

Committee: Planning Committee
Date: Thursday 19 March 2015
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Rose Stratford (Chairman)	Councillor Colin Clarke (Vice-Chairman)
Councillor Andrew Beere	Councillor Fred Blackwell
Councillor Michael Gibbard	Councillor Chris Heath
Councillor David Hughes	Councillor Russell Hurle
Councillor Matt Johnstone	Councillor Mike Kerford-Byrnes
Councillor James Macnamara	Councillor Alastair Milne Home
Councillor Nigel Randall	Councillor G A Reynolds
Councillor Barry Richards	Councillor Trevor Stevens
Councillor Lawrie Stratford	Councillor Douglas Williamson

Substitutes

Councillor Ken Atack	Councillor Andrew Fulljames
Councillor Carmen Griffiths	Councillor D M Pickford
Councillor Alaric Rose	Councillor Nicholas Turner
Councillor Bryn Williams	Councillor Barry Wood
Councillor Sean Woodcock	

AGENDA

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

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

3. **Requests to Address the Meeting**

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

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 - 28)

To confirm as a correct record the Minutes of the meeting of the Committee held on 19 February 2015.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

- | | | |
|-----|--|---------------------|
| 7. | Bicester Eco Town, Banbury Road, B4100 (Pages 32 - 109) | 14/01384/OUT |
| 8. | Manor End House, Manor Road, Adderbury (Pages 110 - 125) | 14/01454/F |
| 9. | Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington (Pages 126 - 161) | 14/01531/OUT |
| 10. | Swalcliffe Park Equestrian, Grange Lane, Swalcliffe
(Pages 162 - 191) | 14/01762/F |
| 11. | OS Parcel 6680 North of Hook Norton Primary School and South of Redland Farm, Sibford Road, Hook Norton (Pages 192 - 230) | 14/01825/OUT |
| 12. | Land Formerly Part Of Old Ironstone At Apollo Office Park, Ironstone Lane, Wroxton (Pages 231 - 248) | 14/01898/F |
| 13. | Easington Sports and Social Club, Addison Road, Banbury
(Pages 249 - 259) | 14/01911/F |
| 14. | Glebe Leisure Caravan Park, Glebe Court, Fringford
(Pages 260 - 271) | 14/01953/F |
| 15. | Kelberg Trailers and Trucks Ltd., Northampton Road, Weston-on-the-Green
(Pages 272 - 282) | 14/02019/F |
| 16. | 55 Churchill Road, Bicester (Pages 283 - 291) | 14/02104/F |
| 17. | Land adj to Cotswold Country Club and South of Properties on Bunkers Hill, Kidlington (Pages 292 - 304) | 15/02132/OUT |
| 18. | Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington (Pages 305 - 348) | 14/02139/OUT |
| 19. | Former Ambulance Station, Cope Road, Banbury
(Pages 349 - 360) | 14/02149/CDC |

20. **Hanwell Fields Community Centre, Rotary Way, Banbury** 15/00015/CLUE
(Pages 361 - 366)
21. **Bicester and Ploughley Sports Centre, Queens Avenue, Bicester, OX26 2NR** 15/00021/CDC
(Pages 367 - 372)
22. **43 Churchill Road, Bicester, OX26 4UW** (Pages 373 - 381) 15/00155/F
23. **Franklins Yard, St Johns Street, Bicester** (Pages 382 - 395) 15/00180/F

Review and Monitoring Reports

24. **Decisions Subject to Various Requirements** (Pages 396 - 400)

Report of Head of Development Management

Summary

This report aims to keep members informed upon applications which they have authorised decisions upon subject 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 meeting is recommended:

- 1.1 To accept the position statement.

25. **Appeals Progress Report** (Pages 401 - 404)

Report of Head of Development Management

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.

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

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

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 227956 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Aaron Hetherington, Democratic and Elections
aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

Sue Smith
Chief Executive

Published on Wednesday 11 March 2015

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 19 February 2015 at 4.00 pm

- Present: Councillor Rose Stratford (Chairman)
Councillor Colin Clarke (Vice-Chairman)
- Councillor Andrew Beere
Councillor Fred Blackwell
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Matt Johnstone
Councillor James Macnamara
Councillor Alastair Milne Home
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Barry Richards
Councillor Trevor Stevens
Councillor Lawrie Stratford
Councillor Douglas Williamson
- Substitute Members: Councillor Barry Wood (In place of Councillor Mike Kerford-Byrnes)
- Also Present: Councillor Ken Atack, Local Ward Member for agenda items 19 and 20
- Apologies for absence: Councillor Mike Kerford-Byrnes
- Officers: Jonathan Westerman, Development Services Manager
Bob Duxbury, Development Control Team Leader
Tracey Morrissey, Principal Planning Officer
Paul Ihringer, Principal Planning Officer
Rebekah Morgan, Planning Officer
Ross Chambers, Solicitor
Natasha Clark, Team Leader, Democratic and Elections
Aaron Hetherington, Democratic and Elections Officer

Declarations of Interest

Members declared interests in the following agenda items:

8. OS Parcels 4083 and 6882 Adjoining and north of Broken Furrow, Warwick Road, Banbury.

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

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

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

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

9. Hardwick Hill, Southam Road, Banbury.

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

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

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

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

10. Land to Rear of Tangmere Close and Scampton Close, Skimmingdish Lane, Bicester.

Councillor Rose Stratford, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

14. OS Parcel 8184 Adjoining and North of River Cherwell And South West of Spital Farm Sewage Bankside Banbury.

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

Councillor Andrew Beere, Disclosable Pecuniary Interest, as an employee of Chiltern Railways and would withdraw from the Council Chamber and take no part in the discussions or voting on this item and Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

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

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

16. Swalcliffe Park Equestrian, Grange Lane, Swalcliffe.

Councillor G A Reynolds, Declaration, as the applicants Father was known to him and would leave the room for the duration of the item.

18. 60 High Street, Banbury.

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

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

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

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

21. Bridge north east of The Duck on the Pond over the River Swere South Newington.

Councillor G A Reynolds, Non Statutory Interest, as a County Councillor whose division the site fell in, but would remain in room for the debate but would not take part in the vote.

170 **Requests to Address the Meeting**

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

171 **Urgent Business**

There were no items of urgent business.

172 **Minutes**

The Minutes of the meeting held on 22 January 2015 were agreed as a correct record and signed by the Chairman.

173 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

174 **Campsfield House: Immigration Removal Centre, Langford Lane, Kidlington**

The Committee considered application 14/01778/F for the expansion of existing immigration removal centre to provide additional detainee accommodation, ancillary detainee and staff facilities, car parking, landscaping and internal fencing.

The Development Control Team Leader advised the Committee that a letter from a law firm acting on behalf of members of Stop Campsfield Expansion had been received on 17 February 2015. Having taken legal advice, Officers had concluded that it was prudent to get counsel opinion to help clarify the points raised before this application is determined and therefore the officer recommendation had changed from approval to deferral.

Councillor Rose Stratford proposed that application 14/01778/F be deferred to seek counsel opinion on matters raised by a law firm acting on behalf of members of Stop Campsfield Expansion. Councillor Clarke seconded the proposal.

Resolved

That consideration of application 14/01778/F be deferred to seek counsel opinion on matters raised by a law firm acting on behalf of members of Stop Campsfield Expansion

175 **OS Parcels 4083 and 6882 Adjoining and north of Broken Furrow, Warwick Road, Banbury**

The Committee considered application 14/00341/DISC for the discharge of condition no. 5 of 12/01789/OUT – provision of Design Code.

In reaching their decision, the committee considered the officers' report, presentation and written update.

Resolved

That the discharge of condition no. 5 of planning application 12/01789/OUT be approved.

176 **Hardwick Hill, Southam Road, Banbury**

The Committee considered application 14/00383/DISC for the discharge of condition no. 6 of 13/00159/OUT – provision of Design Code.

Jason Leonard, agent for the applicant, addressed the Committee in support to the application.

In reaching their decision, the Committee considered the officers' report, written update, presentation and the address of the public speaker.

Resolved

That the discharge of condition no. 6 of 13/00159/OUT be approved.

177 **Land to Rear of Tangmere Close and Scampton Close, Skimmingdish Lane, Bicester**

The Committee considered application 14/00697/F for the residential development for 46 dwellings.

The Development Control Team Leader advised the Committee that various correspondence had been received since the publication of the agenda and officers considered that there was a need to give further consideration to the points of access to these potential development sites and consequently the officer recommendation had changed from approval to deferral.

Councillor Rose Stratford proposed that application 14/00697/F be deferred. Councillor Lawrie Stratford seconded the proposal.

Resolved

That consideration of application 14/00697/F be deferred to seek the comments of Oxfordshire County Council as the Highways Authority; Allow the submitted TA to be updated to reflect the potential impact of Bicester 11; and, enable a roundtable discussion to take place between Taylor Wimpey/Albion Land/ CDC and agree the proposed access arrangements.

178 **Otmoor Lodge, Horton Hill, Horton cum Studley**

The Committee considered application 14/01153/F for the change of use from C1 into 4no. dwellings (C3).

The Principal Planning Officer advised the Committee that after agenda publication a further letter has been received from solicitors acting for the applicants which raised issues that required further investigation and the officers' recommendation has therefore changed from approval to deferral.

Councillor Rose Stratford proposed that application 14/01153/F be deferred to allow further investigation into legal issues raised by solicitors acting for the applicant. Councillor Lawrie Stratford seconded the proposal.

Resolved

That consideration of application 14/01153/F be deferred to allow further investigation into legal issues raised by solicitors acting for the applicant.

179 **Otmoor Lodge, Horton Hill, Horton cum Studley**

The Chairman advised the Committee that the application had been withdrawn by the applicant.

180

Land south of Greenacre adj to South Side Steeple Aston

The Committee considered application 14/01434/F for a dwelling with garage and access.

Martin Lipson, Steeple Aston Parish Councillor, addressed the committee speaking in objection to the application.

Bob Sutton, agent, addressed the committee in support to the application.

Councillor Macnamara proposed that application be refused. Councillor Wood Seconded the proposal. The motion was voted on and subsequently fell.

Councillor Randall proposed that the application be approved, Councillor Clarke seconded the proposal.

In reaching their decision, the committee considered the officers report and presentation, written update and the address of the public speakers.

Resolved

That application 14/01434/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms site plan and drawing numbered 14:3603:3a
3. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural limestone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
4. The roof of the development hereby approved shall be covered with natural blue/black slates.
5. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
6. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing

and proposed site levels for the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

7. Except to allow for the means of vehicular access and vision splays, the existing natural stone wall along the northern and eastern boundaries of the site shall be retained and maintained at the existing height of not less than 1 metre.
8. Prior to the construction of the dwelling hereby approved, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.
9. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
10. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.
11. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.
12. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the dwelling without the prior express planning consent of the Local Planning Authority.

181

OS Parcel 8184 Adjoining and North of River Cherwell And South West of Spital Farm Sewage Bankside Banbury

The Committee considered application 14/01621/F for the construction of a Light Maintenance Depot for train vehicles with associated accommodation and associated rail sidings for train stabling.

Graham Cross, the applicant, addressed the committee in support to the application.

In reaching their decision, the committee considered the officers' report, presentation, written update and presentation of the public speaker.

Resolved

That application 14/01621/F be approved:

- i. That it be resolved that in accordance with the provisions of Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 that this report is approved as setting out the main reasons, considerations and measures of mitigation proposed with regards to the Environmental Statement.
- ii. Subject to the following conditions:
 1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
 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 and the materials and finishing details included therein: Application forms, Design and Access Statement, Drawing No. MCN/BAN/P100 Rev A, MCN/BAN/P101 Rev A, MCN/BAN/P103 Rev A, MCN/BAN/P104 Rev A, MCN/BAN/105 Rev E, MCN/BAN/P106 Rev A, MCN/BAN/P107 Rev A, MCN/BAN/P108 Rev A, MCN/BAN/P109 Rev A, DPC-BAN-P110-A, and DPC-BAN-P111
 3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule
 4. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.
 5. Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.
 6. Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall

be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

7. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details
8. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
10. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS: 5837:2012 and all subsequent amendments and revisions [specify appropriate section if required] shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

11. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
12. Prior to the first occupation of the development hereby approved, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.
13. Prior to the commencement of the development hereby approved, 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. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".
14. Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, detailing all on and off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.
15. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.
16. Prior to the commencement of the development hereby approved, including any demolition, any works of site clearance and prior to the introduction of any construction machinery onto the site, protective fencing and warning notices shall be erected on the site in accordance with the approved construction method statement. All protective fencing and warning signs shall be maintained in accordance with approved details for the entirety of the construction phase.

17. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.
18. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 1. A site investigation scheme, based on the submitted desk study (Phase1 Geo-Environmental and Geotechnical Assessment at the proposed Banbury depot, Ground investigation and Pilling Limited, 16th September 2013, ML/21362) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 2. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
19. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
20. 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

21. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
22. No development shall take place until a scheme for the provision and management of an 10 metre wide buffer zone alongside the River Cherwell shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:
 - plans showing the extent and layout of the buffer zone
 - details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
23. No soakaways shall be constructed in contaminated ground.
24. No sound-amplifying equipment shall be installed or operated on the premises without the prior consent of the Local Planning Authority.
25. No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority
26. All buildings hereby approved shall be constructed to at least a BREEAM 'Very Good' standard.

182

The Paddocks, Chesterton

The Committee considered application 14/01737/OUT for an outline application with means of access for consideration (layout, scale, appearance and landscaping reserved for subsequent approval). For the erection of up to 45 dwellings served via a new vehicular and pedestrian access; public open space and associated earthworks to facilitate surface water drainage; and other ancillary and enabling works.

Philip Clarke, Chairman of Chesterton Parish Council addressed the committee in objection to the application.

Kathryn Ventham, agent to the applicant, addressed the committee in support to the application.

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

Resolved

That application 14/01737/OUT be approved, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined below:

CDC Contributions

- 35% affordable housing
- Refuse and Recycling - £67.50 per property
- Play Areas – a LAP and £31,995.52 commuted maintenance sum
- Attenuation Pond Maintenance - £14.91 per m²
- Ditch Maintenance - £50.09/Ln m
- POS Maintenance - £25.07 per m²
- Mature Tree Maintenance – £2527.16 per mature tree
- Monitoring fee - £1500

OCC Contributions

- £179,868 – Primary School Expansion in the area
- £254,216 – New Secondary School at Bicester
- £8,939 – Special Education Needs
- £5,452 – Bicester New Library
- £7,921 – Waste Management
- £619 – Museum Resource Centre
- £7,416 – Adult Health and Wellbeing Day Care
- £2,123 – Central Library
- £3,750 – Administration
- Improvements to pedestrian and cycle connectivity into Chesterton from the application site including possibility of footway connection via Green Lane and other routes

Thames Valley Police - £6,285.65

- b) the following conditions:

1. No development shall commence until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority
2. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission
3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the

reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

4. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms,
5. Prior to the commencement of the development, a plan showing the details of the finished floor levels of the proposed dwellings in relation to existing ground levels on the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
6. No more than 45 dwellings shall be accommodated on the site.
7. Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which this scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Associations current edition 'sewers for adoption'
8. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced

in the current/next planting season with others of similar size and species.

10. Prior to the commencement of the development hereby approved, a schedule of landscape maintenance for a minimum period of 5 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.
11. Except to allow for the means of access and vision splays the existing hedgerow along the north-west boundary of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.
12. The existing hedgerows along the south-west and south-east boundaries of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.
13. Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.
14. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for great crested newts, which shall include timing of works, exclusion fencing, the location and design of alternative ponds/habitats together with the timing of their provision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.
15. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.
16. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance or the translocation of any reptile, a strategy for the translocation of reptiles,

which shall include the identification of receptor sites, the management scheme, landscaping and the arrangements for implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.

17. Prior to the commencement of the development hereby approved a full lighting strategy designed in line with Bat Conservation Trust Guidelines is to be submitted and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.
18. No removal of trees recorded as Category 2 shall be carried out except in adherence to the precautionary working methodology outlined in Section 2.40 of the Protected species report submitted with the application which was prepared by CSa Environmental Planning dated September 2014.
19. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between 1 March and 31 August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
20. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
21. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths servicing that dwelling (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.
22. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.
23. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to

and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

24. A Travel Information Pack shall be developed in accordance with Oxfordshire County Council guidelines and submitted to the OCC Travel Plans team for approval, prior to first occupation of the site.
25. Prior to any demolition on the site, the commencement of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.
26. Prior to any demolition on the site and the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition [a], a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.
27. That prior to the first occupation of any part of the development hereby permitted, fire hydrants shall be provided on site in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.
28. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
29. Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

183

Swalcliffe Park Equestrian, Grange Lane, Swalcliffe

The Committee considered application 14/01762/F for the use of land at Grange Farm for mixed use comprising part agricultural, part equestrian training and competitions (Use Class D2), formation of new access, extension to existing car park and associated work.

Councillor Heath proposed that consideration of the application be deferred to allow for a site visit. Councillor Clarke seconded the proposal. The motion was duly voted on and subsequently fell.

Tim Willis, legal advisor to a group of objectors, addressed the Committee in objection to the application.

Sarah Taylor, the applicant, addressed the Committee in support of the application.

On the advice of the Solicitor, the Chairman proposed that the meeting be adjourned for 20 minutes to allow officers to consider the legal points raised by the objector during his address. Councillor Clarke seconded the proposal.

19.00: Adjournment of meeting

19.20: Reconvening of meeting

The Solicitor advised the Committee that the officer recommendation had changed from approval to deferral to allow officers time to seek legal advice on the comments raised by the legal advisor for objectors.

It was proposed by Councillor Rose Stratford that consideration of application 14/01762/F be deferred to allow officers to seek legal advice on the matters raised by the legal adviser for objectors. Councillor Clarke seconded the proposal.

Resolved

That consideration of application 14/01762/F be deferred to seek legal advice on matters raised by the legal advisor for objectors.

184

Land to the West of Garners House, Main Street, Great Bourton

The Committee considered application 14/01843/OUT for an outline application for development of 33 dwellings and a community hall, public open space and associated infrastructure, car parking and landscaping.

Councillor Ken Atack, addressed the committee as Ward Member.

Emma Walker, agent for the applicant, addressed the committee in support of the application.

Sally Leszczynski, Chairman of Bourtons Parish Council, addressed the committee in support of the application.

In reaching their decision, the committee considered the officers' report, written update, presentation and the address of the speakers.

Resolved

That application 14/01843/OUT be approved subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council, with delegation to the Head of Development Management to secure financial contributions as outlined below:

The Heads of terms relating to the additional development would likely include the following (once all sums are confirmed it will be necessary to consider whether they are CIL compliant):-

CDC Contributions

- Affordable housing - 35%
- Refuse and Recycling - £67.50 per dwelling
- Play areas – a LAP and £31,995.52 commuted maintenance sum
- Hedgerow maintenance - £35.78 per m2
- Balancing pond - £14.91 per m2
- Informal open space 23m2 per person (minimum provision of 1814m² is required) and commuted sum of £25.07 per m2
- Mature tree maintenance – to be confirmed
- Monitoring fee £1,975
- Community hall (discussed below)

OCC Contributions

- £33,000 towards sustaining and improving bus services to and from Great Bourton
- £8,000 towards bus stop infrastructure (shelter on the eastern side of the A423 towards Banbury and for two pole/ flag/ information case units)
- £153,230 – Primary school expansion
- £212,838 – Secondary school expansion
- £7,857 - Special education needs
- £8,838 – Banbury New Library
- £6,655 - waste infrastructure
- £520 – Museum Resource centre
- £1,783 – Central Library
- £3,750 – Administration
- S278 agreement to cover works within the highway

The relocation of the village gateway features and the 30mph speed limit will require alteration to the existing Traffic Regulation Order and may incur a cost

- b) the following conditions with any final revisions/wording to be delegated to the Head of Development Management:
1. No development shall commence until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

2. In the case of the reserved matters, application for approval shall be made not later than the expiration of one year beginning with the date of this permission.
3. The development to which this permission relates shall be begun not later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
4. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: application forms, Design and Access Statement (dated January 2015), other technical reports and surveys submitted with the application and site location plan (drawing number P002).
5. No more than 33 dwellings shall be accommodated on the site.
6. That no development shall take place until a full Arboricultural Survey, Method Statement and Arboricultural Impact Assessment, tree protection plan and report on all existing trees and hedgerows within and around the perimeters of the site have been submitted to and approved in writing by the local planning authority. The survey and report shall include details of all trees and hedgerows to be removed and those to be retained; and the methods to protect the retained trees during the course of the development. The development shall be carried out in accordance with the approved details.
7. Except to allow for the means of access and vision splays the existing hedgerow/trees along the north, west and south boundaries of the site shall be retained and properly maintained and any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
9. Prior to the commencement of the development, full design details of the equipment and layout of the Local Area of Play (LAP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LAP shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

10. Prior to the commencement of the development hereby approved, including any works of site clearance, a Landscape and Ecology Management Plan (LEMP) and method statement for protected species and biodiversity enhancements, together with long-term maintenance, has been submitted to and approved in writing by the local planning authority. The LEMP and method statement shall be carried out and retained in accordance with the approved details.
11. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
12. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a report regarding badgers, which shall include details of a recent survey (no older than six months), any mitigation, whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
13. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
14. All species used in the planting proposals associated with the development shall be native species of UK provenance.
15. No development shall commence on site until a Construction Traffic Management Plan providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
16. Prior to the first occupation of the development hereby approved, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter,

the approved Travel Plan shall be implemented and operated in accordance with the approved details.

17. Prior to the commencement of any part of the development hereby approved the public right of way shall be protected and fenced in accordance with details to be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the public right of way shall remain fenced and available for use throughout the construction phase. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.
18. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process.
19. Prior to the commencement of the development, full details of the proposed kissing gates shall be submitted to and approved in writing by the Local Planning Authority. The kissing gates shall be installed prior to the occupation of the development.
20. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
21. If a potential risk from contamination is identified as a result of the work carried out under condition 20, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
22. If contamination is found by undertaking the work carried out under condition 21, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's

'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

23. If remedial works have been identified in condition 22, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 22. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
24. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
25. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.
26. Prior to the submission of a reserved matter application, a drainage strategy detailing any on and/or off site drainage works to accord with Sustainable Urban Drainage principles, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
27. Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

185

60 High Street, Banbury

The Committee considered application 14/01876/F for the change of use from A1 (vacant) to A2 (letting agent).

In reaching their decision, the committee considered the officers report and presentation.

Resolved

That application 14/01876/F be approved, subject to the following conditions:

1. The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, site location plan and drawing number MC-BAN-CHOU.
3. The ground floor of the building shall be used only for the purpose of a letting agent/estate agent and for no other purpose whatsoever, including any other purpose in Class A2 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

186

The Barnhouse, Mollington Road, Claydon

The Committee considered application 14/01633/F for the extension to existing dwelling together with retention of portacabin for the duration of the building works.

In introducing the report, the Planning Officer apologised that a decision notice had erroneously been sent to interested parties and confirmed that the decision had not yet been taken on the application as it was for Members to determine.

Councillor Ken Atack addressed the Committee as Ward Member.

David Hill, a local resident, addressed the Committee in objection to the application.

Carl Middleditch, agent for the applicant, addressed the Committee in support of the application.

In reaching their decision, the committee considered the officers' report, presentation and the addresses of the speakers.

Resolved

That application 14/01633/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, site location plan and drawing number 2286/05 rev A.

3. Prior to the commencement of the development hereby approved, samples of the colour/finish of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
4. Notwithstanding the development hereby approved, the remaining walls and roof of the barn shall not be removed without the prior express consent of the Local Planning Authority.
5. The portakabin hereby approved shall only remain on site for the duration of the building works relating to the application and shall only be occupied by the current occupants of 'The Barnhouse' for the duration of the works. Within two months of the occupation of the development hereby approved, the portakabin shall be removed from the site in its entirety.

187 **The Barnhouse, Mollington Road, Claydon**

The Committee considered application 14/02090/F for the insertion of windows into existing dwelling.

In reaching their decision, the committee considered the officers' report and presentation.

Resolved

That application 14/02090/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, site location plan and drawing number 2286/06 rev A.
3. Prior to the commencement of the development hereby approved, samples of the colour/finish of the windows shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

188 **Bridge north east of The Duck on the Pond over the River Swere South Newington**

The Committee considered application 14/02091/LB to strengthen the bridges central arch barrel, by using the Goldhawk Helifix System, i.e. the introduction of stainless steel reinforcement, cut into chases in the intrados stonework of

the arch barrel and set in resin and to replace the kerbs, re-surface the west verge, pave the east verge and re-surface the carriageway over the bridge.

John Braithwaite, Chairman of South Newington Parish Council addressed the committee in support of the application.

In reaching their decision, the committee considered the officers' report, presentation, written update and the address of the public speaker.

Resolved

That application 14/02091/LB be approved, subject to the following conditions:

1. The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, Location Plan and drawings numbered: B0107/1100 and B0107/2402
3. The resin to be used to secure the Helifix Helibars shall be coloured to match the existing stonework of the bridge.
4. Any remedial stonework necessary for the repair or making good shall be carried out in natural stone of the same type, texture, colour and appearance as the stone on the existing structure and shall be laid, dressed, coursed and pointed to match that of the existing stonework.

189

2 Friars Hill Flats Friars Hill Wroxton

The Committee considered application 14/02095/F for the subdivision of Flat 2 into two separate flats.

In reaching their decision, the committee considered the officers' report and presentation.

Resolved

That application 14/02095/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, site location plan and proposed floor plan drawings.
3. The parking and manoeuvring area shall be kept free of obstructions at all times and used only for the specified purpose.

190 **Proposed changes to the scheme of delegation to the Head of Development Management**

The Head of Development Management submitted a report to seek the agreement of the Planning Committee to proposed revisions to the current scheme of delegation to the Head of Development Management as set out in the council's Constitution.

Resolved

- (1) That the revisions to the scheme of delegation to the Head of Development Management proposed in the report (annex to the Minutes as set out in the Minute Book) be supported.
- (2) That Full Council be recommended to agree the Proposed changes to the scheme of delegation to the Head of Development Management.

191 **Public Speaking at Planning Committee and Members' Planning Code of Conduct**

The Head of Law and Governance submitted a report to consider minor amendments to the procedure for requests by the public to address the Planning and to consider a proposed Members' Planning Code of Conduct to replace the current Good Practice Guidance on Planning Matters contained in Part 3 of the Constitution.

Councillor Macnamara proposed that the scheme be amended to allow members of the public, Ward Members and Committee Members may not show plans, drawings, video clips, photographs or circulate written material. Councillor Reynolds seconded the proposal. The motion was duly voted on and subsequently fell on the Chairman's casting vote.

Councillor Macnamara proposed that the order of speaking within scheme be amended to allow the objectors to speak last, after the applicant/supporters. The motion was duly voted on and subsequently fell.

In response to Members' comments, the Democratic and Elections Team Leader explained the revisions still allowed members of the public to submit a written request to address Planning Committee. The revisions now allowed requests by telephone as well, which was previously not permitted.

Resolved

- (1) That Full Council be recommended to agree the minor amendments to the procedure for requests by the public to address the Planning Committee (Annexes to the Minutes as set out in the Minute Book).
- (2) That Full Council be recommended to adopt the Members' Planning Code of Conduct and Bias and Predetermination: A Guidance Note for Members (Annexes to the Minutes as set out in the Minute Book).

- (3) That authority be delegated to the Head of Law and Governance, in consultation with the Lead Member for Planning and the Chairman of the Planning Committee, to finalise the amended public speaking procedure and members' Code of Conduct for submission to Council.

192 **Decisions Subject to Various Requirements**

The Head of Development Management submitted a report which informed Members upon applications which they had authorised decisions upon subject to various requirements which must be complied with prior to the issue of decisions.

Resolved

- (1) That the position statement be accepted.

193 **Appeals Progress Report**

The Head of Development Management submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

Resolved

- (1) That the position statement be accepted.

194 **Tracey Morrissey, Principal Planning Officer**

The Chairman advised the Committee that this was the Principal Planning Officer's last meeting as she would be leaving the authority.

The Committee thanked the Principal Planning Officer for her hard work and support to the Committee and wished her every success in the future.

The meeting ended at 9.10 pm

Chairman:

Date:

PLANNING COMMITTEE

19 March 2015

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

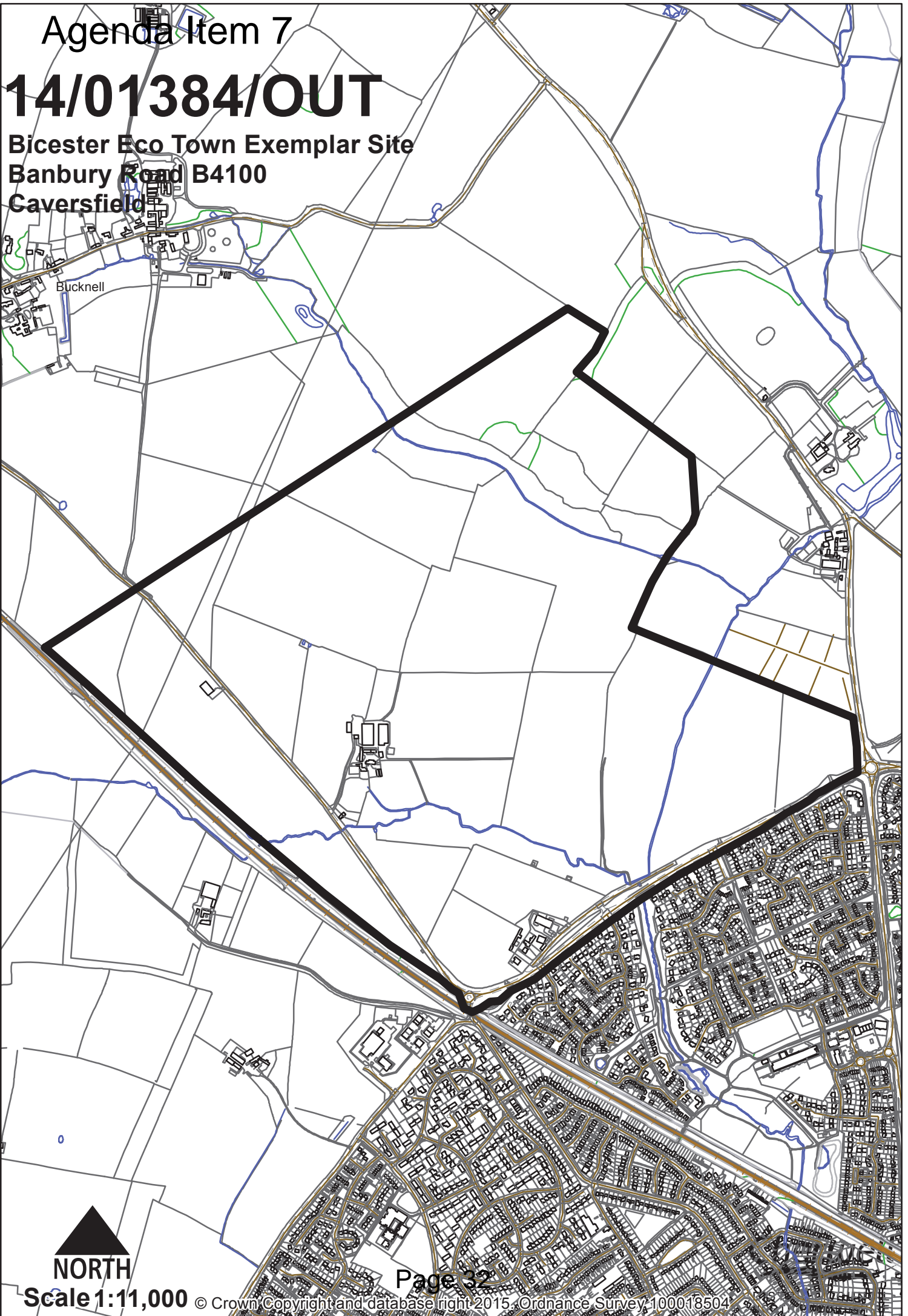
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision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

	Site	Application No.	Ward	Recommendation	Contact Officer
7	Bicester Eco Town, Banbury Road, B4100	14/01384/OUT	Caversfield	Approval	Jenny Barker
8	Manor End House Manor Road, Adderbury	14/01454/F	Adderbury	Approval	Aitchison Raffety
9	Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington	14/01531/OUT	Kirtlington	Refusal	Linda Griffiths
10	Swalcliffe Park Equestrian Grange Lane Swalcliffe	14/01762/F	Sibford	Approval	Bob Neville
11	OS Parcel 6680 North of Hook Norton Primary School and South of Redland Farm, Sibford Road, Hook Norton	14/01825/OUT	Hook Norton	Refusal	Ernest Addae-Bosompra
12	Land Formerly Part Of Old Ironstone At Apollo Office Park, Ironstone Lane, Wroxton	14/01898/F	Wroxton	Approval	Gemma Magnuson
13	Easington Sports and Social Club, Addison Road, Banbury	14/01911/F	Banbury Easington	Approval	Aitchison Raffety
14	Glebe Leisure Caravan Park, Glebe Court, Fringford	14/01953/F	Fringford	Refusal	Aitchison Raffety
15	Kelberg Trailers and Trucks Ltd., Northampton Road, Weston-on-the-Green	14/02019/F	Kirtlington	Approval	Aitchison Raffety
16	55 Churchill Road, Bicester	14/02104/F	Bicester East	Approval	Gemma Mangnuson

17	Land adj to Cotswold Country Club and South of Properties on Bunkers Hill, Kidlington	14/02132/OUT	Kirtlington	Refusal	Shona King
18	Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington	14/02139/OUT	Kirtlington	Approval	Linda Griffiths
19	Former Ambulance Station, Cope Road, Banbury	14/02149/CDC	Banbury Easington	Approval	Bob Neville
20	Hanwell Fields Community Centre, Rotary Way, Banbury	15/00015/CLUE	Banbury Hardwick	Approval	Laura Bailey
21	Bicester and Ploughley Sports Centre, Queens Avenue, Bicester, OX26 2NR	15/00021/CDC	Bicester West	Approval	Stuart Howden
22	43 Churchill Road, Bicester, OX26 4UW	15/00155/F	Bicester East	Approval	Stuart Howden
23	Franklins Yard, St Johns Street, Bicester	15/00180/F	Bicester Town	Approval	Laura Bailey

14/01384/OUT

Bicester Eco Town Exemplar Site
Banbury Road B4100
Caversfield



NORTH

Scale 1:11,000

14/01384/OUT

**Bicester Eco Town Exemplar Site
Banbury Road B4100
Caversfield**



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Site Address: Bicester Eco Town
Banbury Road B4100**

14/01384/OUT

Ward: Caversfield

District Councillor: Vacant

Case Officer: Jenny Barker

Recommendation: Approve

Applicant: A2 Dominion South Limited

Application Description:

“Development comprising redevelopment to provide up to 2600 residential dwellings (Class C3), commercial floorspace (Class A1 – A5, B1 and B2), social and community facilities (Class D1), land to accommodate one energy centre, land to accommodate one new primary school (up to 2FE) (Class D1) and land to accommodate the extension of the primary school permitted pursuant to application [ref 10/01780/HYBRID]. Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations.”

Committee Referral: Major Development

Committee date: 19 March 2015

1. Site Description and Proposed Development

- 1.1 The application site is located on the north western side of Bicester. The site is located between the London to Birmingham rail line and the development that has been permitted off the Banbury Road (B4100), known as the Exemplar development. The site adjoins the built edge of the existing town at Bure Park, although the development site is separated from it by Lords Lane.
- 1.2 The site extends to approximately 155 ha and is primarily in agricultural use. The site surrounds two farmsteads, Hawkswell Farm and Lords Farm, which are outside the current application, and to be retained by their owners together with a bore hole. An area of land adjacent to Lords Lane is also in separate ownership and excluded from the application.
- 1.3 The site is crossed by two watercourses which meet before crossing under Lords Lane and feeding into the Bure stream. The land is also divided into fields by hedges which are the principle boundary treatment of the site. A small woodland is located within the northern part of the site. The outer edge of the development does not follow existing boundaries and is not currently defined on the site.
- 1.4 The scheme proposes the construction of 2600 residential dwellings of which 250 are proposed as extra care properties. Supporting infrastructure is proposed in the form of a new local centre and small business centre located close to the railway. Significant areas of the site are proposed as green space including land for a country park and burial ground on the outer edge of the development. The stream corridors and hedgerows are proposed to be maintained during and after development.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letters, site notices and press notice. Amendments to the application were advertised and the final date for comment was the 22 January 2015.

No letters of objection, support or raising issues have been received from the general public.

3. Consultations

3.1 The following consultation responses have been received and are summarised below. The full consultation responses are available on line at <http://www.cherwell.gov.uk/index.cfm?articleid=8938>.

3.2 Parish Councils

3.2.1 **Bicester Town Council** have no objections

3.2.2 **Bucknell Paish Council** draw attention to the rural nature of the parish and their desire to preserve this and have the following comments and suggestions:

- Access to Bicester for resident of Bucknell needs to be maintained
- Concerned that Howes Lane proposals will increase traffic through Bucknell if the speed limit is reduced. Reduction in the speed limit on the Ardley to Bicester road to 40mph is sought with 20mph through the village
- Bus routes should be extended to serve Bucknell
- Guarantees are sought that there will not be light or noise pollution
- The green buffer should be developed early and be at least 100m with trees and woodland
- A covenant should be placed on the green buffer to prevent further development
- Drainage from Bucknell goes through the site and has issues of sewerage flooding and flooding as a result of heavy rainfall which the Parish is in discussions with Thames Water to resolve.
- Bucknell should be in the catchment of new schools if they are nearer than existing catchment schools

3.2.3 **Middleton Stoney Parish Council** wishes to raise no objections to the application in principle but wishes to raise considerable concerns.

