significant effects on ecology during construction, operation or decommissioning of the turbines.

5.9.5 **Ornithology**

The Companion Guide to PPS22 suggests that apart from the movement of the blades, the development of wind turbines warrants no different approach in terms of ecological consideration from any other development. Evidence suggests that the risk of collision between moving turbine blades and birds is minimal both for migrating birds and for local habitats. Bird strike is most likely to occur if a wind turbine is erected directly in a migration path, or where there are high

concentrations of particular species. Most birds in flight can be expected to take action to avoid obstacles.

5.9.6 47 species of birds were recorded at the site and the immediate adjacent area, 21 of which are confirmed as breeders. The birds recorded as using the site were categorised into their respective nature conservation values. The main potential effects on these birds were considered to be habitat loss, disturbance and collision. There may be some temporary displacement as a result of noise and visual disturbance during the construction phase and the loss of 5 metres of hedgerow is fairly minimal when compared with the other opportunities for bird habitats. Displacement may occur during the operation of the turbine as a result of vibration but in most instances it is expected that the birds would and could re-establish themselves in the nearby wooded areas. As with the bats most of the bird movements appeared along the existing vegetation routes as well as being at a height lower than the proposed blade height, making risk of collision minimal.

5.9.7 Buzzards have been recorded in the vicinity but not directly over the application site. The potential impact has been assessed in the submission and the risks to them are not thought to be significant.

5.9.8 The local ornithological society confirmed that the area was not within an area of particular ornithological interest and raised no objections. The applicant is intending to include mitigation measures to improve the habitats of various bird species.

5.10 Impact on aviation and communications and utilities

5.10.1 In relation to aviation issues the Ministry of Defence have raised no objections. However the need for aviation lighting has been stated. This can be included as a planning condition. National Air Traffic Services (NATS) have also raised no objections to the proposal. However London Oxford Airport has objected to the proposal on the grounds that the proposal has the potential to interfere with the performance of the radar which they intend to install and have operational by March 2012. The airport is particularly concerned about the proliferation of turbines and the cumulative impact of them on the radar.

5.10.2 This same issue occurred during the consideration of the Fewcott wind farm application and was also considered by the Inspector at the Inquiry. To overcome the concern the Inspector imposed the following condition;

No development shall take place until written confirmation is received by the local planning authority and approved in consultation with London Oxford Airport and the Civil Aviation Authority that radar mitigation measures in accordance with CAP 764 (Policy and Guidance on Wind Turbines) (and any other relevant CAA guidance in force at the time) can be implemented by London Oxford Airport such that radar operation at London Oxford Airport will be safe when the turbines become operational.

5.10.3 Whilst London Oxford Airport and the applicants for the Fewcott wind farm are currently experiencing some difficulty in agreeing the discharge of this condition meetings and negotiations are taking place to get the matter resolved. Assuming the condition can be discharged to the satisfaction of the Council it is considered necessary to include such a condition in the event of an approval for this single turbine scheme.

- 5.10.4 In relation to communications infrastructure it should be noted that no objections have been received from relevant bodies.
- 5.10.5 The risk to transmission networks for gas and electricity is minimal.
- 5.11 Other issues
- 5.11.1 **Hydrology**
A Flood Risk Assessment (FRA) has been undertaken by the applicant to meet the requirements of PPS25. The site is located within Flood Zone 3 an area which has a high probability of flooding. The installation of the turbine base will potentially result in the loss of flood storage capacity but this can be compensated for on a level for level basis by excavating the land to the north of the field and removing the material away from the area. A SUDS system is required to compensate for the impermeable nature of the turbine base. The submitted FRA sets out that as well as the level for level compensation other mitigation measures should include the stream crossing being appropriately designed so as to not increase the effects of flooding, a permeable surface being used for the access road and working platform, a SUDs system being designed and used to accommodate runoff from the turbine base and as far as possible construction of roads and working platforms taking place at existing ground level.
- 5.11.2 The EA have not commented in detail on the proposal and as such it is assumed that they have no principle objection to the proposal. Furthermore the proposal includes mitigation measures which appear appropriate and can be conditioned.
- 5.12 Conclusions
- 5.12.1 Addressing climate change is the Government's principal concern for sustainable development. PPS1, the Climate Change Supplement to PPS1, PPS22 and the PPS22 Companion Guide all promote the development and use of renewable energy and therefore afford a high level of policy support to the proposal.
- 5.12.2 The proposal will result in generating enough electricity to make the service area carbon neutral in terms of electricity consumption. Whilst this may seem a small contribution it is still a material consideration which carries significant weight.
- 5.12.3 As is the case with many wind turbine proposals, the benefits must be weighed against localised adverse impacts. The PPS22 Companion Guide identifies a number of planning issues which may be associated with wind energy, notwithstanding the fact that these will vary from scheme to scheme.
- 5.12.4 In the case of this development the key material considerations relate to impacts on landscape character and the visual amenity of those living and working in the area and using it for outdoor recreation and setting issues in relation to the nearby conservation areas, listed building and Registered Parks.
- 5.12.5 Local concerns have not been as apparent for this case as they were in relation to the Fewcott Wind farm proposal but concerns are still raised. Concerns relate to visual impacts, loss of amenity due to noise and shadow flicker, impact on views and the character of the landscape. However, officers are satisfied that any amenity issues with the exception of landscape impact would be manageable via appropriate planning conditions.

- 5.12.6 Having considered the information submitted with the application, it is concluded that the wind farm could operate effectively whilst achieving limits for noise emissions based on guidelines set out in ETSU-R-97 (The assessment and rating of noise from wind farms), which could be secured by condition, to ensure residential amenity is maintained during the day and night.
- 5.12.7 Users of the bridleway in the early morning have the potential to be effected by shadow flicker. It is concluded that this potential impact could be adequately controlled through an appropriate condition. Similar conditions have been successfully applied by other councils and should be acceptable to the operator given the fact that shadow flicker only occurs for a limited period when certain climate conditions are in play, and would therefore not affect the overall viability of the wind turbine.
- 5.12.8 In terms of safety, PPS22 clearly states that experience indicates that properly designed and maintained wind turbines are a safe technology. Given separation distances between turbines and the closest residences and rights of way, it is concluded that there is no material risk to health and safety.
- 5.12.9 Therefore it is considered that amenity issues do not constitute sufficient reasons to refuse permission and the proposal is in line with guidance set out in PPS22 and the Development Plan as far as these issues are concerned.
- 5.12.10 The site supports a range of habitats and species, some of which are protected by legislation. Officers are satisfied, on the advice of the Council's own Ecologist that the applicant has adequately assessed the impacts of the wind turbine on these species and that, with appropriate mitigation, the wind farm will not prejudice the legal protection of these species.
- 5.12.11 Therefore the key issue on which a decision must turn is whether adverse impacts on landscape character, visual amenity and the setting of the Conservation Areas and heritage assets are sufficient to outweigh the need for the scheme in terms of renewable energy generation.
- 5.12.12 It is acknowledged that there will be some significant landscape and visual impacts, albeit limited to a fairly small area around the proposal site. Significant landscape impacts will be confined to Farmland Plateau landscape type, within which the development will be located. No significant impacts are predicted for any nationally important AONB's. Significant visual impacts will be restricted to nearby local residents, recreational users of local footpaths and bridleways and motorists. The turbines will appear in views from small number of local residential properties. However, it is concluded that the need for the development of renewable energy outweighs the local negative landscape and visual impacts.
- 5.12.13 Based on these conclusions it is recommended that the application should be approved.

| 6. Recommendation | |
|--------------------------|---|
| | <p>Approval subject to;</p> <p>i) Officer's being satisfied, following further discussions, that the condition relating to aviation and radar impact is appropriate</p> |

| | ii) The following conditions |
|---|--|
| 1 | The development hereby permitted shall begin not later than three years from the date of this decision. (RC2) |
| 2 | Written confirmation of the date on which the development first provided electricity shall be given to the local planning authority within one month of that event. The development hereby permitted shall be removed on or before the twenty fifth anniversary of the date on which the development first provided electricity, and the land restored to its former condition in accordance with a restoration scheme submitted not later than the twenty fourth such anniversary to and approved in writing by the local planning authority. The restoration scheme shall include, among other things, a timescale for the restoration of the site after the removal of the development, a description of the measures to be taken in the demolition and removal of the development hereby permitted and of the measures to be taken to ensure that contemporary standards of pollution control and protection of public and neighbouring interests will be met. (Reason: To ensure that the site is restored to its current state at the end of the 25 year period.) |
| 3 | No development shall take place until details of the external colours and finishes of the development hereby approved have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out as approved and the agreed colours and finishes shall not be changed without the prior written consent of the local planning authority. (RC4A) |
| 4 | <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none"> i. Drawing No. CHMSA150311-1 dated 15/03/11 ii. Drawing No. CHMSA150311-2 dated 15/03/11 iii. Drawing No. 60mHM – KW1, 60m HiMast Class 1 Received 7 June 2011 iv. Drawing No. 07/446-E01 dated 09.11.2007 Received 7 June 2011 v. Additional Planning Information document dated March 2011 <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> |
| 5 | No development shall take place until a construction method statement has been submitted to and approved by the local planning authority, including measures to secure: i) The monitoring and control of noise, vibration and dust caused by construction activity on the site; ii) Control of pollution or sedimentation and responding to any spillages or contamination during the construction phase, including among other things oil interceptors to serve vehicle parking and hardstanding areas; iii) Details of wheel washing equipment to ensure that no material is deposited on the nearby roads from vehicles travelling from the site; iv) The use of impervious bases and impervious bund walls to areas used for the storage of oils, fuels or chemicals on the site; v) Removal of the construction compound and all temporary buildings and the reinstatement of the whole site not subject to built development all within 6 months of the date on which the development first provided electricity; vi) The use of only approved routes to and from the site by traffic associated with the construction |

| | |
|---|---|
| | <p>of the development hereby approved, or its decommissioning, and arrangements for parking and access at the site and for the storage of plant and materials there; vii) That no construction machinery shall be operated on the site, no process carried out on the site other than between 08:00 and 13:00 on Saturdays or between 07:30 and 18:00 on Mondays to Fridays unless previously approved in writing by the local planning authority, with no deliveries on Sundays or on Bank or other public Holidays; viii) Arrangements for outdoor artificial lighting (if necessary) so as to prevent nuisance to surrounding properties. Development shall be carried out in accordance with the approved construction method statement. (RC84)</p> |
| 6 | <p>No development shall take place until a shadow flicker mitigation scheme has been approved in writing by the local planning authority. The development shall be operated in accordance with the approved mitigation scheme. (Reason: In the interests of the safety of those utilising the public rights of way within the vicinity of the site.)</p> |
| 7 | <p>No development shall take place until a baseline television reception study has been carried out in an area previously approved in writing by the local planning authority, and the results submitted to the local planning authority. Details of works necessary to mitigate any adverse effects to domestic television signals caused in the survey area by the development shall, if approved in writing by the local planning authority, be implemented before the turbine blades are first fitted. A scheme for subsequent reactive mitigation in response to independently validated claims that television reception is impaired by the development, shall be submitted for approval by the local planning authority. The turbine shall not be brought into use until the reactive mitigation scheme has been approved, and the approved scheme shall be implemented for the life of the development. (Reason: In the interests of the residential amenities of nearby properties.)</p> |
| 8 | <p>Written confirmation of the submission of the following details to the Ministry of Defence and the Civil Aviation Authority shall be provided to the local planning authority within 3 months of the date of this permission and there shall be no development until such confirmation has been given:</p> <ul style="list-style-type: none"> i) Proposed date of commencement of the development; and, ii) The maximum extension height of any construction equipment to be on the site. <p>Written confirmation of the submission of the following details to the Ministry of Defence and the Civil Aviation Authority shall be provided to the local planning authority within 14 days of the completion of construction of the turbine:</p> <ul style="list-style-type: none"> a) Date of completion of construction; b) The height above ground level of the highest part of the built development (anemometry mast or turbine rotor tip); c) The latitude and longitude of the highest part of the built development; and, d) The lighting details of the site. <p>(Reason: In the interest of aviation safety during the construction phase and throughout the operation of the turbine.)</p> |
| 9 | <p>If the wind turbine hereby approved fails to provide electricity for a continuous period of 9 months then a scheme for the decommissioning and removal of the turbine and any other ancillary equipment and structures relating solely to that turbine shall be</p> |