- The Parish consider there must be a route to by pass Bicester to the west especially for HGVs. Reduction of speed on the existing route will have serious consequences.
- With many new developments OCC & CDC need to ensure robust conditions on developers to build roads to an appropriate standard.
- The parish note the Local Plan figure of 3293 dwellings so assume other development at NW Bicester will not come forward for a considerable time.

3.2.4 **Chesterton Parish Council** object mainly on the Howes Lane proposals, which will be used as the 'Northern Ring Road and is impractical as it stands. A single carriageway road with adjacent shops, school and a business park will have to carry heavy road traffic, even at this stage this should be modified to dual carriageway. The A4095 through Chesterton is already seeing an increased volume of heavy goods and normal vehicle traffic which will be exacerbated by the Eco Town development.

3.2.5 **Caversfield Parish Council** did not have any specific comments on these plans, but looks forward to seeing the more detailed plans in due course. Councillors did request that the plans for the Howes Lane re-alignment be finalised before any further work is agreed on the development. The Parish Council has concerns about the impact that the current road proposals will have on villagers travelling to Chesterton and beyond.

3.3 Cherwell District Council Consultees (in summary)

3.3.1 **Head of Strategic Planning and the Economy** comments are detailed and you are encouraged to read them in full on line. They are summarised below;

The response details the relevant policies in the Cherwell Local, National Planning Policy Framework (NPPG), National Planning Practice Guidance (NPPG), Non Statutory Cherwell Local Plan (NSCLP) Cherwell Submission Local Plan (CSLP), Eco Towns Planning Policy

Statement, Eco Bicester One Shared Vision, North West Bicester Supplementary Planning Document.

Five year Housing Land Supply

- The district does not presently have a five year housing land supply. The latest published position is reported in the Housing Land Supply Update June 2014 which concluded that the district had a supply of 3.4 years for the period 2014-2019. The calculations do not include new deliverable sites permitted since June 2014 and the land supply position will shortly be reviewed.

Strategic Housing Land Availability

- The entire North West Bicester site is included in the SHLAA Update 2014 (Aug 2014) with the site reference BI200.

General Policy observations

- The adopted Development Plan is dated and does not provide for development in this location.
- Development would result in a substantial extension of Bicester's built-up area towards Bucknell and would consolidate the ongoing Eco-Town development on the western side of Banbury Road near Caversfield.
- The saved policies of the Cherwell Local Plan seek to protect the countryside and this aim remains appropriate in the context of NPPF principles including 'recognising the intrinsic character and beauty of the countryside' and to 'contribute to conserving and enhancing the natural environment' (para' 17).
- The Non-Statutory Local Plan is of little weight but similarly includes policies of restraint for this area of countryside.
- In the current absence of a five year land supply the saved housing policies of the adopted Local Plan cannot be considered up-to-date (NPPF, para' 49) and planning permission should be granted any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (NPPF, para' 14).
- The PPS Eco-Towns Supplement provides for eco-development in this location. The supplement provides a set of minimum standards, "...to ensure that ecotowns are exemplars of good practice and provide a showcase for sustainable living and allow Government, business and communities to work together to develop greener, low carbon living..." (para' 3). The potential benefits of delivering development to the highest environmental standards provides the opportunity for very significant benefits to be delivered in providing new housing, employment opportunities and other development to meet existing and future needs. The benefits of eco-town development to the wider town are also made clear in the Eco-Bicester One Shared Vision document.
- North West Bicester is identified as the largest strategic development site in the Submission Local Plan (as Proposed to be Modified).
- Whilst the Submission Local Plan is the subject of unresolved objections it has been through its Examination Hearings (December 2014) and the Inspector's Report is awaited (expected Spring 2015). The Plan therefore carries weight, albeit that weight is limited at this stage.
- With regard to the PPG's advice on prematurity, the present application is 'substantial', involving as it does over 160 hectares of land and the development of, inter alia, some 2,600 homes. The grant of permission would also precede the Local Plan Inspector's conclusions on the suitability of the site proposed for allocation and the appropriateness of the intended requirements of draft Policy Bicester 1.
- However, it is considered that this must be viewed in the context of national planning policy which provides for a potential eco-town at North West Bicester, the fact that the Plan seeks to achieve eco-development in this location, the fact that part of the wider eco-town site is under construction, and the absence of a timely alternative proposal that would meet the requirements of the PPS Supplement and contribute to housing supply in the near term.

- Predetermination should also be considered in the light of all other material considerations. Key considerations, from a local plan perspective, are considered below to assist a determination of whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Master Plan

- There is not presently a 'permitted' or 'approved' masterplan in the context of the PPS Supplement (ET20) or 'approved' in the context of Policy Bicester 1 of the modified Submission Local Plan.
- However, the application includes submitted 'Parameter Plans' These plans together with other supporting documentation demonstrate how the proposed development could broadly comply with the overall requirements of the PPS Supplement and Policy Bicester 1.
- The application is supported by a Design and Access Statement which explains the masterplanning context. Reserved matter applications will clarify issues of detail.
- Further clarity should be provided on the documents that comprise the masterplan for the purpose of complying with the PPS Supplement and Policy Bicester 1
- This application must be considered on its own merits and the proposed development must fully contribute in delivering an eco-development as envisaged by the PPS Supplement as proposed by Policy Bicester 1 of the modified Submission Local Plan. The Masterplan Framework helps to demonstrate how this will be achieved, particular as other elements of the overall Eco-Town development are brought forward through separate planning applications. Should permission be granted for the present application, there should be appropriate use of legal agreements to provide the requisite certainty over linkages with other Eco-Town components and delivery, particularly in relation to securing necessary infrastructure.

Housing

- It is noted that all detailed matters are reserved for future approval.
- The proposal involves the provision of approximately 2600 homes based on range of (indicative) densities ranging from 20 to 50 units per hectare with higher densities being located close to the local centre and to public transport infrastructure. This strategy will support the modal shift away from dependence on private cars to walking and cycling in accordance with the NPPF and emerging local plan policies including Policies BSC1, BSC2 and BSC4.
- The indicative average density of residential development approximately 35 units per hectare which excludes green infrastructure. The average density is comparable to existing housing in surrounding areas in Bicester of around 30 units per hectare. Some areas are proposed for higher densities to reflect the provision of apartments necessary for providing the required mix for different sectors of the population and the needs identified in the 2014 SHMA.
- Although densities are indicative and will be the subject of reserved matter applications, approval is sought for overall building heights and the supporting information demonstrates that the proposed housing at a broad level of analysis could be acceptably accommodated having regard to the land use needs of other development and eco-requirements.
- The application proposes extra care apartments for the elderly with facilities available to residents and the public.. The objective is for the development to be a mixed use scheme with a mix of uses centred on a local centre. It is not clear how much extra care housing C3 or C2 provision will be made. It is important that the provision is clarified
- Extra care remains an important housing option in the Council's Housing Strategy 2012-2017. The SHMA highlights the issues of an ageing population and higher levels of disability and health problems amongst older people will mean an increasing demand for specialist housing
- Affordable housing is proposed at 30% with 70% as social rented dwellings and 30% as shared ownership. This accordance with Policies BSC1 and BSC3 and is considered acceptable.
- Homes are to be designed to meet level 5 of the Code for Sustainable Homes and

Lifetime Homes Standard. The aim is for all homes to be designed to be zero carbon. This also accords with Policy Bicester 1 which is based on the PPS1 supplement.

- Homes are to have High Speed broadband. This accords with Policies BSC1 and BSC9 of the modified Submission Local Plan.

Housing Delivery and Five Year Land Supply

- The modified Submission Local Plan provides for 6000 at North West Bicester with 3293 being delivered by 2031. 6000 homes were tested through the Local Plan's SEA/SA process and an HRA screening and the Plan does not preclude faster or earlier delivery. The release of an additional 2600 homes on top of the on-going exemplar scheme (393 homes) will contribute in meeting the overall housing need for the district set out in the 2014 SHMA (some 22,800 homes from 2011-2031), albeit ahead of the Inspector's Report on the Local Plan.
- The five year land supply is presently being reviewed but the release of additional housing in accordance with the Council's development strategy will help provide further certainty over the continued contribution of North West Bicester to the achievement and maintenance of a five year housing land supply.

Employment

- The proposed development would help create economic growth which is a key objective of the Submission Local Plan and the NPPF. The proposals would provide a range of job types in a range of use classes which is consistent with Policy Bicester 1 and the draft SPD. The requirements of PPS1 have not yet been fulfilled but the proposals are in general accordance with it.
- The modified Submission Local Plan (Policy SLE1 and site specific policies) identifies new strategic sites at Bicester where employment generating development should be located (including at North West Bicester), providing the opportunity for a mix of employment uses in a number of locations.
- Policy Bicester 1 states that use classes should be B1, with limited B2 and B8 uses. It sets out that 1,000 jobs on B use class jobs will be provided on the site within the Plan period and the remainder through other uses such as home working with some jobs will be located away from the site such as in Bicester town centre. Mixed use local centre hubs on the site will include B1(a), A1-A5, C1, D1 and D2 uses.
- Policy SLE2 states that the Council will support the provision of new local centres containing a small number of shops to meet day to day needs within the strategic housing allocations in the Local Plan.
- Paragraph C.41 explains how the development at North West Bicester will provide at least 6,000 jobs in total and 3,000 in the Plan period. Paragraph C.42 states that the precise nature and location of jobs will be set out by a masterplan that will be prepared for the north west Bicester allocation.
- An economic development strategy is provided as part of the planning application which is a supplement to the economic strategy prepared to support the planning of the wider site and which summarises the employment
- This present application would result in a contribution of over 1,000 on site jobs (B and other use classes) to the overall requirement of 6,000 jobs sought by Policy Bicester 1 and towards the 4,600 on site jobs envisaged in the draft SPD.
- The present application covers only part of the North West Bicester site (albeit a substantial part) and does not seek to fulfil the full employment figures envisaged in the PPS1 supplement, draft Policy Bicester 1 and the draft SPD. The application does not provide for all the B use class jobs (1,000) required by Policy Bicester 1 but a separate application has been made involving 800-1000 homes in the south west corner of the wider North West Bicester site, the location indicated in the Masterplan Framework.
- It will be necessary to ensure that any significant shortfall in expected job numbers for different areas of the North West Bicester development do not adversely impact on the planning and delivery of other areas. It is important that there is broad

compliance with national and local policy for each individual proposal to provide the requisite number of employment opportunities and to help create sustainable travel patterns.

- The retail uses proposed in the application are small scale and are considered to be in conformity with planning policy including Policy SLE2 and Policy Bicester 1. Retail uses should not form a significant part of mixed use non-residential areas to ensure the viability and vitality of Bicester town centre is maintained.
- Considering the NPPF requirements, Policy Bicester 1 and Policy ESD16 there is a need to ensure that the employment proposals are appropriately integrated with the rest of the eco-town development in terms of access, design, and the impact on residential and public areas. The proposed buildings and operations should also meet national and local policy requirements relating to sustainable living and construction.
- Overall, in relation to employment, it is considered that the proposals are in general accordance with the Eco-towns PPS1 supplement, the Submission Local Plan and the draft SPD. However, there will need to be detailed consideration as to whether proposals meet the particular requirements and standards set out in planning policy.

Zero carbon development

- The application indicates that the development will be true zero carbon to be achieved through fabric energy efficiency, a district heating network powered by local energy centres utilising low and zero carbon technology, and roof mounted photovoltaics.
- The broad requirements of PPS1 ET20 and Policy Bicester 1 regarding zero carbon development are met.

Climate change adaptation

- The application indicates that new homes are to be constructed to achieve a minimum of Code for Sustainable Homes Level 5. All residential units are to be designed to Lifetime Homes standards. Commercial buildings are to be constructed to achieve BREEAM excellent.
- Further information on climate change adaptation is given in D and A statement 3.6.5 and Planning Statement para's 6.8-6.9: buildings are to be designed with insulation, shading and ventilation standards exceeding current minimum standards to allow a factor for future proofing. The broad requirements of PPS1 supplement and Policy Bicester 1 appear to be met in this regard but the views of the Design and Conservation Team and Bioregional should be taken into account.

Healthy lifestyles

- The application includes a number of measures to encourage and facilitate healthy lifestyles including outdoor play and sport facilities, walking and cycling routes, allotments, outdoor space accessible for all and convenient access to health services to be provided elsewhere on the wider ecotown site.

Local Services

- The local centre hubs shall provide for a mix of uses that will include retail, employment, community and residential provision. Education, health care, and indoor sports facilities will be encouraged to locate in local centres and opportunities for co-location will be welcomed. Provision will be proportionate to the size of the community they serve. Each neighbourhood of approximately 1000 houses must include provision for community meeting space suitable for a range of community activities including provision for older people and young people.
- The application indicates that in addition to services provided elsewhere on the eco town, a new local centre is to be provided comprising commercial uses (A1-A5, B1 and B2 on 0.77ha). The application includes 0.47ha of land to accommodate social and community facilities, (class D1), including a community hall. No reference is made to health facilities; Policy Bicester 1 indicates a 7 GP surgery should be located in the southern part of the overall site outside of the application site.

- One new primary school up to 2 FE and playing fields within a site comprising 2.22 ha would be provided, with a further 0.79ha of land to accommodate expansion of the primary school permitted under 10/01780/HYBRID.
- The new primary school would appear to be potentially accessible from at least 2 sides of the site, and is located adjacent to the river corridor/linear park. Policy Bicester 1 requires all homes to be within a maximum of 800m of a primary school. However this is in accordance with the overall masterplan framework plan. County Council views on proposed school provision will be key.
- The level of service and facilities should be assessed taking into account provision committed or proposed elsewhere on the ecotown site as a whole.

Green infrastructure

- PPS1 Supplement ET14 and Policy Bicester 1 and the emerging SPD indicate that 40% of the total area should be green space.
- Planning statement para 2.1 indicates the application contains 68.01 ha of green infrastructure, approximately 46% of the site area excluding schools, comprising a range of types of provision, and meets the requirements of PPS1 Supplement ET14, Policy Bicester 1 and the emerging draft SPD in this respect.
- In terms of compliance with Submitted Cherwell Local Plan policy BSC11 as modified, the application generally meets the requirements of the policy

Landscape and heritage

- The Environmental Statement includes a Landscape and Visual Impact Assessment (Chapter 5) and a Cultural Heritage Assessment (Chapter 10). The application indicates that this led to retention of farms in masterplan (the two farms are retained but excluded from the application site). Archaeological investigations have been carried out and subsequent mitigation will be required.
- A country park and other GI provision buffers the built development on the north western edge closest to Bucknell. However development in the northern portion of the site extends to the northern boundary and could therefore produce a hard edge. This is in accordance with the overall masterplan framework plan for the site but not the Spatial Framework plan within the draft SPD.
- The movement and access plan on page 67 of the Design and Access Statement indicates that proposed footpaths will link with existing footpaths extending into the countryside to the north of the site.
- The Design and Access Statement indicates existing trees and hedges and those areas to be removed or broken. (Page 53) The majority are to be retained. Indication is given that those sections removed will be replanted elsewhere where possible.
- The green infrastructure strategy indicates a 60 m buffer for watercourses (30m strip either side) with a 20m buffer either side of hedgerows. Dark corridors are shown in figure 5. These meet requirements set out in the emerging SPD in this respect.

Biodiversity

- The Planning Statement (2.1) indicates that the proposals retain the majority of existing trees and hedgerows, include strategic landscaping and adopt a range of measures, including off-site compensation for the loss of farmland bird habitat, the enhancement of on-site habitats such as hedgerows, woodland and river corridors and creation of new habitats, to encourage a net gain in biodiversity.
- The Biodiversity Strategy is provided in Appendix 6J of the ES. The ES indicates that off-site enhancement for farmland birds in addition to on site measures will be required to secure a net gain.

Water

- A Water Cycle Study was produced as part of the masterplan work. The study looks at demand and supply, water quality and water neutrality issues, as required by

policy. The application indicates that water consumption equivalent to BREEAM excellent and Code Level 5, with the aspiration to achieve water neutrality through further options to reduce water consumption, is sought. The masterplan provides two strategies for wastewater treatment; on-site treatment or conveyance to the existing wastewater treatment works. A network of above-ground attenuation SUDS is proposed.

- The views of the Environment Agency and Thames Water should be taken into account in determining the extent to which the proposals meet policy requirements regarding water and the water cycle study.

Flood risk management

- All built development is to be located in Flood zone 1. The application is accompanied by a Flood risk assessment. This meets the requirement of PPS1 supplement and Policy Bicester 1, which indicates that there should be no development in areas of flood risk and development should be set back from watercourses which would provide opportunity for green buffers.
- Policy Bicester 1 also requires provision of sustainable drainage in accordance with Policy ESD 7: Sustainable Drainage Systems (SuDS), taking account of the recommendations of the Council's Strategic Flood Risk Assessment. The application is accompanied by a SUDS and Drainage Plan BIMP6 109D. The proposals include strategic attenuation ponds and swales.

Waste

- The application is accompanied by a site specific covering report which relates to the Sustainable Waste and Resources Plan for the whole Eco-Town site which the Planning Statement indicates will ensure that the overall masterplan strategy is met (waste/recycling stores conveniently located in buildings, areas for green waste composting).

Transport

- The applicant's Addendum Description of Development and Application Parameters (December 2014) state that access and movement infrastructure shall be provided in accordance to the Framework Plan (drawing number BIMP6D) and the Movement Access Plan (drawing number BIMP 110C) and that the location of secondary roads will be determined at the reserved matters stage.
- Car parking is to be provided as set out in the Transport Statement (Table 6.5) with details of cycle parking to be provided at reserved matters stage.
- The application is accompanied by a Transport Assessment (Document 10) and a Framework Travel Plan (Document 11). Draft heads of terms include financial contributions towards bus services.
- The application provides for a range of uses including employment, retail uses and community facilities which could contribute to an element of trip containment although overall the aims in PPS1, emerging Local Plan Policy Bicester 1 and Draft SPD with regards to reducing car travel needs to be viewed in the context of the delivery of the entire site.
- The Transport Assessment supporting this application relies on the NW Bicester Masterplan Access and Travel Strategy which concludes the maximum modal share target to be aimed at is 50% by non car modes. Although PPS1 seeks to achieve a higher target of 60%, it is recognised that this was set for Eco-towns located adjacent to higher order settlements. However, even in the case of none higher order settlements, PPS1 seeks a minimum 50% with an aim to increase to 60% overtime.
- The containment of trips within the Masterplan was set at 35% of trips to be within NW Bicester and 60% within Bicester as a whole.
- In relation to this application, the Transport Assessment presents a worst-case scenario for its conclusions on trip generation which results on a 51% car share.
- The transport assessment confirms that this application will have the same access to

sustainable transport as the overall NW Bicester site and thus the targets for containment are likely to be in line with the above although the results for the trip generation for overall 12 hour period estimated 58% trips to be contained within Bicester, just below the target.

- Given the use of a 'worse-case scenario' and that the different mix uses across the Eco-town site are likely to cause variations on the modal shift achieved by individual applications, it is considered that this application fall within the broad terms of the established parameters to meet PPS1 requirements and the aims of emerging Local Plan Policies SLE4 and Bicester 1 for the site. This will need to be monitored alongside other Eco-town applications to ensure the overall achievement of Eco-town principles site wide including the aim of achieving at least 60% non-car modes modal shift over time.
- The Transport Assessment estimates that this application represents 39.5% of the overall impact of the full NW Bicester Development on the highway network and notes that at the time the application was submitted, the Local Highways Authority did not have all necessary information relating to contributions to network mitigation. Nevertheless, it committed to further work with the Local Highways Authority on wider improvements and meeting a proportion of the mitigation package.
- The Assessment identifies measures to directly mitigate the impact of NW Bicester and a number of strategic improvements including a new A4095 NW Bicester link road and improvements to the M40 J9 and J10 which are in line with emerging Local Plan Policy SLE4, Bicester 1 and supporting IDP. These will be subject to further discussion and advice by the Local Highways Authority.
- The Transport Assessment proposes a phased bus service to serve each bus service to serve each phase of development as the site builds up to provide bus routes within 400 metres of dwellings. The frequency of bus services would start at every 15 minutes and increased to 10 minutes subject to commercial viability.
- Supporting information in the Sustainability Statement indicates the walking/cycling distance of proposed homes to services. Distances to school are based on 'as the crow flies' measures, distances to public transport are based on bus routes rather than bus stops and the walkable distance from all housing plots is depicted against a small local shop in the centre of the development and the facilities at the extra care village.

Infrastructure

- The application makes provision of 2.2 ha of land for 2F Primary School, 0.88 ha for an extension to the Exemplary primary school, and 0.79h for a possible play field extension to the Exemplar primary school. Draft heads of terms anticipates provision of land and appropriate financial contribution.

Health

- The application does not propose a health facility on site. This seems to be in accordance to Policy Bicester 1 which envisages the provision of a 7 GP surgery on the southern part of the Eco- Town.

Utilities

- The application is accompanied by a Utilities Statement establishing the likely utility demand generated by the proposal for: Potable water, sewage, electricity and gas. The demands are estimate reductions for Sustainable development in comparison to conventional development. It is unclear how this relates to strategies to deliver Eco Town principles mentioned as part of the supporting information such as the Sustainable Waste Resource Plan and Energy Strategy.
- Application information notes that the proposal has considered the use of waste for potential energy generation and has made provision for potential connect of waste heat from Ardley EfW (if available) in the future and provides land to accommodate an energy centre on site. However, it is unclear how this will be linked to a site wide district heat network to supply hot water and heating and the overall Eco-town energy principles.
- The planning application should be consistent and compatible with the delivery of

neighbouring land to ensure Eco-town principles are achieved site-wide..

- It is considered that the outline transport proposals are in broad accordance to PPS1 principles and emerging Local Plan policy. However, this is conditional to a clear compliance with PPS1 Principle ET21 either by submission at this stage of supporting information or by condition and S106 linked to phasing.

Policy Recommendation

The site is not identified for development in the adopted Development Plan but in the present absence of a five year land supply, its housing policies cannot be considered to be up-to-date. The proposal would entail the development of substantial area of countryside, extend the built-up limits of Bicester towards Bucknell and consolidate on-going development near Caversfield. There would be visual, traffic and other impacts from development that require detailed appraisal in determining whether the grant of planning permission would have adverse impacts that significantly and demonstrably outweigh the benefits.

In making this determination, it must be recognised that the proposed development would deliver a large part of an Eco-Town in general accordance with the national PPS1 Supplement for Eco-Towns and the NPPF's goals of achieving sustainable development including new homes and economic growth and achieving the transition to a low carbon future. The objectives of the modified Submission Local Plan, its strategy for Bicester and draft Policy Bicester 1, all support the delivery of Eco-Town development in the proposed location, albeit having limited weight at this stage. The application is for substantial development that would predetermine the Local Plan Inspector's conclusions on the Submission Local Plan and, in particular, Policy Bicester 1. It would also predetermine the formal approval of a masterplan for the entire Eco-Town site; a masterplan required by the PPS Supplement and Policy Bicester 1. However, the application is supported by a masterplan framework which has been included in an emerging SPD and which explains how the proposed development has been planned, and would be delivered, as part of a comprehensive and integrated approach to the North West Bicester site which has been worked on collaboratively by the site promoters and the Council. Furthermore, while this is an outline application with all detailed matters reserved, this is a proposal for development that will contribute significantly to the delivery of Eco-Town Development including zero carbon homes and proposals for climate change adaptation. Detailed points are raised in this response that will require further consideration, but subject to these there is no objection from a planning policy perspective.

- 3.3.2 **Community Services Manager** comments as follows; There is already a small community hall that has been agreed for the north side of the railway line within the exemplar for which no further requirements can be made.

The second larger community centre which we envisage will be a "cultural centre" needs to have a relationship with the allotments/community farm. This cannot happen with the school is nearest to the allotments/community farm. The "cultural centre" should be located by the allotments/community farm as it will have an impact on the usage of the educational element of the "cultural centre".

With regards to the draft heads of terms we need to also have included :

- A commuted sum for both the smaller and large community centres.
- A community development sum

A sum for events and projects.

- 3.3.3 **Anti Social Behaviour Manager** advises

The noise survey work indicates that the majority of the site is suitable to be developed without additional noise mitigation measures to protect the amenity of the future occupants of the dwellings.

Those areas of the site that are subject to elevated levels of noise principally from road traffic sources must be clearly identified and dwellings that are constructed in these areas must be designed and constructed in such a manner that they contain elements of sound insulation that will ensure that the internal noise levels contained within BS 8233:2014 Table 4 can be achieved.

Noise from construction activity has been assessed and the applicants indicate that noise standards and proposed methods of control will be presented in more detail in a Construction Environmental Management Plan. The preparation and submission of such a plan must be conditional to any approval given.

Noise from fixed operational plant and equipment is also considered. It is recognised that the detail of this equipment has yet to emerge and that when this has been finalised it will be assessed in accordance with BS 4142:1997.

3.3.4 **Landscape and Street Scene Manager** comments;

Bucknell Ridge Character Area

In consideration of Housing Character and Density plan BIMP6 112E.

The central core of the development will be an obtrusive element in the landscape with a medium to high density development. It is therefore deemed to be of a medium impact rather than the low weighting given in the LVIA report. Although the landscape is of a low sensitivity and in theory will have the capacity to accept such development, with a neutral effect due to 'assimilation' into the landscape by landscape mitigation, the visual effects will be such as to be medium weighting and landscape mitigation is necessary. I think the existing on-site farmstead building clusters could inspire the design layout in the low density NW band of development, with clear open areas of POS with low level containment of existing and new hedgerows, tree and woodland planting. This is referable to a clearly defined built edge on the northwest area which would normally require extensive landscape structure planting to screen it. With the country park and the 'farmstead clusters' views open up into, and out of the built form. Obviously parcelling up such low density/open spaces will not be attractive to prospective developers. The built edge, however, has developed a natural curvilinear outline that could evolve into an acceptable design.

The openness/allowance of certain attractive views of the development could perhaps be experienced from these locations. With the built form design progression, photomontages of views overlaid with built form (land marks, etc) could be presented to us for consideration, however, need to protect the setting of Bucknell is paramount.

Bucknell Valley Corridor Area

In consideration of Landscape Parameter Open Space Strategy plan BIMP6 1080

In reference to Para 5.7.1.4. I would disagree with the term that.....'development will alter the existing landscape through the introduction of a new high quality built form (my emphasis). It is clear from the above plan that the corridor is proposed to have a burial site, water treatment plant, community farm and school playing fields; there will no form of the density proposed on plan BIMP6 112E. The character will not change as significantly with the aforementioned, low-key uses and therefore its capacity to accept such development is high, and localised landscape mitigation can be considered.

3.3.5 **Arboriculture Officer**

I would agree with the identification and categorisation of the trees on site as listed within the tree survey reports. I would however question and resist the proposal to translocate further hedgerows until there has been a full inspection and evaluation on the hedgerows previously translocated to facilitate the Exemplar development. The report should be undertaken by A2 Dominion with copies of the findings forwarded onto to Cherwell District Council.

No further translocation of live material should be undertaken until such a report has been

provided.

The tree surveys seek to repeat the previous approach with protective fencing for vegetation by proposing different specifications for fencing type based upon the 'usage' of the adjacent land (Low, Medium, High). This is acceptable however the fencing type must be clearly identified within an agreed Arboricultural Method Statement which may be subject to condition.

3.3.6 **Strategic Housing Officer** has no objection to the principle laid out in the submitted information by the applicant.

The Affordable Housing Strategy does accurately detail the quantum of affordable housing being 30% with a headline tenure split of 70/30 rented and shared ownership.

The affordable housing should, on the whole be delivered evenly across the application site albeit there will need to be more detailed discussions when the reserved matters is submitted.

There will need to be a range of house types provided from 1 bed flats/maisonettes, to 4 bed houses in order to cater for the housing needs, which is anticipated for the district over the coming years. The proportions of which will follow the indicative affordable housing schedule which has been supplied to the applicant, although will undoubtedly need to be to be adjusted at reserved matters stage in order to take account of circumstances at the time.

As detailed within the submission, all units will meet Code for Sustainable Homes level 5 and Lifetime Homes Standard.

The clustering of the affordable housing has been detailed in the Affordable Housing Strategy as 'small'. The detail of this will need to be agreed at reserved matters stage, however I would expect in large, that the clusters will follow CDC's standard approach in that there will not be more than 10 units together of one tenure or not more than 15 together of mixed tenure.

The Affordable Housing Strategy does make reference to the Local Lettings Plan, determining that it has been finalised. This is not the case and further discussions between A2D and the Council in order to finalise the draft local lettings plan are required and ongoing.

The application also includes reference to the delivery of extra care housing on this Application 1 site, how much or little affordable housing will play a part of this extra care housing delivery will require further discussions with the applicant and almost

certainly the ultimate provider of this type of accommodation. However it is expected that there will be an element of affordable housing provision within this kind of facility.

3.3.7 **Urban Design Team Leader** comments as follows;

General Comments

- While the DAS includes considerable statement of intent in respect to the delivery of high quality urban design, little of this is reflected on the resulting Framework Plan;
- Clearer distinction between what details of the DAS form part of the application and what is shown as indicative/illustrative is required;
- The Framework Plan is of an insufficient scale and detail to provide any level of certainty of outcome and is a poor reflection of the level of analysis and thought that has clearly been undertaken. As a minimum, the framework plan should show an indicative street and block structure in order to demonstrate that the strategic, primary and secondary streets are appropriately located to enable the intended connected street network, optimum

block sizes and urban densities to be achieved;

- The connection between urban densities (net and gross) and the viability and vitality of local centres and public transport facilities is not clearly articulated in the DAS or on the Framework Plan. Given the decline of many centres and high streets in established areas, robust quantitative evidence is required to demonstrate how the centre(s) will be supported;

Site and Context

- The redline boundary excludes parcels of land including Hankwell Farm and Lords Farm. No details of the interface between the application site and these sites are included in the application with residential and other land uses just abutting the boundaries. This creates some awkward development parcels (especially around Lords Farm) and a potentially abrupt transition between land uses. The secondary road shown to the north of Hawkwell Farm passes through the site boundary and it is unclear whether it is to be delivered or not as part of this application.

Movement and Layout

- A strong sense of overall structure and legibility is currently lacking from the Framework Plan. While it is understood that the layout is landscape led, it must also become a clearly legible and efficient urban environment. The balance between existing landscape features and urban efficiency is not clearly articulated on the Framework Plan;

- The primary road corridor through the residential area is very convoluted. This detracts from any sense of legibility and appears quite inefficient as a primary movement corridor serving cars, buses and commuter walking and cycling. It is understood that the alignment is dictated by the need to achieve every house within 400m of a bus stop. A balance therefore needs to be struck between achieving this numerical target and ensuring a clearly legible and efficient urban structure. It would be inappropriate, in my view, to add to all journey time in order to be within 400m of the most outer lying and low density residential areas. Direct and efficient walking connections to these outer lying areas could overcome the slightly longer distance;

- It is impossible to assess the merits of the secondary road corridors as these are only shown as disconnected spurs. A full movement network diagram is required for the purposes of assessment, even if this is indicative at this stage. As currently shown – the secondary roads could serve any configuration of connected or disconnected streets.

- A network of connected streets should be at the heart of the layout principles and not be overly compromised by strict adherence to historic field boundaries. Such boundaries may appear quite arbitrary in a fully urbanised area if they do not support an efficient and logical urban structure.

- There is a confusing pattern of roads shown in the south-west corner around the centre and at the intersection with the strategic road. A more detailed plan is required showing how this area will function;

- The DAS expresses support for multi-modal corridors and segregated pedestrian/cycle routes. Both have a role to play, but for commuter and essential routes, mixed modal corridors will ensure higher levels of activity and surveillance during different times of the day and night than segregated corridors.

Local Centre

- Efficient use of the immediate 400-450m walkable catchment of the local centre is crucial to its long-term viability and vitality and is the best opportunity for higher density residential development. This opportunity is undermined by a proliferation of large footprint non-residential land uses within this immediate catchment including Lords Farm, Hawkwell Farm, School and playing fields, Bure Stream parklands, community farm and allotments. Gross residential densities within the immediate catchment are therefore likely to be quite low. Have alternative locations for the centre been considered and tested? It is recommended that detailed viability assessment of the proposed centre is undertaken based on expected residential yields set out in the Framework Plan and having regard to existing precedent examples;

- A block masterplan of the local centre is required showing the full extent of the centre and how it relates to the school, community facilities and employment units;

- The sketch layout of the centre on p83 of the DAS shows extra care housing in blocks with courtyards opening up to the stream. Unfortunately the stream is located on the

north-side of the blocks and the proposed courtyards will be largely shaded from the sun. The illustration of the centre on p84 is unrelated to the sketch layout on p83.

Character, scale density and heights

- Limited information is submitted in respect of character;
- The three basic density and building height types are broadly acceptable although minimum heights in higher density areas should be raised from the blanket 4m across all types to require min 2 storey buildings;
- As above, higher density development is likely to be required to support the proposed local centre and public transport services;
- No objection to basic street type sections.

Housing layout

- I would question the principle that 'the housing layout is based upon the existing framework of green spaces and hedges' if this is pursued to the detriment of an efficient and effective urban structure and layout;
- Typical housing layout studies are generally supported albeit little innovation is shown that reflects the wide ranging precedent images shown.

Parking

- A standard approach to car parking is proposed with standard levels of private on-plot parking plus garages. This makes no attempt to support modal shift at the individual dwelling level and reinforces the convenience and dominance of the private car. Despite this, p102 states that 'parking and road layout will serve to limit private vehicle use'?
- A range of alternative parking strategies are available that would genuinely support modal shift and free up valuable space around homes for more efficient use of land such as undesignated on-street parking (max flexibility/ min cost/ competition for spaces/ strong UK precedents) and communal car parks (e.g. Vauban/ allocated spaces/ car free streets) etc.
- Bicycle parking to the front of properties would enhance its visual presence and make cycling more convenient for short journeys.

5. Conclusion

Having reviewed the Design and Access Statement and Framework Plan, I consider that insufficient information on matters of urban design is provided to support an outline application of this scale. A more detailed Framework Plan is required, and at an appropriate scale, showing a full network of streets and blocks in order to assess whether the land uses, strategic and primary streets are appropriately located. I have some concerns in respect of the alignment of the primary street. Further information in support of the local centre is also required to demonstrate its likely viability and greater innovation is sought in respect of housing layout and parking allocations.

- 3.4 **Oxfordshire County Council** comments are detailed and you are encouraged to read them in full on line. They are summarised below;

This application forms part of the strategic site allocation Bicester 1 within the emerging Cherwell Local Plan. Oxfordshire County Council support the principle of the North West Bicester site which has been the subject of ongoing joint working between OCC, Cherwell District Council and the Eco Bicester Strategic Delivery Board.

OCC has serious concerns about the uncertainty of delivering key infrastructure across the wider masterplan site caused by the piecemeal nature in which applications are coming forward. The funding and phasing of infrastructure across the site is dependent on if and when individual site applications come forward. For example, mitigation for this development is dependent on delivery of the secondary school which is part of Application 2. Further, with the absence of a Community Infrastructure Levy in Cherwell, it is unclear how the County will be able to seek contributions to county wide schemes such as Household Waste Recycling Centres, the Museum Resource Centre and the Central Library, all of which will be put under strain by this development. This puts the County Council at significant financial

risk. Until it is clear how infrastructure will be delivered across the masterplan site, OCC maintains a holding objection.

Transport

No objection subject to conditions.

Summary of Transport Assessment (TA)

The proposed development will be located off the A4095 (classified A road). Access to the application site is to be taken via the realigned A4095. Within the submitted TA it has been stated (paragraph 12.8, page 72):

“That the provision of the mitigation measures and/or a proportionate contribution to measures will address the impacts of NW Bicester on the road network as well as support improvements to the town’s infrastructure. The Application 2 development on land south of the railway will support the measures in proportion to the scale and traffic impact of the development as part of the NW Bicester Master plan. The measures supported will assist the County Council in addressing a range of town wide transport issues which are identified in the LTP3.

The provision of high quality sustainable travel infrastructure, together with the travel planning measures to promote sustainable travel will ensure that the PPS1 targets are met. This will help make the vision for NW Bicester a reality.

It is concluded that there are no transport reasons why the development should not be granted consent”.

A review of the accident data for the area has been carried out, which found a number of incidents had occurred; looking at the information provided the incidents involved were down to driver error rather than the characteristics of the local highway network.

A review of public transport, pedestrian and cycle accessibility has been undertaken.

A Travel Plan for the site is proposed.

Traffic Generation and Local Impact

The trip generation figures that have been submitted as part of the TA (page 75 to 86 and appendix 5) appear to be reasonable; as consideration has been given to the TRICS database, the national travel survey data available, the agreed containment factor of 35% of trips to be within the NW Bicester site and the aspirations of PPS1: Eco Towns.

The issue of monitoring the 35% containment of traffic movements within the site is an item that does not appear to have been covered in the TA. However, looking at the submitted Framework Travel Plan (Chapter 6), this requirement (and others) is mentioned alongside remedial actions if the agreed travel plan targets are not met. These travel plan details will need to be included within a future S106 Agreement for this application.