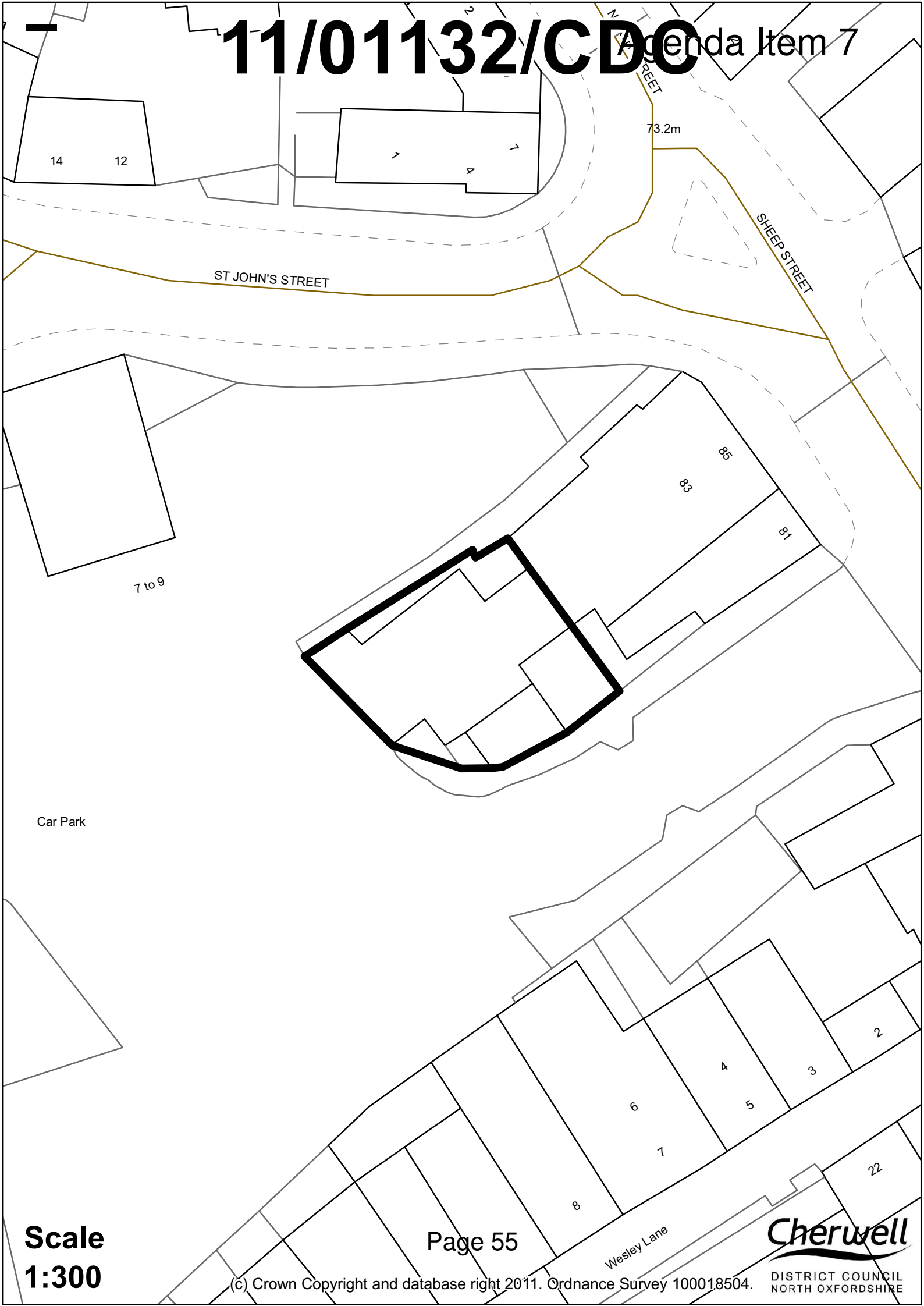
| | |
|----|---|
| | submitted within 2 months to the local planning authority for their written approval. If the turbine remains failed at the end of a continuous 12_month period (including the initial 9 months previously mentioned) then it shall be removed in accordance with the approved decommissioning scheme. The decommissioning scheme shall set the timescale for removal. (Reason: In the interest of maintaining the balance between the benefits of the proposal and potential harm caused by inoperative turbines and to protect the visual amenities of the area.) |
| 10 | That prior to the commencement of development pre-works checks must be carried out in relation to badgers and water voles and that in the event of circumstances having changed since the initial Phase 1 Habitat survey was carried out in April 2009 further mitigation and method statements will be required. The results of the pre-works checks and if necessary the mitigation measures and method statements shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. (RC86A) |
| 11 | SC 9.4A Carry out mitigation in ecological reports (RC85A) Recommendations of the Dormouse Report by Baker Shepherd Gillespie dated January 2010 and the recommendation of the Ornithology Report by Baker Shepherd Gillespie dated January 2010 and the recommendations set out in the applicants email dated 21 June 2011 relating to reptiles |
| 12 | No development shall take place until an ecological method statement has been approved in writing by the local planning authority. The ecological method statement shall include arrangements for the following: i) The provision of an Ecological Clerk of Works; ii) Details of and siting for bat roosts and bird nest boxes, including the timing of their provision; iii) The execution of the works generally relating to those measures set out in the ecological reports provided with the application. The development shall be carried out and operated in accordance with the approved ecological method statement. (RC86A) |
| 13 | No development shall take place until a scheme to dispose of foul and surface water has been approved in writing by the local planning authority. The surface water drainage scheme shall be based on sustainable drainage principles and shall include an assessment of the hydrological and hydro geological context of the development. The surface water drainage system shall contain the 1 in 100 year storm event with suitable allowance for climate change. The scheme shall also contain details of the changes to the ground levels, surface details of the access road and working platform and SUDS system. The approved scheme shall be implemented before the development is brought into use. (RC88A) |
| 14 | All cabling on the site to and from the wind turbine shall be underground. (Reason: To safeguard the visual amenity of the surrounding landscape.) |
| 15 | The turbine shall have an installed generating capacity of at least 0.8 megawatts. (Reason: To ensure the envisaged generating capacity is provided.) |
| 16 | No wind turbine shall be operated on the site until a scheme has been submitted to and agreed with the Local Planning Authority for monitoring noise levels at up to five selected residential locations (or at representative locations close to those properties, to be agreed with the Local Planning Authority) during six months following connection to the electricity grid and full operation of all the turbines on the site. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels at a representative range of wind speeds and wind directions with all wind turbines operating. Monitoring shall be carried out in accordance with the |

| | |
|----|--|
| | approved monitoring scheme and the results provided to the local planning authority within four months of completion of the scheme. (RC53AA) |
| 17 | No development shall take place until there has been approved by the local planning authority details of a nominated representative for the development and their contact arrangements to act as a point of contact for the public available by convenient means on at least six days each week together with the arrangements for notifying and approving any subsequent change in the nominated representative. The approved representative shall work within the approved details and shall have responsibility for liaison with the local planning authority in dealing with any noise complaints arising from the development during the period from start of work to completion of final site restoration. In the event that the local planning authority has given written notice to the wind farm operator three times in any 12-month period that it finds the nominated representative to be not working within the approved details, the wind farm operator shall replace the nominated representative, within two weeks of receipt of the third written notice, with an alternative who has been approved by the local planning authority. (Reason: To secure the availability of a point of contact for the public so that, should noise exceed the established limit, there is a clear arrangement to deal with the matter.) |
| 18 | No development shall take place until written confirmation has been provided to the local planning authority that a Safety Report has been submitted to and approved in writing by the operators of London Oxford Airport in consultation with the Civil Aviation Authority in relation to the safe operation of London Oxford Airport with the proposed wind farm in place. The turbines shall only be operated in accordance with the terms of the Safety Report. (Reason: To ensure aviation safety) |
| 19 | No development shall take place until written confirmation is received by the local planning authority and approved in consultation with London Oxford Airport and the Civil Aviation Authority that radar mitigation measures in accordance with CAP 764 (Policy and Guidance on Wind Turbines) (and any other relevant CAA guidance in force at the time) can be implemented by London Oxford Airport such that a radar operation at London Oxford Airport will be safe when the turbines become operational. (Reason: To ensure aviation safety) |
| 20 | The intensity of air navigation warning lights fitted to the turbines and anemometry mast shall not exceed 25 (to be confirmed) candela, except with the written approval of the local planning authority. (Reason: In the interest of residential amenities.) |
| 21 | The development hereby approved shall not be brought into use until written notice, signed by a Member of the Institution of Structural Engineers, has been provided to the local planning authority to the following effect: <ul style="list-style-type: none"> i) That the manufacture of the wind turbine conforms to European Standard IEC61 4001; and ii) That the design and installation of the installation as a whole has been carried out in compliance with BS EN 614001:2005 Wind turbines Design requirements. The maintenance operation and removal of the installation as a whole shall comply with BS EN 614001:2005. (Reason: In the interests of public safety) |
| 22 | All existing trees, shrubs and other natural features not scheduled for removal shall be fully safeguarded during the course of the site works and building operations (see BS 5837: 2005). No work shall commence on site until all trees, shrubs or features |

| | |
|---|--|
| | to be protected are fenced along a line to be agreed with the Local Planning Authority. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area. (RC72) |
| 23 | Before any works commence on site, details of the design of building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavation on site, insofar as they may affect trees and hedgerows on or adjoining the site, shall be submitted to and approved by the Local Planning Authority. (RC72) |
| 24 | All existing hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedgerows on or immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority in accordance with relevant British Standards (BS 5837: 2005). |
| <p>Summary of Reasons</p> <p>The proposal accords with national policy for the development of renewable energy. The proposal also accords with provision of the development plan. The landscape impacts are localised in nature and not considered to cause significant harm and this impact is not considered to be sufficient to outweigh the need for renewable energy generation, which is of regional and national importance. There are no other material considerations which justify a refusal of planning permission.</p> | |

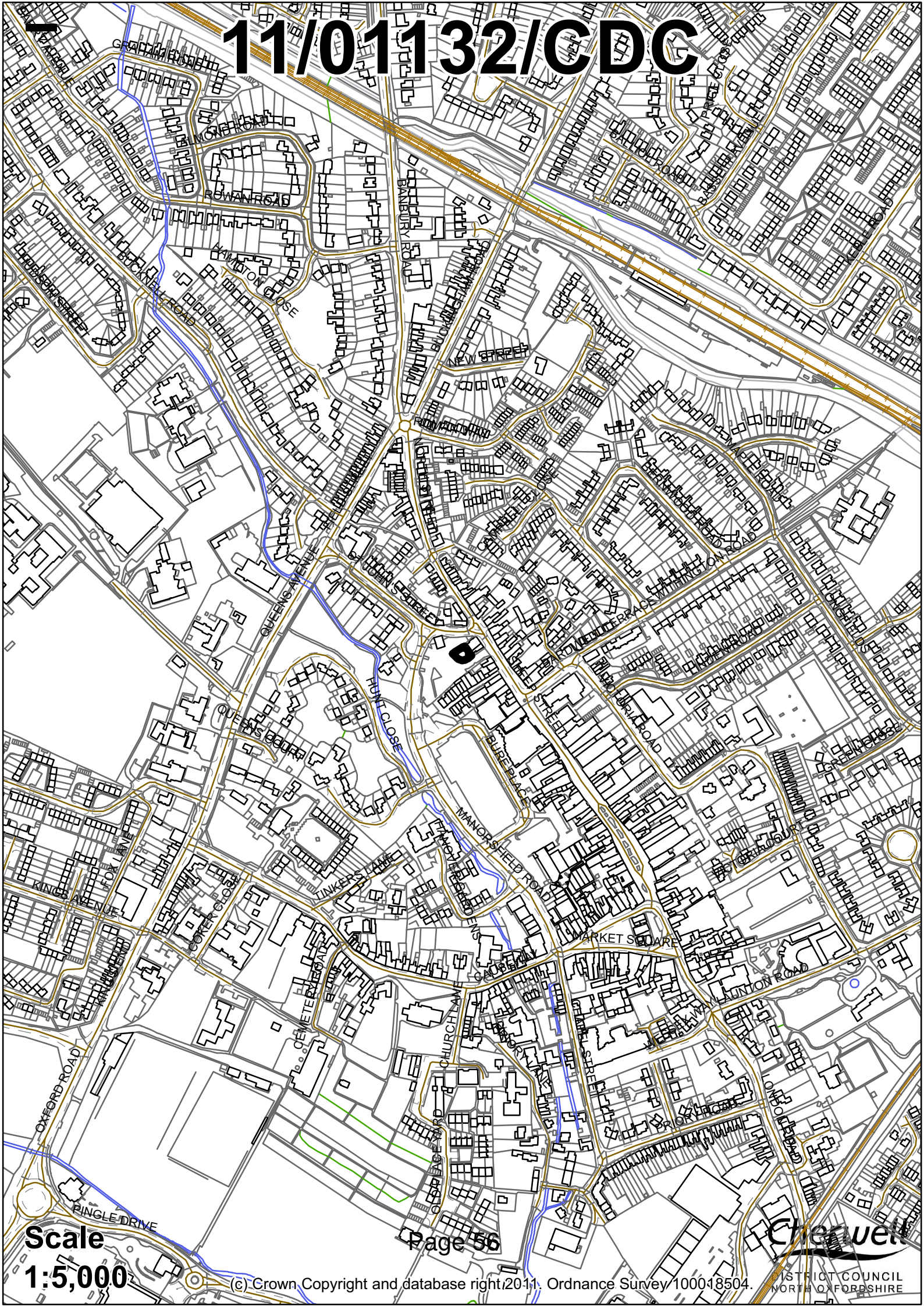
CONTACT OFFICER: Caroline Roche

TELEPHONE NO: 01295 221816



Scale
1:300

11/01132/CDC



Scale
1:5,000

Page 56



| | | |
|--|--|-----------------------------|
| Application No: 11/01132/CDC | Ward: Bicester Town | Date Valid: 26.08.11 |
| Applicant: | Cherwell District Council Bodicote House Bodicote Banbury Oxon | |
| Site Address: | Land and Buildings to the rear of 81-85 Sheep Street Bicester Oxon OX26 6JS | |

Proposal: Demolish sheds and outbuildings to the rear of 81-85 Sheep Street, make good the new boundary wall in brickwork and change of use to public car park

1. Site Description and Proposal

- 1.1 This application refers to buildings forming the rear part of 81-85 Sheep Street, Bicester.
- 1.2 The buildings are located within the existing Franklins Yard car park. Buildings 81-85 Sheep Street comprise a terrace of three shops with flats above. 81 is used as a takeaway and 83 and 85 are combined and used as a cycle shop which has been extended to the rear in the past. This car park occupies a corner position with access taken off of Sheep Street. The site has a very open aspect with views of the buildings predominantly taken from Manorsfield Road which wraps around the site. The site is located within the Bicester Conservation Area and a separate application for Conservation Area consent (ref 11/01133/CDC) appears on the agenda separately.
- 1.3 This application seeks consent to demolish buildings to the rear of 81-85 Sheep Street, which are currently have a poor appearance and are of no historical value, to enable the use of this land to be changed to provide additional car parking within the site. It is anticipated that an additional 10 spaces will be created from the demolition of these buildings.
- 1.4 This application has been made to facilitate a land exchange between this Council and the owner of 81-85 Sheep Street. In exchange for this part of the land, the owners would receive a small parcel of land adjacent to 85 Sheep Street which fronts onto St Johns Street. This exchange will then facilitate the redevelopment of the Franklins Yard car park as part of the comprehensive redevelopment of Bicester Town Centre.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice. The final date for comment was 05/10/11.

Third Parties – No comments have been received

3. Consultations

- 3.1 **Local Highway Authority** – No objection subject to conditions
- 3.2 **Bicester Town Council** – Have not commented on this application.
- 3.3 **Oxfordshire County Council Senior Drainage Engineer** – On the basis of the additional information provided is happy with the proposals.

4. Relevant Planning Policies

4.1 Government Guidance

PPS1 – Delivering Sustainable Development
PPS 6 – Planning for Town Centres
PPG 13 - Transport

4.2 The South East Plan

BE1, BE6 and T1

4.3 Adopted Cherwell Local Plan 1996

C28

5. Appraisal

- 5.1 The key issue to consider is the principle of the change of use of the land for use as car parking. Matters relating to the Conservation Area and the demolition of the buildings within the Conservation Area will be dealt with through the second application.
- 5.2 The predominant land use within the area is car parking already. The parking area is located to the rear of the shops and there will be no alteration to the existing access arrangements on site. The rear of the shops will also not be affected detrimentally by the proposal but will instead benefit from the construction of a new brick wall around the remaining rear of the building to retain some security and privacy for the occupiers.

The application accords with policy requirements and as such there is no objection in principle to the change of use of the land to form a car park.

6. Recommendation

The application be **approved** subject to the following conditions:

1. SC 1.4 (Time Limit)
2. SC 4.14 BC (Plan of car parking provision)
3. That full details of the proposed boundary wall to encompass the rear of 81-85 Sheep Street shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and/or on the adjoining building and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with plan no 12.11 Rev 1

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

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. Incorporating and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposed change of use of the land to form a car park does not have any detrimental impact on the area and is not considered to adversely impact upon the character or appearance of the adjacent Conservation Area. As such the proposal is in accordance with PPS1: Delivering Sustainable Development and PPG: Transport, Policies BE1, BE6 and T1 of the South East Plan and Policy C28 of the adopted Cherwell Local Plan 1996. 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: Michelle Jarvis

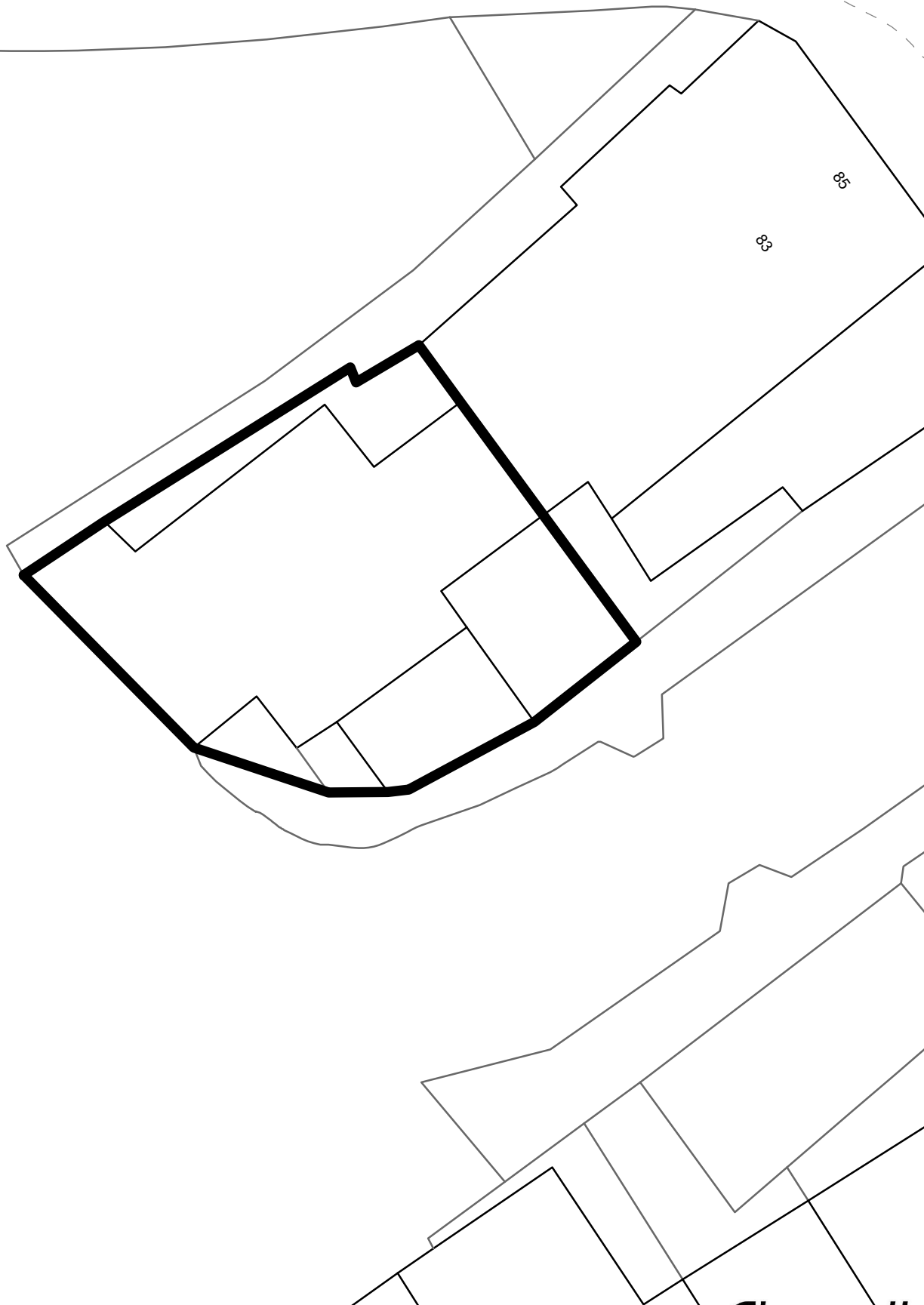
TELEPHONE NO: 01295 221826

Agenda Item 8 **11/01133/CDC**

ST JOHN'S STREET

SHEEP STREET

7 to 9



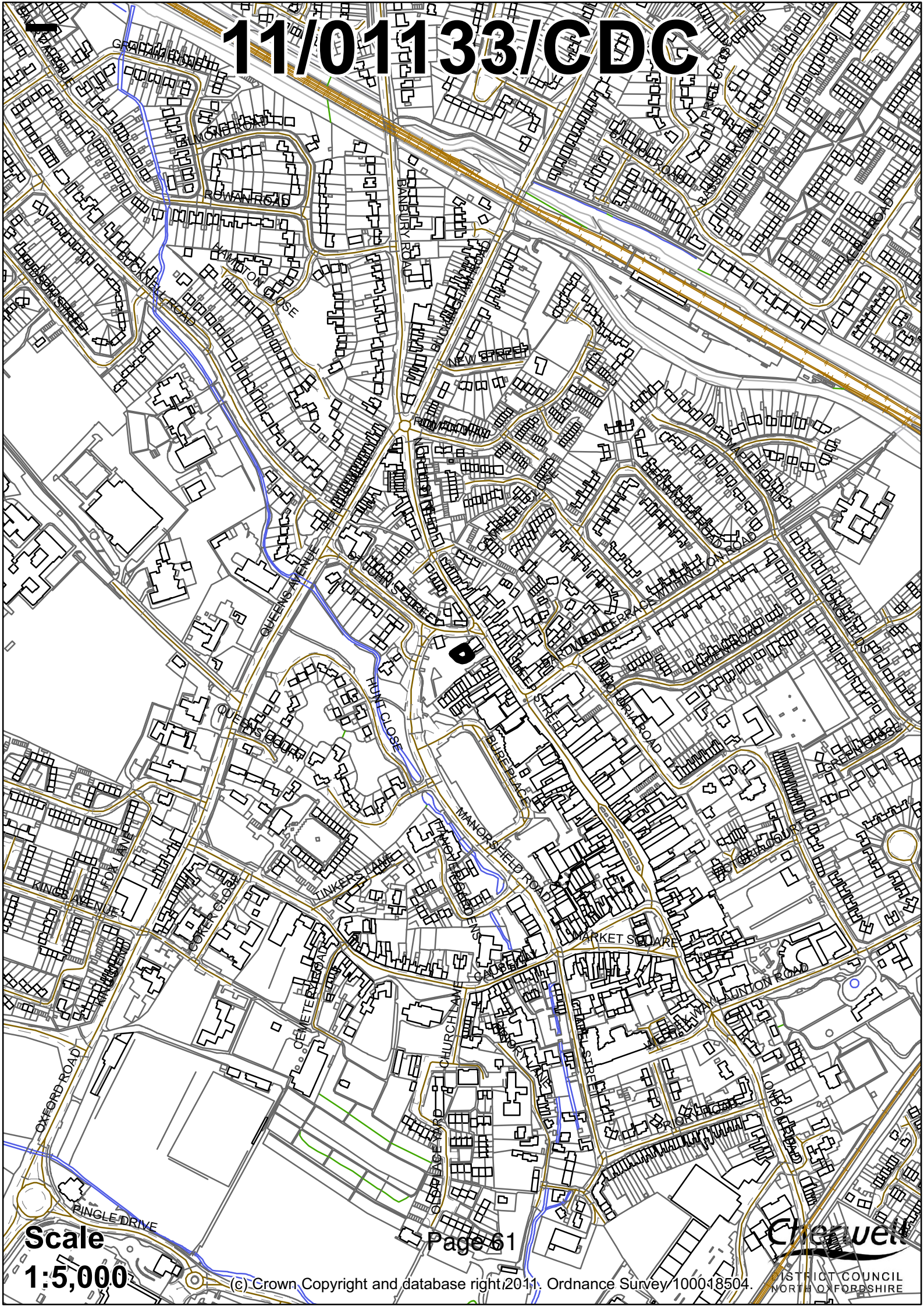
Scale
1:200

Page 60

(c) Crown Copyright and database right 2011. Ordnance Survey 100018504.

Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

11/01133/CDC



Scale
1:5,000

Page 61

Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

| | | |
|--|--|-----------------------------|
| Application No: 11/01133/CDC | Ward: Bicester Town | Date Valid: 26.08.11 |
| Applicant: | Cherwell District Council Bodicote House Bodicote Banbury Oxon | |
| Site Address: | Land and Buildings to the rear of 81-85 Sheep Street Bicester Oxon OX26 6JS | |

Proposal: Demolish sheds and outbuildings to the rear of 81-85 Sheep Street (Conservation Area Consent)

1. Site Description and Proposal

- 1.1 This application refers to buildings forming the rear part of 81-85 Sheep Street, Bicester.
- 1.2 The buildings are located within the existing Franklins Yard car park. Buildings 81-85 Sheep Street comprise a terrace of three shops with flats above. 81 is used as a takeaway and 83 and 85 are combined and used as a cycle shop which has been extended to the rear in the past. This car park occupies a corner position with access taken off of Sheep Street. The site has a very open aspect with views of the buildings predominantly taken from Manorsfield Road which wraps around the site. The site is located within the Bicester Conservation Area and a separate application (ref 11/01133/CDC) appears on the agenda separately.
- 1.3 This application seeks consent to demolish buildings to the rear of 81-85 Sheep Street which are currently of a poor appearance and of no historical value to enable the use of this land to be changed to provide additional car parking within the site
- 1.4 This application has been made to facilitate a land exchange between this Council and the owner of 81-85 Sheep Street. In exchange for this part of the land, the owners will receive a small parcel of land adjacent to 85 Sheep Street which fronts onto St Johns Street. This exchange will then facilitate the redevelopment of the Franklins Yard car park as part of the comprehensive redevelopment of Bicester Town Centre.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice. The final date for comment was 05/10/11.

Third Parties – No comments have been received

3. Consultations

- 3.1 **Bicester Town Council** – Have no objections to the application

- 3.2 **Cherwell District Council Conservation Officer** – Has no objection to the application subject to conditions

4. Relevant Planning Policies

4.1 Government Guidance

PPS1 – Delivering Sustainable Development
PPS 5 – Planning for the Historic Environment
PPS 6 – Planning for Town Centres
PPG 13 - Transport

4.2 The South East Plan

BE1, BE6 and CC6

4.3 Adopted Cherwell Local Plan 1996

C28

5. Appraisal

- 5.1 The key issue to consider is whether the demolition of the buildings is acceptable within the Conservation Area. Matters relating to the Change of Use will be dealt with through the first planning application.

- 5.2 The buildings to be demolished are located at the rear of 81-85 Sheep Street and from the car park and adjacent footpaths around the rear of the site they are very prominent. The cycle shop has extended in the past and this is a post war construction of no merit. In addition, there is a brick building with a felt flat roof, a brick and timber structure with a corrugated asbestos cement roof and also there are some lean-to structures again with corrugated roofing.

- 5.3 None of the buildings to be demolished have any architectural merit and their removal is considered to improve the appearance of the rear of the buildings. Furthermore the buildings at present do not make any positive contribution to the character and appearance of the Conservation Area. The Council's Conservation Officer has been involved with the proposals at pre-application stage and has no concern with their loss. The buildings to be demolished have a gross area of

approximately 130 square metres.

- 5.4 Overall the proposal is considered to improve the appearance of this area and in doing so will also enhance the appearance of the Conservation Area. The application is therefore considered to accord with policy and is therefore recommended for approval.

6. Recommendation

The application be **approved** subject to the following conditions:

1. SC 1.4 (Time Limit)
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with plan no 12.11 Rev 1

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

SUMMARY OF REASONS FOR THE GRANT OF CONSERVATION AREA CONSENT AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the Planning (Listed Buildings and Conservation Area) Act 1990, Government advice contained within PPS 5 and the development plan, unless material considerations indicated otherwise. The development is considered to be acceptable on its merits as the proposal preserves the character and appearance of the Conservation Area. As such the proposal is in accordance with Policies BE1 and BE6 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan 1996. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and Conservation Area Consent granted subject to appropriate conditions as set out above.