In regard to the proposed remedial actions under paragraph 6.5 (page 59 of the Framework Travel Plan), these detail are unclear/are not identified which requires addressing with consultation (and agreement) with the Local Planning Authority (CDC) and OCC as the LHA (further information required).

Paragraph 11.10 of the submitted TA identifies a number of mitigation measures for the whole of the Bicester 1 (NW Bicester) site to provide. However, the TA does not provide any details of what measures are proposed to be delivered by planning application 14/01384/OUT, other than this application will represent a 39.5% impact (over 12 hour period) on the local highway network - and a proportionate contribution towards mitigation measures will be made.

A review of the accident data for the area has been carried out, and has highlighted a high number of incidents has occurred within the last 5 years. Looking through the information provided it appears that the majority of reported incidents were down to driver error rather than the characteristics of the local highway network. However, in light of this data it is important that the proposed development considers these identified areas (identified in paragraph 3.9.3 of the TA) as part of the detailed stage(s) of the off-site works and appropriate road safety audits.

Construction Traffic Management Plan (CTMP)

The expected overall construction phase of Bicester 1 (NW Bicester) is around 20 years

from the anticipated commencement date of 2019. Due to the significant size of the proposed development a high number of heavy goods vehicles (HGVs) are expected to be generated by this development. To ensure residential areas are avoided and protected during the build out periods of the development site a routeing agreement for HGV construction vehicles is to be secured as part of a CTMP (to be imposed as a condition). The HGV route to be used during the life of the construction period (to be reviewed annually until the whole of Bicester 1 is built out) is to be via the A41/Vendee Drive from J9 of the M40 and the new Howes Lane/Lord's Lane.

Layout Comments

The proposed development has been submitted as an outline planning application, with all other matters reserved apart from access. The internal layout of this site will therefore be finalised as part of a detailed design stage, which is expected to establish a design code for the whole of application site. Such a design code is expected to include a street hierarchy, to be in line with MfS etc. Such a design code is considered essential for this development (and the remainder of the NW Bicester site). It is essential that the requirement for a design code for this site is imposed as a prior to commencement of work planning condition. It is noted that within the submitted Design & Access Statement dated August 2014 (pages 88 to 91) that a proposed street hierarchy is proposed. At this time such a proposal cannot be agreed/approved by OCC as the LHA without further information i.e. internal layouts, location of land uses proposed within the development site etc.

If the proposed development is to be offered for adoption to the LHA a S38 Agreement(s) will be required, alternatively if the development is to remain private a Private Road Agreement(s) will be required between the developer and OCC.

School drop off/pick up requirements have and continue to be an issue for proposed and existing school sites around the county. Due to the significant size of this application (and the overall Bicester 1 site) it is important to identify the potential transport related requirements for the primary school site included in this planning application. Below is a list of the standard LHA requirements for a primary school site:

- Primary school(s) site located near local centre site(s) to ensure linked journeys for school run and deter on-street parking where appropriate by design.
- A coach layby (possibly 2 spaces) is required.
- On-site parking for staff at an operational level with some visitor parking.
- Excellent footway and cycleway connections to school and surrounding areas.
- Future school travel plan will need to accord with the overall NW Bicester Travel Plan framework.
- No specific/formal parent drop areas are to be provided on the highway due to the nature of this eco site.

Transport Strategy Comments

"Given the scale of the master plan development area and its impact on key transport corridors of Bicester the developers agreed to make use of the county council's SATURN model which was developed to test land use options and road schemes for the Local Plan process. This model was re-based in 2012, and officers have accepted that it is a suitable tool for these assessments. Officers have been closely involved with technical work for the proposed development as it has evolved.

The transport strategy for Bicester has since 2000 been based around maximising use of the peripheral routes and minimising the amount of traffic travelling through the central corridor which is not visiting the town centre. The recently revised area strategy in the Local Transport Plan (LTP3) states that the county council will seek opportunities to improve access and connections between key employment and residential sites and the strategic transport system; work with strategic partners to develop the town's walking, cycling and bus networks and links between key development sites and the town centre and railway stations, and will work to get the most out of Bicester's transport network by investigating ways to increase people's awareness of the travel choices available in Bicester. Each of

these principles is vital for this development, given the overall scale and also the eco-principles that need to be met.

Delivering a strategic perimeter route around the town is the key component of the area transport strategy. County council officers and Members voiced concerns through the master plan process recently about the Howes Lane realignment proposals and in particular the speed limit proposed and the impact of this on other routes in the town. The Transport Assessment (TA) for this current application goes a long way to address these concerns by explaining how the corridor will maintain its strategic function (section 11.2 in the transport assessment) however the speed limit remains a concern and needs further verification through the planning application for the realigned road.

Of concern to the county council is the impact on the northern and eastern sections of the peripheral routes and on the central corridor. The TA demonstrates how the development of 2,600 houses north of the railway has a minor impact on the eastern peripheral route (Table 10.1 suggests only a 4% impact from the development at the A4421/Skimmingdish Lane junction), but a high impact through the central area, albeit in combination with other growth within the town (section 11.4.2). These two matters are intrinsically linked. Traffic will only switch to using the peripheral routes if these are functioning effectively. Therefore it is essential that the development contributes towards schemes to address capacity problems on the northern/north-eastern sections of the peripheral routes as well as schemes to improve the central area for bus passengers, cyclists and pedestrians. This can be dealt with through S106 negotiations”.

The combined effect of additional growth and changing the nature of Howes Lane raise concerns about the long term impact on peripheral routes around Bicester. Work looking beyond the Local Plan period suggests that there could be a need for a north-west link road. Land within the northern redline boundary of this application should therefore be dedicated for this purpose.

Public Transport Comments

The developer is required to provide a new bus service, linking the site with Bicester Town Centre and the rail stations. Onwards connections by bus and rail to other destinations will be available from these destinations.

There is an understanding that the NW Bicester site will require two separate bus services, one for each side of the railway line.

OCC does not have any access to general revenue funding to provide, or contribute towards, bus services to and from this site. The developer is required to deliver an attractive, but commercially viable, bus service, which will operate without any form of subsidy, once the period of time of agreed financial support, or amount of money made available by the developer, has been exhausted.

The eventual service level for this development site of 2600 dwellings (which would also incorporate the Exemplar site of 397 dwellings) has been assessed as requiring 4 buses to fulfil the stated eventual service level. This is based on the delivery of a 10 minute frequency (6 buses per hour) with a round-trip journey time from Bicester Town station, around the development and back to Bicester Town, of between 30 and 40 minutes.

The initial bus service from the first completion would commence with a single vehicle and then the frequency of the service would be increased at agreed trigger-points, to a two-bus service, a three-bus service and eventually a four-bus service. There would also be specified levels of service for evenings, Sundays, public holidays.

Travel Plan Team Comments

“Outline Application, NW Bicester Planning Application 1: Framework Travel Plan (July 2014) was submitted with the application documentation. This document sets out the overarching objectives and targets for the site and is acceptable. However, it will need to be

updated as the site builds out to take into account any future changes of the site's land uses.

The target for the site is to have 50% all trips originating from the site by non-car modes. This is an ambitious target and will need to be carefully monitored as part of the on-going site-wide travel plan monitoring requirements. The developer will be expected to carry out bi-annual surveys (years 1, 3 and 5 post first occupations) to show that the travel plan objectives are being achieved and that any identified actions have been updated to take in to account the survey results.

The layout of the site should be set out to provide direct walking and cycling links across the site and should be linked in to the existing walking and cycling networks, the Access statement supplied with the application set out how the developer will achieve this. Housing on the site should be within 400m of a high frequency bus stop with good direct walking access to them”.

Drainage Team Comments

. Greenfield run-off rate or better from the site will be a requirement on this development.

Please supply the following information:-

- A full geotechnical report is required due to high ground water problems
- Existing Surface water flood flow map
- Flood Routes on the proposed development
- I have concerns regarding the downstream villages if this development's sewerage is piped to Bicester Sewerage Works due to out of catchment water discharge to the local streams
- An onsite sewerage works should be considered as the flows from these works can be controlled to green field run off discharge”

Rights of Way Comments

The Environmental Statement (ES) considers impacts on public rights of way and appears adequate. The TA and master plan includes a reasonable range of on-site access, recreation/open space and green infrastructure measures, but it is noted that the TA audit of external walking and cycling routes did not include access to the wider countryside. The applicant should also consider and make onsite provision for the 25% of households that are likely to have one or more pet dogs (Pet Food Manufacturer Association figures) and who will need access to exercise areas.

Additional Comments

Further to the original submissions and the transport recommendations provided by the County Council, the applicant has provided further information and detail as requested. In its previous response the County Council had sought further detail with regard to access arrangements, junctions, parking provision and had sought assurances relating to obligations expected of the development site both in isolation and as part of the Bicester Eco Town development.

Access, Junctions, Traffic Signals

Plans have been submitted that provide further clarity and are acceptable in principle. Works will be subject to technical approval, including matters such as construction specification and road safety audit.

Parking Standards

The applicant has provided an addendum to the Design and Access Statement making clear the proposed parking provision. The proposed standards are considered appropriate.

Heads of Terms and S106 Delivery

The applicant has provided a paper with regard to the phasing and trigger points for the off-site transport works. They proposed the following schedule:

Priority in Timescale	Transport Infrastructure	Suggested Trigger	Comment
1	Bucknell Village Traffic Calming	Prior to first occupation (during construction phase)	Related to all NW Bicester development as well as existing issues and overall planned growth
2	A4095 NW Strategic Link Road: Shakespeare Drive to Lords Lane	900 homes	Related to all NW Bicester development and overall planned growth
2	Shakespeare Drive Walking and Cycling Improvements	900 homes (in parallel with the Link Road)	Related to all NW Bicester development to the south of the railway.
2	B4100/ Caversfield junction safety improvements	900 homes	Related to all NW Bicester development to the north of the railway as well as existing issues and overall planned growth
3	A4095 NW Strategic Link Road: Western section from Middleton Stoney Road to Shakespeare Drive	1200 homes	Related to all NW Bicester development and overall planned growth
4	A4095/ B4100 Banbury Road roundabout capacity improvements	1500 homes	Related to all NW Bicester development and overall planned growth
5	Exemplar Southern Access Junction	1800 homes of Application 1 (3793 homes of overall NW Bicester development)	Related specifically to Application 1. Improvements may be most appropriately undertaken in combination with the A4095/ B4100 Banbury Road roundabout however.

The suggested trigger points include the 393 homes at the Exemplar, therefore 900 homes means 500 homes post Exemplar phase.

County Council officers are satisfied the methodology and conclusions are reasonable; however, further detail will be required in respect to the 'southern' applications.

The Bucknell village traffic calming measures are required at the earliest stage to counter any impact on the village, particularly during the construction phase.

The strategic link road is the key project in terms of phasing and is required by the 900 homes stage due to the potential impact on the current Howes Lane / Bucknell Road junction. Junction modelling demonstrates the junction would be over capacity by the 900th occupation.

It is agreed that the safety measures for Caversfield should be delivered at an early stage to avoid any impact on Caversfield residents and clearly to avoid any safety concerns before they arise. The predicted impact on Shakespeare Drive from existing trips finding alternatives routes into the town centre is accepted and therefore remedial measures are required at an early stage. The exact scheme will require appropriate consultation with local people and will be required at an early stage of build out of the applications to the south of the railway.

The continuation of the new link must be timed/coordinated with the build out of the southern developments. The B4100 junction improvements and southern access to the exemplar will be required at a later stage in the developments build out and so are not triggered until the 1500-1800 occupation stage.

The above table is agreed, however it does not include the provision the pedestrian cycle way tunnel under the railway. The County Council seeks provision of this link prior to the

900th occupation.

In its previous response the County Council made the following observation:-
'The combined effect of additional growth and changing the nature of Howes Lane raise concerns about the long term impact on peripheral routes around Bicester. Work looking beyond the Local Plan period suggests that there could be a need for a north-west link road. Land within the northern redline boundary of this application should therefore be dedicated for this purpose.'

However, given further consideration with regard to planning policy and Community Infrastructure Levy the County Council does not consider it expedient to pursue this matter.

Archaeology

The site is located in an area of archaeological interest as identified by a desk-based assessment, a geophysical survey and a trenched evaluation. A further programme of archaeological investigation and mitigation will need to be undertaken ahead of any development. This can be secured through a condition on any resultant planning permission.

Economy & Skills

The Economy and Skills Team have been involved in the development of the Economic Development Strategy for the Bicester Eco Town and are satisfied that employment and training opportunities will be made available to local people during the construction and end user phase of the development.

Education

OCCs requirements for primary schools are detailed including detail of off site parking for coaches and parents to drop off and pick up children.

Extra Care and Specialist Housing

The Oxfordshire County Council Market Position Statement: Extra Care Housing March 2014 states the requirement of 170 units of affordable Extra care Housing across the entire Bicester Ecotown development. This application being a part of the overall 'Ecotown' will be required to deliver an affordable 60 unit ECH development (in addition to the 250 unit extra care village)

A further 25 units of Specialist Housing is also required across the Ecotown. The breakdown across the development per application is to be confirmed with the District Local Library

Oxfordshire County Council has an adopted standard for publicly available library floor space of 23 m² per 1,000 head of population, and a further 19.5% space is required for support areas including staff workroom, totalling 27.5 m². The Bicester library provision is significantly under-size in relation to its catchment population and this development will therefore place additional pressures on the library. A new library is planned for Franklins Yard development and contributions are required from all development in the locality to fund this community infrastructure with £487,205 still to be secured from the total £1.2 M capital cost at 3rd Quarter 2013 price base index.

In addition a library link model 25 m² fitted out as a part dedicated part flexible space as part of the new community centre is required. This will function in conjunction with the Oxfordshire Central Library in Oxford utilising its resources and also work in conjunction with the new Bicester Library once delivered and implemented as part of the District Council development at Franklins Yard.

Central Library

Central Library in Oxford serves the whole county and requires remodelling to support service delivery that includes provision of library resources across the county.

Strategic Waste Management

Under Section 51 of the Environmental Protection Act 1990, County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste. The proposed residential development will increase demand for recycling facilities in the area. The nearest household waste recycling centre (HWRC) we provide is Ardley HWRC. Regardless of the review of HWRC provision, in view of the additional demand that would be generated by the proposed development for reuse, recycling and composting facilities in Bicester we will seek contributions towards meeting the increased demand

Integrated Youth Support Service

The Early Intervention Service offers high quality early intervention and specialist services to children, young people and families with additional complex needs, both through county council staff and across partner agencies.

All community partner agencies are actively involved in service delivery to ensure integrated and inclusive solutions to best improve outcomes for children and young people from birth to 19 years (up to 25 years where there are special educational needs).

The Bicester Early Intervention Hub is currently operating at capacity in the delivery of specialist services.

The proposed development and other planned development in and around Bicester will generate further demands on the Early Intervention Service. This proposal is forecast to generate 518 residents aged 13-19.

To adequately address the increased needs, the County Council requires 15sqm of storage for youth kit to be designed into the community hall. This storage space should be able to be accessed internally and externally.

Adult Learning

The Adult Learning Service offers a wide range of educational and recreational courses to cater for all ages and abilities. The Adult Learning Service in Bicester is currently based at Bicester Community College.

The proposed development and other planned development in and around Bicester will generate further demands on the Adult Learning Service. This proposal is forecast to generate 4605 residents aged 20+.

To adequately address the increased needs, the County Council requires 40sqm of space which is suitable for adult learning to be designed into the community hall.

Health & Wellbeing Resource including Day Care Facilities

To meet the additional pressures on Health & Wellbeing provision the County Council is planning to expand day care facilities at Bicester Health & Wellbeing Resource Centre. Current demand is above service provision capacity of 40 places per day at the current site accounting for ward –based catchment areas in terms of population. This proposal will increase pressures on the current service.

Contributions are based upon a 230 m² expansion providing an additional 10 places to the existing service at Launton Road.

Administration

Oxfordshire County Council requires an administrative payment of £25,000 for the purposes of administration and monitoring of the proposed S106 agreement, including elements relating to Education.

Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

Security/Bonds

Given the scale of the contributions, where the triggering of payment of financial contributions is deferred to post implementation of the development, it will be necessary for

the S106 agreement to include provisions for appropriate security by the landowner/developer for such payments.

General

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. Should the application be amended or the development mixed changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

Ecology

The applicant has used a recognised biodiversity metric which demonstrates how the development should deliver a net gain in biodiversity (in line with NPPF).

- Appropriate management and monitoring of the site could be crucial to whether the proposed development would be able to deliver a net gain in biodiversity.
- The applicant proposes that a LHMP (Landscape & Habitat Management Plan) would be produced for each reserved matters application. The LHMPs would contain both management and monitoring proposals.
- I support the principle of off-site mitigation for farmland birds. However, I have some comments and suggestions on the details of the method of achieving this.

3.4.1 Cllr. Les Sibley, Cllr. Michael Waine, Cllr. Lawrie Stratford, Cllr. Mrs Catherine Fulljames and Cllr. Tim Hallchurch have provided the following representation;

We are unable at this time to put forward meaningful comments until we have a better understanding of how the realignment of Howe's Lane & Lords Lane will impact on other roads regarding traffic flows and movements in and around Bicester, particularly the Middleton Stoney and Bucknell Roads. More evidence is required to demonstrate the advantages if any that the new tunnel and road will deliver.

With many new developments in and around Bicester the Oxfordshire County Council and Cherwell District need to ensure that there are robust conditions in place for developers to build roads to the appropriate highway standard, and in particular, the Howe's Lane re-alignment.

We have strong concerns about the implied intention of 'downgrading' Howe's Lane from a semi-fast perimeter or orbital road to a residential estate road, without any meaningful alternative options should the remaining 'eastern by-pass' become blocked.

We are of the view that the knock-on effects have not been fully considered. There needs to be a proper balance between the aspirations of the 'eco development' and existing residents in Bicester and surrounding villages.

So given the un-certainties and potential for further change we believe all options should be kept open especially at this early stage in respect to the 'replacement' road for Howe's Lane and the proposed 30 mph speed limit.

Under the Access and Travel Strategy, we welcome, support and note Para 4.2 – High Quality Walking and Cycling Linkages which includes Primary & Secondary connections from NW Bicester as outlined on Pages 11-15 of the Strategy document.

We draw your attention to page 14 –Primary Connections and note that the Middleton Stoney Road is listed as Primary Route 1 with cycling and walking routes which should be segregated from traffic – all weather surfaces – lit – be a direct route.

Given the above - How will this impact on the recent decision by the Oxfordshire County Council and developers to install Road Humps, Advisory Cycle Lane (painted white line)

with no footpath on the south side with a poorly maintained footpath on the North side of the Middleton Stoney Road?

We are concerned at the lack of adequate, cycle-ways and footpaths provision through-out Bicester and would urge Developers, Cherwell District and the County Council to note:-

Section 4, Promoting sustainable transport, paragraph 35 of the National Planning Policy Framework (NPPF) states: - Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

We would also draw your attention to the Goals and Objectives as outlined in the 'Connecting Oxfordshire' consultation document on the new Local Transport Plan especially Objective 8 which seeks to 'Encourage and facilitate physically active travel (walking and cycling) to support health'

There are a number of other issues that we would like more information on before responding in more detail such as:

Adequacy of School places for secondary and primary education.

We are strongly opposed to any Industrial Storage and Distribution Development on the corner of Howes Lane and Middleton Stoney Road which will be a blight on the skyline of the local residential area.

We wish to see appropriate levels of recreational space for the NW Bicester site.

We have grave safety concerns about the capacity of the Middleton Stoney Road to accommodate the planned increased usage by buses of the road, to the detriment of other road users, cyclists and pedestrians

3.5 Other Consultation Responses

3.5.1 Network Rail Comment as follows

It is noted that the proposed development includes a proposed new road under bridge and pedestrian/cycle under pass which will affect Network Rail's operational railway line between Bicester North and Banbury. Whilst the applicant A2Dominion Group held an initial meeting with Network Rail representatives from LNW Route and Property on 9th July 2014, further discussions will be necessary over the design and implementation of the proposed two new under bridges as they will have a material impact on Network Rail's operational railway.

Cherwell DC should note that the proposal is in the early stages and as such we have included conditions which we believe are necessary to ensure the safety, operation, performance and integrity of the operational railway and Network Rail land are not impacted by the proposal.

The proposed development would have an increased amount of water to manage, but the proposed SUDS system on the northern half of the development will direct water away from the railway and into ponds. This is not expected to create any hardstanding areas of concern.

3.5.2 The Highways Agency have no objection and comment as follows;

The HA will be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN. We understand that the cumulative impacts of growth on M40 junctions 9 and 10 as a whole from proposals set out in Cherwell District Council's Local Plan up to 2031 is currently being considered (particularly additional growth). Any further infrastructure proposals that impact directly or indirectly on the SRN will be identified

through this assessment. We offer no objection to this proposal, however we remain concerned about the potential cumulative impact of growth on M40 junctions 9 and 10 post 2031. As the North West Bicester Masterplan Supplementary Planning Document (SPD) is developed, any proposals at the North West Bicester site post 2031 would need to fully assess its impacts and if necessary identify measures/proposals to mitigate the potential impacts.

We request to be consulted on any subsequent Construction Management Plan produced to support the proposal and would look to the site promoter to identify opportunities to reduce trips during peak periods which could minimise any potential impacts on the SRN.

3.5.3 **Thames Water**

Waste Comments

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer..

Water Comments

The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend a condition be imposed requiring studies to be undertaken.

3.5.4 **Natural England**

No objection – with conditions

This application is near to, and possibly hydrologically linked to Wendlebury Meads and Mansmoor Closes Site of Special Scientific Interest (SSSI), and Otmoor SSSI. Having reviewed the Flood Risk chapter of the Environmental Statement (ES) and the Flood Risk Assessment (FRA), we have the following comments to make:

The ES chapter gives more detail of possible impacts on Wendlebury Meads and Mansmoor Closes SSSI, but does not mention impacts on Otmoor SSSI in detail. It talks about water quality affecting the SSSI's, and concludes no impacts on water quality to the SSSI's. Natural England accepts this conclusion. However, changes in flows resulting in water quantity to the SSSIs changing is not discussed in the ES chapter.

Given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Natural England commends the progress made with the Biodiversity Strategy, and the fact that many suggestions made by the conservation consultees have been taken on in the design of the ecological mitigation and enhancements.

The costs of securing the farmland bird off-site work does not seem to include the cost of a project officer to help make the connections with local landowners. This would be helpful in the set-up of such a scheme. We would suggest that, although full details of the mechanisms are not laid out in the documents, there may be a better way to go about securing the farmland bird enhancements in perpetuity.

It is stated in the Biodiversity Strategy that there is not an intention to manage the nature reserve with grazing, but that this will be kept under review. Grazing is a method of management which can be very cost-effective for managing some of the habitats proposed, and also helps to create a higher quality habitat in some cases, than would be achieved with other methods of management.

Reference is made to nest boxes in the built structures. RSPB and others advise that nesting sites within built structures are highly desirable as they are longer lasting. We advise these are considered for inclusion. For an eco-town, specifying a rate of 1 per dwelling seems eminently reasonable, and a cost-effective way of delivering gain.

We would recommend that thought is given to long term monitoring of the success of the various bits of habitat creation and enhancement for biodiversity, and that a plan should be put in place for how this is to be funded and carried out. Long term management also needs to be planned for and secured across the site.

The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.

3.5.5 **BBOWT**

welcome the submission of the proposal and the recognition that off-site mitigation for farmland birds will be needed.

Areas of concern are:

1. After the end of the 25 years of payments the proposed options will in almost all cases provide no further value. However the impact on farmland birds arising from the development will continue after 25 years.
2. At present it is not known what payments will be available for equivalent options through the forthcoming NELMS scheme, and how and where these will be targeted. In order to be compensation then the measures must be additional.
3. In a similar off-site compensation scheme we are aware of then an additional sum of a little over 15% was provided over and above the payments to farmers to provide for the costs of an officer to seek out farmers to take up the options, and to advise and support them in carrying out the work. Without the pro-active seeking out of farmers we are not convinced that sufficient numbers will come forward to take up the options.
4. Other methods should be seriously considered apart from directing the money via an intermediary body which will presumably need to charge administrative costs in order to cover the time involved in distributing money. In such a scenario then potentially a significant amount of money that would have been allocated to establishing compensation would not be. In the aforementioned similar scheme we are aware of the money is held by the District Council.
5. In previous documentation then a location has been suggested for where farmland bird compensation could take place, namely the Ray Valley. No location is now given.

In our opinion the best option would be for funds to be allocated for land purchase in an agreed area and subsequent management for nature conservation by an appropriate body such as a local authority or wildlife conservation organisation. The funds would also provide

for management for the initial 25 years and then thereafter the organisation would be expected to commit to on-going management as appropriate at its own cost.

Woodlands

Broadleaved semi-natural woodland and mature broadleaved plantation. We welcome the proposals for a Landscape and Habitats Management Plan to ensure they maintain their value to breeding birds (see ES 6.5.1.18). The exclusion of lighting is to be welcomed. The plan should also include management to encourage a rich ground flora and ensure either successful natural tree regeneration or additional planting as appropriate to secure the long-term future of the woodlands.

natural regeneration is good;

Ecological corridors / buffers

Habitats for ecological corridors, dark corridors and hedgerow and river buffers in general: every effort should be taken to maximise the species richness of these corridors and buffers through the use of appropriate species rich seed mixes with a combination of wild flowers as well as grasses. In addition seed mixes next to rivers should reflect the proximity to the water and the opportunity to create a transition from the wetland to terrestrial habitats.

Hedgerows

Paragraph 6.5.1.10 of the ES – we welcome the statement: “The implementation of a Landscape and Habitats Management Plan would ensure that the hedgerows maintain their value to hairstreak butterflies.” The LHMP should include details of this management, showing how the differing needs of both black and brown hairstreak butterflies can be met. These rare butterflies are very important in the local area and the commitment to consider them in the management of the hedgerows is particularly welcome. Newly planted hedgerows should include a significant component of blackthorn, the food plant of both black and brown hairstreaks.

Notwithstanding any specific management for hairstreak butterflies, in general a rotational cutting regime on a three year cycle wherever possible (or a two year cycle where particular reasons justify it) will be of most value to biodiversity.

Biodiversity Impact Assessment metric

We welcome the detail provided in Chapter 6 of the Biodiversity Strategy and the use of a metric with respect to achieving a Net Gain in Biodiversity. We note, and welcome, in Table 2 that the aim is to create/retain a variety of priority habitats (Habitats of Principal Importance under Section 40 of the NERC Act) including:

Semi-natural broadleaved woodland; ponds with buffers; hedgerows with buffers; lowland meadow; reedbed; wet woodland.

Green Infrastructure and Integrating Biodiversity into the Built Environment

There is an opportunity for a demonstration of high quality implementation of Biodiversity in the Built Environment. The development should include green infrastructure to retain and create a mosaic of habitats and linear features to ensure that structural diversity and habitat connectivity throughout the site is provided. This should include significant amounts of open space, some of which should be earmarked specifically for biodiversity, and some for biodiversity combined with public access. The biodiversity value of recreational areas should also be maximised, for example by the provision of species-rich grassland with an appropriate infrequent mowing regime on the borders of sports pitches. A sensitive directional lighting scheme should be implemented to ensure that additional lighting does not impact on the retained green corridors across the site.

Biodiversity enhancements such as hedgerow and tree planting and management, creation of ponds, creation of hibernacula for reptiles and amphibians and creation of wildflower grasslands should be included in the development design where possible in line with planning policy (NPPF) and the NERC Act, which places a duty on local authorities to enhance biodiversity. Provision should be made for the long term management of these areas. Proposals should also include:

- Integrated bird nest boxes and bat boxes, in a large number of the selected residential

buildings, particularly those bordering open space, as well as public buildings.

- Street trees, and fruit trees in gardens
- Native wildflower meadows and other wildlife habitats within the street environment, ideally within gardens and also within the grounds of any public buildings.
- It is likely that the development will involve a large amount of roof space on public / commercial buildings. To help offset the loss of greenfield land that will result from development in this area then either green or brown roofs should be required for the vast majority of the roofs of public and commercial buildings, and preferably some residential buildings, although solar panels may be an appropriate alternative for some roofs.

Green Infrastructure should be designed to provide a network of interconnected habitats, enabling dispersal of species across the wider environment. Open spaces within developments should be linked to biodiversity in the wider countryside, including any designated sites, priority habitats and CTAs. Green Infrastructure should also be designed to provide ecosystem services such as flood protection, microclimate control and filtration of air pollutants.

Biodiversity benefits from SUDS

As well as providing flood control SUDS can provide significant biodiversity value if biodiversity is taken into account in the design, construction and management of SUDS features. This should be required of any development and details will be needed at the Reserved Matters stage. Examples include:

- Green and brown roofs;
- Detention basins and swales that can be planted with wildflower rich grassland;
- Reinforced permeable surface for car parks and drives that can also provide wildflower habitat.

Management and monitoring

Appropriate management and monitoring of the site is vital to achieving a net gain in biodiversity. Each reserved matters application must be accompanied by an LHMP (Landscape & Habitat Management Plan) as indicated in Section 9 of the Biodiversity Strategy. This should include both management and monitoring proposals. The management may need to be modified according to the results of the monitoring work.

The public green space and dedicated biodiversity areas within the site would need to be managed for biodiversity in perpetuity to avoid the loss of potential benefits from the mitigation and enhancement measures. Ecological monitoring is important to ensure that the management is successful in meeting its objectives for biodiversity and to enable remedial action to be identified, if necessary.

Conditions

Following the resolution of the above areas, if the Council is minded to approve this application, conditions should be used to ensure that the ecological aspects of the development proceed in line with the proposals for retention of habitat and for mitigation, compensation and enhancements as outlined in the documents as follows:

Chapter 6 Ecology of the Environmental Statement August 2014 Volume 1 Main Text;

Chapters 1 – 10 of Appendix 6J Biodiversity Strategy August 2014

Chapters 1 – 8 of the Green Infrastructure and Landscape Strategy August 2014

- 3.5.7 **Environment Agency** are pleased to see that the advice we have given over this pre-application period has been fully considered and reflected in this planning application submission. In general we support the application as proposed and raise no objections. However, there are numerous matters which will be subject to detailed design and phasing of the development.

To ensure that the high sustainability standards proposed in this Outline planning application are delivered, appropriate planning controls will need to be incorporated into any planning permission granted.

Without adequate planning conditions and planning obligations the development will not

meet the requirements of PPS1 or the NPPF. As such we would object to this planning application. It is therefore essential that we are reconsulted on the draft conditions and draft planning obligations prior to the full determination of this planning application.

The surface water drainage strategy and the use of SUDS is not only critical to ensure flood risk is not increased on or off-site. In addition, SUDS are needed to protect water quality and associated biodiversity. This is particularly important to protect the features of special interest for which Wendlebury Meads and Mansmoor Closes SSSI and Otmoor SSSI are notified. The SUDS on site are also needed to contribute to the sites green infrastructure, delivery of a net biodiversity gain and to meet Water Framework Directive (WFD) requirements.

Development in flood risk areas

We welcome the commitment in the Application 1 FRA and SWDS to locate all development outside of Flood Zone 2 and 3. This will help meet the requirements set out in Policy ET18 of PPS1. Fluvial hydraulic modelling has been completed to identify flood risk areas within the site. This has been done by adapting the previously approved Exemplar hydraulic model. Due to the limited work completed to make the Exemplar hydraulic model fit to use for the Masterplan site, we do not consider that a detailed review of the revised modelling is needed.

Watercourse crossings

We are pleased with the commitment within para 5.1 and section 7 of the Application 1 FRA and SWDS that watercourse crossings will be designed to ensure flood risk is not increased. However, the design commitment may not be realistically deliverable across the site and we therefore recommend a level of flexibility for the design of watercourse crossings. In order to secure this, we recommend inclusion a condition on any planning permission granted.

The Application 1 WCS and Masterplan WCS appraise a number of water resource and waste water disposal options and conclude that there are feasible options available. The Application 1 WCS and Masterplan WCS therefore set out a number of options/strategies at the Outline planning application stage for water supply and disposal, but do not commit to which option or strategy will be taken forward. We recommend that the detailed strategies for water supply and disposal are agreed before development begins. This is to ensure that the water infrastructure that the development relies upon is available in line with the proposed phasing of the development. The timely provision of new water infrastructure, or upgrades to existing water infrastructure is of vital importance in order to protect water quality and the environment and meet the requirements of PPS1 Policy ET17 and the NPPF.

Water neutrality

Policy ET 17.5 of the PPS1 states that Eco-towns in areas of serious water stress such as Bicester should aspire to water neutrality (achieving development without increasing overall water use across a wider area). Although the 80l/p/d potable water per capita consumption design standard if delivered in homes and non-residential development is considered a high water efficiency standard, it does not constitute water neutrality. We are pleased to see at para 6.2 of the Application 1 WCS that the site will aspire to achieve water neutrality with suggested strategies to do so. In particular, we consider that there is a real opportunity for partnership working within Bicester to reduce water consumption across the whole town to meet water neutrality at North West Bicester. The reuse of water from an on-site waste water treatment works if used as part of the waste water disposal strategy for the site could also offer another opportunity to meet water neutrality. If water neutrality is achieved this would be the first development in the Country to meet such high standards in water demand management on such a large scale, putting North West Bicester at the forefront of high sustainability standards.

Should waste water be sent to the existing Bicester Waste Water Treatment Works, the Application 1 FRA and SWDS at para 4.2.5 identifies a limited capacity within the existing

sewer network and a history of known sewer flooding in Bicester. Para 5.4 and section 7 of the Application 1 FRA and SWDS identifies that new infrastructure will be required within the site to prevent potential exacerbation of any existing sewer flooding problems. We also note the Thames Water Ltd consultation. They state that the existing waste water infrastructure cannot accommodate the needs of the application without upgrades which could lead to sewage flooding. Although the Application 1 WCS and Masterplan WCS conclude that the needed upgrades can be feasibly delivered, this supports the importance that the development must be phased in line with the required infrastructure upgrades on and off site. This is to ensure that waste water from the development can be conveyed and treated without increasing the risk of flooding, impacting on water quality and the associated biodiversity and resulting in a deterioration under the WFD.

We note that the Application 1 site includes a land parcel specifically designated for accommodating the on-site waste water treatment infrastructure should this water disposal option be taken forward. Section 2 of the Application 1 WCS also comments that reedbeds/wetland habitats could be used as a final water quality polishing stage. Should this onsite waste water treatment option be taken forward, it should be clearly demonstrated how this will contribute to the green infrastructure and the biodiversity strategy for the site.

In summary, before development begins, it is critical that a waste water disposal strategy is provided which demonstrates that there is the adequate conveyance and treatment infrastructure on or offsite to treat waste water from the development in line with phasing of the development. It must be demonstrated that water quality and the WFD status will not be deteriorated.

Green Infrastructure and Net Biodiversity Gain

ET14 and ET16 set out the PPS1 Green Infrastructure and Biodiversity requirements for the site.

Again, we are pleased that the Outline planning application as submitted reflects the broad principles discussed during the pre-application period. This includes the measures that have been discussed with respect to the environmental impacts of the development, the mitigation requirements for these impacts, the design principles required to offset biodiversity impacts, and the measures needed to secure a network of green infrastructure characteristics which should provide for an attractive and biodiverse environment, as required by ET14 and ET16 of PPS1.

Energy Strategy

We are pleased that the Energy Strategy (Outline Application NW Bicester Planning Application 1 Energy Statement Report No 5023-UA005241-UE21R-02 Date August 2014) at section 2 (Preferred Strategic Approach) has considered the inclusion of a District Heating Network which will enable future proofing relative to new technology (which can be plugged into the energy centres) such as the potential connection to the waste heat from the Ardley Energy from Waste (EfW) facility. Utilising waste heat from the Ardley EfW facility would see huge carbon savings, has the potential to lower energy prices for residents and will see the reduction of fossil fuel use, putting the North West Bicester development at the forefront of sustainability in the UK and we fully support this approach.

In response to amended plans;

We note the Addendum 'Description of Development and Application Parameters – Barton Willmore LLP, ref 21278/A3/IP/AC dated 8 December 2014'. This sets out clearly the submitted drawings and documents and their status as to whether they are 'for approval' or 'in support' of the planning application. In our response of the 6 October 2014 we highlight the importance of certain documents being 'approved' should planning permission be granted. If these documents are not to be 'approved' as part of the planning permission, we highlight the importance of including these documents and referencing them in any condition wording included on the planning permission.

3.5.8 **Sport England** raise no objection subject to the imposition of conditions and make the

following comments;

The application makes no reference to an up to date Sports Facility Strategy, Playing Pitch Strategy or other relevant needs assessment to justify the amount of land that is proposed to be provided for outdoor sport.

Sport England has consulted the National Governing Bodies (NGBs) for the main pitch sports (football, cricket, rugby and hockey) as well as for tennis. The following comments have been received from the Football Association and from England Hockey.

Football Association

The Football Association has advised that there is a lack of playing and training facilities for football clubs in Bicester. There is an identified need for additional grass pitches and ideally the provision of a floodlit 3G artificial grass pitch. From the information provided in the application it is unclear how the proposal would deliver the provision of facilities to meet the needs of football in Bicester. There is a strong desire to see senior level football return to the town. The Bicester Sports Association site at Oxford Road is the only facility capable of accommodating this, but the site is in decline and their other site, at Chesterton, does not have planning permission for floodlights or sufficient parking. Consideration needs to be given to where such a site could be developed and how it could be delivered, in order to secure the long term sustainable future for the game in the town.