CONTACT OFFICER: Michelle Jarvis

TELEPHONE NO: 01295 221826

11/01151/F Agenda Item 9

Gosford Hill School

Sports Centre

Thames Valley
Police Headquarters

Playground

Tank

Mast

Gg

33

LB

GROMWELL WAY

FAIRFAX ROAD

GOSFORD CLOSE

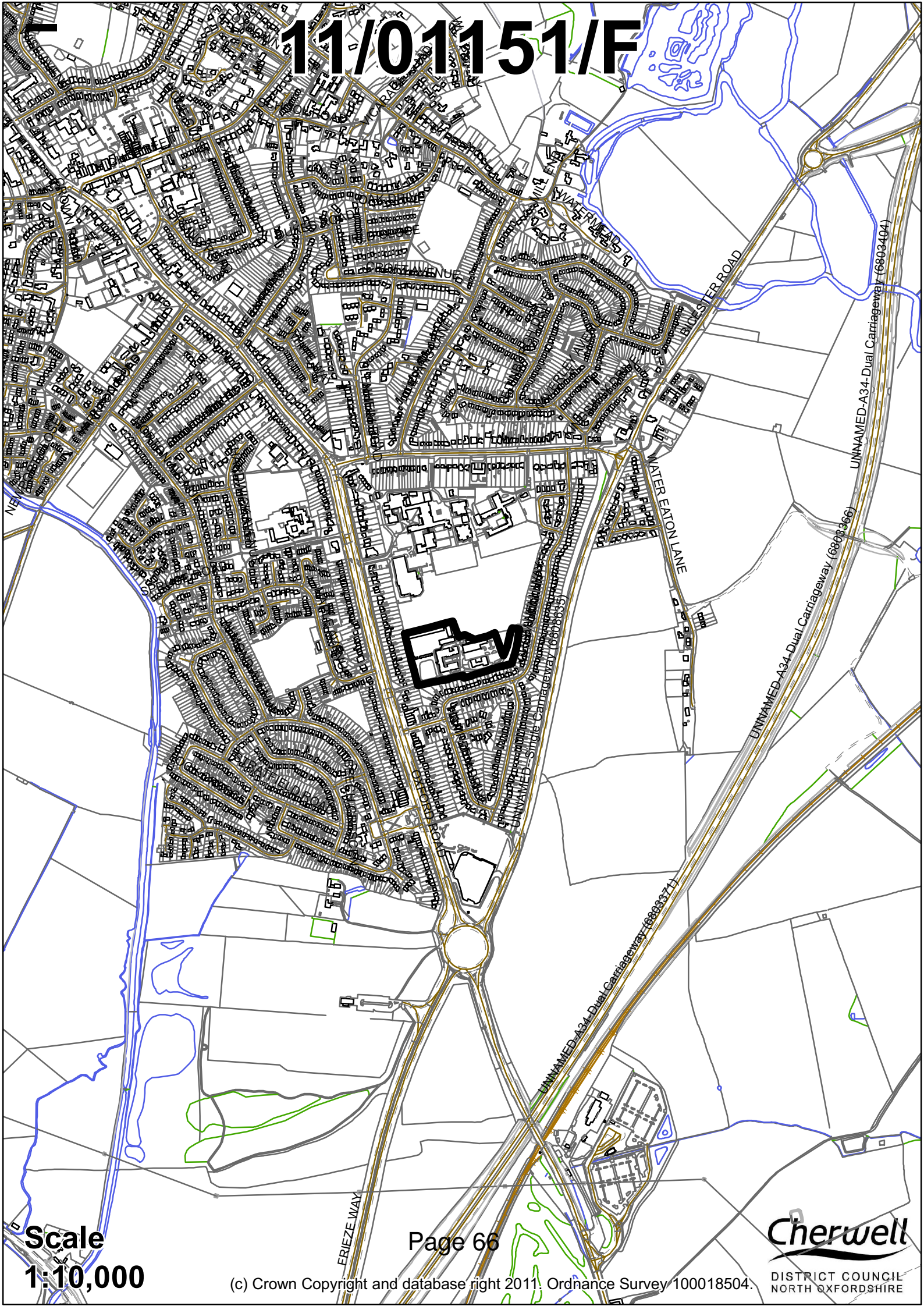
HAMPDEN DRIVE

Scale
1:1,500

Page 65

Cherwell

11/01151/F



Scale
1:10,000

Page 66

(c) Crown Copyright and database right 2011. Ordnance Survey 100018504.

Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

| | | | |
|--------------------------------------|--|---------------------------|---------------|
| Application No: 11/01151/F | Ward: Yarnton, Gosford and Water Eaton | Date 05/08/2011 | Valid: |
| Applicant: | Thames Valley Police Authority | | |
| Site Address: | Thames Valley Police HQ, Oxford Road, Kidlington, Oxfordshire, OX5 2NX | | |

Proposal: Erection of three storey building to provide additional office space including associated vehicle parking and landscaping works

1. Site Description and Proposal

- 1.1 The Thames Valley Police (TVP) Head Quarters site is situated just off the east side of the Oxford Road in Kidlington and accessed via a cross over by the slip road. The site is surrounded by residential properties to the east, south and west boundaries, with school playing fields and the Kidlington and Gosford sports centre to the north. The site is outside of a conservation area and there are no listed buildings within proximity. A public right of way runs to the south of the site, along the road, which connects the site to the Oxford Road and Cromwell Way. The site may also have some ecological potential.
- 1.2 On site currently are a number of office buildings. The functions currently occurring at the HQ South site include the Chief Constables management team and support team, the Police Authority and support team, corporate communications, the ICT department, corporate back office functions (such as programme management, performance management etc), forensic services and local policing (HQ and back office support). These functions, with the exception of the lab services, are mainly back office and employees generally work standard office hours. The existing buildings are constructed from brick, with the use of some render. The current floor space at the HQ south site amounts to approximately 7980m² and 392 staff are currently accommodated at the site. There are currently 315 parking spaces available and some bicycle spaces are also available. Some of these parking spaces are secure for TVP personnel only.
- 1.3 This application seeks planning permission for the construction of a new three storey office building along with associated vehicle parking and landscaping. The building will be on the same site as where a building known as 'B' block originally stood, which was demolished in 2008. The building proposed would be 40m in length, 13m in width, with a total gross internal area of 1572m² and a total height of 12.3m. Accommodation would be arranged over three floors and would include open plan office space, enclosed office rooms, meeting rooms and other associated services. A glazed link would be constructed to link the new 'B' block to the existing 'A' block, to include a lift for access to all floors of both blocks. The building would be flat roofed, but would represent a more modern designed building than the existing buildings on the site, with a significant amount of glazing and the use of coloured stainless steel cladding. Some landscaping would be introduced around the building. 49 additional car parking spaces would be provided to ensure that the HQ site overall provides an appropriate level of parking giving a total number of

parking spaces on the site of 364.

- 1.4 The functions of the Police Authority to be accommodated within the proposed building are not yet known as this is still under review; however the proposal will allow the Authority to collate teams which are currently split over several offices/sites around Kidlington and to contain the majority of the staff into the HQ North and South sites. It is anticipated that 75 full time equivalent staff will be accommodated within the new building.

1.5 Planning history

Recent planning history relates mainly to alterations to the buildings including the installation of plant and machinery such as a satellite dish, generator, and flue. Application number 04/02310/F (Permitted) Change of use of front lawn to car parking area and installation of associated lighting bollards is relevant.

The site also gained planning permission in 2000, for residential development including affordable housing following the demolition of structures and buildings (00/01884/OUT).

2. Application Publicity

- 2.1 The application has been advertised by way of five site notices and a press notice. The final date for comment was 08 September 2011.
- 2.2 3 letters of objection have been received (one said to be representing local residents) raising the following points:
- TVP HQ has got busier and noisier over the years
 - Extension will be elevated to such a height that it will over look their property (17 Cromwell Way) and being in line with bedroom windows and over the garden
 - TVP should consider planting more on the Cromwell Way side of the Headquarters to provide privacy for surrounding neighbours
 - Existing buildings have flood lights, which are left on over night and shine directly into rooms. Thought should be given to further lighting.
 - Noise should also be considered, lorries are a nuisance early mornings and at weekends.
 - Sufficient thought must be given to parking to ensure it does not encroach on residential areas.
 - Parking is bad enough now but with extra employees, this could create extra problems.
 - Application fails to provide sufficient details to consider the application. Cost of the building questioned compared to the amount of staff that could be accommodated.
 - Possible review of Police Authorities
 - Request that permission is withheld until the new Commissioner is in post and have had time to evaluate the needs of TVP and the suitability of the HQ south site for further development.
 - New strategic plan for the site could then be agreed.
 - No strategic plan for the site is given but indications are that further phases are envisaged and without this information a clear decision cannot be made.
 - Level of staff to be accommodated within the building is considered to be a deliberate misinformation given the amount of floor space to be provided

- No indication of the future staffing levels which may be accommodated on the HQ South site.
- Car parking plans and needs are considered conjectural. The current approved 360 car parking spaces do not support the proposed development.
- Residents believe 200 staff is a more realistic figure than the quoted 75 staff and therefore the parking provision of 360 cannot be a realistic level. Residents estimate is that 360 will be inadequate and a realistic estimate will be another 200 spaces needed at least, which cannot be found on this site. Further development would create an impossible situation.
- The travel plan is unworkable and unmanageable as it relies on staff members choosing how they travel to work. The plan appears to be a re-working of an old Travel Plan, which is unworkable and unmanageable.
- Residents feel they have not been effectively consulted by the applicants. Residents were promised they would have positive input into the Environmental Impact Assessment/ parking/ traffic investigations. One consultation event where these details were not available is not considered to be reasonable consultation. Planning application should be rejected on this fact.
- Local adjacent roads need to be designated residents only parking in order to prevent resident's environment caused by parking in the surrounding roads. If TVP continue to expand they should pay for the protection of resident's environment and the maintenance of their property amenity value.
- A more suitable site should be found which is not so constrained.

3. Consultations

- 3.1 Gosford and Water Eaton Parish Council – makes the following observations:
- Environmental matters – TVP telecom tower needs to be considered in terms of health impacts and addressed under this application.
 - Traffic and Transport matter – Existing access off of the Oxford Road causes problems, developer should provide a tapered TVP access bellmouth and or over run.
 - Concerned that traffic generated by Chiltern Railways Parkway station has not been taken into account in the traffic analysis as this is a known committed site. The Langford Lane Waste disposal site should also be taken into account and the potential traffic generation from this. May have an affect on the right turning lane queue lengths waiting to turn into the service road, this should be lengthened.
 - Agreement to provide double yellow lines in the vicinity of the service road, A4260 junction. The Parish Council have requested this previously for double yellow lines to be provided at both ends of the service road at the north and south junctions as well as for the middle TVP HQ access/ service road junction. Personnel for TVP HQ use all of these junctions and it is requested that this double yellow lining is provided.
 - Concern that parking in the service roads occurs with commuters then using a bus to Oxford. Traffic assessment survey does not reflect the on street parking problems that frequently exist and this needs to be carried out and action taken. Possible on street parking management system could be used to prevent all day commuter parking.
 - No consideration appears to have been given to TVP award ceremonies or other short term events. Alternative arrangements (e.g. parking elsewhere in Kidlington) should be investigated.

- Other options for parking are available e.g. at Water Eaton Park and Ride, Stratfield Brake Recreation Ground, possibly Sainsburys car park. Request that TVP contact the Stratfield Brake Recreation Ground committee about the possibility of using this car park.
- Is there the possibility of using these car parks for building contractors during building works? This should be investigated
- Visitors to the site should be provided with additional information re. parking
- Why did a higher percentage of TVP staff not complete the work place travel plan questionnaire? How was this dealt with?
- A one way traffic system is considered to have limited benefit but may lead to extra problems such as higher speeds. There are problems of speeding traffic in this area however and the PC considers this is not outside the remit of TVP to reduce speeding for safety reasons and it may be appropriate for a contribution to be made to make Cromwell Way a 20mph zone due to extra traffic and speeding
- TVP should confirm work place hours and meetings should be planned where possible and accordingly staggered to reduce peak traffic demands and that visitors are pre-advised about appropriate travel or parking arrangements
- TVP should consider parking priorities for car sharing
- Mention of a possibility to move the play area and use this area as car parking but it is then concluded that this is not necessary. There should be a contingency plan in place.
- TVP should appoint a travel manager to monitor, action and liaise with the public over traffic and parking issues
- Clear to the Parish Council that there could be a short fall in parking leading to unacceptable on street parking conditions in roads surrounding the TVP HQ.
- Conclusions within the Green Travel Plan are accepted, but as this is a voluntary arrangement then personnel can ignore it. Staff numbers are also queried taking into account possible desk sharing and visitors in terms of numbers, how meetings could be phased, the use of video conferencing, directions to other car parks nearby.
- Problems regarding the redesigning of the car parks within the site are identified
- TVP has the opportunity to increase car parking at a low cost by enlarging the rear car park by acquiring and repositioning an area of a play area or enlarging the secure parking area

- 3.2 Kidlington Parish Council – Objects to the proposal on the grounds that there is inappropriate access to the site for the development which will substantially increase traffic movements. The application has not demonstrated sufficient mitigation measures for the added problem – that should include developer contributions
- 3.3 OCC Highways – No objections (comments outlined below)
- 3.4 CDC Environmental Protection Officer – No comments received to date
- 3.5 CDC Ecologist – Due to the site being largely hard standing, it is unlikely there will be any significant ecological impacts. Wildlife enhancements such as native planting or bird boxes on the new building should be sought as required by PPS9
- 3.6 CDC Rights of Way Officer – Gosford & Water Eaton FP14 (229/14) passes through

the site but would not be affected by the proposed new building.

3.7 OCC Rights of Way Officer – No response received

4. Relevant Planning Policies

4.1 PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPG13: Transport

Draft National Planning Policy Framework – July 2011

4.2 The South East Plan: Policies CC1, CC2, CC4, RE1, RE3, RE5, BE1, BE2, T4

4.3 Adopted Cherwell Local Plan: Policies EMP3, T1, C28, C30

5. Appraisal

5.1 The key issues are:
Principle of the development
Visual amenity
Neighbour amenity
Highway safety and parking provision
Other matters

5.2 Principle of the development

The use of this site for the Police Authority is long standing and established. The proposal will form additional office accommodation for the Police Authority and will allow the Authority to rationalize on space and costs. It must be noted that the proposed building will be on the same site as the original 'B' block, which was demolished in 2008.

5.3 PPS4 states the Government's overarching aim for sustainable economic development and sets out that planning applications that secure sustainable economic growth should be treated favourably. Policy EMP3 within the adopted Cherwell Local Plan states that within the built up limits of Kidlington, Yarnton and Begbroke (East), planning permission will normally be granted for employment generating development providing the proposal represents a modest extension to an existing employment generating use amongst a number of criteria.

5.4 Given that this site forms the existing Headquarters for TVP, the proposed development replaces a building that was originally in this location, which was of a similar scale, which had around 1,071m² floor space (but was demolished as it surpassed its useful life), the proposed development will provide additional accommodation for the Police Authority and will enable the Authority to rationalize on their space and costs. Taking this assessment into account, it is clear that the proposal accords with the aims of Policy EMP3 of the adopted Cherwell Local Plan as it represents a modest extension to the existing site, which is a major employer in this area. As such, your Officer's consider that the principle of the proposed office building is acceptable.

- 5.5 Visual amenity
With regard to visual amenity, the whole Thames Valley Police site is situated behind the dwellings along the Oxford Road to the west and Cromwell Way to the east and south, with Gosford Hill School and the sports centre to the north. As such, the buildings on the site are not prominent in the street scene from the Oxford Road or Cromwell Way. A public right of way runs through the site linking the Oxford Road to Cromwell Way and views of the new building will be gained from here.
- 5.6 From a policy perspective and in terms of design, PPS1, Delivering Sustainable Development states that “Planning Authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people.” (paragraph 34).
- 5.7 PPS4 also suggests that proposals for economic development should secure a high quality and inclusive design, which takes the opportunities available for improving the character and quality of the area and the way it functions.
- 5.8 The South East Plan also emphasises the need for good design, with policy BE1 stating that Local Planning Authorities should use opportunities associated with new development to help provide significant improvements to the built environment.
- 5.9 Policy C28 of the adopted Cherwell Local Plan states that control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development.
- 5.10 The existing buildings on the site all date from the 1960’s – 1980’s and are standard office type buildings constructed from brick and render with flat roofs. Architecturally, they are bland in their design, but they are suitable for their purpose as office buildings and function for their use well.
- 5.11 The proposed building would be more modern in appearance than those currently on site, with the use of a large amount of glass, render and coloured cladding. However, it would also be similar in scale to the existing buildings in terms of height and bricks that are similar in appearance to the bricks that are used on ‘A’ block would be used. The window detailing and positioning would also be similar to the windows on ‘A’ block. A glazed link would be placed to link the existing ‘A’ block, with the proposed ‘B’ block, which would be set back from the front of each of these buildings and which would therefore not be a prominent addition. The proposed building is considered to sit comfortably on the site, will relate well to the existing buildings and will provide a more modern alternative for the office accommodation, which will not harm the visual amenities of the wider area. Samples of the materials to be used have been submitted, which are considered to be acceptable. The proposal is considered to comply with Policy C28 of the adopted Cherwell Local Plan.
- 5.12 Neighbour amenity
With regard to the impact of the development upon the residential amenity of neighbouring properties, it is considered that there is unlikely to be any serious

impact by loss of light, loss of privacy or over dominance. This view is taken given the distances between the proposed building and neighbouring properties nearby to the east, south and west boundaries, the fact that the building replaces a building which was previously in this position and the fact that it is no taller than other buildings on the site, and so any impact is unlikely to be significantly worse than the existing impact.

- 5.13 The comments of the neighbouring property nearby (to the south on Cromwell Way) are noted, however given the distance between the rear of this property and the proposed building (at least 50m) and the presence of 'A' block between, the impact caused is not unacceptable.
- 5.14 In terms of light pollution or other disturbance from the building, again, given the existing site is used for the police currently, it is not considered that any impact would be significantly worse than any current impact given the use of the building will be for further office space and the operation of the site is generally during 'normal' office hours. Any disturbance caused during the construction phase would not be a reason to refuse a planning application, however planning notes have been recommended to ensure that the applicant is aware of the surrounding neighbours during construction. It is considered that the proposal has an acceptable impact upon the residential amenity of nearby properties and so the proposal complies with policy C30 of the adopted Cherwell Local Plan.
- 5.15 Highway safety
Extensive traffic information has been submitted, which is available to view on the file and which is based on a staff survey of travel behaviour of staff at all sites in and around Kidlington, traffic surveys at key points in the surrounding highway network and surveys of existing parking supply and demand in and around the site on two typical weekdays. The transport assessment concludes that the proposed reinstatement of B block will have no significant adverse impact in terms of peak hour queues and delays and all additional parking demand will be accommodated within the existing site, which includes increasing the total parking on the site from 315 spaces to 364 spaces through the reconfiguration of the existing parking layout which accordingly complies with Policy T4 of the South East Plan 2009. It is also expected that some further parking spaces will become available through the implementation of the Green Travel Plan.
- 5.16 Consideration was given prior to the application being submitted, to relocate the children's playground to the rear of the HQ site and to then use this land for additional car parking. The Transport Assessment submitted concluded that this additional parking was not required to support the proposals and this area is therefore not included within the planning application and no change will occur to the playground.
- 5.17 The Highway Authority have considered the information submitted and have advised that a robust Transport Assessment (TA) has been submitted, the scope of which was agreed with the Highway Authority prior to the application being submitted. The TA has considered the impact of associated traffic upon the local highway network and specifically sensitive junctions in the locality. The assessment has used professionally recognised software with survey and appropriate forecast traffic data to model these junctions and the conclusions of the TA are considered to be fair and appropriate.

- 5.18 The application is supported by a travel plan to promote the use of more sustainable modes of transport and discourage the use of single occupancy car journeys. The site benefits from good connections to public transport and is highly accessible. The travel plan addresses the existing situation and suggests a comprehensive approach across the organisation.
- 5.19 In terms of parking provision, this has been carefully considered and the application proposes levels commensurate with existing demand, as determined by current ratio of parking provision to employee. The supporting documents include parking surveys, both on and off site and show there is a small level of spare capacity within the site and negligible overflow to the highway network. The issues raised by local objectors, in terms of vehicles parking on the street are noted, and whilst the Highway Authority are satisfied with the level of parking proposed, it is accepted that there may be some potential for over spill if staffing numbers were to be greater than those identified within the TA. The proposed parking layout is considered appropriate and provides appropriate space for manoeuvring. The surfaced areas should incorporate SUDS, which can be secured via condition.
- 5.20 Access to the site would remain unaltered, and this is considered appropriate for the increased use that would result from the proposed development. In terms of safety there have been no recorded accidents at the access within the last five years, suggesting there are no safety concerns in the function of the junction. Accident records for the surrounding highway network have been inspected and there does not appear to be any clusters or correlation that would suggest safety deficiencies in the local highway network.
- 5.21 TVP have stated their intention for construction vehicles to be carefully controlled to ensure that these do not cause any unacceptable impact during the construction phase. The DCTL considers that together with the implementation of the green travel plan and transport monitoring, there is adequate parking provision within the site and the access arrangements are acceptable. Therefore in terms of parking, access and highway safety and convenience the proposal accords with PPG13: Transport and Policies T4 and T5 of the South East Plan 2009.
- 5.22 Planning Obligation
The Highway Authority have advised that a small transport contribution of £5,000 will be required which will go towards monitoring parking levels and providing any necessary mitigation that arises as a result of this monitoring. The DCTL considers that this is a reasonable request and that this can be secured via a unilateral undertaking, which the County Council have started to draft for the applicant. TVP have agreed to provide this contribution as requested. The proposal therefore complies with policy T1 of the adopted Cherwell Local Plan in this respect.
- 5.23 It is clear that a thorough assessment of highway safety implications of this development has been made and that the conclusions are considered by the Highway Authority to be accurate and fair. The Highway Authority raise no objections subject to conditions and the financial contribution, which will go towards monitoring the parking levels on site and to provide any necessary mitigation identified.

5.24 Other matters

The site is not within any flood zone and so the development will not result in increased flood risk. The Highway Authority has suggested conditions to ensure that drainage of parking and turning areas is acceptable and to incorporate sustainable drainage where necessary. No comments have been received from the County Drainage Team.

5.25 In terms of ecology, the Council's Ecologist has commented that due to the site for the new building being largely hard standing, there is unlikely to be any significant ecological impacts as a result of this development. She would like to see wildlife enhancements included on the site such as native planting or bird boxes, which should be sought in order to comply with PPS9. This has been included as a planning note as it would be good practice to enhance wildlife habitats. A phase 1 environmental statement has been submitted, which concluded that there is likely to be limited impact from the proposed development. The Council's Rights of Way Officer has confirmed that although Gosford & Water Eaton FP14 (229/14) passes through the site; it would not be affected by the proposed new building.

5.26 The comments of Kidlington Parish Council (as the adjoining Parish) are noted, and the concerns have been addressed within the highways paragraphs earlier in this report. The comments of Gosford and Water Eaton Parish Council are also noted, however it must be made clear that any developer contributions or conditions this Council requires must be related directly to the development proposed. The Local Planning Authority cannot question the working practices that the Police Authority employs.

5.27 The comments of third parties in relation to parking and highway matters have been addressed within the highways paragraphs earlier in this report. It is not considered that this Council can question the timing of this planning application, the costs that may be incurred for the Police Authority, the future staffing levels, or defer a decision until future plans for this site have been submitted, or until a new Chief Constable is in post as this is not reasonable and the Local Planning Authority must consider each application on its own merits. A full assessment has been made of the implications of this proposal, including on highway safety and the County Council as Highway Authority have confirmed that no objections are raised.

5.28 The comments made in relation to the community involvement that has been carried out are noted, however although it is desirable to consult the community and take their comments and concerns into account, there is no statutory requirement for an applicant to do this. In this case, the applicant has chosen to carry out some consultation, however it is not for the Council to question the quality or extent of the exercises carried out and this is not a reason to resist a planning application. The Council has carried out its own statutory advertisement of the application as set out within paragraph 2.1, whereby any comments or concerns of third parties can be fully taken into account.

5.29 Conclusion

The above assessment has demonstrated that the proposal is acceptable in principle and will have limited impact in terms of visual amenity and the residential amenity of neighbouring properties. It is noted that highway safety and parking provision for this site are a considerable concern; however extensive information has been provided in relation to this matter, which has concluded that no significant

highway safety impact will be caused and that all additional parking demand can be accommodated on the site. This information has been considered by Oxfordshire County Council as the Local Highway Authority, who agrees with the conclusions reached and therefore raise no objection. As such, the proposal is considered to be acceptable and to comply with the above mentioned planning policies.

6. Recommendation

Approval; subject to:

The applicant entering into a planning obligation to the satisfaction of the District Council;

And the following conditions:

1. 1.4A (RC2) [Full permission: Duration limit (3 years)]
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: application forms, design and access statement, statement of community involvement, phase 1 environmental survey, transport assessment and all accompanying documentation, site location plan and drawing numbers 100292/A/PL01 A, 100292/A/PL02 B, 100292/A/PL03 B, 100292/A/PL04 B, 100292/A/PL05 B, 100292/A/PL06 B, 100292/A/PL07 B, 100292/A/PL08 C, **100292/C/002 A, 100292/C/003 B, 100292/C/006 A, 100292/C/900 A** and JNY7037-03 B
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. The external walls of the building shall be constructed in accordance with the samples of the bricks to be “Selected Light Facings” manufactured by Freshfield Lane Brick Works Limited, the render – colour RAL 9016 and the Rimex stainless steel cladding – colour green unless otherwise agreed in writing by the Local Planning Authority. (RC4A)
4. That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan (100292/A/PL02 B) hereby approved and shall be constructed, laid out, surfaced (bound material), drained (in accordance with SUDs) in accordance with full details which shall be submitted for the prior approval in writing by the Local Planning and shall be completed and retained unobstructed except for the parking and manoeuvring of vehicles at all times. (RC14AA)
5. That within 3 months of any new occupation of the development, a travel plan to reduce dependency on the private car, which shall include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; and be 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 and thereafter operated. (RC66A)
6. **Confirmation of need for a condition relating to drainage from the County Drainage Team**

Planning notes

1. X1 – Ecology
2. The Council’s Ecologist has recommended that wildlife enhancements such as native planting or bird boxes on the building would be beneficial. Further advice in relation to this matter can be obtained from the Council’s Ecologist Charlotte

Watkins on 01295 227912.

3. ZZ – Unsuspected contamination
4. S1 – Post permission changes
5. T1 – Third party interests
6. U1 – Construction sites

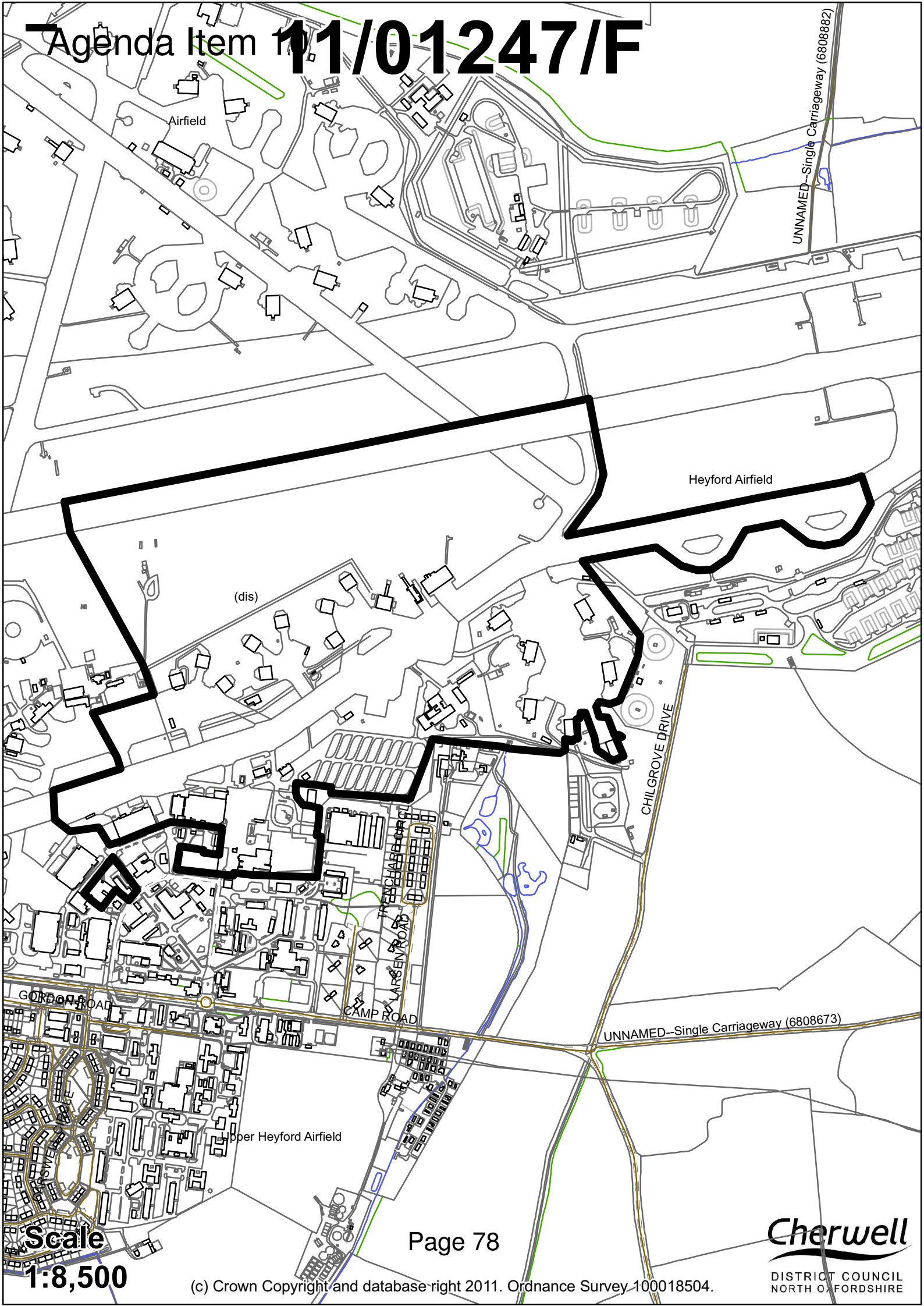
SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

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 is acceptable in principle and pays proper regard to the character and appearance of the site and surrounding area and would have no undue adverse impact upon the residential amenities of neighbouring properties. Furthermore, the proposal is acceptable in highway safety terms. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth, PPG13: Transport, Policies CC1, CC2, CC4, RE1, RE3, RE5, BE1, BE2 and T4 of The South East Plan and Policies EMP3, T1, C28 and C30 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.