England Hockey

England Hockey has advised that Bicester Hockey Club has almost reached full capacity at its current single pitch facility. The club is growing at around 17% per annum and, with the number of new housing developments in the area, access to additional facilities is needed. It has been suggested that a new sand dressed artificial grass pitch with pavilion would be provided as part of the Graven Hill development, but this has not been confirmed. The development of a new 3G artificial grass pitch in the locality would have the potential to create additional capacity for hockey on the existing pitch at Cooper School, by removing some of the existing football activity, but for greater club growth a new facility is required.

While other NGBs did not respond to the consultation, it should not be assumed that there is no requirement to make provision for cricket, rugby or tennis.

Sport England would encourage the local planning authority to undertake a robust and up-to-date assessment of needs in accordance with paragraph 73 of the NPPF. It will then be possible (most likely at the reserved matters stage) to determine the correct amount of playing field land to be provided and number and size of pitches to be provided for each sport.

Sport England considers it necessary for the Council to secure contributions to both sports pitches and built facilities to meet the increased demand generated by the additional population.

The proposed development appears to be consistent with the draft North West Bicester Supplementary Planning Document. Therefore, it is considered that the proposal has the potential to meet Objective 3 of Sport England's Land Use Planning Policy Statement, 'Planning for Sport Aims and Objectives'. That is to say:

"To ensure that new sports facilities are planned for and provided in a positive and integrated way and that opportunities for new facilities are identified to meet current and future demands for sporting participation."

3.5.9 **NHS England**

Regarding the health needs for the North West Bicester site,

Summary

1. The Bicester area will undergo substantial housing growth in the coming years. There are 7 key strategic housing development sites which jointly will deliver 9,764 new homes for the period 2014 – 2031 and on the basis of the adopted occupancy rates for the respective developments this will equate to a population increase of approximately 22,786. The 4 main development sites within Bicester (to be developed in phases) are; South West Bicester (known as Kingsmere); NW Bicester EcoTown; Graven Hill; South East Bicester

2. An assessment of capacity within the local primary care infrastructure was carried out and it was concluded that an additional 10,000 new patients could be absorbed using the current facilities. The latter may require some modifications / adjustments to the existing premises, but it was felt that this could be achieved.
3. Any further patients above the 10,000 threshold would necessitate the provision of a new GP facility. Specifically, the North West Bicester site will generate 13,457 population (5607 dws x 2.4 h/hold size) which justifies a new surgery to be provided on the site.
4. On the basis of the housing growth trajectory, it is anticipated that the new facility would not be required until 2020. Clearly, if the growth were to accelerate then the facility would be required a little earlier and if it slows down then the date for this requirement would be pushed back further.
5. The following S106 provisions are sought in order to safeguard the future expanded primary care services:
 - a. Secure land to enable building of a new GP surgery (to accommodate 7 GP's), on the NW Bicester Eco Town site
 - b. Secure the capital costs of this expansion from the developers (for the sum of £1,359,136)

It is NHS England's firm position that where a new health facility is required as a direct result of major housing growth, that a site to provide a new facility should be provided at either no cost or at the commercial rate for healthcare premises and that a financial contribution towards the funding of the new facility should be made in addition.

Various assessments of the capacity of local health facilities have recently been undertaken, and the need for new premises in this location is a direct requirement of the new population resulting from the NW Bicester development as set out above. The financial contribution that has been requested is directly related to needs of the population that will occupy the new development.

The impact of non-recurrent and recurrent infrastructure costs to NHS England is very significant and is a key concern in the delivery of new healthcare facilities. NHS England should not be burdened with the full cost of both delivering the new facility and/or the recurrent cost of providing the facility, where the requirement for the new facility is a direct result of identified housing growth.

It is acknowledged that the provision of a site within a development to allow the delivery of a new health facility is a suitable approach. This allows a reduction in the capital cost associated with providing the new facility in another location, and would also locate the new facility directly where the new population will be located.

It is important to note however, that NHS England does not have the capital available to fund infrastructure projects arising as a direct consequence of housing growth. Without a financial contribution towards healthcare infrastructure in addition to the provision of a site, there would be a significant financial burden placed on the delivery of the premises, which could delay or prevent the delivery of the service to the new population.

The financial contribution would be used for the sole purpose of providing healthcare facilities and the investment would be protected to ensure that the S106 monies are not used for the benefit of the property owner. In the event that a practice wished to finance the development of these new premises, any S106 monies that contribute to the building of this facility will result in a reduction in the Notional Rent reimbursement received by the

practice. This reduction would be proportionate to the level of S106 funding, for up to a 15 year period (minimum). In other words a practice would not benefit from having a rental income for space that has been funded by S106 monies. The latter is all set out in the provisions made by the National Health Service (General Medical Services – Premises Costs) Directions 2013.

The reason for requesting S106 monies as well as the provision of the site is to lessen the financial impact placed on the NHS as a result of infrastructure required due to housing growth and to ensure that the facilities needed to provide good quality healthcare can be put in place for the benefit of the residents of these developments. This facility has been necessitated as a direct consequence of the housing growth and the failure to provide this contribution would undermine the overall sustainability of the proposed house development.

3.5.10 **Thames Valley Police**

POLICING IN BICESTER

TVP operate a police model based upon the creation of Local Police Areas (LPA). Within each LPA policing is made up of two teams, namely “Neighbourhood Policing and “Patrol Policing”

The LPA is then divided into a number of neighbourhoods based upon the geography of the area. In Bicester there are two neighbourhoods, Bicester Town and Bicester Rural. As the names suggest Bicester Town deals with the built up area of Bicester including the town centre and surrounding residential estates. Bicester Rural deals with the surrounding rural hinterland around the town and covers many of the villages in the surrounding area.

Currently Bicester Town and Bicester Rural have the following combined officer/staff deployment; 52 Uniformed Officers 7 PCSO's 2 CID 3.3 Staff

At present the Cherwell Local Police Area (within which Bicester lies) has a population of approximately 141,900 and 56,700 households. based on 2011 Census information

This population generates an annual total of 32,871 incidents that require a Police action.

These are not necessarily all “crimes” but are calls to our 999 handling centre which in turn all require a Police response/action. Effectively therefore placing a demand on resources.

The proposed development of 5607 units would have a population of 113457 (at 2.4 per unit). Applying the current ratio of “incidents” to population then the development would generate an additional 3130 incidents per year for TVP to deal with.

In order to mitigate against the impact of growth TVP have calculated that the “cost” of policing new growth in the area equates £880,158 to fund the future purchase of infrastructure to serve the development.

The contribution represents a pooled contribution towards the provision of new infrastructure to specifically serve the site. The pooling of contributions towards infrastructure remains appropriate under the terms of the CIL Regs, up until the relevant Local Authority has adopted CIL, whereby pooling will be limited to 5 S106 Agreements (subject to other regulatory tests).

The contribution will mitigate against the additional impacts of this development because our existing infrastructures do not have the capacity to meet these and because like some other services we do not have the funding ability to respond to growth.

The contribution requested will fund, in part, the following items of essential infrastructure, staff set up, premises, vehicles, mobile IT , radio coverage, APNR cameras, control room capacity.

3.5.11 **Bio Regional**

Bioregional have been fully committed to the Eco Town process throughout its development and will continue to work with all partners to help it deliver its full potential.

In summary, we support this application and, subject to appropriate reserved matters and S106 conditions discussed below, we hope to see this scheme go forward.

1. Overall eco-credentials and general comments

Application 1 is consistent with the Exemplar first phase of NW Bicester in that it offers outstanding standards of environmental performance in the following areas:

- Built to true zero carbon standard, above the current government definition of zero carbon
- Built to Code for Sustainable Homes standard 5
- Building true zero carbon and code 5 *at scale*, Application 1 is the largest development in the UK built to these high standards
- Good levels of energy efficiency in the fabric of the buildings and in their design
- Maximising photovoltaic solar panel arrays on every suitable roof, generating some 75% of the site's electricity needs
- A District Heat network is planned throughout the development
- Commitment to very high design standards for water efficiency
- Potential for good walking and cycling infrastructure, subject to detailed design
- Potential for net biodiversity gain
- A commitment that all non-residential buildings will be BREEAM Excellent standard

As a semi-rural extension to an existing town, NW Bicester is designed to be medium density. Compared with higher density urban developments, it provides greater potential for local food growing, high-quality wildlife habitats and accessible, large scale open spaces for play and leisure. In addition, the lower density allows for greater integration of roof-based technologies in meaningful quantities, such as photovoltaic panels and rainwater harvesting. The semi-rural location does, however, mean that sustainable transport is more challenging and biodiversity targets are higher due to a higher ecology baseline and larger development footprint. Bioregional feel this application sets an excellent example of how to achieve sustainable living in a rapidly growing Garden Town and it promises to deliver most of the original Eco Town aspirations.

2. Zero Carbon

The submitted application energy strategy, in combination with the subsequent energy strategy addendum, delivers E co Town PPS definition of zero carbon.

The strategy meets the required definition by reducing demand through energy efficiency measures. It then meets the remaining demand through on site renewable and low carbon technologies. All electricity demand is met through the combination of the extensive provision of photovoltaic panels on residential and non-residential roof space and electricity generated from a Biomass CHP plant. All space heating and hot water demands are met through a district heating system supplied from a combination of gas CHP and biomass CHP plants.

The true zero carbon energy strategy sets itself apart from other "carbon neutral" housing schemes within the UK because it deals with all of the developments carbon emissions. This includes both regulated and unregulated emissions. It deals with all of these emissions through on-site solutions.

Biomass CHP

Bioregional support the submitted energy strategy and its proposals for meeting true zero carbon. Biomass CHP is just one part of the mix in the energy strategy but we want to highlight the need for biomass CHP providers to demonstrate that their plant can operate reliably and at scale in a residential context (as opposed to operating in a research and development context). With this in mind, it is important that the energy strategy is reviewed as phases come forward for detailed planning approval, and alternative options for meeting true zero carbon left open. These should include:

- The potential to deliver further demand savings, perhaps using LED lighting, or as

other more efficient electrical products and systems became mainstream

- The potential to increase the PV provision if necessary

Phasing

The NW Bicester Exemplar has demonstrated it can meet true zero carbon after delivery of 200 homes, whereas this application proposes meeting it after 500 homes. This is a lower standard than the Exemplar and could mean that NW Bicester operates with significant carbon emissions for some years and some uncertainty before meeting its zero carbon standard. We suggest that the phasing and sizing of plant could be adjusted to deliver true zero carbon in line with similar timings of housing levels as the Exemplar.

3. Biodiversity

We are pleased to see the incorporation of a Biodiversity Strategy (compliance with ET 16 Biodiversity). We agree in principle with the downgrading of the Arable Land to Low Distinctiveness and Poor condition within the Defra Metric. This change means that Net Gain can be achieved without habitat compensation. However, as indicated in the application, species compensation is still required for farmland bird species.

Offset scheme

At this stage there are no details of the offset/compensation scheme for farmland birds. The integrity of the net biodiversity gain target is dependent on delivering an effective offset scheme, so we have listed some issues that will require care when setting up the scheme:

- Management of the fund/scheme and ensuring any management company has the correct experience and resources to manage a scheme of this scale
- Proximity of the enhanced land uses to NW Bicester
- Levels of payments compared to other comparable schemes
- Safeguarding the enhanced land after the life-time of the scheme (25 years) to ensure long-term biodiversity gains

4. Transport

Walkability

Bioregional carried out a modal transport assessment for NW Bicester which is referred to in the application. However, we would present the conclusions of this assessment differently. A significant number of homes (approx. 30%) will be beyond the 800m/10min walk to a local centre (*Eco Town PPS ET 11 Transport - homes should be within ten minutes' walk of (a) frequent public transport and (b) neighbourhood services*).

There is a suggestion of two small neighbourhood shops, remote from the local centres, set amidst the main housing areas, which would bring those remoter homes within 800m of the most basic local provisions, but question how likely those shops are to be delivered.

We therefore have concerns over the walkability of the outlying neighbourhoods in this application.

Modal shift targets

The modal shift ambitions within the transport assessment do not currently meet the PPS requirements. The PPS looks for a 50% modal shift, potential to rise to 60% over time, and significantly more ambitious targets as NW Bicester is close to a higher order settlement (ET11.3(b)).

We would welcome further work on how a modal shift of 60% could be achieved at NW

Bicester; this could be through the identification of scenarios and precedents studies.

Off site connectivity

The transport assessment lists the external connections between application 1 and the existing town. It breaks these down into primary and secondary connections. Although there is an acknowledgement that these connections will be delivered/upgraded through S106 agreements, we would welcome more detail on the timescale for the enhancements and which ones will be taken forward.

Support for Transport Approach

Despite the above queries, Bioregional support this scheme for a number of reasons:

- It is recognised that the town of Bicester currently has high car use (69%) given its location close to the strategic motorway network and therefore achieving 50% already represents a substantial shift in travel towards non-car modes.
- Extensive work is already underway on the promotion of Electric Vehicles within the Exemplar Phase. We understand that this will continue onto this adjacent application. Initiatives include:
 - Proposed incorporation of superfast car chargers across Bicester with the first installation to be next to the energy centre on the Exemplar phase
 - Electric Car leasing services where residents can try a number of electric vehicles before they buy
- We understand that the off-site cycle improvements are listed within the S106 contribution and we are glad to see A2Dominion already looking into these.
- We are pleased to hear that the Exemplar bus service is under development and is considering the use of Electric Buses. This service will be extended to serve communities within this Application 1.

5. Employment

We welcome the inclusion of green businesses and promoting sustainability in Appendix 1 of the economic strategy. This is very positive and offers great opportunities to bring a unique set of skills, identity and business opportunities to Bicester.

We are unsure of the ownership and who will deliver the action plan in the economic strategy.

We understand that work has begun to promote NW Bicester to potential businesses and retail developers. A site wide approach is rightly being taken, rather than a piecemeal approach.

We recommend a periodic review of the action plan submitted as a check that the aspirations are being pursued and delivered.

6. Detailed Design and Design Code

Many of the aspirations for Application 1 will not become fully demonstrated until detailed designs and design codes are produced. Reserved matters will need to ensure delivery of the following:

- Character and identity of the development, landmark buildings
- High quality allotments and play areas
- Exemplary range of cycle and pedestrian routes
- Detailed lighting strategy that provides amenity for walkers and cyclists and also respects strategic dark corridors

7. Summary

Bioregional support this application and give great credit to the high environmental

standards. We recommend that the following matters be addressed through reserved matters or S106:

1. Allowing for additional measures for further electrical demand reductions and potentially increased PV provision in case of deliverability issues in the energy strategy
2. A phasing plan that delivers zero carbon after a smaller number of homes around each energy centre, similar to the Exemplar precedent
3. A robustly planned offset scheme for farmland bird habitat
4. Options for more ambitious modal shift targets
5. Commitments around delivery of offsite walking and cycling connections
6. Ownership assigned to actions in the economic strategy to deliver green business services and to encourage incoming green minded businesses

4.	Relevant National and Local Policy and Guidance
4.1	Adopted Cherwell Local Plan
4.1. 1	<p>Development Plan Policy is contained in the Adopted Cherwell Local Plan (Saved Policies). The following policies are relevant to consideration of the application;</p> <p>Policy EMP 4 employment generating development Policy H5 Affordable Housing Policy H18 New development in the countryside Policy S28 Proposals for small shops and extensions to existing shops outside Banbury, Bicester and Kidlington shopping centres Policy TR1 Transportation funding Policy TR10 Heavy Goods Vehicles – No relevant for this application but may be relevant for 14/01675/OUT on employment B8 Policy R12 Provision of public open space in association with new residential development Policy C1 Protection of sites of nature conservation value Policy C4 Creation of new habitats Policy C7 Landscape conservation Policy C8 Sporadic development in the countryside Policy C9 Scale of development compatible with a rural location Policy C28 Layout, design and external appearance of new development Policy C30 Design of new residential development</p>
	Other Material Policy and Guidance
4.2	Non Statutory Cherwell Local Plan
4.2. 1	<p>The Non Stat Cherwell Local Plan proceeded to through the formal stages towards adoption, reaching pre inquiry changes. However due to changes in the planning system the plan was not formally adopted but was approved for development control purposes. The plan contains the following relevant policies;</p> <p>H19 New Dwellings in the Countryside H3 Density H4 Types of Housing H5 Housing for people with disabilities and older people H7 affordable housing TR3 A Transport Assessment and Travel Plan must accompany development proposals likely to generate significant levels of traffic TR4 Mitigation Measures R4 Rights of Way and Access to the Countryside EN16 Development of Greenfield, including Best and Most Versatile Agricultural Land EN22 Nature Conservation EN28 Ecological Value, Biodiversity and Rural Character EN30 Sporadic Development Countryside</p>

	EN32 Coalescence of Settlements D9 Energy Efficient Design
4.3	National Planning Policy Framework
4.3.1	<p>The National Planning Policy Framework (NPPF) was published in March 2012 and sets out the Government's planning policies for England. It contains 12 Core Principles which should underpin planning decisions. These principles are relevant to the consideration of applications and for this application particularly the following;</p> <ul style="list-style-type: none"> • Plan led planning system • Enhancing and improving the places where people live • Supporting sustainable economic development • Securing high quality design • Protecting the character of the area • Support for the transition to a low carbon future • Conserving and enhancing the natural environment • Promoting mixed use developments • Managing patterns of growth to make use of sustainable travel • Take account of local strategies in improve health, social and cultural well being
4.4	Eco Towns Supplement to PPS 1
4.4.1	The Eco Towns supplement was published in 2009. The PPS identified NW Bicester as one of 4 locations nationally for an eco-town. The PPS sets 15 standards that eco town development should achieve to create exemplar sustainable development. Other than the policies relating to Bicester the Supplement has been revoked.
4.5	Cherwell Submission Local Plan (CSLP)
4.5.1	Submission Local Plan (October 2014) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. The examination reconvened and closed in December 2014 and the Inspector's report is anticipated in March 2015. Although this plan does not have Development Plan status, it can be considered as a material planning consideration.
4.5.2	<p>The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:</p> <p>Sustainable communities</p> <ul style="list-style-type: none"> PSD1: Presumption in Favour of Sustainable Development SLE1: Employment Development SLE4: Improved Transport and Connections BSC1: District wide housing distribution BSC2: Effective and efficient use of land BSC3: Affordable housing BSC4: Housing mix BSC7: Meeting education needs BSC8: Securing health and well being BSC9: Public services and utilities BSC10: Open space, sport and recreation provision BSC11: Local standards of provision – outdoor recreation BSC12: Indoor sport, recreation and community facilities

	<p>Sustainable development</p> <ul style="list-style-type: none"> ESD1: Mitigating and adapting to climate change ESD2: Energy Hierarchy ESD3: Sustainable construction ESD4: Decentralised Energy Systems ESD5: Renewable Energy ESD6: Sustainable flood risk management ESD7: Sustainable drainage systems ESD8: Water resources ESD10: Biodiversity and the natural environment ESD13: Local landscape protection and enhancement ESD15: Green Boundaries to Growth/Urban Rural Fringe ESD16: Character of the built environment ESD18: Green Infrastructure <p>Strategic Development</p> <ul style="list-style-type: none"> Policy Bicester 1 North West Bicester Eco Town Policy Bicester 7 Open Space Policy Bicester 9 Burial Ground <p>Infrastructure Delivery</p> <ul style="list-style-type: none"> INF1: Infrastructure
4.6	NW Bicester Supplementary Planning Document (NW SPD)
4.6.1	The NW Bicester SPD provides site specific guidance with regard to the development of the site, expanding on the Bicester 1 policy in the emerging Local Plan. The draft SPD has been published and been the subject of consultation. The draft SPD is based on the A2Dominion master plan submitted in May 2014 and seeks to embed the principle features of the master plan into the SPD to provide a framework to guide development.
4.7	One Shared Vision
4.7.1	<p>The One Shared Vision was approved by the Council, and others, in 2010. The document sets out the following vision for the town;</p> <p>To create a vibrant Bicester where people choose to live, to work and to spend their leisure time in sustainable ways, achieved by</p> <ul style="list-style-type: none"> • Effecting a town wide transition to a low carbon community triggered by the new eco development at North West Bicester; • Attracting inward investment to provide environmentally friendly jobs and commerce, especially in green technologies, whilst recognising the very important role of existing employers in the town; • Improving transport, health, education and leisure choices while emphasising zero carbon and energy efficiency; and • Ensuring green infrastructure and historic landscapes, biodiversity, water, flood and waste issues are managed in an environmentally sustainable way
4.8	Draft Bicester Master Plan
4.8.1	<p>The Bicester masterplan consultation draft was produced in 2012. It identifies the following long term strategic objectives that guide the development of the town, are:</p> <ul style="list-style-type: none"> • To deliver sustainable growth for the area through new job opportunities and a growing population; • Establish a desirable employment location that supports local distinctiveness and economic growth; • Create a sustainable community with a comprehensive range of social, health, sports and community functions; • Achieve a vibrant and attractive town centre with a full range of retail,

	<p>community and leisure facilities;</p> <ul style="list-style-type: none"> • To become an exemplar 'eco-town', building upon Eco Bicester – One Shared Vision; • To conserve and enhance the town's natural environment for its intrinsic value; the services it provides, the well-being and enjoyment of people; and the economic prosperity that it brings; • A safe and caring community set within attractive landscaped spaces; • Establish business and community networks to promote the town and the eco development principles; and, • A continuing destination for international visitors to Bicester Village and other tourist destinations in the area. <p>The aim is for the masterplan to be adopted as SPD, subject to further consultation being undertaken. The masterplan is at a relatively early stage and as such carries only limited weight.</p>
5	Appraisal
5.0.1	<p>The key issues for consideration in this application are:</p> <ul style="list-style-type: none"> • Relevant Planning History • Environmental Statement • Planning Policy and Principle of Development • Five Year Housing Land Supply • Emerging Local Plan and NW SPD • Eco Town PPS Standards • Zero Carbon • Climate Change Adaptation • Homes • Employment • Transport • Healthy Lifestyles • Local Services • Green Infrastructure • Landscape and Historic Environment • Biodiversity • Water • Flood Risk Management • Waste • Master Planning • Transition • Community and Governance • Design • Conditions and Planning Obligations • Other matters • Pre-application community consultation & engagement
5.1	Relevant planning history and other planning applications
5.1.1	Land at NW was identified as one of four locations nationally for an eco town in the Eco Town Supplement to PPS1.
5.1.2	Land to the East of the site was the subject of an application for full permission for residential development and outline permission for a local centre in 2010 ref 10/01780/HYBRID. This permission, referred to as the 'Exemplar' development was designed as the first phase of the Eco Town, and meets the Eco Town Standards. The scheme is currently being built out.

5.1.3	<p>Four further applications have been received for parts of the NW Bicester site;</p> <p>Application ref 14/01641/OUT <i>Outline Application - To provide up to 900 residential dwellings (Class C3), commercial floor space (Class A1-A5, B1 and B2), leisure facilities (Class D2), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2 FE) (Class D1), secondary school up to 8 FE (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations</i></p> <p>Application ref 14/01675/OUT <i>OUTLINE - Erection of up to 53,000 sqm of floor space to be for B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access of Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems (suds) incorporating landscaped areas with balancing ponds and swales. Associated utilities and infrastructure.</i></p> <p>Application ref 14/01968/F <i>Construction of new road from Middleton Stoney Road roundabout to join Lord's Lane, east of Purslane Drive, to include the construction of a new crossing under the existing railway line north of the existing Avonbury Business Park, a bus only link east of the railway line, a new road around Hawkwell Farm to join Bucknell Road, retention of part of Old Howes Lane and Lord's Lane to provide access to and from existing residential areas and Bucknell Road to the south and a one way route northbound from Shakespeare Drive where it joins with the existing Howes Lane with priority junction and associated infrastructure.</i></p> <p>Application ref 14/021212/OUT <i>OUTLINE - Development to provide up to 1,700 residential dwellings (Class C3), a retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1 and C1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road)</i></p> <p>The plan attached at appendix A shows the area to which each of the applications relate.</p>
6	Environmental Statement
6.1	<p>The Application is accompanied by an Environmental Statement (ES). It covers landscape and visual, ecology, flood risk, hydrology, air quality, noise and vibration, cultural heritage, contaminated land, agriculture and land use, human health, socio economic and culture, community and waste, transport and cumulative effects. The ES identifies significant impacts of the development and mitigation to make the development acceptable. Addendum to the ES was submitted for air quality and energy.</p>
6.2	<p>The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 reg 3 requires that Local Authorities shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and they shall</p>

	state in their decision that they have done so.
6.3	The NPPG advises 'The local planning authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. The information in the ES and the consultation responses received have been taken into account in considering this application and preparing this report.
6.4	The ES identifies mitigation and this needs to be secured through conditions and/or legal agreements. The conditions and obligations proposed incorporate the mitigation identified in the ES.
7	Planning Policy
7.0.1	Section 38 of the Planning and Compulsory Purchase Act 2004 advises that; 'If regard is to be had to the Development Plan for the purposes of any determination under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise'.
7.1	Cherwell Local Plan (CLP)
7.1.1	The Development Plan for the area is the adopted Cherwell Local Plan 1996. The plan allocated land for development, although these sites are now largely built out, and did not allocate the application site. The application proposal conflicts with the development plan. However the housing policies in the local plan are dated in the light of the more recent advice in the NPPF which states at para 49 <i>'Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'.</i> The position of the supply of deliverable housing sites is considered further below.
7.1.2	In addition to housing policies the adopted Local Plan contains other relevant policies including those for local shopping S28, highways TR1, recreation provision R12, nature conservation C1 & C4, landscape C7, C8, C14 & C15, design C28, C30 and C31, water quality ENV7. These policies are considered in more detail below.
7.2	Non Statutory Cherwell Local Plan (NSCLP)
7.2.1	The NSCLP was produced to replace the adopted Local Plan. It progressed through consultation and pre inquiry changes to the plan, but did not proceed to formal adoption due to changes to the planning system. In 2004 the plan was approved as interim planning policy for development control purposes. This plan does not carry the weight of adopted policy but never the less is a material consideration. As with the local plan the NSCLP allocated sites for housing but did not allocate the current application site. The application proposals therefore also conflict with this aspect of the NSCLP.
7.2.2	The NSCLP also contains other relevant policies including those for; housing H3, H4, H5, H6 & H7, home working EMP12, local shops S25, transport TR1, TR3, TR4, TR5, TR6, TR9, TR11, TR19 & TR26, recreation R3, R4, R6, R8, R9, R10A & R11, environment EN1, EN5, EN6, EN7, EN8, EN11, EN13, EN15, EN16, EN21, EN22, EN23, EN25, EN27, EN31, EN32, EN34, EN35, EN36, EN37 & EN47, urban design D1, D2, D3, D4, D5 & D9 community facilities OA1. These policies will be considered in more detail below.
7.3	Cherwell Submission Local Plan (CSLP)

7.3.1	The CSLP sets out the policy for the district to 2031. The plan is at an advanced stage having been through consultation and examination and, although it does not carry the weight of an adopted plan it is capable of being a material consideration (NPPF Annex 1 para 216).
7.3.2	The CSLP policy Bicester 1 identifies land at NW Bicester for development of a new zero carbon (as defined in the Eco Towns Supplement to PPS1) mixed use development including 6000 homes. The current application forms part of the strategic allocation in the local plan. As the plan is not adopted it is necessary to consider if it is premature to deal with the application in advance of the CSLP being adopted and this is considered further below.
7.3.3	Policy Bicester 1 is a comprehensive policy and the consideration of the proposal against the detail of the policy is considered further below. The CSLP also includes other relevant policies on sustainable development PS1, ESD1, ESD2, ESD3, ESD4, ESD5, employment SLE1, Transport SLE4, housing BSC1, BSC2, BSC3, BSC4, community infrastructure and recreation BSC7, BSC8, BSC9, BSC10, BSC11, BSC12, INF1, water ESD6, ESD7, ESD8, landscape and environment ESD10, ESD13, ESD15, ESD18 and design ESD16. These policies are also considered further below.
7.4	NW Bicester SPD
7.4.1	The Eco Towns PPS and the CSLP both seek a master plan for the site. A master plan has been produced for NW Bicester by A2Dominion and this has formed the basis of a supplementary planning document for the site. The draft SPD has been the subject of consultation and consultation responses have been considered. It is anticipated that the SPD will be reported the Executive for approval in 2015 but it cannot be formally adopted until the Local plan has been adopted. The SPD amplifies the local plan policy and provides guidance on the interpretation of the Eco Towns PPS standards for the NW Bicester site. The SPD has not yet been approved and as such carries only limited weight.
7.5	Eco Towns supplement to PPS1
7.5.1	The Eco Towns PPS was published in 2009 following the governments call for sites for eco towns. The initial submissions were subject to assessment and reduced to four locations nationally. The PPS identifies land at NW Bicester for an eco town and is a material consideration in the determination of the application. The PPS identifies 15 standards that eco towns are to meet including zero carbon development, homes, employment, healthy lifestyles, green infrastructure and net biodiversity gain. These standards, and how the application addresses them are considered further below.
7.6	NPPF
7.6.1	The NPPF is a material consideration in the determination of the planning application and it states in paragraph 14 that ' <i>At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking</i> '. For decision taking this means ¹ approving development proposals that accord with the development plan without delay or where the development plan is absent silent or relevant policies are out of date, granting planning permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF

¹ Unless material considerations indicate otherwise.

	taken as a whole or specific policies in the NPPF indicate development should be restricted ² .
7.6. 2	With specific regard to housing proposals the NPPF, in paragraph 49, further advises that <i>'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'</i>
7.7	Five Year Housing Land Supply
7.7. 1	The Planning Inspector appointed to examine the Local Plan made clear his view that the SHMA document provided an objective assessment of housing need in accordance with the NPPF. The 1,140 per annum SHMA figure has formed the basis of the housing need on which the CSLP is based. The latest Housing Land Supply Update (June 2014) was approved by the Lead Member for Planning. It shows that the District has a 3.4 year housing land supply which includes an additional 20% requirement as required by the NPPF where there has been persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made-up within the five year period.
7.7. 2	Given that the adopted housing land supply policies are out of date and the limited weight that can be afforded to the emerging housing policies contained within the CSLP and that the Council cannot demonstrate 5 year HLS paragraphs 14 and 49 of the Framework carry weight. Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 advises that the presumption in favour of sustainable development is at the heart of the NPPF and where the development is out of date granting permission unless; <ul style="list-style-type: none"> • Any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or • Specific policies in this Framework indicate development should be restricted. It is therefore necessary to consider the whether there adverse effects arising from the application which are sufficient to outweigh the benefits of granting permission. The detail of the application proposals are therefore considered below.
7.7. 3	To achieve sustainable development, the NPPF sets out the economic, social and environmental roles of planning including contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (para 7).
7.7. 4	LPAs are expected to create sustainable, inclusive and mixed communities (para' 50). Paragraph 52 advises, "The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development".
7.8	Prematurity
7.8. 1	Although the emerging CSLP does not carry the weight of adopted policy it is an up to date expression of the Council's approach to the delivery of necessary development up to 2031. Policy Bicester 1 is a strategic allocation and development of it would

² For example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Specific Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast, or within a National Park; designated heritage assets and locations at risk of flooding or coastal erosion.

	contribute to meeting the District's housing need. However as the plan is not adopted it is necessary to consider if it would be premature to consider development proposals on the site prior to the plan proceeding to adoption.
7.8.2	<p>Annex 1 para 216 advises that from the day of publication, you may give weight to relevant policies in emerging plans according to;</p> <ul style="list-style-type: none"> • The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given) • The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), • The degree of consistency of the relevant policies in the emerging local plan to the policies in the framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given).
7.8.3	<p>Policy Bicester 1 was considered at the Local Plan examination but the Inspector's report is yet to be received. The allocation is consistent with the Eco Towns PPS which identifies North West Bicester as an eco town location and NPPF in that it seeks sustainable development and the NPPF acknowledges that large scale developments may be appropriate (para 52) to meet housing need where they follow garden city principles. The government has not defined 'garden city principles' but the most widely recognised are those published by the Town & Country Planning Association (TCPA). Although the development at NW Bicester has been designed around eco town principles these are consistent with the TCPA garden city principles, although more ambitious in terms of embedding sustainability.</p>
7.0.4	<p>The Planning Practice Guidance published by the government advises that;</p> <p><i>'However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:</i></p> <p><i>a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and</i></p> <p><i>b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.'</i></p> <p>The emerging local plan has progressed to an increasingly advanced stage and, although the proposed allocation is large (6000 dwellings), it is not considered that the determination of the current planning application would undermine the plan making process due to the consistency with the emerging policy and the lack of competing comparable sites.</p>
7.0.5	<p>Whilst it is necessary to consider whether the proposals are premature in advance of the adoption of the local plan, this has to be weighed in the balance with the support in the Eco Towns PPS for the development of an eco town at NW Bicester and advice in the NPPF that development should be permitted because of the absence of a five year housing land supply provided unless there are significant and adverse impacts in doing so. The position with regard to prematurity has to form part of the planning balance in determining proposals.</p>

8	Conclusion on the principle of development
8.0.1	The site is not identified in the development plan and as such the proposal is contrary to adopted policy. It is therefore necessary to consider if there are material considerations that mean that permissions should be granted. The adopted policies are dated and the Eco Towns PPS and the emerging CSLP both identify the site for development as a way of providing the sustainable development needed within the District. Furthermore in the absence of a five year housing supply the NPPF advises that planning permission should be granted unless material considerations indicate otherwise. It is therefore necessary to consider the details of the proposal, its benefits and impacts and these are considered further below.
9	Zero Carbon Development
9.1	Eco town standard ET7 states; <i>The definition of zero carbon in eco-towns is that over a year the net carbon dioxide emissions from all energy use within the buildings on the eco-town development as a whole are zero or below. The initial planning application and all subsequent planning applications for the development of the eco-town should demonstrate how this will be achieved.</i> This standard is higher than other national definitions of zero carbon as it includes the carbon from the buildings (heating and lighting = regulated emissions) as with other definitions, but also the carbon from the use of appliances in the building (televisions, washing machines, computers etc = unregulated emissions). This higher standard is being included on the exemplar development which is being referred to as true zero carbon.
9.2	The NPPF identifies at para 7 that environmental sustainability includes prudent use of natural resources and the mitigation and adaptation to climate change including moving to a low carbon economy. Para 93 it identifies that <i>'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.'</i>
9.3	The CSLP policy Bicester 1 seeks development that complies with the Eco Town standard. Policy ESD2 seeks carbon emission reductions through the use of an energy hierarchy, Policy ESD4 encourages the use of decentralised energy systems and ESD5 encourages renewable energy development provided that there is no unacceptable adverse impact.
9.4	The application is accompanied by an energy strategy that sets out how the development will achieve zero carbon development. The strategy identifies measures to reduce energy use and then identifies the use of two energy centres (one is being provided as part of the exemplar development), to provide heating to the site. The exemplar energy centre is a gas (low carbon fuel), combined heat and power (CHP) plant and the carbon produced is off sett through the generation of electricity through photovoltaic cells (PV) situated on the roofs of all the buildings. The energy strategy identifies that the second energy centre would need to be bio mass and that PV on the buildings would also be required to achieve true zero carbon. The second energy centre is proposed just north of railway line in an area of mixed use development.
9.5	The proposals to achieve true zero carbon development are ambitious and exceed other developments taking place in the UK. The achievement of zero carbon will be phased and it is proposed in the application that the standard will be met by the time 500 dwellings are constructed. The phasing will need to reflect the phasing of

	development on the site and it is proposed conditions are used to deal with the timing of achievement of zero carbon. In addition there is rapid development in the area of renewables and CHP and further opportunities may arise, such as ability to connect to a heat network from Ardley or changes in renewable technology in the future and therefore some flexibility in the mix of technologies to achieve true zero carbon is required going forward. Therefore a condition is also proposed to enable the plan for achieving true zero carbon to be updated as development progresses.
10	Climate Change Adaptation
10.1	The Eco Towns PPS at ET8 advises; <i>Eco-towns should be sustainable communities that are resilient to and appropriate for the climate change now accepted as inevitable. They should be planned to minimise future vulnerability in a changing climate, and with both mitigation and adaptation in mind.</i>
10.2	CSLP policy ESD1 seeks the incorporation of suitable adaptation measures in new development to make it more resilient to climate change. Policy Bicester 1 requires all buildings requires all new buildings to be designed incorporating best practice in tackling over heating.
10.3	Work was undertaken by Oxford Brookes University and partners, with funding from the Technology Strategy Board (now innovate UK), in 2011/12 looking at future climate scenarios for Bicester to 2050. Climate Change impacts are generally recognised as; a) Higher summer temperatures b) Changing rainfall patterns c) Higher intensity storm events d) Impact on comfort levels and health risks The Design for Future Climate project identified predicted impacts and highlighted the potential for water stress and overheating in buildings as being particular impacts in Bicester. Water issues are dealt with separately below. For the exemplar development consideration of overheating led to the recognition that design and orientation of dwellings needed to be carefully considered to avoid overheating and in the future the fitting of shutters could be necessary to avoid overheating.
10.4	For the masterplan, and carried forward to the application plans, the following have been identified in the Sustainability Statement as influencing the design; • The development is designed to ensure that all buildings are located outside of the 1:100 year plus climate change and 1:1000 year flood zones. • Landscape design leads the design form and function of areas, with the retention of hedgerows, riparian corridors, woodland and ponds plus the creation of interconnecting green and blue corridors and places that provide shade and shelter, manage water and help regulate the urban temperature. • Delivers a development that has reduced its carbon emissions by delivering zero carbon buildings; that will also respond to future climate change issues such as overheating through the provision of appropriate insulation, shading and ventilation. More detailed building design issues will need to be dealt with at the reserved matter stage.
11	Homes
11.1	Eco towns PPS ET9 sets requirements for new homes at NW Bicester. It states homes in eco-towns should: (a) achieve Building for Life 9 Silver Standard and Level 4 of the Code for Sustainable Homes ¹⁰ at a minimum (unless higher standards are set elsewhere in this Planning Policy Statement) (b) meet lifetime homes standards and space standards (c) have real time energy monitoring systems; real time public transport

	<p>information and high speed broadband access, including next generation broadband where possible. Consideration should also be given to the potential use of digital access to support assisted living and smart energy management systems</p> <p>(d) provide for at least 30 per cent affordable housing (which includes social rented and intermediate housing)</p> <p>(e) demonstrate high levels of energy efficiency in the fabric of the building, having regard to proposals for standards to be incorporated into changes to the Building Regulations between now and 2016 (including the consultation on planned changes for 2010 issued in June 2009 and future announcements on the definition of zero carbon homes), and</p> <p>(f) achieve, through a combination of energy efficiency and low and zero carbon energy generation on the site of the housing development and any heat supplied from low and zero carbon heat systems directly connected to the development, carbon reductions (from space heating, ventilation, hot water and fixed lighting) of at least 70 per cent relative to current Building Regulations (Part L 2006).</p>
11.2	<p>Issues with regard to the design are considered further below. Building for Life is a scheme for assessing the quality of a development through place shaping principles. This will be relevant as the scheme moves forward and its use can be secured by condition. Lifetime homes standards were developed by the Joseph Rowntree Foundation to ensure homes were capable of adaptation to meet the needs of occupiers should their circumstances change, for example a family member becoming a wheelchair user. The standards are widely used for social housing. At this stage the application is in outline with no detail of the design of dwellings is included and therefore this requirement will be covered by condition.</p>
11.3	<p>Real time energy monitoring and travel information is being provided as part of the Exemplar development being constructed through the provision of tablet style information portals in every home. The use of these to provide additional information to the community to support sustainable lifestyles and community events is being planned. There is potential that these could in the future also be customised to meet specific needs of occupiers including health needs. This is an area where there is technical innovation and it would be inappropriate to specify a particular approach at this point in time and again this is a matter for detailed designs. A condition is proposed to ensure future detailed proposals address this requirement.</p>
	Affordable Housing
11.4	<p>Not only does the eco town PPS set out a requirement for affordable housing but the CLP policy H5 seeks affordable housing to meet local needs which is mirrored in NSCLP H7.</p>
11.5	<p>The NPPF advises that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. The NPPF at para 50 goes on to advise;</p> <p><i>'To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:</i></p> <ul style="list-style-type: none"> ● <i>plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);</i> ● <i>identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and</i> ● <i>where they have identified that affordable housing is needed, set policies</i>

	<i>for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.'</i>
11.6	The CSLP policy BSC3 sets out a requirement for 30% affordable housing for sites in Bicester whilst policy BSC4 seeks a mix of housing based on up to date evidence of housing need and supports the provision of extra care and other specialist supported housing to meet specific needs.
11.7	The provision of 30% affordable housing can be secured by condition and/or S106 agreement, provided the scheme is viable. Initial work shows that the scheme can deliver 30% affordable housing. The detailed housing mix will also need to be agreed for both affordable and market housing to ensure that it meets local need and again a condition and/or S106 agreement are proposed to address the issue of the housing mix. This application also includes an extracare village comprising of 250 homes and supporting facilities. This will provide both market and affordable housing for older people and deliver a wider range of choice within the district. The provision of affordable housing is a significant benefit of the scheme.
	Fabric energy efficiency and carbon reduction
11.8	The PPS sets specific requirements for dwellings in terms of fabric energy efficiency and carbon reduction. The emerging local plan policy seeks a minimum of Code level 5 for homes. As part of the Exemplar development that is being undertaken the houses are being built to Code for sustainable homes level 5 with increased fabric efficiency and low carbon heating from an energy centre on site. This application proposes the continuation of the same approach of Code 5 houses and low carbon heating through energy centres and as such complies with this aspect of the PPS and emerging Local Plan.
11.9	The application makes provision for housing including extra care provision and affordable housing. The detail of the housing will be established through reserved matter submissions guided by the requirements of conditions and agreements attached to any outline permission. These conditions will ensure the housing meets the PPS standards and delivers high quality homes as part of a sustainable neighbourhood as sought in the NPPF.
12	Employment
12.1	The Eco Towns PPS sets out the requirement that eco towns should be genuinely mixed use developments and that unsustainable commuter trips should be kept to a minimum. Employment strategies are required to accompany applications showing how access to work will be achieved and set out facilities to support job creation in the town and as a minimum there should be access to one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport.
12.2	The NPPF identifies a strong, responsive and competitive economy as a key strand of sustainable development (para 7) and outlines the Government's commitment to securing economic growth (para 18). The NPPF identifies offices, commercial and leisure development as town centre uses and advises a sequential test to such uses that are not in a town centre (para 24) and where they are not in accordance with an adopted plan. This policy is designed to protect the vitality of town centres and this has been an important consideration in developing the proposals for NW Bicester. Local retail, leisure and employment provision is sought to serve the needs of the new development and reduce the need to travel but the scale and mix of uses is such that they will not compete with the town centre so for example the proposals do not include large scale supermarkets or retail provision. The benefit of mixed use development for

	<p>large scale residential development is recognised, and a core principle of the NPPF is to promoted mixed use development and in other paragraphs such as para 38 the benefit of mixed use for large scale residential development is recognised. The requirement for a mixed use development is within the emerging CSLP but as it is not yet in an adopted plan the sequential test has to be considered. There are limited town centre sites available and none allocated for B1 employment space. The local provision for the site could not be provided in the town centre and deliver the sustainable community sought by the Eco Towns PPS and the CSLP as it would increase the need to travel. No concerns have been raised that the proposals will have significant adverse impact on the town centre and the expansion of the size of the town through developments such as this will increase the population the town centre serves increasing its viability. To ensure that retail premises do not compete with the town centre the size of units will be controlled through the use of planning conditions.</p>
12.3	<p>The CSLP sets out at para B.1 that it aims to support sustainable economic growth. Policy SLE1 requires employment proposals on allocated sites to meet the relevant site specific policy. The Policy Bicester 1 seeks;</p> <ul style="list-style-type: none"> • a minimum of 10 ha, comprising business premises focused at Howes Lane and Middleton Stoney Road • employment space in local centres • employment space as part of mixed use centres • 3000 jobs, approx. 1000 B class jobs on the site • A carbon management plan produced to support applications for employment developments • An economic strategy demonstrating how access to work will be achieved and to deliver a minimum of 1 employment opportunity per dwelling easily reached by walking, cycling or public transport • Mixed use local centre hubs to include employment • Non residential buildings to be BREEAM very good and capable of achieving excellent
12.4	<p>The application includes commercial development of the following types; retail, financial and professional services, restaurants and cafes, drinking establishments, office, R& D, light and general industrial, residential and non residential institutions, assembly and leisure up to 8514m². The application is accompanied by an application framework parameter plan that identifies the location of land uses on the site. The majority of the commercial uses are centred around an areas close to Lords Farm and Bucknell Road in the southern part of the site, to form a mixed use local centre and a small employment site. This part of the site is impacted by the need to provide a new road crossing under the railway and realign Bucknell road to discourage the use by through traffic. The proposed mixed use local centre, to include small scale retail, a primary school, community hall and site for a place of worship and some residential development. Adjacent land is identified for an extra care village whilst to the south 0.7ha is identified as a separate small employment site. A village green is identified centrally within the site containing a junior pitch and NEAP and an opportunity for a small retail/leisure premises is identified in association with this.</p>
12.5	<p>The A2D masterplan for the site was accompanied by an Economic Strategy developed with input from CDC, OCC, Bicester Chamber and Bicester Vision. This strategy looked at the opportunities for employment on the NW site in the context of Bicester and the employment allocations elsewhere in the town. The strategy identified the opportunity for some 4600 jobs on site within B1 business park, B2/B8 business park, an eco business centre, local centre employment, education and employment in retained farmsteads, homeworking and long term construction jobs. Around 1000 local service jobs would also be created in Bicester to serve the demands of residents of the development and many of these would be in the town centre.</p>
12.6	<p>The current application is also accompanied by an Economic Strategy. This responds specifically to the application and highlights that the A2D masterplan does not evenly</p>

	<p>distribute employment opportunities through the site with almost a third of the jobs being anticipated from the business park on the south west corner of the site. The strategy identifies just over 1000 jobs on site in the following forms 233 in office uses, 20 in business units, 420 home working, 210 in retail and other local services, 33 at the primary schools and 140 in long term construction. 1200 jobs in services are anticipated some of which would be on site such as in the local centres as identified above and in the extra care housing but others would be created elsewhere in the town.</p>
12.7	<p>The scheme does not therefore meet <u>on site</u> the PPS requirement of one job per dwelling and this application alone has not been shown to meet the provision from directly related off site jobs. However it would make a significant contribution to meeting the CSLP policy requirement. In addition the Council currently has an application in for the main employment location identified in the A2D masterplan (14/01675/OUT) as well as applications that include other local centre provision. Businesses cannot be forced to locations they do not see as appropriate. To attract businesses it is not only necessary to have appropriate sites but also to create the right environment to attract businesses. An action plan is attached to the A2D masterplan Economic Strategy which sets out how this environment can be created to attract and create employment opportunities both on site and through development but also within the town. This approach has been successfully used in connection with the Exemplar development that is currently taking place, to support local employment and apprenticeships and work with local suppliers and to raise the profile of the scheme within Bicester. It is therefore part of the recommendation that an economic strategy action plan is required, through a legal agreement, to be submitted and implemented for this application to support job creation to meet the PPS standard.</p>
12.8	<p>It is considered that the NW development as a whole will meet the local plan target for jobs and is capable of meeting the PPS standard. It is appropriate for this standard to be met across the site to ensure appropriate distribution of uses including viable local centres. For this application it is important that it contributes as set out in the strategy and through proactive work on the action plan not just by the applicants but by other organisations with a stake and role to play such as Cherwell through its economic development work, Oxfordshire County Council through its work on skills, Bicester Vision and Chamber through their work to promote opportunity in the town and businesses as well as education providers around skills and training.</p>
13	<p>Transport</p>
13.1	<p>The Eco Towns PPS sets out that Eco Towns should 'support people's desire for mobility whilst achieving the goal of low carbon living'. The PPS identifies a range of standards around designing to support sustainable travel, travel planning and travel choice, modal shift targets, ensuring key connections do not become congested from the development and ultra low emission vehicles.</p>
13.2	<p>The adopted Cherwell Local Plan policy TR1 requires the Council to be satisfied that transport infrastructure, traffic management and public transport required by the development will be provided. The NSCLP has a raft of policies relating to transport. Policy TR1 requires traffic generating development to contribute to achieving the objectives of the Local Transport Plan TR3 requires transport assessments and travel plans TR5 road safety TR6 public transport TR8 protects pedestrian and cycle routes TR9 requires cycle parking, TR11 requires parking, TR19 seeks residential roads to give priority to walkers, cyclists and bus operators and supports homezones, TR26 advises that the Council will work with OCC on highway schemes including Howes Lane improvement incorporating an new rail bridge.</p>
13.3	<p>The NPPF advises that the transport system needs to be balanced in favour of sustainable transport giving people a real choice about how they travel (para 29). It is</p>

	advised that encouragement should be given to solutions that support reductions in greenhouse gas emissions and reduce congestion (para 30). Transport assessments are required (para 32). The ability to balance uses and as part of large scale development have mixed used that limit the need to travel are identified (para 37 & 38).
13.4	The CSLP seeks walkable neighbourhoods, connectivity between new and existing communities, access to the countryside, access to public transport, mitigation of off site transport impacts and appropriate crossings of the railway line.
13.5	The application is in outline but supported by a movement and access parameter plan. This shows the route of a strategic road link from Lords Lane to the rail line and a primary route through the site, connecting with the exemplar access to Banbury Road. Secondary road locations are shown together with footpath links. This reflects the A2D masterplan that shows the realignment of Howes Lane, primary roads serving land either side of the rail line and a comprehensive network of footpaths and cycle paths across the site. The realignment of Howes Lane is the subject of a separate detailed application 14/01698/F which is yet to be determined, and includes details of the part of the route that is shown on the parameter plan for this outline application. The application is accompanied by a transport assessment that identifies the impact of traffic from the development and a draft travel plan.
	Walking and Cycling
13.6	The proposals have been developed to promote sustainable travel whilst also making provision for vehicular traffic so people have a choice in the way they travel. The location of local facilities on the site has looked to ensure that they are accessible by walking, cycling or public transport, including the siting of primary schools, local centres, open space and employment opportunities. Facilities have been grouped in the local centre including primary school, local retail and community facilities as suggested in the Eco Towns PPS. The local centres have been located close to the realigned Howes Lane so they can benefit from passing trade and also are closer to the existing population in the town to support their vitality and viability. Whilst this means that they are slightly further from properties proposed on the western edge of the site than if they were centrally located, they are more likely to be successful and therefore provide the local facilities sought and reduce the need to travel. The site layout, as shown on the framework parameter plan for the application, meets the PPS standard of homes being within 10 mins walk to frequent public transport route and the majority of the site meets the requirement regarding local services.
13.7	The DAS advises 'The development is based on a permeable network of low traffic routes which will have priority for pedestrians and cyclists by virtue of speed, surfacing and layout. There are also a number of pedestrian/ cyclist only links proposed to provide direct connections leading to key destinations and open spaces and with a direct alignment to the school and 'local centre' to the south. Pedestrian routes will be surfaced and lit with directional and distance signing'. The application is in outline so conditions will ensure this approach is embedded in detailed proposals.
13.8	One key connection that is included in the masterplan is a pedestrian/cycle route tunnel under the railway. This is excluded from the current application but is considered necessary to allow connectivity once development takes place either side of the rail line and facilities such as the secondary school are in place. It is therefore proposed that conditions are imposed to require its provision before the site is built out. If the site is built out from the edge of the existing town as has been suggested the pedestrian cycle tunnel is unlikely to be required until later in the development.
13.9	It is also important that the site is linked to the town and surrounding area and therefore off site walking and cycling site links will be secured, through conditions and legal agreements, including the upgrading the footpath alongside the railway to the

	Banbury Road, the upgrading of the southern section of the Banbury Road and linking to the field paths to the west of the site.
	Public Transport
13.1 0	To provide a choice in ways to travel attractive public transport is necessary. The application proposal is that a bus route will be established from the town centre to loop through the site, via Banbury Road and Lords Lane and return to the town via Bucknell Road. From the Town Centre other public transport can be accessed. The proposal is to provide 6 services an hour when the site is built out (a 10 minute frequency) and subject to viability a minimum of 4 per hour. The frequency of the buses is important as services need to be sufficiently frequent that people can simply turn up and know they will not have to wait long for the bus. Real time information on public transport is proposed for every home.
13.1 1	OCC advise that the service would start with a single vehicle and then increase as the development progressed, at agreed trigger points. The exemplar service would be subsumed into the service for the development north of the rail line. The bus service will require subsidy whilst it becomes established and this together with the details of the build up of the service would be controlled through the legal agreement.
13.1 2	The establishment of an attractive public transport offer will be important in securing a modal shift away from the use of the private car and achieving a 10 minute frequency is therefore important as well as the accessibility to bus stops from all the properties.
	Rail
13.1 3	Bicester is well served by rail and with the improvements to services to Oxford under construction and then proposals to extend services eastwards, this is an attractive mode of travel which is likely to make the town an attractive location to live and work. OCC has indicated that a contribution to the provision of improved rail services should be sought. However all contributions have to be compliant with regulation 122 of the CIL regs which identifies 3 tests for a contribution to be taken into account as a reason for approval. The first of these is whether the contribution is necessary to make the development acceptable. In this case whilst improvement to rail services is desirable it is not clear how the proposed contribution mitigates the impact of the development or what it would deliver and as such it does not appear to meet the requirements of the CIL regs, and, therefore is not included in the list of proposed requirements.
	Vehicle Movements
13.1 4	A transport assessment (TA) has been submitted that as well as dealing with sustainable transport proposals has assessed forecast traffic growth, network capacity, impact and mitigation. The scope of the assessment was agreed with the highway authority, OCC. The Bicester SATURN model was used to establish base traffic flows (2012). Proposed highway changes, for example the M40 junction improvements and proposals resulting from the expansion of Bicester village, were included in the model as well as committed and planned development under different scenarios to 2031. This has enabled the impact of traffic from the proposed application to be modelled and measures required to mitigate the impact of development to be identified.
13.1 5	The modelling has identified areas where highway mitigation is required. The original modelling was based on the development of the whole of the NW Bicester site and it has been necessary to look at the impacts of the current application and the wider scheme to make sure that it makes a fair contribution to the full mitigation that is required, but is also capable of implementation without causing traffic problems on the network. The areas of mitigation agreed with OCC are considered further below;
	Howes Lane/ Bucknell Road
13.1	For a number years it has been recognised that there is a need to improve the Howes

6	Lane and the junction of Howes Lane and Bucknell Road where it passes under the railway. This is demonstrated by the Policy TR26 of the NSCLP published in 2004. The current arrangements are not suitable to accommodate planned growth around Bicester, including the NW development. An interim scheme for the Howes Lane and Bucknell Road junction has been undertaken, secured through the Exemplar development, but major change is required to accommodate the growth now planned for the town. The rail line at the junction runs on a bridge and embankment at an angle to the road and to improve the junction and road alignment a new crossing of the railway is required and this requires third party land. It is proposed to address this constraint by relocating the junction to the west, beyond the Avonbury Business Park and Thames Valley Police premises. This enables a straight crossing under the rail line and provision of appropriate junctions, thus removing the constraints
13.1 7	The realignment of the existing Howes Lane, from the Middleton Stoney Road roundabout to the new underpass is proposed as part of the A2D Masterplan and is included in a separate planning application (14/01698/F) and also in outline applications 14/01641/OUT and 14/01675/OUT which remain to be determined. The realignment is sought to address the impact of the existing road on the existing houses and to improve its design and capacity and enable the provision of footpaths and cyclepaths, sustainable drainage, avenue planting, crossings and improved urban design. The current outline application includes the link between the proposed underpass location back to Lords Lane. OCC advise the proposed underpass and new junction are necessary to allow for the proposed growth of the town of which NW Bicester is part. The underpass does not form part of the current application but it is anticipated to be needed prior to the site being built out. It is therefore anticipated that OCC will recommend a condition limiting the number of units that can be occupied prior to the provision being made. An update will be provided at the meeting. Such a condition could prevent development continuing once commenced but in this case funding for the proposed underpass and road has been secured by A2Dominion, the applicants, and as such they are in a position to provide the underpass and road links subject to necessary agreements and permissions and therefore the use of such a condition is considered appropriate.
13.1 8	There have been concerns expressed regarding the Howes Lane realignment (as well as support), particularly on the effect on the speed of traffic. Whilst these concerns are recognised over all it is considered that the realignment of the road offers significant advantages and would continue to provide a high standard, convenient strategic vehicular route. Never the less the current application only includes a part of the route up to the railway and therefore until the crossing of the railway Lords Lane would remain. However before completion of the development, the new underpass to allow for the provision of a new junction would be required. This would need to be controlled through condition. The application does not commit a design for the remainder of the road.
	Bucknell Road
13.1 9	Bucknell Road east to the town centre is shown to carry additional traffic and the junction with Field Street shows delays. Options have been explored to improve the flow of traffic but none have shown an improvement on the current layout. OCC have recommended a financial contribution is sought to improve this junction and flows of traffic into the town.
13.2 0	With the growth of Bicester there is a concern that additional traffic would be attracted to use the Bucknell Road West to reach M40 J10 and that this could adversely affect Bucknell village and its environs. In addition the road between the village and the town is a rural route and as such is unattractive to walk or cycle along because of the speed and volume of traffic. To address these concerns it is proposed to make it a less direct route through the application site and to provide additional traffic calming within the village itself. This would also mean that from the development the existing road can be

	made an attractive and direct route for cyclists to access the town as it would no longer be a through route for vehicles.
	Banbury Road and Skimmingdish Lane
13.2 1	The application proposes to connect the primary road to the Exemplar development and as such provides access to Banbury Road. A junction on to Lords Lane is also proposed. The TA shows the need to mitigate the impact of traffic on the Banbury Road, Lords Lane roundabout, the Caversfield junction and Exemplar access. A remodelling of the Banbury Road roundabout to provide additional capacity has been suggested, which is needed in the longer term to accommodate growth in the town as well as NW Bicester. The improvement of the junction can be secured through legal agreements.
13.2 2	With the increase in traffic on the B4100 and the poor accident record in the vicinity of the Caversfield junction a junction improvement is necessary as mitigation. Two scheme options have been designed, both within the highway and again the improvement of the junction can be secured through a legal agreement. Increased traffic using the Exemplar entrance on to the B4100 will necessitate traffic lights at the junction in the longer term and again this could be secured through legal agreements.
13.2 3	Some traffic from the proposed development is likely to use the eastern peripheral routes including Skimmingdish Lane. Together with other increases in traffic there are capacity issues forecast on this route. However the modelling shows only relatively small percentage of the increased traffic is from NW Bicester. Given that the development at NW Bicester will deliver improvements to the network on the west side of the town, including resolving the current junction constraint at the Howes Lane/Bucknell junction, which will also benefit other developments, OCC are not seeking contributions for improvements to this route from this application.
	Travel Plan
13.2 4	The PPS sets mode share targets for traffic generated from the site (50% of trips originating in the development to be by non car means with potential to increase for 60%). It also advises that where an Eco Town is adjacent to a higher order settlement even more ambitious targets should be sought. The CSLP does not set a target but does identify the importance of sustainable travel. A framework travel plan has been submitted that sets out the strategy for sustainable travel measures. This includes a wider range of measures than simply providing the infrastructure described above and includes support for a car club, promotion of electric vehicle, cycle promotion, personal travel planning and support as well as monitoring. Whilst low emission vehicles do not address issues around traffic congestion they do have advantages in reducing air quality problems caused by other vehicles. The travel plan recognises the role they could play and looks to support the use of them through installation of charging points and deals on the access to the vehicles.
13.2 5	The application identifies a range of measures to support the use of sustainable modes but the target remains ambitious given the nature of the location, where some journeys can only be undertaken by car and the high car ownership within the area. Never the less the increase in sustainable travel is important to avoid the negative impacts of increased use of private cars. The implementation and monitoring of the travel plan is therefore important and would be required through the S106 agreement.
13.2 6	The assessment of the vehicular traffic has been undertaken and mitigation identified, the most significant of which would be the realignment of Howes Lane and the new route under the railway. This is outside of the current application but would be required prior to the site being developed out. Mitigation of the effects of vehicular traffic would be secured through a legal agreement and/or restriction on development.
13.2	The application therefore seeks to meet the eco town standards through the measures

7	proposed and makes a commitment to sustainable transport that goes beyond that which is normally found with other applications. Monitoring of the success of measures to achieve modal shift will be necessary and measures to address any shortfall in reaching the targets. This will need to be secured through legal agreements.
14	Healthy Lifestyles
14.1	The Eco Town PPs identifies the importance of the built and natural environment in improving health and advises that eco towns should be designed to support healthy and sustainable environments enabling residents to make healthy choices. The NPPF also identifies the importance of the planning system in creating healthy, inclusive communities. The CSLP identifies the need for a 7 GP surgery which is supported by information provided by NHS England.
14.2	The site would contain generous amounts of green space including allotments, country park and a site for a community farm. In addition the provision of a range of walking and cycling opportunities and provision for play and sport mean the site would encourage activity and healthy lifestyle choices.
14.3	In addition in the masterplan a location is identified for a GP surgery. This is located south of the railway line to reflect the advice of NHS England regarding the distribution of facilities around the town. A contribution to the provision of the facility is sought through the current application. The application proposals through the design approach and in securing contribution to health provision would meet the requirements of the PPS, NPPF and CSLP.
15	Local Services
15.1	The PPS identifies the importance of providing services that contribute to the well being, enjoyment and health of people and that planning applications should contain an appropriate range of facilities including leisure, health and social care, education, retail, arts and culture, library services, sport and play, community and voluntary sector facilities. The NPPF advises that to deliver social, recreational, cultural and services to meet the communities needs that you should plan positively to meet needs and have an integrated approach to the location of housing economic uses and community facilities and services (para 70). The CSLP Policy Bicester 1 identifies the following infrastructure needs for the site education, burial ground, green infrastructure, access and movement, community facilities, utilities, waste infrastructure and proposals for a local management organisation. BSC 12 seeks indoor sport, recreation and community facilities whilst BSC 7 supports the provision of schools in sustainable locations and encourages co location.
15.2	Considerable work has been undertaken to identify the social and community infrastructure required to support the development. This has informed the A2D masterplan and the current application. The application include the extension of the Exemplar primary school and the addition of a second primary school, a large community hall capable of accommodating a range of use including a visitor centre, land that could be used for a burial ground, site for a place of worship and sport and play provision. A cultural strategy has also been developed that would seek to ensure that culture and the arts was incorporated into development proposals. Some provision is more sensibly made off site such as the expansion of the new library in the town centre and the existing sports centre and swimming pool. Other provision will be sought on other parts of the NW Bicester site such as the secondary school and site for a doctors surgery. Where this is the case an appropriate financial contribution is sought. The secondary school site is required early to meet the needs of the application population and therefore this is sought prior to the site developing out, even though it is on land to the south of the railway. The applicant's advise that the provision of the school land can be achieved when required and the legal agreement will need to address this matter.

15.3	The work done on planning for social and community infrastructure will result in the PPS standard being achieved and compliance with the advice in the NPPF and CSLP.
16	Green Infrastructure
16.1	The application is accompanied by a Green Infrastructure and Landscape Strategy that sets out proposals for the application site and includes illustrations of how the key spaces could be laid out. The key green spaces included in this application are the land between Bucknell Road and the railway, the country park to the western edge of the site, the green located centrally to the application, the stream corridor and the retained woodland to the north west of the site. In addition the network of hedges and their buffers run through the site. The Design and Access Statement (DAS) includes a breakdown of land use and identifies that the application includes 46% green infrastructure, over 70 ha in a range of uses. Much of this area would be publicly accessible although 12.5 ha forming the school sites, the water treatment area and the burial ground may not be. Never the less it is clear that the application would achieve the quantity of green space the PPS requires.
16.2	The application has also been assessed against CSLP policy BSC 11 which is the minimum standard that most developments are expected to meet. This policy sets out standards for general green space, play space, formal sport and allotments. The policy seeks just over 17 ha of general amenity space where as the application proposes over 40ha and therefore exceeds requirements. For play space the policy seeks 4.9 ha and the application proposes 4.4 ha. This is slightly below the policy standard but could be increased through the incorporation of increased play provision within the general amenity areas at the detailed design stage. For allotments the policy seeks 2.3ha whereas the application indicates 2ha but does also include the community farm of 1ha so the combination of these uses would exceed the policy requirement. Policy ESD 18 requires green infrastructure networks to be integral to the planning of new development and requires proposals for management and maintenance.
16.3	On the advice of the Recreation and Health Improvement Manager the A2D masterplan sought a single location for sports pitches to serve the site to enable higher standard provision and to facilitate long term management and maintenance. In addition it was desirable for the sports pitches to be located adjacent to the secondary school site to facilitate future sharing of facilities. As a result the sports pitches are located outside the current application site and are identified south of the railway adjacent to the secondary school. The current application proposes a single junior pitch as part of the central green space, as well as school pitches in accordance with the A2D Masterplan.
16.4	The area identified on the A2D masterplan is the subject of application 14/02121/OUT, which does include the pitch area. However the application is yet to be determined and only if approved and implemented would the land for pitches be available. As a result a temporary solution for sports pitches has been sought as part of this application to ensure that if this application were to go ahead in the absence of others the town wide position on sports would not be adversely affected. The applicants have identified land between Bucknell Road and the rail line as an area where temporary pitches could be accommodated. However placing pitches in this area would prevent wetland treatment from the proposed water treatment area being established either delaying its provision or requiring a different form of treatment which would be regrettable. An alternative solution which has been discussed with OCC would be to make the temporary provision on the secondary school site. The secondary school site is 10.45ha but the school would be built in phases as pupils were generated from the development, the first phase would be a 600 place school whilst later phases would take it to 1200 places. There would therefore be land available in the early years of the development what could accommodate joint use pitches to which the community could have access. The advantage would be that the pitches created on the school site would remain in the long term and would not need to be removed at a later date.

16.5	The provision of adequate outdoor sport is important and it is proposed that contributions to the long term provision should be made but also temporary provision, if it is needed, in advance of the final pitch location being available. This would be secured through legal agreements.
16.6	In achieving the 40% green space sought by the PPS the application would deliver significant new areas of green space which the town does not currently benefit from such as the country park and green space that could be used for a burial ground. The green space could be a very attractive feature of the site. In complying with the PPS the application proposals meet the NPPF requirements and are capable of meeting the CSLP policy BSC11.
17	Landscape and Historic Environment
17.1	The Eco Town PPS advises that planning applications should demonstrate that they have adequately considered the implications for the local landscape and historic environment to ensure that development compliments and enhances the existing landscape character. Measure should be included to conserve heritage assets and their settings. The NPPF recognises the intrinsic character and beauty of the countryside (para 17). The NPPF advises that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.
17.2	The adopted CLP Policy C7 seeks to prevent development that causes demonstrable harm to the topography and character of the landscape. NSCLP Policy EN34 seeks to conserve and enhance the character and appearance of the landscape through the control of development. Policy EN 36 seeks opportunities for to secure enhancement of the character an appearance of the landscape. CSLP policy ESD13 advises that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character can not be avoided. Policy Bicester 1 requires 'a well designed approach to the urban edge which related development at the periphery to its rural setting' and development that respects the landscape setting and demonstrates enhancement of wildlife corridors. A soil management plan may be required and a staged programme of archaeological investigation.
17.3	The Environmental Statement accompanying the application assesses the landscape and visual effects of the application. The Oxfordshire Wildlife and Landscape Study (2004) places the site within 'Wooded Estatelands' Landscape Character Type, with the following key characteristics: <ul style="list-style-type: none"> • 'Rolling topography with localised steep slopes. • Large blocks of ancient woodland and mixed plantations of variable sizes. • Large parklands and mansion houses. • A regularly shaped field pattern dominated by arable fields. • Small villages with strong vernacular character Three local landscape characters have been identified across the site; Caversfield Valleys and Ridges, Bucknell Ridge and Bucknell Valley Corridor. The ES identifies the landscape sensitivity as low of all three character areas. The ES concludes that the impact of development on them would be neutral. The Council's Landscape Office considers that the central part of the site, Bucknell ridge is more susceptible to development and the impact should be considered moderate and mitigated accordingly.
17.4	The DAS and landscape strategy provide information and illustrations as to how development can be integrated into the landscape and how landscaping can be used to create an appropriate relationship between the proposed development and the countryside beyond. The Character of the landscape is such that it can accommodate change but care will need to be taken to ensure that the detailed design of proposals

	at the reserved matter stage, particularly with regard to the treatment of the rural edge.
17.5	The ES also considers the impact of proposals on the historic environment. There are no listed building within the site or other buildings considered to be heritage assets. An archaeological assessment that included an investigation of a 2% sample of the site. This has revealed five areas of 'concentrated archaeological activity' One of these areas dates predominantly to the Bronze Age, two of them date to the Iron Age and the remaining two date to the Roman period. All of these area contain numerous and, in places, complex archaeological features. To mitigate the impact on these features a programme of open area archaeological excavation would be carried out at each of these areas. One further area of archaeological activity of lesser value has been identified. This area contained predominantly ridge and furrow and some linear features. This area would also be subject to archaeological excavation in order to record the linear features.
17.6	Following the enclosure awards the site was divided into field in the late 18 th Century. The sequence of Ordnance Survey maps, which began in the later 19th century, records the same field boundaries within the Site that are present today. The hedgerows are therefore considered part of the historic landscape character. Although there preservation was originally identified to maintain bio diversity it will also maintain and element of the historic landscape.
17.7	The application is accompanied by information that identifies the impact on the character of the landscape and historic features. The impact of the development on the character of the landscape is considered acceptable, all be it that detailed design will need to deal sensitively with the treatment of the urban/rural edge. The impact on the historic environment is most significantly the impact on the archaeology that is present on the site. This will be disturbed through development and it is proposed to mitigate this impact through the recording of the features. Hedges are proposed for retention except where it is necessary to form breaks for roads etc.
17.8	The CSLP also suggests a soil management plan may be required. The ES covers agriculture, soils and land use. The land has been identified as grade 3 agricultural land and it is suggested most falls within grade 3b. The ES advises; 'During construction, appropriate soil handling methodologies would be used, in line with current guidance, to ensure the sustainable re-use of soils and maximise the value of the retained soil resource within the proposed design. This would ensure that soils with the optimum characteristics are allocated for the given end use, such as food production, habitat creation or SuDS' . This can be secured by condition.
18	Net Biodiversity Gain
18.1	The Eco Town PPS requires that net gain in local biodiversity and a strategy for conserving and enhancing local bio diversity is to accompany applications. The NPPF advises the planning system should minimise impacts on bio diversity and providing net gains where possible, contribute to the Government's commitment to prevent the overall decline in bio diversity (para 109) and that opportunities to incorporate bio diversity in and around developments should be encouraged (para 118). The CSLP Policy Bicester 1 identifies the need for sports pitches, parks and recreation areas, play spaces, allotments, burial ground and SUDs and for the formation of wildlife corridors to achieve net bio diversity gain. Policy ESD10 seeks a net gain in bio diversity.
18.2	Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that "every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity" and; Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected

	<p>Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.</p> <p>Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.</p> <p>Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:</p> <ol style="list-style-type: none"> 1) is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development). 2) Is there any satisfactory alternative? 3) Is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species? <p>Therefore where planning permission is required and protected species are likely to be found to be present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local planning authority that the 3 strict derogation tests can be met prior to the determination of the application. Following the consultation with Natural England and the Council’s Ecologist advice given (or using their standing advice) must therefore be duly considered and recommendations followed, prior to the determination of the application.</p>
	<p>Site surveys have been undertaken in 2010/11 and walkover surveys were undertaken to confirm that they remained accurate for the site. The surveys identified the following habitats and species of medium importance on the site;</p> <ul style="list-style-type: none"> • Hedgerows, water courses and broad leaved woodland and pond • Barn owl, breeding and over wintering birds and bat roost. <p>The application is accompanied by a biodiversity strategy. The stream corridor, pond, woodland and the hedgerows on the site are all retained with buffers on the Landscape buffers parameter plan. The stream retained with a buffer either side is a key feature of the site. The hedgerows are also retained except where impacted by the road network or impractical within the layout around the local centre. The retention of the stream corridor and hedge buffers mean that wildlife corridors are created as sought by the CSLP Bicester 1 policy.</p>
18.3	<p>Although most bio diversity is proposed to be mitigated on site farmland birds cannot be as there will not be the scale of open fields that they require and similarly brown hare, although it is not evident that the site is currently of importance for this species. As a result it has been accepted that these species will need to be mitigated off site. An approach has been agreed that would allow either a farm scheme or the funding to be used for the purchase of land to secure mitigation for farmland birds. This would be secured through a legal agreement.</p>
18.4	<p>As well as habitat retention to achieve net bio diversity gain habitat creation and enhancement is required. The Defra Metric has been used to calculate that the A2D</p>