CONTACT OFFICER: Caroline Ford

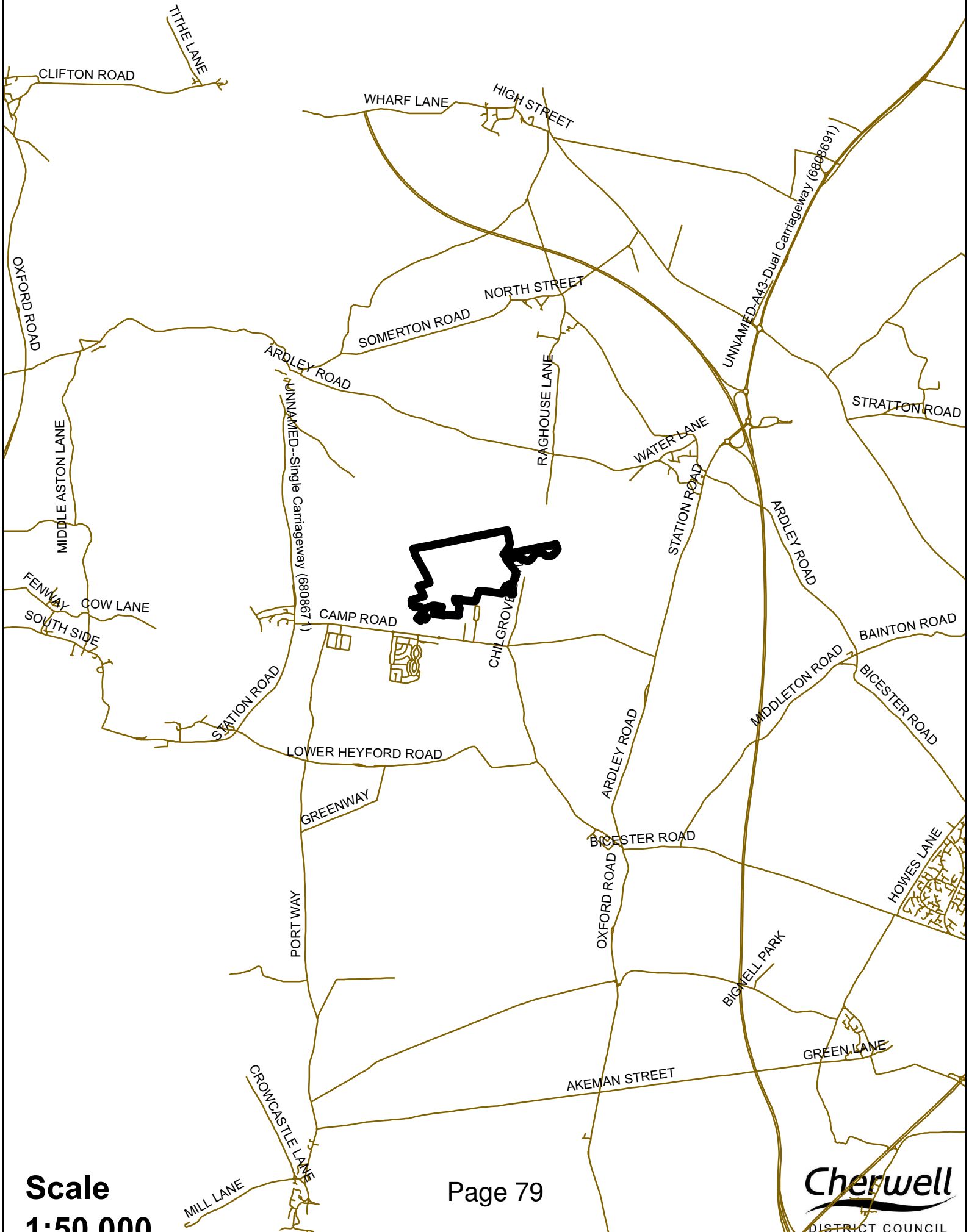
TELEPHONE NO: 01295 221823

Agenda Item 11/01247/F



Scale
1:8,500

11/01247/F



Scale
1:50,000

| | | |
|--------------------------------------|---|----------------------------------|
| Application No: 11/01247/F | Ward: The Astons and Heyfords | Date Valid: 10.08.2011 |
| Applicant: | Paragon Fleet Solutions | |
| Site Address: | Paragon Fleet Solutions, Heyford Park, Camp Road | |
| Proposal: | Change of use to allow the continued use of land, buildings and other structures and continued retention of security trench, concrete rings and temporary lamp posts until 30 June 2013 | |

| | |
|---|---|
| 1. Site Description and Proposal | |
| 1.1 | The application site for this proposal covers part of the former RAF/USAF Upper Heyford base. It is identified on the appended site plan and measures approximately 61 hectares in size, the Heyford base being approximately 505 hectares in total. |
| 1.2 | In terms of the uses on site, the military use ceased in 1994. Since 1996 the site has been used for a series of temporary uses including occupation of the existing dwellings on the site. For the last two years by the Dorchester Group. In that period the base has accommodated approximately 1,000 jobs and homes for around 750 residents. |
| 1.3 | <p>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 the Cold War landscape are preserved. This application includes a small part of the Technical Area but is largely on the Flying Field and crosses a number of character zones as classified in the Conservation Appraisal:</p> <ul style="list-style-type: none"> • 1A Central Runway- Open landscape dominated by the uniform planes of meadow grassland and hard surfaces and by the wide horizons. The area is surrounded by HASs (Hardened Aircraft Shelters) and includes the control tower. The CWS (County Wildlife Site) is located towards the eastern end of the area. • 1D South Aircraft Shelters- The open aircraft shelters located in this area lack the dominant presence of the HASs. Current usage has robbed the landscape of any defining characteristics. • 3 Runway East Terminal- This area has some of the characteristics of |

| | |
|-----|--|
| | <p>1A but the land dips slightly to the east and there are wide views across the more-or-less level surrounding farmland of the Fritwell and Caulcott Plateaux. The overall character is therefore very different from 1A and the area lies outside the 1940s core, having been constructed in the 1950s.</p> <ul style="list-style-type: none"> • 6 Southeast HASs- This area has a distinctive character because the HASs and ancillary structures are relatively close together. But the visual link with the major part of the Landscape of Flexible response is poor and it lacks the simplicity and openness of Area 1. • 7. The Tanker Area- This is an indeterminate area dominated by the grassland of the tanker standings. It is largely without a character of its own and is influenced by the mass of buildings beyond the boundary to the south. |
| 1.4 | <p>The majority of the site is runway, taxiway or other hardstanding and it is the use of this land for storage of vehicles that is the main element of this application. A large part of it (17 hectares) was authorised for “Car Processing” at appeal last year but this application seeks to extend the use of part of the remainder of the site for which planning permission was not granted for a further temporary period until June 2013 and for the reasons which are set out below. There are also several buildings within the redline site boundary but the majority of those are now authorised by the appeal or subsequent appeal decisions in B1, B2 or B8 uses. In heritage terms none of them are listed or scheduled, the nearest statutorily protected building is the control tower (building 340) and the impact upon this building was fully considered at the appeal and indeed the layout of the future entrance to the car process area amended as a result. The other buildings do have a general level of local or regional significance and, in the case of Buildings 350,172 and 151 (A Frame Hangers); 370, Squadron Headquarters; and 125, Station Armoury (Paragon’s HQ Building) are of national significance.</p> |
| 1.5 | <p>The current application is seeking planning permission for a phased and structured transfer of the car processing use on to the land authorised by the appeal decision in 2010. This is set out in detail in a number of documents that accompany the application but namely a Transitional Arrangements Document, Planning Statement and Design and Access Statement.</p> |

| | |
|---------------------------------|--|
| 2. Application Publicity | |
|---------------------------------|--|

| | |
|-----|---|
| 2.1 | <p>The application was advertised in the press and by site notice. It was clear for determination on 29th September 2011. No public comments have been received.</p> |
|-----|---|

| | |
|-------------------------|--|
| 3. Consultations | |
|-------------------------|--|

| | |
|-----|---|
| 3.1 | <p>Upper Heyford Parish Council: No objection</p> |
|-----|---|

| | |
|------|--|
| 3.2 | <u>Middleton Stoney Parish Council</u> : No objection |
| 3.3 | <u>Steeple Aston Parish Council</u> : No objection |
| 3.4 | <u>English Heritage</u> : Do not wish to comment |
| 3.5 | <u>Natural England</u> : No comments |
| 3.6 | <u>Environment Agency</u> : No comments |
| 3.7 | <u>Oxfordshire County Council (Strategic Policy)</u> : In determining the application we would expect your Council to take full account of relevant policies in the SE Plan, Structure Plan saved policy H2 and the strategic objectives of Oxfordshire 2030 relating to economic growth. |
| 3.8 | <u>Highways Agency</u> : No objection |
| 3.9 | <u>Oxfordshire County Council (as Highway Authority)</u> : No objection |
| 3.10 | <p><u>Internal Comments</u>:</p> <p><u>CDC-Economic Development Officer</u>: I support the application for the updated transitional plan to 2013. Paragon is extremely important for the district and has both contributed to the safeguarding of the Upper Heyford site whilst also employing around 500 staff, many of whom are skilled. This proposal should contribute to the safeguarding of those jobs, and in so doing protect the wider site, and is therefore in accordance with the Cherwell Economic Development Strategy 2011-16.</p> <p><u>CDC- Head of Planning Policy & Economic Development</u>: The supporting documents submitted with the application set out in detail the proposed transitional arrangements for moving from the footprint currently occupied to the new permanent area over a 3 year period. There are no policy objections to this temporary and transitional proposal subject to it being considered that the granting of consent will not discourage, or provide a disincentive to, implementing the lasting arrangement for the site, and that the 3 year transition period proposed is considered an appropriate timeframe.</p> |

| | |
|--------------------------------------|---|
| 4. Relevant Planning Policies | |
| 4.1 | <p>National Planning Guidance contained in:</p> <ul style="list-style-type: none"> ● PPS1-Delivering Sustainable Development ● PPS4-Planning for Sustainable Growth |

| | |
|-----|---|
| | <ul style="list-style-type: none"> • PPS5-Planning for the Historic Environment • PPS7-Sustainable Development in Rural Areas • PPS13-Transport <p>The Government have also recently published the new National Planning Policy Framework although at this stage it is a consultation document rather than policy.</p> |
| 4.2 | <u>Regional Spatial Strategy for the South East (The South East Plan) 2009 (SEP)</u> <ul style="list-style-type: none"> • CC7: Infrastructure and Implementation • CC1/CC2/CC4: Sustainable Development • NRM11: Energy Efficiency/Renewable Energy • BE6: Management of the Historic Environment • RE3 Employment • T4: Parking • T7: Rural Transport |
| 4.3 | <u>Oxfordshire Structure Plan 2016 (OSP)</u> <ul style="list-style-type: none"> • Saved Policy H2-Upper Heyford |
| 4.4 | <u>Adopted Cherwell Local Plan 1996 (ACLP)</u> <ul style="list-style-type: none"> • C23: Conservation Areas • C18: Historic Buildings • TR1: Transportation Measures • TR7: Traffic on Minor Roads |
| 4.5 | <u>Non Statutory Cherwell Local Plan (NSCLP)</u> <ul style="list-style-type: none"> • UH1, UH2, UH3, and UH4-Upper Heyford • TR1-TR3 Transport Travel • TR3 Mitigation • TR5 Road Safety • TR6 Public Transport • TR8 Cycling/Walking • TR16 Large vehicle Traffic • TR36 Traffic in rural Areas • D7 Mixed Uses • EM1/EMP4 Employment • EN1/EN2 Environmental Protection • EN7 Noise • EN46 Heritage-Enabling Development |
| 4.6 | <u>Cherwell Local Development Framework (LDF)</u> <u>Draft Core Strategy-February 2010</u> <ul style="list-style-type: none"> • The draft document went through the first round of public consultation in the spring of 2010. The second draft is due out shortly for further |

| | |
|-----|--|
| | public comment. 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. |
| 4.7 | In addition: <ul style="list-style-type: none"> • RAF Upper Heyford Conservation Area -Designated April 2006 • RAF Upper Heyford Comprehensive Planning Brief (SPD adopted 5th March 2007) (RCPB) |

| | |
|---|--|
| 5 Planning Policy and the Development Plan | |
| | <u>Background</u> |
| 5.1 | 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. |
| | <u>Oxfordshire Structure Plan</u> |
| 5.2 | <p>The Structure Plan (OSP) which had effectively been replaced by the South East Plan (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 proposed revocation of the regional plan. Although the thrust of the OSP was to direct development towards urban centres, 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 provided for a new settlement of 1000 dwellings including ... employment opportunities and required the development of the base to be in accordance with a comprehensive development brief for the site.</p> <p>The policy in full states:</p> <p><i>Upper Heyford</i> <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</i></p> |

| | |
|-----|--|
| | <p><i>with Cold War associations to be conserved, compatible with achieving a satisfactory living environment.</i></p> <p><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></p> <p><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></p> |
| | <p><u>The Revised Comprehensive Planning Brief 2007 (RCPB)</u></p> |
| 5.3 | <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 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> |
| 5.4 | <p>The Brief specifically intends to assist in the quality delivery of:</p> <ul style="list-style-type: none"> • 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; • necessary supporting infrastructure for the settlement including primary school appropriate community, recreational and employment opportunities • conservation of heritage interest |
| 5.5 | <p>The RCPB sets out the vision for the site and identifies seven elements Including:</p> <p>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</p> <p>iii) 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.</p> <p>iv) 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.</p> |