	<p>masterplan achieves net bio diversity gain. The application proposes that habitat creation and enhancements take place in the proposed country park, the waste water wetland treatment area, wet and dry SUDs features and woodland habitats. In addition buffer areas to the stream and hedges provide further opportunities and features within the built environment such as the green roofs, gardens and installation of net boxes also have the potential to create bio diversity gains. There are opportunities within the site to achieve a net gain in bio diversity but Applicant's have been asked to provide a revised calculation to demonstrate that the scheme does achieve net gain to inform future design of the open space areas.</p>
18.5	<p>Subject to securing the protection of habitats and the achievement of net bio diversity gain through conditions or legal agreements the application proposals will achieve a net gain in bio diversity meeting the requirement of the PPS, NPPF and CSLP. In protecting habitats and protected species sites section 40 of the NERC act and the requirements of the Habitat Directive are satisfied.</p>
19	<p>Water</p>
19.1	<p>The Eco Towns PPS states 'Eco Towns should be ambitious in terms of water efficiency across the whole development particularly in areas of water stress. Bicester is located in an area of water stress. The PPS requires a water cycle strategy and in areas of serious water stress should aspire to water neutrality and the water cycle strategy should;</p> <p>(a) the development would be designed and delivered to limit the impact of the new development on water use, and any plans for additional measures, e.g. within the existing building stock of the wider designated area, that would contribute towards water neutrality</p> <p>(b) new homes will be equipped to meet the water consumption requirement of Level 5 of the Code for Sustainable Homes; and</p> <p>(c) new non-domestic buildings will be equipped to meet similar high standards of water efficiency with respect to their domestic water use.</p>
19.2	<p>The NPPF advises at para 99 that when new development is brought forward in areas that are vulnerable care should be taken to ensure risks can be managed through suitable adaption measures, including through the planning of green infrastructure. The CSLP Policy ESD8 advises 'Development will only be permitted where adequate water resources exist or can be provided without detriment to existing uses.' Policy Bicester 1 requires a water cycle study and Policy ESD 3 requires new development to meet the water efficiency standard of 110 litres/person/day.</p>
19.3	<p>The application is accompanied by a Water Cycle Study (WCS). The WCS was drafted to accompany the A2D Masterplan and was formulated following a workstream meeting with the EA, Thames Water, CDC and OCC. The WCS confirms that non-residential buildings shall be designed with water efficient fixtures and fittings (and where appropriate reclamation of water) so as to reduce whole building potable water use by at least 55% from the baseline demand – in accordance with Excellent rating of BREEAM. Additionally, the WCS confirms that the design standard for all new dwellings will be that water efficient fixtures and fittings are specified to reduce average per capita consumption to 105 litres/person/day (l/p/d). Furthermore, the WCS confirms that additional design standards will specify that on site water recycling technologies are used locally to supplement domestic supplies, and hence reduce demand of potable water further to less than 80 l/p/d to meet Level 5 of the CSH water standards. The WCS estimates that the minimum design standards described above will reduce the potable water demand of the site from a baseline of 2.13 MI/d, to 1.3 MI/d. The Sustainability Statement describes this as 'a move towards the aspiration of water neutrality of nearly 40%. This level of potable demand is well within the growth levels assumed by Thames Water in their water resource management plan.'</p>
19.4	<p>The WCS highlights a number of possible strategies for further enhancing the water</p>

	neutrality of the development, including water efficiency retrofit of the wider area, reclamation of wastewater effluent and utilisation of local groundwater supplies (potentially with infiltration drainage ensuring that the aquifer water balance is not depleted). However, it advises that the strategic approach has not yet been established and further work is on going, including discussion with possible inset suppliers to ascertain technical feasibility, detailed design and phasing considerations.
19.5	It is encouraging that measures are proposed to reduce water use and this is consistent with the PPS and CSLP. However it disappointing that the measures to move towards water neutrality are still part of on going work. The EA have suggested that these issues could be addressed through the use planning conditions and therefore this approach is recommended.
20	Flood Risk
20.1	The Eco towns PPS advises that the construction of eco towns should reduce and avoid flood risk wherever practical and that there should be no development in Flood Zone 3. The NPPF advises that inappropriate development in areas of flood risk should be avoided (para 100) and that development should not increase flood risk elsewhere (para 103). The CSLP policy ESD6 identifies that a site specific flood risk assessment is required and that this needs to demonstrate that there will be no increase in surface water discharge during storm events up to 1 in 100 years with an allowance for climate change and that developments will not flood from surface water in a design storm event or surface water flooding beyond the 1 in 30 year storm event. Policy ESD 7 requires the use of SUDs.
20.2	The application is accompanied by a flood risk assessment and this identifies that the majority of the site lies in flood zone 1 (land with less than a 1in 1000 annual probability of flooding). Along the stream corridor there are limited areas that are at higher risk of flooding but these all fall within the stream buffer of 60m and no built development is proposed in this area.
20.3	A surface water drainage strategy has been produced for the site and this demonstrates that surface water run off from the site will be restricted to green field run of rates. The application includes a SUDs and drainage parameter plan that shows areas of the site set aside for surface water balancing so the rate of surface water run off from the site can be restricted to the current green field rate.
20.4	The Environment Agency has been consulted on the application as well as OCC as the Lead Local Flood Authority and neither have raised objection subject to conditions. The application therefore complies with the PPS, NPPF and CSLP with regard to flood risk.
21	Waste
21.1	The Eco Towns PPS advises that applications should include a sustainable waste and resources plan which should set target for residual waste, recycling and diversion from landfill, how the design achieves the targets, consider locally generated waste as a fuel source and ensure during construction ensure no waste is sent to landfill. The National Waste Policy identifies a waste hierarchy which goes from the prevention of waste at the top of the hierarchy to disposal at the bottom. The National Planning Practice Guidance identifies the following responsibilities for Authorities which are not the waste authority; <ul style="list-style-type: none"> •promoting sound management of waste from any proposed development, such as encouraging on-site management of waste where this is appropriate, or including a planning condition to encourage or require the developer to set out how waste arising from the development is to be dealt with •including a planning condition promoting sustainable design of any proposed development through the use of recycled products, recovery of on-site material and the provision of facilities for the storage and regular collection of waste

	<ul style="list-style-type: none"> ensuring that their collections of household and similar waste are organised so as to help towards achieving the higher levels of the waste hierarchy
21.2	<p>The application is accompanied by a Sustainable Waste and Resources Plan (SWRP). This sets the following targets;</p> <ul style="list-style-type: none"> For the percentage recycled/composted/reused: 70% from initial occupation; 80% by 2025 For residual waste levels: 300 kg per household per year from initial occupation; 200 kg per household per year by 2025 <p>The current Council recycling rate is identified as 54.5% which is high compared with the national average but against this the targets identified are considered appropriate. Conditions and/or legal agreements will be used to ensure measures to achieve the targets will be put in place.</p>
22	Master Planning
22.1	<p>The Eco Towns PPS sets out that <i>‘eco-town planning applications should include an overall master plan and supporting documents to demonstrate how the eco-town standards set out above will be achieved and it is vital to the long term success of eco towns that standards are sustained.’</i> The PPS also advises there should be a presumption in favour of the original, first submitted masterplan, and any subsequent applications that would materially alter and negatively impact on the integrity of the original masterplan should be refused consent.</p>
22.2	<p>The CSLP Policy Bicester 1 states <i>‘Planning Permission will only be granted for development at North West Bicester in accordance with a comprehensive masterplan for the whole site area to be approved by the Council as part of a North West Bicester Supplementary Planning Document.’</i></p>
22.3	<p>A masterplan and supporting documents have been produced by A2Dominion in consultation with the Council and other stakeholders. This masterplan has been the subject of public consultation. The development at NW Bicester will take place over a number of years and as such it was considered important that the key components of the masterplan are enshrined in planning policy and therefore the Council has produced a draft SPD. The SPD has been the subject of consultation, and representations are being considered before it is reported to the Council’s Executive for approval as informal guidance and adoption following the adoption of the CSLP. This raises the issue of whether it is premature to consider the application in advance of the SPD being formally approved. The Advice on prematurity is referred to paragraph 7.8 in relation to the CSLP but also needs to be considered in the context of the SPD. The NPPG advises that only rarely will it be appropriate to refuse an application on the grounds of prematurity and normally only where the adverse effect of the proposal outweighs the benefits. Conditions are identified where it may be appropriate to do so including where it would undermine the plan making process. This is not considered to be the case as the proposals are consistent with the A2D masterplan on which the SPD is based.</p>
22.4	<p>The NW Bicester site identified in CSLP is large and it is important that development is undertaken in such a way as to deliver a comprehensive development. A masterplan is an important tool in achieving this particularly when there is not a single outline application covering the site as in this case. The current application together with the exemplar site, which already has planning permission and is being developed, cover the vast majority of land in the NW site north of the railway line and the proposal is to develop them in accordance with the A2D masterplan. This large application is able to create a sustainable neighbourhood and meet the majority of necessary requirements on the site. The site for the secondary school and community sports pitches as well as highway infrastructure lie beyond the site boundary but the applicant has advised they are able to deliver school, temporary sports provision and the realigned Howes Lane. This is key to establishing an acceptable development and would need to be</p>

	secured through legal agreements. It will also be necessary to ensure that a position does not arise whereby other developers on the NW site are held to ransom through the failure to deliver infrastructure on this site and the aim is to ensure this does not occur, although a reasonable connection charge might be sought, through the use of legal agreements.
22.5	The Eco Towns PPS, the A2D masterplan and the emerging SPD provide a framework for securing a comprehensive development. Although the SPD is not yet approved it has progressed to an advanced stage and been informed by consultation of the A2D masterplan and the draft SPD and as such can be given some weight in the consideration of the current application.
23	Transition
23.1	<i>The Eco Towns PPS advises that planning applications should set out;</i> <i>(a) the detailed timetable of delivery of neighbourhoods, employment and community facilities and services – such as public transport, schools, health and social care services, community centres, public spaces, parks and green spaces including biodiversity etc</i> <i>(b) plans for operational delivery of priority core services to underpin the low level of carbon emissions, such as public transport infrastructure and services, for when the first residents move in</i> <i>(c) progress in and plans for working with Primary Care Trusts and Local Authorities to address the provision of health and social care</i> <i>(d) how developers will support the initial formation and growth of communities, through investment in community development and third-sector support, which enhance well-being and provide social structures through which issues can be addressed</i> <i>(e) how developers will provide information and resources to encourage environmentally responsible behaviour, especially as new residents move in</i> <i>(f) the specific metrics which will be collected and summarised annually to monitor, support and evaluate progress in low carbon living, including those on zero carbon, transport and waste</i> <i>(g) a governance transition plan from developer to community, and</i> <i>(h) how carbon emissions resulting from the construction of the development will be limited, managed and monitored.</i>
23.2	The timing of the delivery of community services and infrastructure has been part of the discussions that have taken place with service providers in seeking to establish what it is necessary to secure, through legal agreements, to mitigate the impact of development. This has included working with Oxfordshire County Council on education provision and transport, NHS England, Thames Valley Police and CDC's Community Development Officer. Considerable work has been undertaken by A2Dominion, the applicant, in partnership with the Council and local organisations with regard to establishing a community management organisation (LMO).
23.3	The monitoring of the development is important and will allow the success of the higher sustainability standards to be assessed and inform future decision making. A monitoring schedule has been developed for the Exemplar development that is currently under construction. This was secured through the legal agreement accompanying the application and a similar approach is proposed for the current application.
23.4	The limiting of carbon from construction has been addressed through the work done on the Exemplar application using measures such as construction travel plans, work on reducing embodied carbon and meeting CEEQAL (sustainability assessment, rating and awards scheme for civil engineering). The further use of these measures for the current application can be secured by conditions and/or legal agreements.

23.5	The requirements for transition arrangements can therefore be met and secured as part of any planning permission that might be granted.
24	Community Governance
24.1	The Eco Towns PPS advises that planning applications should be accompanied by long term governance structures to ensure that standards are met, maintained and evolved to meet future needs, there is continued community involvement and engagement, sustainability metrics are agreed and monitored, future development meets eco town standards and community assets are maintained. Governance proposals should complement existing democratic arrangements and they should reflect the composition and needs of the local community. CSLP Policy Bicester 1 requires the submission of proposals to support the setting up of a financially viable local management organisation.
24.2	Work with a group of local stakeholders has been underway by the applicants and CDC officers for a couple of years. This has demonstrated there is a local appetite for such an organisation and helped to inform the role the LMO could play in future management of the development. As part of the work on the Exemplar application an interim management body will be formed to help inform and shape the management of the site. When the development reaches a critical mass this will move to a more formal structure and then to a fully-fledged LMO. The aim is for the LMO to develop as the development grows, subject to the residents and businesses having the appetite to take on the responsibility. Discussions have taken place with regard to the funding of the organisation and a mix of funding has been sought including an endowment of funds and property that could potentially generate an income.
24.3	There has been good progress in progressing the LMO through the work on the Exemplar application and to ensure the PPS and CSLP requirements are met details of the setting up of the LMO and funding for it so that it can be sustainable in the long term will be included in legal agreements for the site.
25	Design
25.1	The NPPF advises 'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people' (para 56). The NPPF encourages consideration of the use of design codes, design review and advises great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. The Eco Towns PPS seeks the achievement of Building For Life as a measure of the quality of the development.
25.2	The CSLP policy ESD 16 on the character of the built and historic environment sets out 17 requirements for new development whilst Policy Bicester 1 has a further 33 design and place shaping principles. These requirements include contributing to the areas character, respect traditional patterns and integrate, reflect or re-interpret local distinctiveness, promote permeability, take a holistic approach to design, consider sustainable design, integrate and enhance green infrastructure, include best practice in overheating, enable low carbon lifestyles, prioritise non car modes and support sustainable transport, providing a well-designed approach to the urban edge, respect the landscape setting, visual separation to outlying settlements, provision of public art.
25.3	The DAS explains the proposals for the site and the application is accompanied by parameter plans including a framework plan and a building heights plan that would guide proposals for the site. The application is in outline with all matters reserved. The DAS provides further information but has not developed the character areas in any great detail. The Council's Urban Design Team Leader has raised concern about the level of design detail accompanying the application.

25.4	Some of the principles on which the framework plan is based are questioned. Concerns are expressed with regard to the primary street and the route that it takes. The route is shown on the parameter plans but detailed design would be part of future reserved matter submissions. The route that the perimeter road takes is anticipated to be the bus route that will serve this part of the development and as such needs to be accessible to the whole site. In addition the future layout should support use of sustainable modes and therefore it is anticipated that in some parts of the site these will be more direct than vehicle routes. Legibility can be maintained through the detailed design. The provision of separate walking and cycling provision has also been questioned but the proposals seek a range of routes, from those providing direct access to those that are of a recreational value and the details of these will need to be provided as part of the detailed design work for the site.
25.5	The impact of the retention of hedgerows on future layouts is questioned. However the retention of hedgerows, with buffers, has been supported and promoted by ecologists because of their contribution to bio diversity and they have also been identified as important parts of the historic landscape. Therefore whilst they do place some constraints on the design they will also contribute to the character of the place and provide opportunities for local green space. It is therefore considered appropriate for the design to work with the hedgerows
25.6	Issues with regard to the design of the local centre have been raised. Further design discussions have taken place regarding the local centre and these are being informed by commercial advice as suggested in the urban design comments. These discussions are on-going and therefore at this stage the local centre is to be shown on the parameter plan generically whilst the design work reaches a conclusion about the best layout of the mix of uses within the area. As the application is in outline there is an opportunity for further design work to be secured through conditions. Similarly issues re car parking need to be resolved at the detailed design stage and this can be covered by conditions.
	Given the unique nature of the site it is proposed that a design review process is required for all detailed proposals going forward to make sure that they achieve high quality design as well as the high sustainability standards required. It is anticipated that sustainability will lead the design for the development and therefore it is likely to have a unique character. Never the less it will need to also be routed in the location and appropriate for the area.
25.5	The framework plan provides a sound basis, all be it at a high level, on which further detailed design can be based. Design will need to be developed and this can be secured through the imposition of conditions to fulfil the requirements of the policies in the CSLP.
26	Planning Conditions and Obligations
26.1	<p>The NPPF advises that LPAs should consider whether otherwise acceptable development could be made acceptable through the use of conditions or obligations. Obligations should only be used where it is not possible to use a planning condition (para 2013). Paragraph 204 advises planning obligations should only be sought where they meet the following tests;</p> <ul style="list-style-type: none"> • necessary to make development acceptable in planning terms • directly related to the development and • fairly and reasonably related in scale and kind to the development. <p>Conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects (para 206). The NPPF also advises at para 205 that where obligations are being sought LPAs should ‘take account of changes in market conditions over time’ and ‘be sufficiently flexible to prevent planned development being stalled’.</p>

26.2	<p>Planning obligations need to meet the requirements of Community Infrastructure Levy (CIL) regulations section 122 which states 'A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is— (a)necessary to make the development acceptable in planning terms; . (b)directly related to the development; and . (c)fairly and reasonably related in scale and kind to the development.'</p> <p>In addition from April 2015 CIL reg 123(3) will limit the number of planning obligations to 5 that can be used to secure a project or type of infrastructure if that obligation is to be taken into account as a reason for approval. It is believed that the obligations identified in the Heads of Terms in Appendix 1 all meet the Regulation 122 and, as far as relevant, the Regulation 123(3) tests and can be taken into account as part of the justification for the grant of consent.</p>
26.3	<p>This large scale development proposal will require a legal agreement to secure the mitigation and infrastructure necessary to make the development acceptable. The planning obligation is proposed in two parts, the first to seek to ensure those elements required to secure a high quality of design and sustainability and that the scheme contributes to securing a comprehensive development of the NW site. The second will deal with the site specific requirements, as with other developments, including schools, highway mitigation, affordable housing, open space laying out and maintenance, community halls and community development, public transport and contributions for a doctors surgery, Thames Valley police and other matters.</p>
26.4	<p>Planning obligations must be negotiated with developers. This application is both large scale and complex and therefore the matters to be secured by planning obligation have been the subject of discussion with both the applicant and OCC. The applicant has indicated the scale of financial obligations they consider can be afforded by the development. Currently the contributions sought are approximately 0.7% in excess of the figure indicated and further work is being done to see if it is possible to reach agreement including having the applicant's financial viability reviewed. Given the relatively small difference it is anticipated that agreement will be reached. . Depending on the outcome of the discussions it may be necessary to include a review mechanism that allows the viability of contributions to be reconsidered as the development progresses.</p>
26.5	<p>One matter that remains outstanding is discussions with Network Rail as to whether they will seek a payment for allowing the connection under the railway. They have no technical objection but do seek to secure value for allowing works that enable development to take place. Network Rail has appointed a surveyor to advise them regarding the matter and the applicant is waiting to hear further. If a financial payment has to be made to Network Rail it could impact on the viability of the scheme. If this resulted in significant changes to the Heads of Terms attached then it may be necessary to return the application to the committee for further consideration in the light of changed circumstances.</p>
26.6	<p>In addition to a planning obligation a range of planning conditions are required to secure acceptable development. Conditions will need to control the timing of development taking place particularly in relation to the provision of the road under the railway. These conditions are known as 'Grampian' conditions and the NPPG advise such conditions 'should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission'. In this case there is a reasonable prospect that the road can be provided as the applicant has control of land either side of the underpass, Network Rail have not objected to its provision and HCA funding is available to support its delivery and in these circumstances the use of a Grampian condition is considered appropriate and in accordance with the guidance.</p>

27	Other Matters
27.1	Although the above sections cover most matters, the ES does include the following matters; air quality, noise, and contamination.
27.2	The NPPF at para 109 identifies one of the roles of the planning system is 'preventing new or existing development from contributing to or being out at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. The CLP ENV12 requires adequate measures to deal with any contaminated land whilst the NSCLP Policy EN5 advises that regard will be had to air quality, Policy EN6 seeks to avoid light pollution whilst Policy EN7 looks to avoid sensitive development in locations affected by high levels of road noise and Policy EN17 deals with contaminated land. CDC has identified that Kings End/ Queens Avenue in Bicester should be declared an Air Quality Management Area.
27.3	An assessment of the proposals impact on air quality is included in the ES and addendum to the ES. Two receptors have been identified, human receptors and sites of ecological value. Monitoring has taken place in locations around the town. The ES concludes that there is some risk from dust during construction activities but mitigation measures could control emissions. Emissions from road traffic and the energy centre were considered negligible on human receptors, slight adverse impacts at two ecological receptors at Ardley Cutting SSSI but critical levels were not predicted to be exceeded. Cumulative impacts from developments were not considered greater.
27.4	It is therefore considered that the scheme is acceptable and would comply with the NPPF with appropriate conditions.
27.5	Noise has also been considered in the ES and surveys undertaken. The ES identifies that construction noise could have adverse impacts without mitigation but that with mitigation the impacts could be mitigated. The measures to ensure construction would not cause a nuisance would be set out in an Construction Environment Management Plan (CEMP) which could be required by condition. When the site is built out there may be plant associated with energy centre and local centre. The impact of these would be through design details and these could be dealt with at the reserved matter stage. Some of the site would be impacted by road traffic noise from the B4100 and A4095. The revised alignment of Howes Lane would reduce the noise impact on existing properties. Areas of the site affected by higher noise levels would need to be addressed at the detailed design stage. The ES advises that noise and vibration surveys along the railway line adjacent to the site indicate that impacts are unlikely with the adoption of suitable separation distances between receptors and the railway.
27.6	It is considered that with suitable conditions noise issues can be mitigated both on and off site.
27.7	The ES addresses contamination. The report highlights that the land has been in agricultural use since historical mapping was available in 1881. Investigation of sample locations have shown the site to be a low risk but mitigation measures are suggested for construction workers, the environment and as part of future development phases. These matters can be addressed by planning conditions.
27.8	Subject to the inclusion of suitable conditions to secure mitigation the proposals would comply with the NPPF, CLP and NSCLP policies.
28	Pre Application Engagement
	The NPPF advises that 'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre application discussion enables better coordination between public and private resources and improved outcomes for the community' (para 188). The A2D masterplan and these application proposals have been subject of genuine stakeholder

	and public engagement. This has informed and shaped the proposals and ensured that where possible they reflect the aspirations of the town.
29	Engagement
	With regard to the duty set out in paragraphs 186 and 187 of the Framework, there has been engagement over the details of the proposal. It is considered that the duty to be positive and proactive has been discharged through discussion with the applicant on site.
30	Conclusion
30.1	The application proposals are contrary to the adopted Cherwell Local Plan (the Development Plan). Planning decisions should be in accordance with the Development Plan unless material considerations indicate otherwise. In this case there are other significant material considerations, particularly the Eco Towns PPS, The NPPF and the emerging CSLP.
30.2	The Eco Towns PPS identifies NW Bicester as a location for an eco town and this is a material consideration in the determination of the application. In addition the PPS sets standards for eco town development that it identifies as 'challenging and stretching to ensure they are exemplars of good practice and sustainable living'. The application proposals have gone a long way in meeting each of the standards, providing a proposal that exceeds the normal standard of new development and with the potential to be a national exemplar of sustainable development.
30.3	The NPPF advises where housing policies in local plans are out of date, as is currently the case in Cherwell, that there is a presumption in favour of sustainable development and that planning permission should be granted unless the adverse impacts of going so 'would significantly and demonstrably outweigh the benefits', when assessed against the policies in the Framework taken as a whole. It is therefore necessary to consider the balance of the issues the application raises in reaching a decision.
30.4	The CSLP has reached an advanced stage but cannot yet carry the weight of adopted policy. Never the less it is a material consideration and identifies the NW site for development as part of the Council's approach to delivering necessary development for the district. The support of the CSLP weighs in favour of the application. Never the less the timing of the application raises issues as the CSLP is not yet adopted, or the NW Bicester SPD, and as such there is no formal approval of a masterplan for the site. It is necessary to consider whether it is premature to consider the application in these circumstances. The application is for a large development and it would be preferable for the local plan and the SPD to have proceeded to adoption and this weighs against the proposal. However this would delay the application and has to be balanced against other material considerations.
30.5	The application includes a significant amount of housing, including affordable housing and extra care housing. Some of this housing is capable of being delivered within the next five years and contributing to the five year housing land supply and this weighs in favour of the proposal. In addition the scheme would deliver employment through an identified site and development of a local centre, extra care housing and education provision. The NPPF looks to support sustainable economic development and the mixed use nature of this proposal weighs in its favour.
30.6	The proposals relate to green field land and the NPPF recognises the importance of the protection of the countryside, although the site is not the subject of any specific designations. The CSLP identifies the site for development having considered how best to meet the growth needs of the district and therefore accepts as necessary the loss of the countryside. The application proposals incorporate significant areas of green space, incorporate and maintain features of bio diversity value and show how they can achieve a net biodiversity gain. This weighs in favour of the proposal. Whilst

	the loss of countryside weighs against the proposal the protection of bio diversity and the proposals for a net gain weigh in its favour.
30.7	The residents of this large scale proposal will need to travel and the TA has assessed the impact of the proposals. The application proposes measures to encourage and support the use of sustainable modes as well as setting ambitious targets on mode share. The proposals also make provision for off site highway improvements, although the construction of the rail underpass to relieve the Howes Lane/Bucknell Road junction is not included in the application. To prevent congestion that could occur if this provision was not made a Grampian condition is proposed to limit the extent of development that could be undertaken prior to the underpass being in place. The measures relating to sustainable transport and mitigation of the off site impacts weigh in favour of the proposal.
30.8	The application proposals include a range of community infrastructure to support the establishment of a sustainable place, including schools, community hall, play and sport provision, land for burial ground and country park. The proposal will also support off site provision, primarily within the town, such as the expansion of the sports centre and new library provision. Although the infrastructure is necessary to mitigate the impacts of the development some provision, such as the country park, is likely to be used by existing Bicester residents as well, as there is not the provision elsewhere in the town. The application is currently in outline with all matters reserved but the framework parameter plan will provide the basis for more detailed proposals. The application provides the basis for an exemplar sustainable development, continuing the approach of the Exemplar development that is currently under construction. The sustainability features of the proposal, which go beyond what is commonly provided, weigh in favour of the proposal.
30.9	The current application does not cover the whole of the NW site and as such it is necessary to consider whether it is capable of delivering comprehensive development. Given the size of the application it is able to provide for a sustainable neighbourhood on site and in an appropriate way. The only areas where this is not the case, is with regard to the secondary school site and sports pitches. Separate applications that have been submitted which do include these provisions and in the case of the secondary school the application is by the same applicant and it has been indicated that it will be possible to secure the secondary school site. There are also options for providing temporary sports pitches if the permanent pitch location is not available. Through the use of conditions and agreements it is considered that a comprehensive approach to development can be secured in this case and as such the harm that would arise from piecemeal development can be addressed.
30.10	The application proposals would provide sustainable development and on balance would not give rise to significant and demonstrable harm that outweighs the benefits of the granting of planning permission. The application is therefore recommended for approval as set out below.
31	Environmental Impact Assessment Determination
31.1	Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires; 24.—(1) Where an EIA application is determined by a local planning authority, the authority shall— (a)in writing, inform the Secretary of State of the decision; . (b)inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and . (c)make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept a statement containing— . (i)the content of the decision and any conditions attached to it; . (ii)the main reasons and considerations on which the decision is based including, if

	<p>relevant, information about the participation of the public; .</p> <p>(iii)a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and .</p> <p>(iv)information regarding the right to challenge the validity of the decision and the procedures for doing so.</p>
31.2	<p>It is therefore recommended that this report and the conditions and obligations proposed for the development are the treated as the statement required by Reg 24 C (i) - (iii) . The information required by Reg 24 C(iv) will be set out on the planning decision notice.</p>

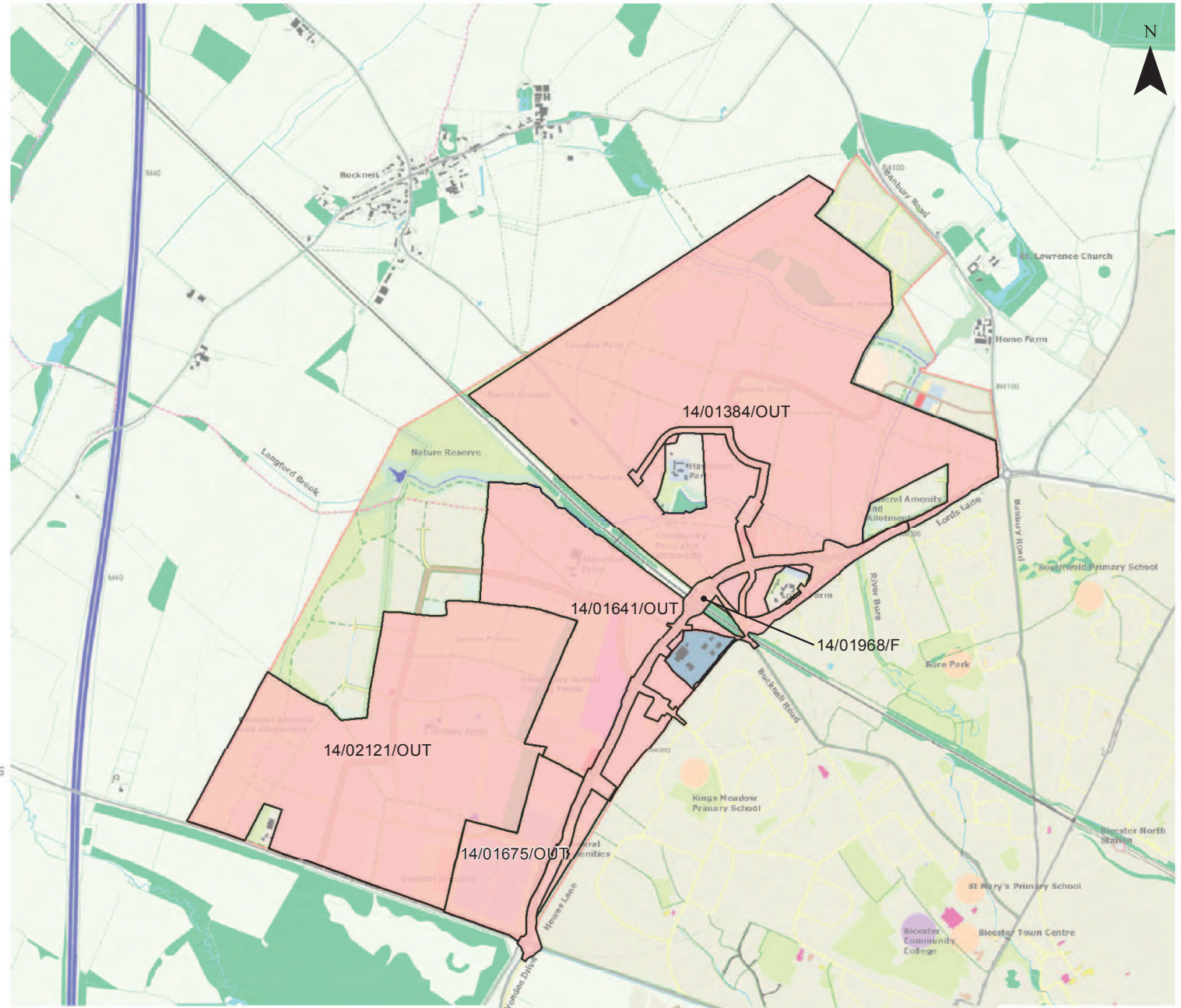
<p>32</p>	<p>Recommendation</p> <p>Approve Subject to;</p> <ul style="list-style-type: none"> • the receipt of revised parameter plans that provide clarity of the matters included • the receipt of a calculation demonstrating a net gain in bio diversity • delegation of the negotiation of the S106 agreement to officers in accordance with the summary of the Heads of Terms attached at Appendix B and subsequent completion of S106 agreements • the following conditions; <p>CONDITIONS TO FOLLOW</p> <p>STATEMENT OF ENGAGEMENT</p> <p>In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.</p>
------------------	--

CONTACT OFFICER: Jenny Barker

TELEPHONE NO: 01295 221828

Appendix A Plan of NW Applications
Appendix B Summary Heads of Terms

Bicester Masterplan



— Masterplan Site Area

Proposed NW Bicester Land Use

- Green Infrastructure
- Existing Woodlands and hedgerows
- Existing Water Corridor and Ponds
- Proposed Woodlands and Hedgerows Buffer
- Proposed Water Corridor Buffer Zone
- Housing
- Primary School
- Secondary School
- Secondary School Sports Pitches
- Existing Business (including green space tbc)
- Existing Farm Use (including green space tbc)
- Commercial/ Business
- Social/Community
- Retail
- Care Home/Hotel/Other
- Extra Care Housing (including green space tbc)
- Energy Centre
- Water Treatment
- Proposed Retention Basins and Attenuation Ponds
- Proposed Swales
- Existing Herbage

Proposed Connectivity

- Strategic Roads including footpath/cycleway
- Primary Roads including footpath/cycleway
- Secondary Roads including footpath/cycleway
- Off road footpath cycleways
- Crossing under railway
- Existing Bridle Path

FARRELLS



BIMP6 01 NW Bicester Masterplan
Masterplan Framework

Page 104

Appendix B

SUMMARY HEADS of TERMS

Committee 19 March 2015

Framework S106

1	Eco Town Quality Standards	
	<p>That development will be to eco town standards or other higher standards, relevant at the time, and the "quality" of the development shall be supported through assessment s of schemes by an independent expert panel which shall consider the schemes approach and compliance with:</p> <ul style="list-style-type: none">(a) the proposed Masterplan;(b) the design standards;(c) the sustainability standards;(d) the proposed governance arrangements;(e) the proposed maintenance arrangements;(f) the proposed "Panel" arrangement for resolving issues and dealing with changes in standard;(g) measures to ensure delivery of panel decisions	
2	Site Wide Infrastructure Provision and Connections	
	<p>The following site wide infrastructure is required to serve more than one part of the site:</p> <ul style="list-style-type: none">(a) Primary Road Infrastructure;(b) Rail Tunnels;(c) Primary School sites;(d) Secondary School site;(e) Water Treatment (on site solution);(f) GP's surgery site;(g) Sports Fields & Changing Pavilion;(h) Community Halls(i) Heat network <p>That part of the site wide infrastructure provision in control of the developer/landowner shall be provided to an agreed programme and once provided shall be made available for the benefit of the whole NW site, subject to the payment of any reasonable connection charge that reflects the cost of providing the infrastructure.</p> <p>The Framework Agreement will set out a mechanism for determining the total cost of the site wide infrastructure and the apportionment of the costs to individual sites as they are brought forward for development. The costs and apportionment will be determined consultatively on a fair and equitable basis. Development will be restricted on an individual site unless and until the contribution towards the site wide infrastructure (apportioned for each individual site) has been paid.</p> <p>A2Dominion will use reasonable endeavours to secure the co-ordinated and effective delivery of the site wide infrastructure.</p> <p>Appropriate security provisions will be required in relation to the delivery of the site wide infrastructure.</p>	

3	Comprehensive Development	
	As each site comes forward the Councils will seek agreement with each landowner/developer to enter into the framework agreement	

Application Phase S106

1	Affordable Housing	
	Provide 30% affordable housing in accordance with an agreed phasing and mix. Affordable housing to be provided by a Registered Provider. Affordable Housing scheme to be submitted and approved prior to submission of first residential reserved matter submission identifying the distribution of the affordable housing. Affordable housing to be delivered in clusters of no more than 15 affordable housing units unless agreed . Nomination agreement	
2	Bicester Library	
	Provide a financial contribution to the re provision of Bicester library	
3	Library Book Stock	
	Provide a financial contribution to the provision of book stock to the library	
4	Central Library	
	Provide a financial contribution for the remodelling of Oxford Central Library	
5	Resource Centre	
	Provide financial contribution for the expansion of day care facilities at Bicester Health & Wellbeing Resource Centre.	
6	GP Surgery	
	Provide financial contribution to the provision of a new GP Surgery	
7	Thames Valley Police	
	Provide financial contribution to the policing	
8	Community Hall	
	Provide and equip community hall/visitor centre with garden and car parking, to community hall/visitor centre specification Hall to be provided in accordance with agreed phasing	
9	Community & Cultural Provision at St Lawrence Church	
	Provide a financial contribution to the remodelling of Church to accommodate community use	
10	Community Development Worker	
	Fund the provision of a community development worker(s) to deliver the creation of the new community during the build out of the site.	
11	Community Development Fund	
	Provide fund to deliver community development	

12	Employment and Training	
	<p>Provide employment and training action plan to include measures to ensure opportunities for local labour and businesses through the development, measures to support home working and to work with the local job club to advertise jobs created through construction on the site.</p> <p>Provide apprenticeships through construction work on the site, in accordance with the number of opportunities identified through the CITB, through the Bicester ATA or other agreed provider.</p> <p>Make available the employment land south of the realigned Howes Lane in accordance with agreed phasing. Market the employment space to be provided on the site in accordance with an agreed scheme until 2100 dwellings have been occupied.</p>	
13	Site for a Place of Worship	
	Provide 0.5ha of land for a place of worship with service connections in accordance with an agreed plan and phasing.	
14	Exemplar Primary School (a)	
	Provide funding for the provision of primary places at the exemplar school prior to the occupation of 200 dwellings	
15	Exemplar Primary School (b)	
	Provide funding for the expansion of the exemplar primary school in accordance with an agreed timetable.	
16	New Primary School	
	<p>Provide a site of 2.2ha for a primary school in accordance with an agreed plan and phasing.</p> <p>Provide school or pay for the provision of primary school.</p>	
17	Secondary School	
	<p>Provide site of 10.45ha for secondary school in accordance with agreed plan and phasing.</p> <p>Provide school or pay for the provision of secondary school.</p>	
18	SEN	
	Provide contribution for the provision of SEN places	
19	Temporary Sports Pitch	
	<p>Fund the laying out of temporary sports pitches</p> <p>Provide for maintenance of the temporary pitches</p>	
20	Permanent Sport Pitches	
	<p>Fund the laying out of sports pitches</p> <p>Provide for maintenance of the pitches</p>	
21	Country Park	
	<p>Layout or fund the laying out of the Country Park and transfer it to CDC in accordance with an agreed plan and phasing.</p> <p>Provide a commuted sum for maintenance</p>	
22	Allotments	
	Layout or fund the laying out of the allotments and transfer them to CDC in accordance with an agreed plan and phasing.	
23	Play Areas	
	Layout or fund the laying out of the NEAPs and LEAPS and transfer to CDC in accordance with an agreed plan and phasing.	

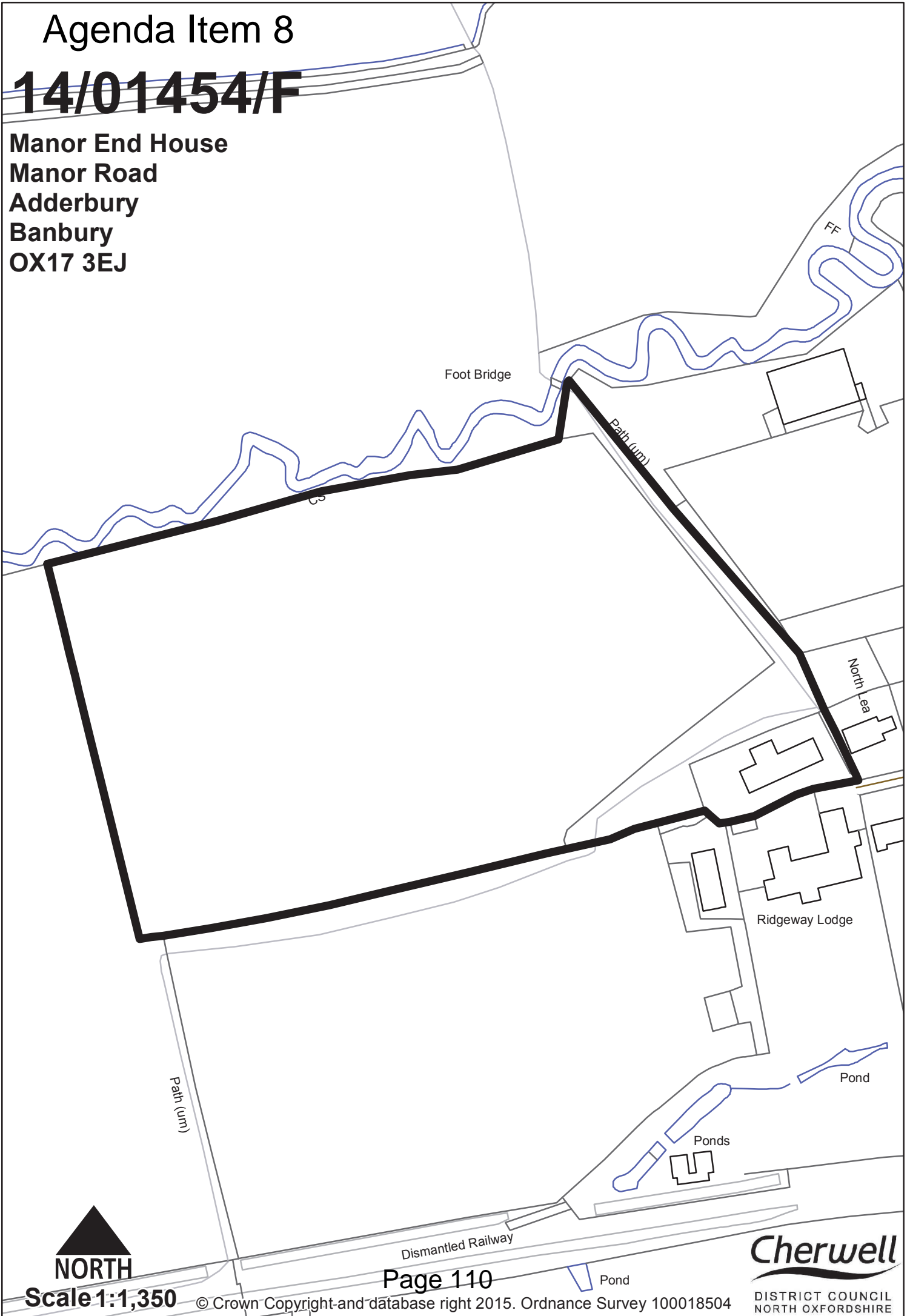
	Provide commuted sum for maintenance. Provide local areas of play within the residential parcels so every dwelling is within 400m of play provision. Make provision for secure long term ownership and management.	
24	Community Farm	
	Layout or fund the laying out of the community farm and transfer to CDC in accordance with an agreed plan and phasing. Provide a commuted sum for maintenance	
25	Indoor Sport	
	Provide funding for the expansion of the Bicester Sports Centre	
26	Green Space that could be used for a Burial Ground	
	Provide 4ha of green space that could be used as a burial ground/green space in accordance with an agreed plan and phasing. Provide commuted sum for green space maintenance unless or until COU to burial ground implemented	
27	Bio Diversity Off Sett	
	Provide funding for off site bio diversity mitigation, to be used for off setting grant scheme or land purchase for bio diversity.	
28	Cultural & Wellbeing Strategy	
	Provide a cultural and wellbeing strategy and action plan for delivery across the site	
29	Local Management Organisation	
	Work with CDC to establish the LMO Provide funding for the establishment of the LMO and its activities	
30	Waste Collection & Recycling	
	Provide an action plan to deliver waste reduction Provide funding for the provision of domestic bins for waste and recycling Provide locations for bring back sites in accordance with an agreed plan and phasing Provide funding for the provision of bring bank sites	
31	Strategic Waste Management	
	Provide funding for the expansion of Strategic Waste Management provision to serve Bicester	
32	Bus Provision	
	Provide funding for the provision of the bus service to serve the site in accordance with agreed phasing	
33	Bus Access Scheme	
	Provide or provide funding for the improvement of Bucknell Road and Field Street to facilitate bus access	
34	Off Site Cycle Way Improvements	
	Provide or provide funding for the following improvements; <ul style="list-style-type: none"> • upgrade of the public footpath between Lords Lane and Banbury Road adjacent to the railway • upgrade of the Banbury Road between the railway and the town centre 	
35	Bucknell Traffic Calming	
	Provide a scheme and work with the Parish Council to provide traffic calming in Bucknell prior to the realignment of Bucknell Road	
36	Field Path Improvements	

	Provide new footpath link to Bucknell in accordance with an agreed scheme and phasing. Provide for its long term availability. Provide funding to enhance and connect to the existing rights of way, footpath 148/9, 148/2, 148/7 and create new route to Bucknell.	
37	Highway Works	
	Provide the following highway works in accordance with an agreed programme and phasing ; Howes Lane strategic realignment related to the site Banbury Road B4100 improvement Caversfield B4100 improvement Exemplar southern access improvement	
38	Travel Plan	
	Provide and agree a travel plan Provide funding for travel plan monitoring	
39	SUDs	
	Agree details of secure long term maintenance of SUDs	
40	Monitoring	
	Provide scheme of monitoring eco town standards	
41	Local Centre	
	Marketing of local centre in accordance with an agreed scheme until developed or 2100 dwelling have been occupied	
42	Bond/Guarantee	
	Provide bond or guarantee for the delivery of the infrastructure	
43	HGV Routing Agreement	
	Agreed routing for construction traffic and commercial traffic serving the proposed business units.	
44	Monitoring fees	
	Provide a fee for monitoring of legal agreements	

Agenda Item 8

14/01454/F

Manor End House
Manor Road
Adderbury
Banbury
OX17 3EJ

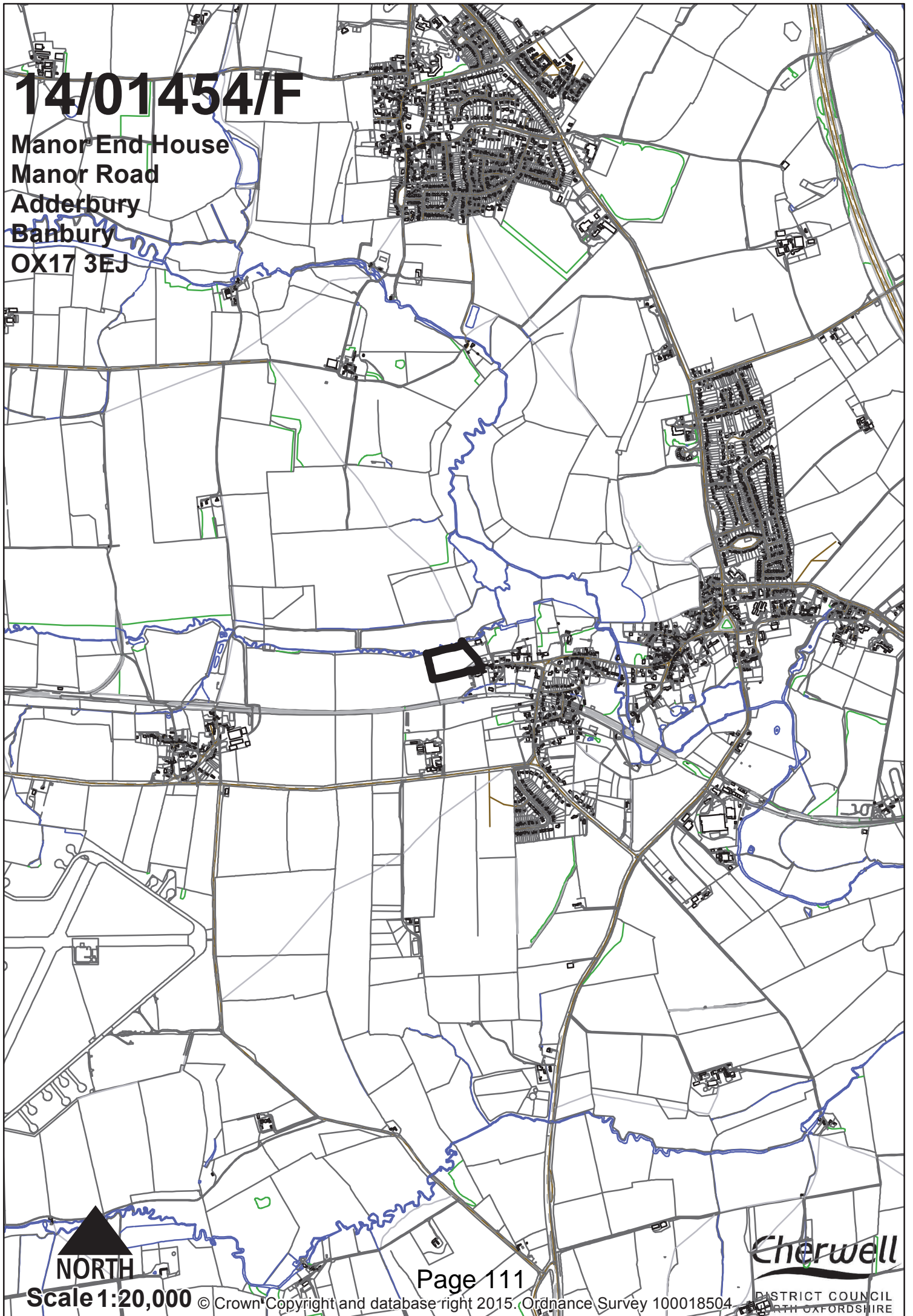


NORTH

Scale 1:1,350

14/01454/F

Manor End House
Manor Road
Adderbury
Banbury
OX17 3EJ



Scale 1:20,000



**Site Address: Manor End House
Manor Road, Adderbury**

14/01454/F

Ward: Adderbury

District Councillor: Councillor Nigel Randall

Case Officer: Aitchison Raffety

Recommendation: Approval

Applicant: Mr P Hujan

Application Description: Change of use of land from agricultural to a mixed use of agriculture and equine, erection of stabling and installation of manege for personal use.

Committee Referral: Major

Committee Date: 19 March 2015

1. Site Description and Proposed Development

- 1.1 The application site is situated to the west of Adderbury, off Manor Road that runs further to the south of the site. The site sits adjacent to existing built development, in the form of Manor End House, which is a recently built, detached dwelling. The site has footpaths running along its southern and eastern boundaries. The site falls in land level from south to north, with a watercourse forming the southern boundary.
- 1.2 The proposal seeks to change the use of the land from agricultural to an equine use, with the construction of a stable block, ancillary hardstanding and a manege. The stable block would be located adjacent to the southern boundary of the site and to the west of Manor End House and have 4 stables, store room, tack room, wash room and office. The manege would be located in the eastern half of the site and would involve some levelling of the land through cut and fill and have post and rail fencing surrounding it. It was originally intended to have floodlights around the manege but these have now been removed from the proposal. The remaining land would be sub-divided into 4 paddocks using post and rail fencing. All aspects of the proposed development would be for personal use relating to the applicant's son.
- 1.3 The site is situated beyond the existing built-up limits of the village.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 10 February 2015.

Ten letters of objection have been received. The following matters were raised as summarised below:-

- Querying the use of the site for personal use
- Restricted access to the site
- Impact of floodlighting
- Unacceptable run-off water into Bloxham Brook

- Frequency of waste removal
- Impact on Adderbury Conservation Area
- Potential for future commercial use
- Impact on the character and appearance of the area
- Impact on neighbouring amenity

3. Consultations

3.1 **Adderbury Parish Council:** objects to the application on the following grounds:

- i) Over development of the site/agricultural field
- ii) The floodlights will be a nuisance to neighbours in themselves but also will extend the hours that the manege is used, adding possible disturbance
- iii) There will be traffic problems as this is a very narrow road and easily blocked. The establishment of an equine business at the end of such a road will cause problems for neighbours in accessing their own properties

3.2 **Adderbury Conservation Action Group:** object to the application on the following grounds:

- The description of this development as being for personal use conflicts with the intentions described by the proposed user in his website
- Access to and from the proposed site is extremely restricted and unsuitable to carry the amount of traffic and the size of vehicles likely to be employed
- The proposed installation of floodlighting will be injurious to neighbouring properties and the conservation area
- The construction of a manege will create unacceptable level of run off water into Bloxham Brook close by that has a history of flooding
- The existing roadway runs very close to the entrance of at least one house and additional large vehicular traffic would constitute a danger to the occupants, particularly small children
- Whilst it is intended that waste will be removed there is no indication as to how often this will be carried out and what storage facilities will be provided in between collections

Cherwell District Council Consultees

3.3 **Conservation Officer:** The proposed development lies outside Adderbury Conservation Area. It is a change of use from agricultural to equine and agricultural including the erection of a stable. The development is not considered to cause any harm to the setting of Adderbury Conservation Area.

3.4 **Landscape Officer:** On the original submission:

This application for a change of use, stabling and manege is located on the periphery of Adderbury and extends into open countryside. The site slopes down northwards to a tributary of Sor Brook, falling approximately 7 metres. The site is outside but close to the Conservation Area.

I walked the local footpaths to assess the impact of the development from publicly accessible viewpoints.

From 101/2 the development would be clearly visible due to a thin gappy hedgerow.

From 101/23 the development would be clearly visible, a footpath diversion would make little perceptible difference.

From 136/14 from the brook to path 136/16 the development would be clearly visible

From 136/16 the development would be visible only in glimpses due to a thick boundary hedge.

There is considerable local visibility of the site from local paths. The construction of stables, a manege with its associated cut and fill and fencing will create considerable changes to the application site which is quite prominent from a number of adjoining paths.

Placing the stables in the proposed location extends the visible boundary of Adderbury into open countryside. The hardstanding will be clearly visible as will whatever is parked on it. In reality there is likely to be car parking too.

Provision of floodlights will cause considerable nuisance to local residents through light pollution along with disturbance to wildlife. Manor Lane has few streetlights. I counted 2 along its length.

The proposals as they stand do not contain sufficient information for a full consideration to be made. Additional information should be supplied as follows:

- The land where the manege is proposed slopes 2m over its 40m width, yet there is no cut and fill and associated grading shown. In reality I doubt if it can be located where it is shown as it is too close to the boundary. A finished floor level is needed and contours shown. Also sections through the manege
- There is a circular hardstanding shown with no means of access. What is the purpose of this hardstanding.
- There is no hard access shown to the stable block
- The stables are too close to the hedgerow. There is no room for screen planting.
- There is no site access shown.
- Where will horse transporters/boxes park.
- No details of the floodlights
- Drawing 14-006-02 has no key, existing and proposed features are not clearly shown
- There is no landscaping proposed

I have concerns about the scale and urbanising effect of the application. The applicants should consider moving the stables closer to the house to reduce visual extension of the built up area into open countryside and reducing the scale of the development. They also need to show how the development will be accessed and used.

Following the provision of revised plans, as follows:

We will need to see a detailed landscape plan to include additional hedge planting behind the stables. Otherwise it is acceptable now.

- 3.5 **Councillor Nigel Randall:** I note that your planning application notification to me (dated 17 December 2014) indicates that the decision on the subject planning application will be made at committee level: I would have “Called In” this application had you recommended a delegated decision in this case.

As a member of the Planning Committee I am not able to pass comment without being considered prejudiced. However, in your preparation of the committee papers I would be grateful if you could ensure that issues of access, scale and periodicity of traffic movements, lighting and the definitions of ‘personal use’ and ‘security’ are adequately considered in reaching your recommendation. Although this is a Full Application, there is little detail included in the publicly available planning material and I am sure you will therefore wish to satisfy yourself that the following points are covered:

- **Access.** The applicant has not submitted a traffic plan, so there is no indication of how the site will be accessed. The submitted plan does not show any access from the driveway or forecourt of Manor End House itself, which leaves the field entrance off the shared private road to Manor Fields Farm and Manor Barns. Does this private entrance onto Manor Road have sufficient turning opportunity for large vehicles between Flowerpot Cottage, The White House and Lockes Cottage whilst, at the same time, not restricting the free flow of public traffic along Manor Road? In addition, large agricultural and equine vehicles would be travelling across a pasture field to and from the site and would inevitably leave mud and farm detritus on the public road surface, especially during wet weather – can adequate conditions be set to limit this public nuisance?
- **Scale and periodicity of traffic movements.** The applicant will not be able to look after 6 horses throughout the whole year without external assistance: there will be additional traffic movements for office and livery assistants, bedding delivery and removal, feed delivery and other farming service vehicles – is there sufficient parking provision for additional vehicles? The applicant’s son will be moving his 6 horses regularly during his competitive eventing career (therefore more than the occasional single/double horsebox movement): it would be helpful to local residents if some detail of the scale and periodicity of these easily predictable movements could be indicated.
- **Floodlighting:** Plans show 8 floodlights around the manege: what is the scale and intended use of this exterior lighting and any other exterior lighting around the office/stable block, and what ameliorative conditions can be set to meet visual amenity concerns raised by local residents?
- **Definition of Personal Use.** The application outlines the provision of facilities covering the full range of equine disciplines from dressage to show jumping, and the applicant’s son describes on his website his goal of eventually running a yard and a business. What is the definition of ‘for personal use only’? Does this cover other family and friends, for example? Would it be fair and reasonable to set a suitable condition to restrict the proposed facilities being used by only one person? If not, how can this be any other than a precursor to running an equine business here in the future?

- Definition of Security. The applicant seeks to 'provide necessary security for the horses, associated tack, fodder and equipment'. Plans show 2.0m high timber fences and 1.2m to 1.4m high electric fences: are there any other planned security measures that may be obtrusive to the visual amenity and passage of footpath users and local residents?

Oxfordshire County Council Consultees

3.6 Highways Liaison Officer:

Recommendation:

No objection subject to conditions

Key issues:

- Parking
- Turning
- Construction Traffic
- Impact of proposal upon existing footpath

Legal Agreement required to secure:

No Comment

Conditions:

D4 Access: Full Details

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason DR1

D5 Vision Splay Details

Prior to the commencement of the development hereby approved, full details of the access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.

Reason DR1

D14 Turning Area and Car Parking

Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in

writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason DR3

D15 Parking and Manoeuvring Areas Retained

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

Reason DR1

D27 Provision of New Permanent Public Footpaths

Prior to the first use of any new public footpath, the new footpath shall be formed, constructed, surfaced, laid and marked out, drained and completed in accordance with specification details which shall be firstly submitted to and approved in writing by the Local Planning Authority.

Reason DR10

Temporary obstructions No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.

Reason: To ensure the public right of way remains available and convenient for public use.

Route alterations No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process.

Reason: To ensure the public right of way remains available and convenient for public use.

Vehicle access (construction) No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team.

Reason: To ensure the public right of way remains available and convenient for public use.

Construction Traffic – Prior to commencement of development, a Construction Traffic Management Plan must be submitted for consideration and approval.

Reason: To mitigate the impact of the development during the construction phase in the interests of highway safety

Detailed Comments:

The proposal seeks the change of use of land from agricultural to a mixed use of agriculture and equine, erection of a stabling and installation of manege which is to be for personal use.

Given the characteristics of the site, vehicular traffic and speeds are likely to be low.

The proposal is unlikely to result in any significant intensification of transport activity at the site. No change is proposed to the existing access arrangements. The proposal is unlikely to have a significant adverse impact on the highway network.

Given the proposal will affect a footpath our Rights of Way Team have made comments in relation to the application.

Adderbury Public Footpath 23 runs along the access track in front of the house and then turns to run cross the field in a generally northerly direction. A permissive path runs along the edge of the site. The permissive route is well used by walkers and is also the route used by those following the Adderbury Circular Walk.

In paragraph 3.5 of the Planning Statement the applicant refers to a site meeting with OCC footpath officers. I can confirm we are supportive of the proposed diversion (of part of footpath 23) on the basis that the permissive route created by the applicant would become the new right of way should the planning authority deem that the grounds for the application under s257 of the Town and Country Planning Act 1990 (the Act) satisfy the provisions of the Act.

If footpath 23 is not successfully diverted then the position of the ménage would need to be altered so that it does not interfere with the line of the footpath as it would not be acceptable for a ménage to be built across the footpath.

Construction Traffic Management Plan

A construction traffic management plan (CTMP) will be required to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

AG5	Development involving horses
C7	Landscape conservation
C13	Area of High Landscape Value
C28	Layout, design and external appearance of new development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

Whilst some policies within the plan may remain to be material considerations, other strategic policies have in effect been superseded by those in the Submission Local Plan (October 2014). The main relevant policies to consider are as follows:-

Policy R4	Rights of Way and access to the countryside
Policy EN34	Conserve and enhance the character and appearance of the landscape

Submission Local Plan 2006 – 2031

The Plan was submitted to the Secretary of State on 31 January 2014 for Examination. There are outstanding objections to some policies which have yet to be resolved.

The Examination commenced on 3 June 2014. On 4 June 2014 the Inspector temporarily suspended the examination to enable the Council to prepare modifications to the plan to accommodate additional homes across the district. The Examination reconvened on 9 December 2014.

The main policies relevant to this proposal are:-

BSC 10 Open Space, Outdoor Sport and Recreation Provision
 ESD 11 Conservation Target Areas
 ESD 13 Local Landscape Protection and Enhancement

5. Appraisal

5.1 The key issues for consideration in this application are:-

- Principle of Development
- Landscape Impact
- Access
- Impact on Neighbouring Amenity
- Flooding

Planning Policy and Principle of Development

- 5.2 The Development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The site lies in open countryside for the purposes of the Local Plan, where there is a general presumption against development. However, Policy AG5 relates specifically to horse related development and states that such developments will normally be allowed subject to addressing matters of impact on the character and appearance of the area, impact on neighbouring amenity and conflicts with any other policies within the Plan.
- 5.4 On this basis, the principle of the development proposed is supported by policy AG5 of the Local Plan and an assessment of any site specific restraints should be carried out.
- 5.5 It is also important to clarify the nature of the use as representations to the application have raised queries as to how the proposed development would be used, with the application stating "for personal use", whilst some neighbours have raised concerns that it may be used as part of business.
- 5.6 The agent has provided some clarification on this matter by stating that the land and stables would be used by the applicant's son and that there is no intention to run an equine business from the site. The application has to be considered based on the facts available and in this regard it is to be considered based on a personal use. Any increase in activity at the site above a personal use would require planning permission and determined on its own merits should that situation occur. For the avoidance of doubt a condition can be placed upon any permission to ensure that the development is used solely in relation to the occupants of Manor End House.

Landscape Impact

- 5.7 As well as the change of use of the land, the application involves built development in the form of a new stable block, a manege and ancillary hardstanding and fencing. Clearly, with no buildings on the site at present, there is the potential for any new buildings and structures to have an impact on the character and setting of the site and its surroundings.
- 5.8 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of internal, national and locally designated sites, so that protection is commensurate with their

status and gives appropriate weight to their importance and the contribution they make to wider ecological works.

- 5.9 The application has been assessed by the Council's Landscape Officer who has requested various amendments to the scheme, including additional details on levels, moving the stables away from the boundary edge and additional planting. All details requested have been provided by the agent and the Landscape Officer now finds the scheme to be acceptable, subject to the imposition of a condition requesting a detailed Landscape Plan, including additional hedge planting behind the stables.
- 5.10 On the basis of the comments now received by the Landscape Officer, it is considered that the proposed development can be adequately assimilated into the wider landscape without causing undue harm.

Access

- 5.11 The application has been subject to several representations raising concerns over the narrowness of Manor Road and the potential for larger vehicles to have to access the site and the risks that may occur as a result of this. Some of these concerns have been heightened by the potential for the site to be used for an equestrian business that may further increase vehicle movements along the road. However, as discussed previously, the application states it will be used solely by a relative of the applicant and the application should be assessed on that basis.
- 5.12 Oxfordshire County Council Highways have assessed the proposal based on a personal use and found that on that basis the proposal would be unlikely to result in any significant intensification of transport activity and given the characteristics of the site, vehicular traffic and speeds are likely to be low.
- 5.13 Therefore, there is no basis to object to the development on highway grounds.

Impact on Neighbouring Amenity

- 5.14 In terms of impact on neighbouring amenity, the proposed development could have an impact by virtue of vehicle movements along the relatively quiet Manor Road and odours. Significant concerns were raised by neighbours regarding floodlights around the manege that were originally proposed. However, these have now been omitted from the application and should the applicant wish to pursue these further then they would have to be subject to a new planning application.
- 5.15 As previously discussed, given the nature of the proposed use, there is unlikely to be a significant increase in transport activity along the road and so the wider impact on neighbouring amenity would be minimal. Indeed, the land is currently in agricultural use and so it could be possible to further intensify farming activities on the land, which in itself would result in the frequency in which the road is used by larger vehicles.
- 5.16 Whilst the proposed development may produce odours relating to the equine use, the site is currently in agricultural use where such odours are commonplace. Should the proposed development be granted, a condition can

be imposed requesting details of the storage and management of manure and waste on the site, which any current agricultural use would not have to adhere to.

Flooding

- 5.17 Part of the site lies within Flood Zone 2. The application has been supported by a Flood Risk Assessment that outlines that the development can take place without having undue harm to flooding in the surrounding area. On this basis, no objections are raised on the grounds of flooding. Comments have been received concerning surface water runoff and discharge into Bloxham Brook. There will be an increase in impermeable surfaces through the development although the plans indicate the parking and turning are to be porous and the menage similarly frees draining. The Flood Risk Assessment does suggest the use of attenuation or reduction in impermeable surfaces in order to reduce runoff. As indicated the current design shows this to have already been considered and additional measures such as rain water harvesting from the roof of the stables would assist further. The need to follow the recommendations of the FRA is required by condition and consequently it is considered that surface water run off can be satisfactorily addressed as proposed.

Engagement

- 5.18 With regard to the duty set out in paragraphs 186 and 187 of the Framework, concerns raised during the application process have been put to the agent and addressed accordingly. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.19 The development proposes an equestrian use on land currently used for agricultural purposes, which entails the erection of a new stable block, manege, fencing and ancillary hardstanding. Policy AG5 of the Local Plan provides an allowance for equestrian uses in the countryside, subject to no adverse impact on the character and appearance of the countryside and no impact on neighbouring amenity. It is considered that the development has been amended sufficiently to address earlier concerns and the planning permission should be granted for the development proposed.

6. Recommendation

Approval, subject to:

(a) The following conditions:-

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

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

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Flood Risk Assessment Report (dated December 2014), 14-006-02 Rev E, 14-006-03 Rev A.

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

3. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

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

(c) details of the hard surfaced areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, full details of the access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, full

specification details (including construction, layout, surfacing and drainage) of the turning area and parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

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

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

8. Prior to the first use of any new public footpath, the new footpath shall be formed, constructed, surfaced, laid and marked out, drained and completed in accordance with specification details which shall be firstly submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

9. No materials, plant, temporary structures or excavations of any kind should be deposited/undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.

Reason: To ensure the public right of way remains available and convenient for public use.

10. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process.

Reason: To ensure the public right of way remains available and convenient for public use.

11. No construction/demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the

applicants or their contractors to put right/make good to a standard required by the Countryside Access Team.

Reason: To ensure the public right of way remains available and convenient for public use.

12. Prior to commencement of development, a Construction Traffic Management Plan must be submitted for consideration and approval.

Reason: To mitigate the impact of the development during the construction phase in the interests of highway safety

13. Prior to the commencement of the development hereby approved, full details of the location, method of storage and disposal of all manure and waste from the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out and maintained in accordance with the approved details.

Reason: To ensure that proper arrangements are made for the disposal of manure/slurry/waste, to ensure the creation of an environment free from intrusive levels of odour/flies/vermin/smoke/litter and to prevent the pollution of adjacent ditches and watercourses, in accordance with Policies AG5 and ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. The stables and land hereby permitted shall be used for private use only relating to the occupants of Manor End House and no commercial use including riding lessons, tuition, livery or competitions shall take place at any time.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

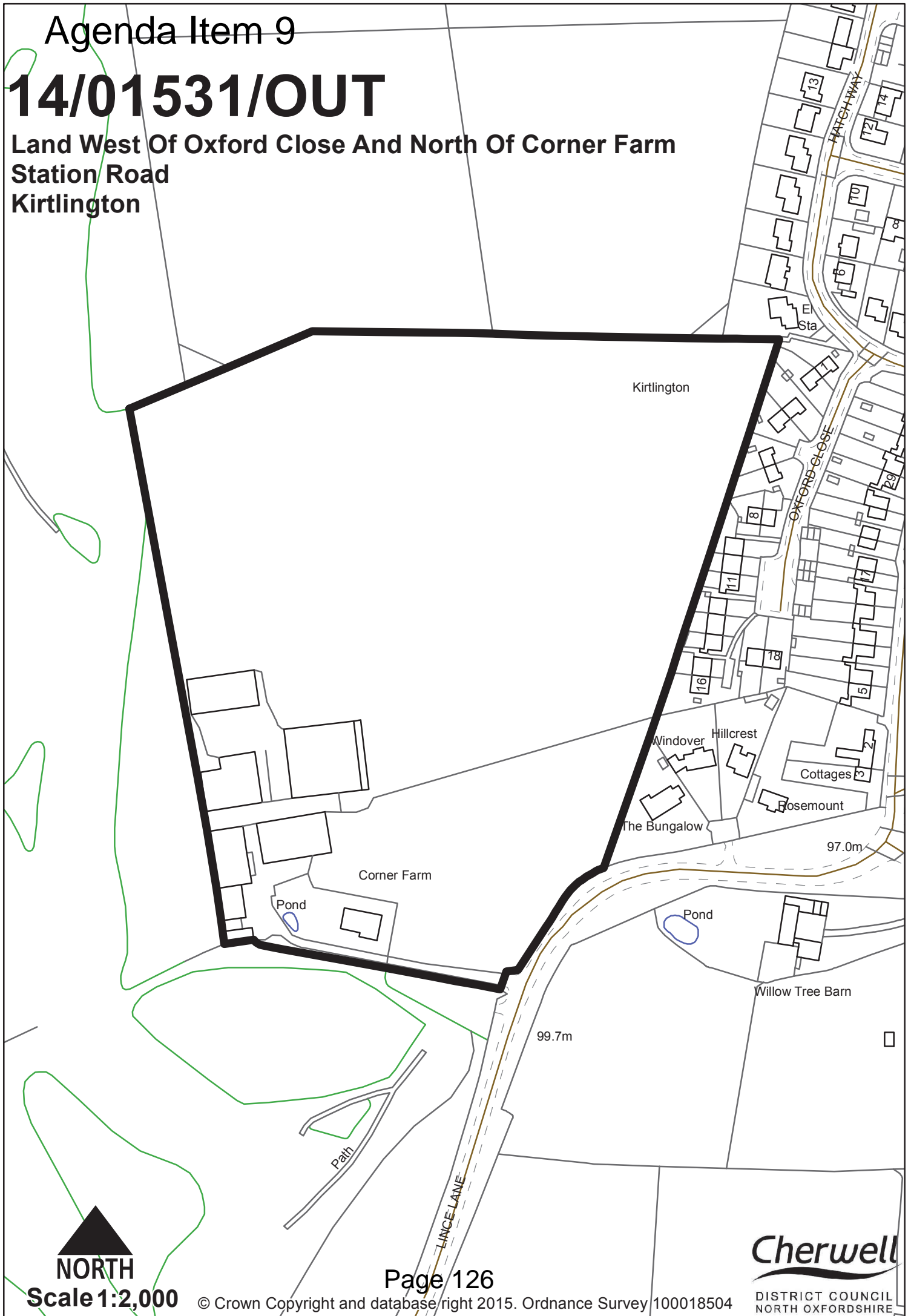
Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

Agenda Item 9

14/01531/OUT

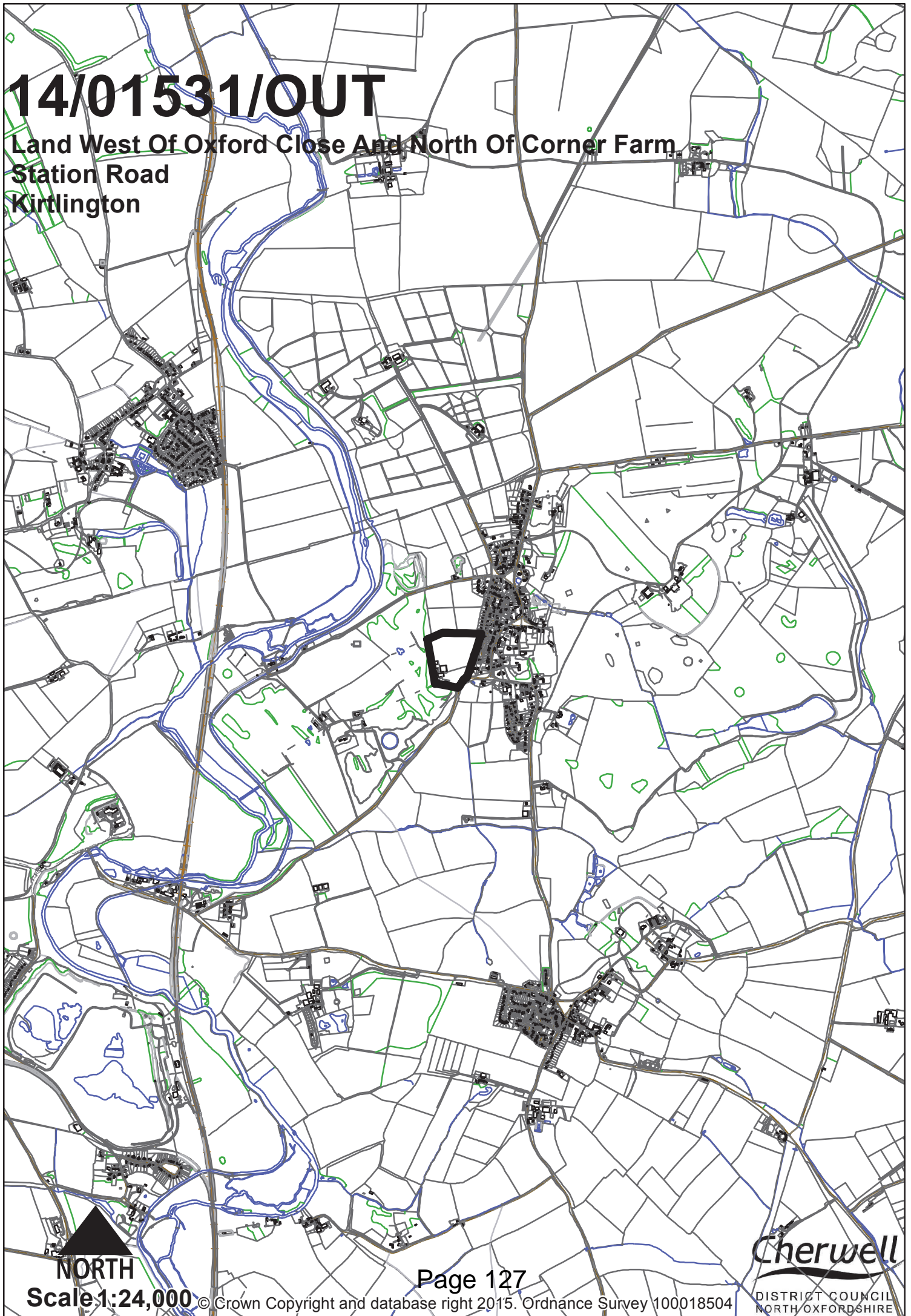
Land West Of Oxford Close And North Of Corner Farm
Station Road
Kirtlington



NORTH
Scale 1:2,000

14/01531/OUT

Land West Of Oxford Close And North Of Corner Farm
Station Road
Kirtlington



NORTH

Scale 1:24,000

Page 127

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

© Crown Copyright and database right 2015. Ordnance Survey 100018504

**Site Address: Land West of Oxford
Close and North of Corner Farm, Station
Road, Kirtlington**

14/01531/OUT

Ward: Kirtlington

District Councillor: Councillor Simon Holland

Case Officer: Linda Griffiths

Recommendation: Refuse

Applicant: Gladman Developments Ltd

Application Description: Outline – Demolition of existing bungalow and agricultural buildings and residential development of up to 95 dwellings including highway works, landscaping and public open space.

1. Site Description and Proposed Development

- 1.1 This application is subject to an appeal against non-determination. The application site relates to approximately 5.8 hectares and is located to the west of Lince Lane. An existing bungalow and agricultural buildings are located on the south western boundary of the site. It is proposed that these buildings will be demolished. The land is currently farmed in conjunction with the aforementioned farm unit and cattle graze the land. The application seeks consent for up to 95 dwellings, landscaping, access and public open space. The site is bound to the south and west by Kirtlington Golf Club, agricultural land to the north and existing residential development to the eastern boundary.
- 1.2 Vehicular access to the site is proposed via a proposed priority junction with the A4095 Lince Lane/Oxford Road, with a right turn facility into the site on the outside of the bend in the middle frontage of the site and improved footways back into the village centre. Access is for consideration as part of this outline submission.
- 1.3 The application site is elevated above the adjacent A4095 by approximately 1 metre. The frontage to the A4095 is bounded by a natural stone wall. An existing public right of way which exits via a stile onto the A4095 verge along the eastern boundary will be retained as part of the application proposal.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notices and a notice in the local press. The correspondence received is summarised below, the letters can be viewed in full within the application documentation.

90 letters have been received. The following issues were raised

- 95 dwellings is too many for the size of Kirtlington of 400 homes to absorb, but if the powers that be decide that we need this number of new houses nonetheless, they should be spread over several locations in the village. To group so many adjacent to the twentieth century houses in the village will be to divide the village into old and new.
- New residents will find it more difficult to integrate and we will be in danger of losing our community cohesiveness
- Having very possibly more than a hundred cars using a junction on the bend in a busy A road seems unwise, as does increasing the traffic flow along Bletchington Road, with its right angled bend known locally as 'death corner'

- It is an unbalancing and unbalanced proposal for a village of Kirtlington's size. It would mean our population of approximately 1,000 would increase by 30-40% in a single development and much too large not to have a dramatic impact on the village which has never grown at this pace or scale before.
- Development should be directed to the larger settlements such as Banbury and Bicester and Upper Heyford and make a much more meaningful contribution to the housing shortage in the county.
- Other suitable sites may be available, such as the former quarry at Shipton on Cherwell which would even offer the possibility of new railway connections to Oxford and Banbury
- A development of this scale would have a dramatic and negative impact on the infrastructure of the village, and the roads in particular. The A4095 is already very busy at peak times, and the traffic by the village shop and Oxford Arms is already hazardous enough for young children and the elderly crossing the road there.
- Village primary school is at capacity and cannot easily cope with the influx of so many families at once. What advanced provision is being made for the primary schooling of the children coming into the village with these new families, and the secondary school at Woodstock. The primary school has been extended in the past, but doing so again would deny the pupils their outdoor space. Lack of spaces will result in children having to be driven to school elsewhere which is not environmentally friendly and will cause further traffic congestion and have a negative impact on the village demographically.
- The footpath infrastructure is inadequate, there is a very narrow and ill-used footpath running from Hatch Way into the field which is proposed as one of the main pedestrian routes to the centre of the village. In its current state, this is a totally inadequate and unsuitable path and there is no possibility of widening it between 1 hatch Way and the first house in Oxford close.
- The possibility of a by-pass to this side of the village would be made impossible by this development
- Flood risk, has this been properly addressed
- Electricity infrastructure is not adequate for the current demand in the village, will a new sub-station be proposed
- Could you confirm the effect on the local water supply pressure which is currently just adequate, adding a further 95 houses will have a negative impact on the pressure currently enjoyed
- Traffic speeds are often in excess of 30mph as they enter the 30mph zone. This is an extremely dangerous section of the road due to the sharp bend and blind summit which will make it very difficult to join this road from the proposed development. The front boundary wall to Willow Tree was recently damaged by a car that lost control on this bend.
- Additional traffic, Kirtlington is often used as a rat-run for cars and lorries who try to by-pass the A34 to join the M40 at Ardley. Main road through the village is already congested, particularly at peak times. Large vehicles bring the road to a standstill on a daily basis at the narrowest points through the village
- Access point is from one of the most dangerous points of this road, on a double bend and brow of a hill
- Overlooking and loss of privacy, due to the topographic level difference of approx 1.5m
- Tree screening must be at an appropriate density, particularly during winter periods when leaves and foliage are sparse and less effective for screening.
- Noise and disturbance from construction
- Light pollution from the development, the southern part of Kirtlington has no light pollution from street lights
- Sustainability, what sustainable features will be incorporated. Given the Government targets for reducing carbon emissions, are we correct in assuming the development will be to Code level 5 given that this is a green

field site

- Ecology, how will local ecology be protected, including the local bat colony. We believe there are also reptiles and badgers to protect on this site
- Experience large volumes of traffic through the village, including articulated lorries when there are issues on the M40 or A34.
- Need to consider local doctor surgeries (Islip and Woodstock) which I believe are already at capacity, permission has already been granted for 58 homes in the neighbouring village of Bletchingdon, so the pressure on this resource has already been increased
- There has been no bat survey and this is a bat habitat and should be rejected as it would affect a protected species. Harriers also hunt in this location.
- Brownfield locations at Enslow which are preferable to building on rural farmland.
- Set a precedent for the adjacent field
- Kirtlington desperately needs affordable housing so please ensure that this development, if it happens has a significant proportion of affordable homes. The last thing the village needs are more huge houses that are affordable only to the wealthy
- Detrimental to the character of the village much of which is a conservation area.
- Accept the principle of greater housing provision in the village but consider that the proposal envisages much too substantial a development in one place. The council should envisage a balanced development across the village at different sites as happened up to now at Gossway Fields and Woodbank.
- Difficult to integrate such a large new development into the village
- If we have to have houses in the village, the proposed site of the two fields by the golf course would be the least offensive.
- Not in line with the neighbourhood referendum which shows the population wants only up to 50 properties in the life of the neighbourhood plan
- An archaeological dig of this important Roman site has not been undertaken
- Loss of views
- Premature pending the outcome of the local plan review and Inspector's view on CDC's housing distribution strategy and SHLAA
- So as to remove any potential Challenge, the development must be the subject of an Environmental Impact Assessment, following completion of a full Scoping and Screening exercise
- 95 is excessive and constitutes overdevelopment in light of net developable area, likely to be realised once meeting the needs of site restrictions. This should be replaced by 'in the region of 50' or certainly 'not to exceed 75', the exact number to be design led in light of site specific constraints.
- Must include a landscape buffer along the entirety of the northern and western boundaries
- Would increase the size of the village by 25%
- Sewerage system for the village will not cope with increased demand, already problems with sewerage leaks. Thames Water deal with the problem on each occasion and have expressed their concern about the pipes' insufficient capacity to deal with the current amount of houses in the village
- Gladman claim that Kirtlington is very sustainable, boasting a good range of services and facilities, this is simply not true, there is one small shop, an upmarket pub exclusive restaurant and a small playing field and access to existing community facilities will require crossing the A4095. The local public transport network is an hourly bus service that doesn't run after 7:30 in the evening and not at all Sundays
- Contrary to C7 of the Local Plan which does not permit development that would cause demonstrable harm to the topography and character of the landscape
- The development should be reduced in size by 50% and housing for the

elderly prioritised

- Application will change the approach to an ancient village in a conservation area
- The scheme would change forever the feel of this ancient village, the scheme itself is really just a housing estate with some walkthroughs: completely unimaginative and entirely unsuitable
- Red brick housing is shown, which in this village with a large conservation area would be inappropriate. Stone type brick should be used
- Inadequate ecology reports and assessments
- Is in breach of current and emerging planning policy
- Localism and the views of the parish: the proposed development is not supported by the overwhelming majority of people who live in the parish. The views of the community must be listened to if localism means anything
- Not clear that the potential impact on Kirtlington Quarry, an SSSI is being adequately considered
- Broadband is slow making working from home impossible
- As there are very few immediate employment opportunities in the village, if this development goes ahead it will result in additional use of private cars in and out of the village
- Kirtlington is linear in nature, the addition of an outcrop on its western side is thus not in keeping
- Although the site has been identified within the SHLAA as a potential location for up to 75 dwellings, this has not been tested and cannot be assumed as being an appropriate location for this number of dwellings
- Consultation within the village, coordinated by the Parish Council, is intended to guide the process for production of the emerging Mid Cherwell Neighbourhood Plan and it is hoped that this process is given substantial weight as being representative of local opinion
- Irreversible loss of agricultural land
- The LVA has not included winter views, thus the potential visibility of the site has not been fully assessed
- Kirtlington is a hill-top village and as such its visibility from the wider landscape, particularly the west needs careful consideration
- Development does not relate to existing settlement pattern and would be contrary to the Countryside Design Summary
- Long history of problems between the adjacent golf course and the landowner Mr East with respect of stray golf balls on the site. Safety is therefore an issue which needs to be taken into consideration

1 letter of support states

- The village is in desperate need of low cost affordable and social housing. ALL of the houses in the application MUST fit this description, only on that basis do I support the application
- All houses, one, two and three bedroom need to be built in such a way that they cannot be extended or improved. Kirtlington does not need more large properties
- It is an opportunity to get back the social balance and support ailing pubs, shop, village hall, sports clubs, church etc

3. Consultations

- 3.1 **Kirtlington Parish Council:** supported by the Parish development Survey 2014 strongly objects to this application as follows:

The Localism Act and the emerging Mid-Cherwell Neighbourhood Plan

Kirtlington is one of twelve parishes participating in the preparation of the Mid-

Cherwell Neighbourhood Plan. In accordance with the requirements of the Localism Act, Kirtlington parish council has undertaken a parish-wide Development Survey requiring the community as a whole to give their views on the provision of new housing, in order to inform the emerging Neighbourhood Plan, which in turn feeds into the emerging Cherwell Local Plan. The proposal does not accord with these views.

Scale of development is disproportionate to the size and scale of Kirtlington and is proposed in an area outside the boundary of Kirtlington and exceeds the number suggested in the above mentioned Development Survey. The proposed modifications to the Local Plan are for 750 dwellings in category A villages to 2031. Distributed on the basis of population size, Kirtlington's share would be 18 homes. Therefore this proposed development far exceeds the growth proposed by CDC and subsequently cannot be considered to be sustainable.

Kirtlington Primary School is at near capacity and the current site does not permit further expansion, any attempt at expansion would create overdeveloped school premises with little outside space for play. The provision of up to 95 houses would necessitate the construction of a second or replacement primary school and finding a site for this. It is imperative that all residents children of primary school age continue to be able to attend a school in the village.

Sewerage provision is inadequate and cannot accommodate a development of this size.

Archaeology – the submitted desktop survey is inadequate. Local historians have always considered the site, in its elevated position, to be significant. The village is known for its medieval, Saxon, Roman and other pre-historic sites. Development at this site presents a potential threat to the area's archaeological heritage. It is noted that the application has located the Medieval shrunken village outside the site. Page 10 of the Kirtlington Conservation area appraisal of 2011 shows this as being located across the proposed entrance to the site. Given that no physical investigation has been carried out, the archaeological field evaluation must include, as well as across the whole site, a detailed investigation in the vicinity of the entrance to the site.

Conservation Area – the boundary of which runs through the centre of kirtlington, along the A4095. The development is of a scale and size that is disproportionate to the village and its proximity to the conservation area will cause a severe impact. The development neither preserves nor enhances the conservation area and therefore contravenes the Planning (Listed Buildings and Conservation Areas) Act 1990.

Commuting – the claim of easy access to a rail station is totally inaccurate. There should be a traffic density survey of local roads at commuting times of day, and the effects of other agreed or proposed housing developments factored in. map contours show the journey to the rail halt at Tackley by foot or bike to involve a steep incline down to the canal and river Cherwell, across an often flooded plain and up another steep incline, which is via a muddy track at the edge of a cultivated field. The estimated time on foot is 50 to 60 minutes and cycling only feasible on a mountain bike. Trains run at roughly 2 hour intervals throughout the day. The journey time to London, changing at Oxford is timetabled as 2 hours 10 minutes. The circular route by car is long on very narrow roads and there is no station car park. No rail station is in easy access on foot, by bicycle or by bus, as the buses to Bicester and Oxford do not stop near any station. Bus 25 is claimed to run all day to Kidlington village, but only runs alternate hours 9.30, 11.30 and 13.30 returning on the hour and not 'all day'.

Ecology – the survey methods are inadequate

Ground conditions desk study – states that an 'intrusive investigation, testing and risk

assessment' is required. This has not been supplied and should be supplied.

Social demographics – a community such as Kirtlington is developed over a long period of time. With only 450 dwellings, increasing this number in one development by up to 20% will have a severe impact on the character of the village, and its social demographics. The submitted statement makes no reference to the lack of space in the school, nor insufficient nursery provision. There is no reference to housing needs of first time buyers, or those needing care. The site is not within walking distance of any significant employment site as the business park referred to is tiny with few openings and some distance by road. The document refers to 'wage-spend of construction workers in local shops and other facilities'; we have one small village shop and no facilities that would benefit. The SCI lists issues raised during consultation and attempts to respond, but some of the responses promise further information or reports which are still omitted from the papers of this application and inaccuracies exist in other responses.

Landscape and visual assessment – the visibility from existing homes, one bridleway and two footpaths of this development, once built above ground level is underestimated.

Highway safety – the right turn into the site if approaching from the east is known to be dangerous. A pronounced left-hand bend has already begun at the eastern end of the site frontage. The left-hand bend continues uphill and reaches the brow of the hill at the current entrance to Corner Farm. Thus any westbound vehicles turning right into the site would have a wholly inadequate line of sight of eastbound traffic, which is concealed by the brow of the hill. Conversely, for traffic approaching on a right-hand downhill bend from the west, there is no forward visibility until it is over the brow of the hill, thus there is insufficient safe stopping distance should a west-bound vehicle cut across. Increased traffic through the village and increased congestion. The submitted Transport Assessment does not include the effects of developments underway and proposed in the district which bring traffic through Kirtlington.

Planning policy – contrary to policies C1, C2, C8, C9 and C27 of the Cherwell Local Plan 1996.. Contrary to emerging policy villages 2 and Modification 147. There would be an adverse impact on wildlife assets at this site and as in relation to Policies C1 and C2 refers the district to comments made by members of Kirtlington Wildlife and conservation society.

SHLAA – the Planning Policy team has confirmed that while the SHLAA appendices were a consideration in the preparation of Policy Villages 2, they are not part of the Cherwell local Plan, nor do they have policy weight. The development potential of sites described in the SHLAA appendices (in this case 75) should not be interpreted by developers as a literal statement of the appropriate scale of extension to any existing settlement

Cherwell District Council Consultees

- 3.2 **Planning Policy Officer:** The site is located at the southwest entrance to Kirtlington village. The site includes agricultural land and the corner Farm that occupies the site. The Kirtlington Golf Club lies immediately to the west and south of the site with residential to the east and agricultural land to the north. The site is elevated above the adjacent golf course, the adjacent residential properties, and the adjacent A4095 with open views from the A4095 into the site. This is a Greenfield site outside the built-up limits of the village.

The saved policies of the adopted Cherwell Local Plan should be considered. The main policies relevant to this proposal are:

Policy H18: New dwellings in the countryside – sets out the criteria for allowing new dwellings in the countryside. It is intended to ensure that the countryside is protected from sporadic development.

Policy C7: Harm to the topography and character of the landscape – In preparing any detailed proposals, consideration should be given as to whether development would cause demonstrable harm to the topography and character of the landscape.

Policy C8: Sporadic development in the open countryside - applies to all new development proposals beyond the built-up limits of settlements. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury and Bicester.

Policy C9: Beyond the existing and planned limits of the towns of Banbury and Bicester - aims to limit the level of development elsewhere in order to protect the environment, character and agricultural resources of the rural areas.

Policy C13: Areas of High landscape Value – careful control of the scale and type of development will be required to protect the character of the Areas of High Landscape Value, and particular attention will need to be paid to siting and design.

NPPF

The NPPF should be considered. The paragraphs of the NPPF most pertinent to this application from a Local Plan perspective are:

Paragraph 17 sets out the core planning principles that should underpin plan-making and decision-taking, including that planning should:

- Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth
- Always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings
- Recognise the intrinsic character and beauty of the countryside
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling

Paragraph 28 on supporting a prosperous rural economy

Paragraphs 29, 30, 32 and 34-36 on promoting sustainable transport

Paragraphs 47-50 and 55 on delivering a wide choice of high quality homes

Paragraph 47 requires local planning authorities to 'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

Paragraph 49 states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'

Paragraph 56, 57, 59-64 on requiring good design

Paragraph 109, 112, 120 and 123 on conserving and enhancing the natural environment

Paragraph 109 states ' the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability'

NPPG

The NPPG states that it is important to recognise that particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It states that assessing housing need and allocating site should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas.

The NPPG should be considered, particularly guidance on understanding housing needs, rural housing, natural environment and conserving and enhancing the natural environment.

Non-Statutory Cherwell Local Plan 2011

The Non-Statutory Local Plan should be considered. Whilst some policies within the Plan may remain to be material considerations, other strategic policies have in effect been superseded by those of the Submission Local Plan (January 2014) and Modifications to the Submission Local Plan (August 2014). The Planning Policy Team should be contacted on 01295 227985 if advice is required on individual policies.

The main policies relevant to this proposal are:

Housing: Policy H19 New dwellings in the countryside

Transport: Policy TR1 – TR4

Conserving and enhancing the environment: EN30 Sporadic development in the countryside; EN31 Beyond the existing and planned limits of the towns of Banbury and Bicester; and EN40 Conservation

Proposed Modifications to the Submission Local Plan 2011-2031 (October 2014)

A new Local Plan was submitted to the Secretary of State on 31 January 2014 for Examination. There are outstanding objections to some policies which have yet to be resolved. The Examination was suspended on 4 June 2014 to enable the council to propose modifications to the plan involving increased new housing delivery over the plan period to meet the full, up to date, objectively assessed, needs of the district, as required by the National Planning Policy Framework (NPPF) and based on the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA).

Modifications to the Submission Local Plan (Part 10 was consulted between 22 August and 3 October 2014 which was generated over 1,500 individual comments. The Proposed Modifications to the Submission Local Plan (Part 1) was submitted to the Secretary of State on 21 October 2014 for examination.

The Main Modifications propose several new sites in order to achieve the District's assessed housing need and maintain a deliverable five year housing land supply. The site is not proposed for allocation.

The main policies relevant to this proposal are:

Policy Villages 1: Kirtlington is identified as a category A village where minor development, infilling and conversions will be permitted.

Policy Villages 2: has been revised by including a total housing requirement for the Category A villages which includes Kirtlington. A total of 750 homes will be delivered in Category A villages which now includes Kidlington. Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.

Policy BSC1: District Wide Housing Distribution includes a table of completions, permissions, allocations and windfalls for the areas of Bicester, Banbury and Rest of District. The table shows that a total of 22,840 new homes will be provided by 31 March 2031.

Policy BSC3: Affordable Housing sets out the requirements for the provision of affordable housing. In rural settlements such as Kirtlington, all proposed developments that include 3 or more dwellings (gross), or which would be provided on sites suitable for 3 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site.

Policy BSC4: Housing Mix expects new residential development to provide a mix of homes to meet current and expected future requirements.

Policy ESD13: Local landscape Protection and Enhancement expects developments to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.

Policy ESD16: The Character of the built and Historic Environment requires new developments to complement and enhance the character of its context through sensitive siting, layout and high quality design.

Other Material Considerations

Five Year Housing Land Supply

The Council does not presently have a five year housing land supply. The current published position is reported in the Housing Land Supply Update June 2014 which concluded that the district had a supply of 3.4 years for the period 2014-2019. This reflects the Oxfordshire SHMA 2014 figure of 1,140 dwellings per annum, currently considered to be the objectively assessed housing need for the district. The 3.4 years of supply includes a requirement for an additional 20% buffer, taking account the shortfall (2,314 homes) within the next five years.

Strategic Housing Land Availability Assessment Update 2014 (SHLAA)

The SHLAA is a technical document and is a key element of the evidence base for the emerging Cherwell Local Plan. It will help the Council to identify specific sites that may be suitable for allocation for housing development. The SHLAA is to inform plan making and does not in itself determine whether a site should be allocated for housing development.

The site is included in the SHLAA Update 2014 (August 2014) with the site reference KR010. The site assessment concluded that *'this is considered to be a potentially developable site providing for about 75 dwellings on a narrower 2.5ha of land to the rear of Oxford Close'*. The SHLAA recognises that approximately 2.5ha of the site to the east is developable. This includes the area adjacent to Oxford Close and east of Corner farm which could provide a linear pattern of development similar to the surrounding residential properties.

Overall Policy Observations

The application site as currently drawn would be out of scale to the rest of the village, however a smaller part of the site to the east is considered to be acceptable for residential development in the absence of a five year land supply. At the present time, a five year supply of deliverable housing land cannot be demonstrated (under the requirements of the Oxfordshire SHMA 2014). The total number of homes proposed on site would not be in keeping with the village and would result in an increase of 20% to the overall housing stock. It is therefore more appropriate to reduce the number of dwellings proposed to a similar level to the SHLAA or possibly lower to reflect the character of the village and to minimise the visual impact on the countryside.

It is noted that the level of affordable housing proposed accords with emerging policy and the needs of affordable housing is of course high. However, affordable housing is being delivered and planned growth will generate significant additional supply.

In advance of the Local Plan 2 or a Neighbourhood Plan it will be necessary to consider the District's current housing supply situation, to be mindful of emerging policy and the likely impact of the proposed developments on a case by case basis. Consultation on Proposed Modifications to the Submission Local Plan was held between 22 August 2014 and 3 October 2014 and includes Kirtlington as one of a group of the most sustainable villages with a rural housing allocation of 750 homes in addition to planning permissions as at 31 March 2014. Planning permissions at 31 March 2014, including that for the application site, are additional to the proposed rural allocation (including Kidlington) of 750 homes (Policy Villages 2).

Policy Recommendation

From a Policy perspective the proposal would lead to an incursion into the open countryside and the loss of natural resources. There would be benefits from the provision of new homes (including affordable housing). However, landscape and other impacts will need to be considered. The scale of the proposed development in this location causes some concern regarding the impact it will have on the character of the village and the visual impact on the countryside.

- 3.3 **Design and Conservation Officer:** the proposals have been reviewed based on the information set out within the Design and Access Statement and framework plan. This document sets out the approach for the development proposals. One of the major considerations of the scheme has been how the proposals sit with the site context. The village is a well contained settlement with a strong linear pattern following the original route of Portway, with Greens located at junctions with other historic routes and bound on the east side by Kirtlington Park. The village has seen some 21st century infill development and relatively little 20th century development, the bulk of which is located adjacent to the proposed site along Oxford Close and Hatch Way in long, linear cul-de-sac form. While the form follows the linear nature of the settlement, this development exhibits many of the poor characteristics of the cul-de-sac form and shows poor relation to the rest of the village.

The Countryside Design Summary SPG identifies the village within the Ploughley Limestone Plateau character area, while the site itself falls within the Cherwell Valley character area. As the site provides a significant expansion of the village, it is appropriate to consider the site as also within the Ploughley Limestone Plateau character area. The document provides an analysis of the predominant characteristics of both the landscape and built environment identifying subsequent implications for new development. Specific to this site, new development should reinforce the existing street pattern, which creates the basic village form. In linear villages, development should strengthen the dominant street scene, limit back-land development and should reflect the character and locality in terms of the relationship between buildings, open space and roads.

With this guidance in mind, it is considered that the proposal does not represent a scheme that enhances the setting and distinctive character of the village. The principles applied to the site layout would provide an appropriate starting point for design if this was an infill site within one of the market towns. However, given the scale and location of expansion clearly goes against the established settlement pattern, and lack of connectivity to the village core represents back-land development.

In terms of access, connectivity and integration, the main concern stems from the single point of access for 95 houses, forming an additional, larger cul-de-sac to the existing 20th century development at Oxford Close. Policy ESD16 (the character of the built and historic environment) of the submission local plan requires new development to be designed to integrate with existing streets and public spaces. The inward looking nature of the cul-de-sac adjacent to the site presents an awkward boundary, and prevents an appropriate level of interaction with the existing village. The Public Right of Way that runs along the eastern edge of the site is poorly maintained, and at the time of visiting the site was impassable at the northern access. Despite the overgrowth of vegetation the legibility of connection is very poor from both Hatch Way, and within the site. As such it is considered that this route is not of appropriate scale or quality (particularly lack of natural surveillance) to suggest that the site is well integrated with the village core. It is more likely the clear and desirable pedestrian connection to the village. Therefore, with consideration that the site will be served by a single access for vehicles and the majority of pedestrians enhances the isolated nature of this development and does not sufficiently integrate with the existing village.

The Design and Access Statement covers only high level aspects of master-planning and contains less detail than we would expect for a scheme of this scope and scale.

- While it is stated that the development will seek to take cues from the historic core, and a brief analysis of the character of Kirtlington has been conducted, there is little explanation of how these would be distributed and applied across the scheme and so does not set a clear vision for how future development can come forward. Very little information is pulled out to summarise how the findings relate to the future urban form, architecture and public realm at Lince lane. A set of parameter plans and defined character areas would be expected.
- Given the sites prominent location from the southern approach, and expansion beyond the built up limits of the village there are a number of sensitive edges which require specific design solutions
- The eastern edge presents a particularly difficult relationship with existing development which presents rear gardens to the site. Protecting the amenity of these residents, whilst appropriately addressing this edge requires further thought. The approach indicated in the framework does not appropriately resolve the issue of private space being exposed to a newly developed public realm
- The north and west and south boundaries will require significant planting to provide a more robust vegetation buffer to screen sensitive views.
- The frontage onto/visible from Lince Lane will provide a new gateway to the village and must be designed to reflect this.
- The proposed framework is self-referencing and it is expected that the built form and arrangement of typologies should more closely reflect the historic core
- The illustrative master plan and sketch views do not tally up. The plan shows a continuous built form surrounding the 'greens' whilst the sketch shows a predominance of detached properties. This is not an approach that would be supported.

- 3.4 **Ecology Officer:** An old bat roost in the roof of the bungalow and the potential for reptiles to be present are the main findings of the ecological survey. Given the habitats on site, no other protected species are likely to be affected. The existing hedgerows will be retained, which form a good wildlife corridor and buffer, although it appears that the existing small orchard by the bungalow will be lost. An effort should be made to incorporate these apple and cherry trees into the layout.

In general though the ecological enhancements recommended should result in a net gain to biodiversity if carried out appropriately. Since there is a known population of swifts in Kirtlington swift nest boxes are something that should also be considered. Also, integrated bat boxes, rather than ones fixed onto trees around the site are preferable. The advantage of this type of bat box over the more common externally hung types is that there is no danger of them being removed or falling off. They will last as long as the lifetime of the building and require no maintenance. Since a rare species of bat was recorded foraging or commuting nearby during the surveys, it is particularly important that the lighting scheme does not affect any existing, or new, woodland or hedgerows.

Having regard to the above, a number of conditions are recommended to be attached to any consent. (Details can be found on the council's website)

- 3.5 **Environmental Protection Officer:** No comments received

Anti Social behaviour manager: there are two issues arising

1. noise exposure to the site and in particular an appraisal carried out by Wardell Armstrong. I have reviewed this assessment and am content that it accurately reflects the noise climate that prevails on and close to the proposed development site. Accordingly no conditions in relation to additional sound insulation will be required.
2. safety issues arising from the proximity of Kirtlington golf course on the boundary of the site. This issue is highlighted in a letter submitted by solicitors acting on behalf of the golf course owners. In this letter they draw attention to the historic position regarding their client's site. They further indicate that their client voluntarily erected fencing and carried out planting to prevent the escape of golf balls from their site onto the land that now forms the basis of the application site. They further go on to say that the physical fencing was removed some 3 years ago as the planted screen was considered sufficient to prevent the escape of golf balls from the site.

The use of planting to create a barrier must be considered a temporary solution to the problem as with time the trees and shrubs could deteriorate and become less effective. In this situation I would recommend that the applicants should be required to submit a specialists report prepared by a golf course architect that contains an appraisal of the current arrangements for boundary protection and recommendations as to what would be required in the long term to protect the proposed dwellings. Any additional works recommended should be conditional to any approval given.

- 3.6 **Landscape Officer:** The site is located on the edge of the village in the AHLV but outside the Conservation Area. The majority of the village is quite linear, Kirtlington is long and relatively narrow. This development will add a large 'bulge' to that shape. 95 dwellings will generate an additional population of approx 230 on top of the existing population of approx 1,000. This is a large percentage increase. There have been a small number of small estates built over recent years but none as large as the proposal.

The site is located on a slight ridge above the surrounding area but is not very visible on this ridge due to intervening topography, trees and hedges. The greatest visibility is from the footpath which runs to the rear of Oxford Close and from the unevenly

numbered dwellings on Orchard Close. Users of other paths in the vicinity will experience glimpsed or interrupted views of the site.

The site boundary to the A4095 is also very open to the site. This gives a fairly short but prominent view into the site from a relatively sharp bend in the road.

Viewpoints:

1&2; considerable impact of users of footpath with very close proximity to the development. The effect of the development is high and adverse

3&4; site well screened by existing vegetation, topography and distance. The effect on users of the path would be negligible

5&6; from VP5 the farm buildings at the corner of the site are clearly visible but within the context of wide open views. From VP6 views of the site disappear due to topography. There are likely to be some filtered views of the new dwellings in the SW corner of the site. Effects are likely to be minor adverse.

7; views from this bridleway are very limited due to intervening hedgerows, visual effects are negligible

8&9; these viewpoints are approx 2km from the site. The site is only visible as a glimpse through a gateway, otherwise negligible views of the site due to hedgerows

10&11; very partial views of farm buildings and silo. May be slight views of house tops. Minor to negligible effects

12; no view of site, unlikely to be any view of dwellings

13; site screened by vegetation, unlikely to be any views of dwellings

14; wide distance views with the barns and Gossway Fields visible in the distance. Likely to be some visibility of dwellings in SE corner of site. Minor effects

15; prominent open view of the site at close range from A4095. Major adverse effects

Residents of The Bungalow and Windover. Residents will experience both partial and clear close views of the development. Major adverse effects.

Residents of 1-14, 17&18 Oxford Close; existing properties very close to the development have short rear gardens and will be relatively close to the development. Major adverse effects

Residents of 5-25 Oxford Road odd numbers, likely to be partial, limited views. These dwellings already look over built form and the views will only be from first floor windows. Minor adverse effects.

1, 2, 4, 6 Hatch Way and Sylvan. Views only from upper floor windows. Partial views only. Moderate adverse effects

3-29 Hatch Way, odd numbers only; oblique view through/over existing hedgerow. Minor adverse effect

The conclusions of the landscape and visual assessment are fair. The study shows that the development will have limited effect on the wider landscape. There will be greatest impact from the footpath to the rear of Oxford Close, the dwellings backing onto the site and the Open view from the proposed entrance to the site on Lince Lane.

The proposal features increased peripheral planting on all boundaries which is to be welcomed. There is a central green which is a feature present in several locations in Kirtlington. This should contain the play facilities as they will then be easily accessible to all and overlooked by dwellings. There needs to be a combined LAP and LEAP in this location.

- 3.7 **Arboricultural Officer:** In the design stage particular attention should be given towards ensuring that sufficient distance is allocated between retained trees, particularly those of category 'B' rating located along the western and north western boundary. The future of Trees T1, T3, T4, T5 and TG2B should not be compromised due to the close proximity of structures and associated garden space which are then affected by reduced natural light levels, excessive afternoon shading. Dwellings

placed in close proximity to such potentially large trees will also raise perceived fears from residents regarding the structural condition of adjacent trees. Any dwellings proposed within influencing distance of these trees should have shading assessments undertaken with the results clearly shown on accompanying site drawings.

The existing hedgerow boundary to the north of the site should be retained and protected from residential activities by incorporating a 'buffer zone' and maintenance strip which provided a division from residential boundaries.

In order to provide privacy to dwellings in Oxford Close, the scheme should incorporate a new native hedgerow mix along the eastern boundary of the site, again providing a buffer zone to protect the hedgerow and wildlife habitat and a maintenance strip to provide access.

Any landscape scheme should accommodate replacement tree planting along and within western and northern boundaries to provide continuity and increase diversity and age range. Sufficient space to accommodate mature tree development should be provided within any proposed street scene or open space area.

3.8 **Housing Officer:** the affordable housing statement is fairly comprehensive in nature and details the need to provide 35% affordable housing.

Although the usual tenure split is a 70/30 rented/shared ownership, I will be requesting a 50/50 split as the local need for affordable rented will be satisfied by the number being proposed, and there are already around 40 rented properties in the village. Therefore offering a greater number of shared ownership will aid in providing smaller homes for first time buyers in the locale.

As outlined in the applicant's affordable housing statement the affordable housing should be clustered into no more than 10 units together or if its mixed tenure, no more than 15 units in one cluster. These clusters should be distinctively separate when located on a scheme. 50% of the rented element should comply with Lifetime Homes Standards and meet the minimum HQI requirements detailed in the HCA's Design and Quality standards.

Recommend a different mix to that indicated although this is indicative and subject to a reserved matters application. There was a Housing Needs Survey carried out in 2011 which identified a local housing need for 15 affordable homes. The affordable housing units should be transferred to an RP which should be agreed with the council.

Oxfordshire County Council Consultees

3.9 **Highways Liaison Officer:** recommends refusal for the following reason

' the proposal lacks detail with regard to the geometry and visibility available at the vehicular access and therefore fails to demonstrate the proposed access would operate safely'

The plans submitted do not include tracking diagrams for large vehicles, eg refuse truck, turning to or from the site. Plans should be submitted to demonstrate that such manoeuvres would not involve running over the opposite side of the carriageway or turning lane.

Visibility splays of 2.4m x 43m are assumed to be appropriate by the transport assessment but I do not concur with this assumption. 85%ile speeds are shown to be

above 30mph and therefore I consider greater visibility is required. Forward visibility of vehicles turning right into the site does not appear to have been considered. Also I do not consider the speed survey is appropriate reference for approaching and passing speeds as it considers only the speed of vehicles at the point of the access.

Should the LPA be minded to grant planning permission then the county Council recommends the imposition of a number of conditions and obligations

3.10 **Drainage Officer:** No comments received

3.11 **Planning Archaeologist:** Objection. The site is located in an area of archaeological potential and the results of an archaeological field evaluation will need to be submitted along with this application in order that the potential impact of this development on any surviving archaeological features can be assessed.

A desk based archaeological assessment has been submitted along with the planning application which concludes that, as no monuments have been recorded within the site or within its immediate environs, the archaeological potential is low. However, no archaeological investigations have been undertaken within or close to the proposed site and therefore the archaeological potential of the site is currently unknown. Given the number of Roman sites and features recorded in the immediate area as well as the possible medieval earthworks close to the site there is the potential for the site to contain archaeological deposits related to these periods.

In accordance with the National Planning policy Framework (NPPF), we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on the basis, an informed and reasonable decision can be taken.

3.12 **Education:**

Primary - Kirtlington CE (VA) Primary school is already operating close to capacity and would have difficulty in absorbing increased local population. The school's site area just meets minimum guidelines for the current number of pupils, and would be below the minimum guidelines for a larger school. It may not, therefore, be feasible for the school to expand, but a full assessment would be required. If the school cannot expand and there is a local population growth, there would be an impact on other local schools, at which additional permanent capacity would be required. Any housing development in the area is therefore required to contribute towards expansion of primary school capacity in the area.

£370,740 Section 106 required for necessary expansion of permanent primary school capacity in the area. Kirtlington CE (VA) Primary School is the catchment school for this development.

Secondary – the area is served by The Marlborough CE School (a secondary academy), which has a capacity of 1138 places for 11-19 year olds. The school is expected to fill as a result of rising pupil numbers from the existing population, and would need to expand to make local housing development acceptable in planning terms. Developer contributions are required towards the capital cost of this expansion.

£388,892 Section 106 required for necessary expansion of permanent secondary school capacity in the area. This site lies within Marlborough CE School's designated

catchment area (an academy).

Special – across Oxfordshire 1.11% of pupils are taught in special schools and all housing developments are expected to contribute proportionately toward expansion of this provision.

£18,413 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision in the area.

3.13 **Property:** No objection

As this is an outline application, and a final mix has not been provided we are not able to provide detailed comments, and as we do not know the housing mix or when the development is likely to take place we are unable to calculate the population generated by the proposal. If the proposal was to take place, the County Council would expect that any additional strain on its existing community infrastructure would be mitigated. The County Council may require contributions towards: library, strategic waste and recycling facilities, museum resource centre, social and health care and adult learning.

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. This is usually dealt with by condition.

The County Council's legal fees in drawing up and/or completing a legal agreement will need to be secured.

OCC will also require an administrative payment for the purposes of administration and monitoring of the proposed Section 106 Agreement.

Other Consultees

3.14 **Thames Water:** Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application a 'grampian style' condition is recommended requiring a drainage strategy for the development to be submitted and approved prior to the commencement of the development.

3.15 **Environment Agency:** have no objection subject to the inclusion of a condition requiring the submission of a surface water drainage strategy based on the submitted FRA to be submitted and approved by the Local planning authority. In the absence of this condition we consider the development to pose an unacceptable risk to the Environment.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H13:	Category 1 settlements
H18:	New dwellings in the countryside
C2:	Protected species
C5:	Creation of new habitats
C7:	Harm to the topography and character of the landscape

- C8: Sporadic development in the countryside
- C13: Area of High landscape Value
- C27: Development in villages to respect historic settlement pattern
- C28: Layout, design and external appearance of new development
- C30; Design of new residential development
- C33: Protection of important gaps of undeveloped land
- R12: Public open space provision
- ENV12: Contaminated land
- TR1: Transportation funding

4.2 Other Material Policy and Guidance

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with regard to the following sections:-

- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change and flooding
- 11: Conserving and enhancing the natural environment

National Planning Policy Guidance

Non-