| | |
|-----|---|
| | |
| | <u>Adopted Cherwell Local Plan 2001 (ACLPL)</u> |
| 5.6 | 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. |
| | <u>Non Statutory Cherwell Local Plan 2011 (NSCLP)</u> |
| 5.7 | 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. The NSCLP 2011, contains four specific policies, UH1-4, relating to the former airbase, UH1 seeks to create employment opportunities broadly compatible to the number of residents. |
| | <u>Conservation Area Appraisal</u> |
| 5.8 | <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, assesses the special interest, negative factor's 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"> 1. Protection of the Historic Buildings and Landscape 2. Vulnerability of the site to fragmentation 3. Reuse of the retained buildings 4. Incorporation of a new settlement |

| 6 Planning History | |
|---------------------------|---|
| 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. The ACLP 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"> • the site for a development of about 1,000 dwellings and supporting infrastructure including employment opportunities; • that the future of the site be guided by a comprehensive planning brief adopted by the Council; • substantial landscaping and other environmental improvements be provided; and that • the new settlement be designed to encourage journeys by foot, cycle or public transport rather than by car. |
| 6.2 | <p>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.</p> |
| 6.3 | <p>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.</p> |
| 6.4 | <p>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 an SPD in March 2007. In the RCPB approximately 7 hectares were set aside</p> |

| | |
|-----|---|
| | for car storage together with use of a number of buildings by the company then operating the car business. However, at the later Public Inquiry this figure was not considered adequate for the company's needs. |
| 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 most the land subject of the current application was granted temporary planning permissions pending the long term and lasting arrangement to be secured in line with the OSP. Numerous cases 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. |
| 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 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. |
| 6.8 | 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: http://cherweb.cherwell-dc.gov.uk/AnitePublicDocs/05757874.pdf . |
| 6.9 | 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 also a fourth, planning conditions and obligations. |
| 6.10 | 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" although they did not seem as such 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. Shops would provide a service to the community and the employment would stop Heyford becoming a dormitory town. |
| 6.11 | 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. |
| 6.12 | The grant of planning permission authorised many of the uses being undertaken at the site and sets out the template for future development. As far as the overall development of the settlement area is concerned however, it is a long way from the end of the story and Committee will recall that since there has been an 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. There was also the application that proposed to revise the settlement area masterplan (ref10/01642/OUT) that was approved by Committee in March. |

| 7 Appraisal | |
|--------------------|---|
| | Background |
| 7.1 | <p>Planning permission granted at the appeal included 17 hectares of the flying field (mainly hardstanding and consisting of the former runways and taxiing area) for car processing. This was defined as the inspection, valeting, washing, repairing, tyre replacement, processing and delivery of cars and other car processing activities as may be required from time to time. This area was based on the minimum operational requirement of the business operated by the current applicant. This land was considered to be the least sensitive part of the overall site being outside the core area of national significance, largely concealed from public views and scarcely visible from the Aves Ditch public footpath. The applicant currently has a lease on some 61 hectares of the base although only about 40% of is in operational use.</p> |
| | <p>Nonetheless, the site was in the Conservation Area and in the view of the Inspector its use would still cause harm but, after weighing up the economic benefits and possible level of job losses, the SoS considered what was approved to be a reasonable balance between what he considered to be exceptional economic circumstances and conservation. The applicant was agreeable to this reduced area of operation.</p> |
| | <p>However, since that time the applicant has found the need to continue using much of the unauthorised hardstanding for car storage and their logistical operation. This is not only in breach of the permission granted at appeal but contrary to two separate enforcement notices served by the Council in 2008. These were both appealed and if the current application is refused permission the Planning Inspectorate will reactivate the appeals and a further public inquiry may be reconvened to hear them.</p> |
| | <p>The current application seeks to agree a period of transition in which time the current levels of use over an area of almost 25 hectares will be reduced down to the 17 hectares authorised at appeal, although the final figure is believed to be nearer to 16.2 hectares, and which it seeks to arrive at by June 2013. For information, this time frame has been scaled down both before the application was submitted and during the processing of this application, 3 years were sought when the application was first registered but two years is now the proposed time scale.</p> |
| | <p>The transitional arrangements have also altered following negotiations during the course of processing the application including the immediate cessation of use of the runaway and the bringing forward of certain other operations. The runway area is approximately 5.4 hectares in size and takes the operational site down to 19.4 hectares. By June 2012 this would drop down to 18</p> |

| | |
|--|---|
| | <p>hectares as the western end of the airfield is reconfigured and down to 16.2 hectares by June 2013 when the eastern taxiway is given up although the former tanker area would then be constructed to enlarge the area of hardstanding.</p> |
| | <p>As part of the reconfiguration of the western area, by June 2012 the existing prefabricated gatehouse would be removed and Building 3205 converted for such use. This would also coincide with the formation of a new transporter load/unloading area instead of its current operation on the more sensitive eastern runway. A new refuelling facility will also be provided subject to a separate permission being granted.</p> |
| | <p>By June 2013, not only will the physical footprint be adjusted to that approved but all taller vehicles will be restricted to a smaller less sensitive part of the site and all temporary lighting and security features not benefitting from full permission will be removed.</p> |
| | <p>Main Issues</p> |
| | <p>The new application raises a number of issues but the main ones are considered to be:</p> <ul style="list-style-type: none"> • Employment • Impact on the Conservation Area, Heritage and Environment |
| | <p>Employment</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. The RCPB states: Upper Heyford “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>Historically, the use subject of the current application has been authorised by temporary consents granted first in 1995 and renewed by short term</p> |

| | |
|--|---|
| | <p>permissions ever since. Permissions were granted as an exception to policies on sustainability and to replace employment lost by the closure of the base and to raise revenue for the MoD. It was recognised in the 2007 RCPB that many of these businesses have now become established with a local workforce and therefore need to be handled with a degree of sensitivity. The criteria for considering each case whether new or existing uses are acceptable was set out in the RCPB:</p> <p style="padding-left: 40px;">“i. the use is compatible with the aspirations for the settlement</p> <p style="padding-left: 40px;">ii. the use would not adversely affect residents or other business through noise, traffic movements, requirement for outside storage, working outside normal business hours</p> <p style="padding-left: 40px;">iii. the use would not have an unacceptable impact on the surrounding landscape, historic interest of the site or nearby villages.”</p> |
| | <p>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. The long term retention of Paragon on the base was seen to be part of the so called “lasting arrangement” and is not at issue with the current application.</p> |
| | <p>The Company have nevertheless pointed out that they are responsible for significant levels of direct and indirect employment in the local economy; provide a wide range of employment opportunities including with a high level of skills; it is a recognised centre of excellence in the automotive industry and in IT; it provides considerable training and career development opportunities; and it creates social and economic spinoffs in the local community.</p> |
| | <p>At present however, the automotive industry is suffering from considerable economic pressures and is not expected to go through a recovery phase for another 2 or 3 years. It is the applicant’s submission that it will not be possible to fully invest and undertake the complete operational requirements placed on them by the appeal decision other than under the arrangements set out in the transitional programme set out as part of this application. In the meantime they intend to focus their main aims on maintaining their economic base at Heyford and helping support the delivery of key economic aims and objectives whilst at the same time scaling down the physical footprint of the car processing operation.</p> |
| | <p>Impact on the Conservation Area, other Heritage Issues and the Environment</p> |
| | <p>In terms of local policy, policy H2 of the OSP seeks to “provide for a new settlement of about 1000 dwellings and necessary supporting infrastructure, including ... employment opportunities, as a means of enabling environmental improvements and the heritage interest of the site as a military</p> |

| | |
|--|---|
| | base with Cold War associations to be conserved... The majority of significant heritage assets on site are to be preserved through the main permission and unilateral undertaking secured with it. |
| | In terms of direct impact on heritage, the applicant's are immediately ceasing use of possibly the most sensitive part of the site they have operated upon, the main runway on the central plateau. This part of the flying field is a Core Area of National Significance and is highly prominent in the landscape. Without an agreement to cease operations on this part of the site it is likely Officer's would have recommended refusal of planning permission. Its omission from the application, even if it had been for a short term use, is welcomed. |
| | The eastern part of the site has a degree of sensitivity as the realigned Aves Ditch footpath will pass close by. Users of the footpath when it is reinstated will be able to see an area of high density parking on the eastern runway. This was considered at the appeal by the Inspector to be harmful and the applicant agreed to omit it from the overall scheme at the Public Inquiry. However it has been found to be required for operational parking of vehicles pending the hard surfacing of the former tanker area. Previously the use of the land was permitted for parking on short term temporary permissions pending agreement on "the lasting arrangement" which should have been achieved by the appeal decision. Again, this is not something the Officers feel comfortable about but on balance bearing in mind the short term nature of the use, the length of time it has been used for car parking, there is no physical legacy from the use, the limited number of people affected and that by agreeing to this temporary use, the final solution will be in place by 2013. |
| | It should also be noted that English Heritage has not objected to the proposal. |
| | Other Issues: |
| | Transitional arrangements-RCPB Policy |
| | In the RCPB it was anticipated that the temporary uses governing the commercial operations would be wound down. It was expected this would occur through an agreed timescale which is exactly what is being proposed now. The RCPB envisaged a period of five years as this would be the time anticipated to complete the new settlement. In fact the settlement is not likely to be completed for some years yet so it appears the envisaged transitional phase is still applicable. |
| | Access and Highways |
| | Whilst the Highway Authority had some initial concerns they now advise there is no material impact, do not object to the development, and do not |

| | |
|--|--|
| | require any conditions. |
| | <p>Residential Amenity</p> <p>Whilst the proposal integrates commercial activity close to proposed residential development 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 proximity to the proposed residential buildings. On balance however there is unlikely to be any direct effect to justify refusal of permission, particularly when the uses closest to housing have been in operation as such for some 15 years.</p> |

| | |
|-----|---|
| 8.0 | Conclusion |
| | <p>It is unfortunate that the applicant has not complied with the terms and conditions on the planning permission granted at appeal or with the accompanying legal agreement. However these are difficult economic times and Upper Heyford is not a normal development site. Whilst there will be harm to issues of heritage and to the conservation area they will be relatively short term when viewed over the period since the base was closed and car processing commenced here, and as the Secretary of State and Inspector did, they need to be balanced against the benefit of securing local employment of a type that fits the heritage context of the base. The application is therefore recommended for approval subject to conditions.</p> |

| | |
|--|--|
| Recommendation | |
| Approval subject to the conditions set out below | |
| <ol style="list-style-type: none"> 1. That at the expiration of 21 months from the date hereof the uses specified in your application shall be discontinued and the land shall be restored to its former condition on or before that date. <p>Reason – To enable the Council to review the position at the expiration of the stated period and as the long term use of the land for car parking is considered harmful to the character and appearance of the Conservation Area and permission is only granted in view of the special/personal circumstances of the case which are such as to override basic planning objections to the development.</p> <ol style="list-style-type: none"> 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the Revised Transitional Arrangements Document dated September 2011. | |

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.

3. Within three months of the date of this permission, a lighting strategy shall be provided. 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.

4. Within three months of the date of this permission, a scheme for the construction of a hard surfaced parking area on the former tanker area shall be provided. The parking area shall be constructed and available for use as approved within 18 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.

5. The area of the application site comprising open hardstanding identified for car processing (defined so as to comprise the inspection, valeting, washing, repairing, tyre replacement, processing and delivery of cars and other car processing activities as may be required from time to time) shall only be used for activity which is related to car processing, and specifically shall not be used for the parking of any other vehicle associated with any other use or activity present on the application site.

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.

6. No car rental or related activities for use by members of the public shall be permitted from the identified car processing area

Reason – Such use would be inappropriate on the flying field, generate an inappropriate level of traffic and be contrary to Central Government guidance contained in PPS1: Delivering Sustainable Development.

7. A scheme and programme for the provision of security for the car processing area including below ground pressure sensors and infra red cameras and the removal of the existing concrete rings shall be submitted for approval to the Local Planning Authority within 3 months of the grant of planning permission and approved in writing. Thereafter the approved scheme shall be implemented in accordance with the approved timescale.

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.

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.

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.

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 part of a transitional arrangement in which the scale of operation is reduced in accord with an agreed timeframe in order to secure a lasting solution on the use of this part of the flying field. The Council have taken into account and balanced the potential harm to the character and appearance of the Conservation Area against the need to provides a balanced mix of employment opportunities sought through saved policy H2 of the Oxfordshire Structure Plan. The development is considered to be acceptable on its planning merits as 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.

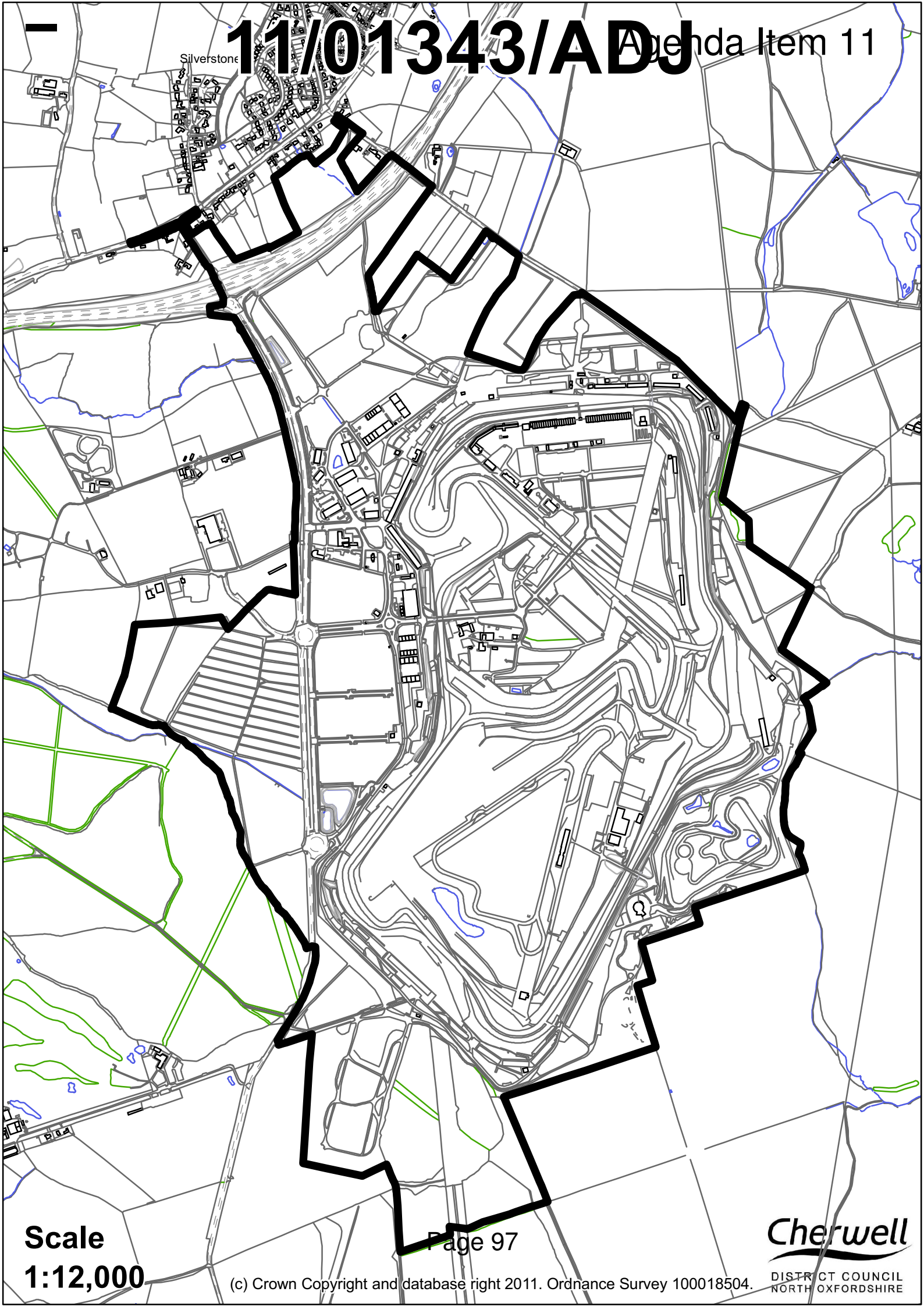
CONTACT OFFICER:

Andrew Lewis

TELEPHONE NO:

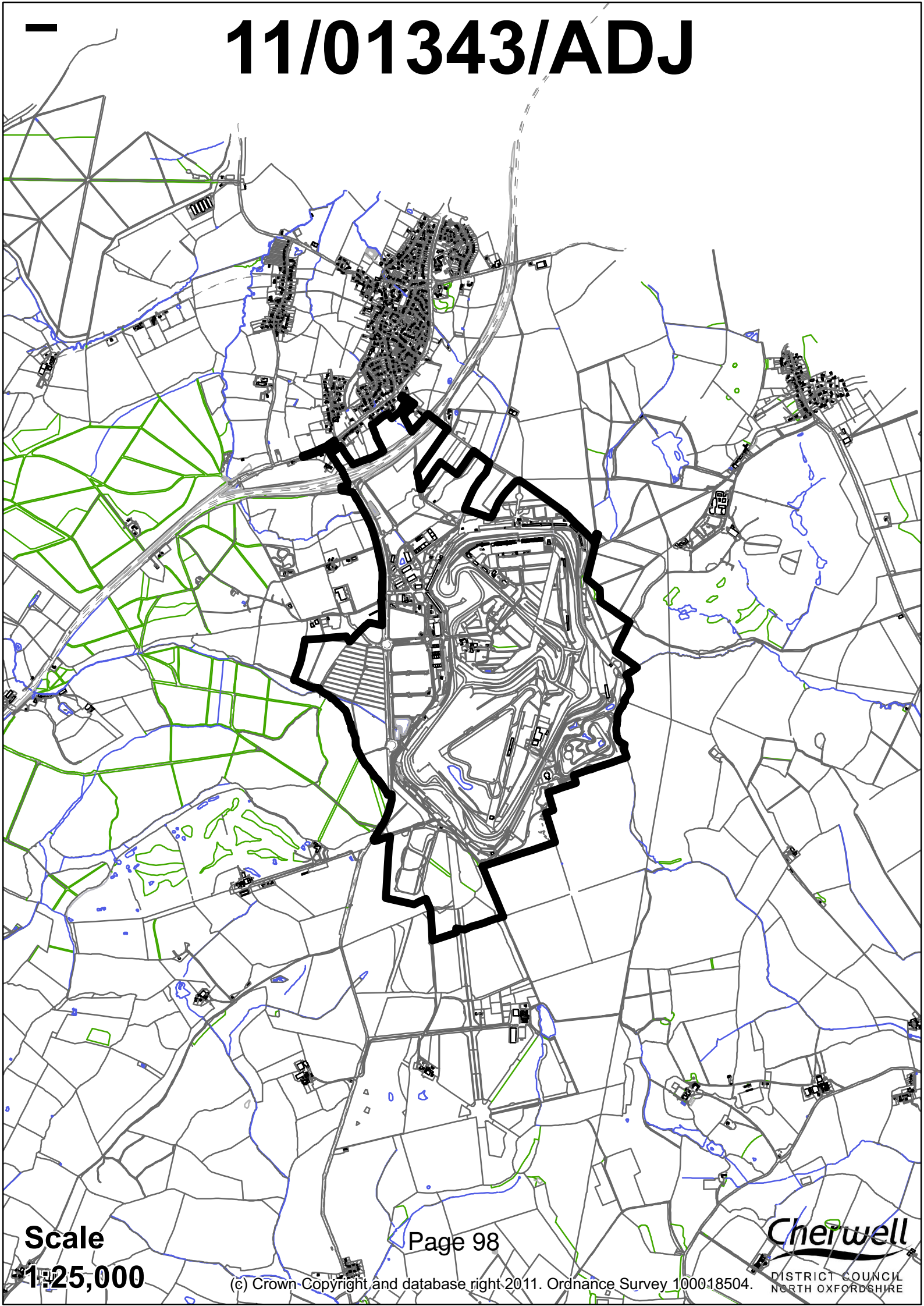
01295 222183

Silverstone



Scale
1:12,000

Page 97



Scale
1:25,000

Page 98

| | | | | |
|------------------------------------|--|-------------------------------|----------------|-----------------------------|
| Application 11/01343/ADJ | No: | Ward: Cherwell Area | Outside | Date Valid: 30/08/11 |
| Applicant: | Silverstone Holdings Ltd | | | |
| Site Address: | Silverstone Circuit, Towcester, Northamptonshire | | | |

Proposal: Outline application for mixed use development comprising offices, workshops and distribution facilities (Use Class B1, B2 & B8), education campus including on site student accommodation (D1 & C2), three hotels (C1), ancillary spectator facilities, including welcome centre and museum of motorsport (D2) and non retail promotional automotive display space (sui generis), leisure and event spaces including outdoor activity areas and permanent outdoor stage (D2), reconfiguration of existing and provision of additional, temporary and permanent grandstands (sui generis), areas of hard surfacing for the temporary siting of hospitality units during scheduled major events, revised parking and access arrangements including a new access off the A43 and/or improvements to the existing A43/Dadford Road junction, supporting infrastructure, demolition of existing structures, associated landscape works in accordance with the approved development brief Silverstone Circuit Master Plan (Feb 2009) (SNC ref. S/2011/1051/MAO)

1. Site Description and Proposal

- 1.1 This proposal involves various works for the re-development of the Silverstone Circuit. The submitted application is in line with the Development Brief approved for the area in February 2009 by South Northamptonshire and Aylesbury Vale District Councils.

2. Application Publicity and Consultations

- 2.1 As this matter is being dealt with by South Northamptonshire and Aylesbury Vale District Councils, the respective Authorities are responsible for conducting relevant publicity and consultation. Cherwell District Council is a consultee in this process.

3. Relevant Planning Policies

- National Planning Policy
- 3.1 PPS1: Delivering Sustainable Development
 PPS4: Planning for Sustainable Economic Growth
 PPS5: Planning for the Historic Environment
 PPS9: Biodiversity and Geological Conservation
 PPG13: Transport
 PPS23: Planning and Pollution Control
 PPS25: Development and Flood Risk
- 3.2 Adopted Cherwell Local Plan 2011

- C7 – Landscape conservation
- C8 – Sporadic development in the open countryside
- C28 – Standards of layout, design and appearance
- C30 – Compatible with scale of existing dwelling and character of street scene and standards of amenity and privacy
- ENV1 – Pollution Control

4. Appraisal

- 4.1 It is considered that there are two main issues. The first relates to the visual impact of the proposal on the District. The closest part of the Silverstone Circuit to CDC's nearest villages (Mixbury and Finmere) is ~ 4 miles away, as the crow flies. In visual amenity terms, the proposal will not be prominent or visible from these areas.
- 4.2 The second main issue relates to the impact on the highway network. Oxfordshire County Council has been consulted separately in relation to specific highway matters & will provide their own response as Local Highway Authority. However, the access to the site will primarily via the A43 and Dadford Road, which are outside Oxfordshire. Various highway improvements are proposed as part of the development, some of which have already been approved as part of a consent granted in 2010.
- 4.3 Conclusion
It is therefore recommended that Cherwell District Council raise no objections in relation to this proposal.

5. Recommendation

That South Northamptonshire District Council be advised that Cherwell District Council raise no objections in relation to this proposal, subject to note added to our letter to the effect that upon determination of the application, Cherwell District Council be advised of the outcome.

CONTACT OFFICER: Laura Bailey

TELEPHONE NO: 01295 221824

Planning Committee

Decisions Subject to Various Requirements – Progress Report

6 October 2011

Report of Development Control Team Leader

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

The Planning Committee is recommended to:

- (1) Accept the position statement.

Details

The following applications remain outstanding for the reasons stated:

Subject to Legal Agreement with Cherwell District Council

| | |
|--------------|---|
| 01/00662/OUT | Begbroke Business and Science Park, Sandy Lane, Yarnton |
| (24.3.11) | 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. Decision to grant planning permission re-affirmed April 2011. New access road approved April 2011. Development scheduled to commence in October2011 |

| | |
|------------------------------|--|
| 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 |
| 10/01021/F | Otmoor Lodge, Horton-cum-Studley |
| | Subject to legal agreement concerning building phases and interim appearance. Draft agreement prepared |
| 110/01302/F | Land south of Bernard Close, Yarnton |
| (4.11.10) | Subject to legal agreement concerning on and off site infrastructure and affordable housing |
| 10/00642/OUT | Heyford Park, Upper Heyford |
| (24.3.11) | Subject to planning obligations |
| 10/01667/OUT | Land between Birmingham-London rail line and Gavray Drive, Bicester |
| (8.9.11) | Subject to obligation linking previous agreement to this application |
| 10/01823/OUT | Land south of Overthorpe Rd, Banbury |
| (24.3.11) | Subject to legal obligation re transportation contributions and departure procedures |
| 10/01778/F | Buildings at Heyford Park, Camp Rd., Upper Heyford |
| (14.7.11) | Subject to completion of Unilateral undertaking and routeing agreement |
| 10/01780/HYBRID) | Bicester Eco Town Exemplar site, Caversfield |
| (11.8.11) | Subject to completion of a legal agreement as set out in resolution |
| 10/01877/F and 11/00820/F | Penrose House, 67 Hightown Rd, Banbury |
| (24.3.11) | Subject to legal obligation to secure financial contributions to outdoor sports facilities, education and library facilities |
| 10/01921/F | Butchers Meadow, Balscote |
| (19.5.11) | Subject to obligation linking house to proposed industrial development |

| | |
|--|--|
| 11/00722/F (11.8.11) | St. Georges Barracks, Arncott Subject to submission of unilateral undertaking re monitoring fees |
| 11/00151/F and 11/00805/F (11.8.11) | Former DLO Caversfield Subject to legal agreement re comprehensiveness, phasing and landscape maintenance |
| 11/00906/F (8.9.11) | Former Pye site, Langford Locks, Kidlington Subject to obligation re transport infrastructure and towpath improvements |
| 11/00974/F (8.9.11) | 42 South Bar Street, Banbury Subject to obligation to secure financial contributions to outdoor sports facilities and other off-site infrastructure |

Implications

| | |
|-------------------------|---|
| Financial: | There are no additional financial implications arising for the Council from this report. Comments checked by Karen Muir, Corporate System Accountant 01295 221559 |
| 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 Nigel Bell, Team Leader-Planning & Litigation 01295 221687 |

Wards Affected

All

Document Information

| Appendix No | Title |
|---|--|
| - | None |
| Background Papers | |
| All papers attached to the planning applications files referred to in this report | |
| Report Author | Bob Duxbury, Development Control Team Leader |
| Contact Information | 01295 221821 bob.duxbury@Cherwell-dc.gov.uk |

Planning Committee

Appeals Progress Report

6 October 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

The Planning Committee is recommended to:

- (1) Accept the position statement.

Details

New Appeals

- 1.1 **11/00029/F – 198 and 200 Woodstock Road Yarnton** – appeal by Mr & Mrs N Wallbridge against the refusal of planning permission for the demolition of garage and 3 outbuildings and erection of detached 3 bedroom house and garage – Written reps
- 1.2 **11/00919/CLUP- 14 Charlbury Close Kidlington** – appeal by Mr Mudd against the refusal of a certificate of lawful use for the erection of a detached annex to rear of dwelling and removal of existing outbuilding – Written Reps
- 1.3 **11/00617/OUT – Land South of Blackwood Place and Molyneux Drive and North West of Cotefield Farm and Oxford Road Bodicote** - appeal by Banner Homes Ltd against the refusal of planning permission for an outline application for residential development of 82 dwellings- Inquiry

Forthcoming Public Inquiries and Hearings between 6 October 2011 and 3 November 2011

2.1 None

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Dismissed the appeal by Mr Robert Winston –Fry against the refusal of retrospective application 10/01454/F for the construction of an Edwardian style conservatory to the rear of 11 Daisy Hill, Duns Tew. (Delegated)** – The Inspector noted that the appeal property is within the curtilage of a listed farmhouse and that considerable effort was made in the original design to satisfy the principle that additions to historic buildings appear as an almost seamless addition. Regrettably, the original approved timber windows have been replaced with unsympathetic UPVC ones, setting the building apart from its traditional surroundings. Adding to the harm this causes is the presence of the conservatory subject of this appeal. The Inspector concluded that the conservatory clearly detracts from the traditional appearance of the host dwelling and from the setting of the adjacent curtilage listed former barn and as such neither preserves nor enhances the character or appearance of the Conservation Area.

Implications

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 Karen Muir, Corporate System Accountant 01295 221559

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 Nigel Bell, Team Leader-Planning & Litigation 01295 221687

Wards Affected

All

Document Information

| Appendix No | Title |
|---|--|
| - | None |
| Background Papers | |
| All papers attached to the planning applications files referred to in this report | |
| Report Author | Bob Duxbury, Development Control Team Leader |
| Contact Information | 01295 221821 bob.duxbury@Cherwell-dc.gov.uk |

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted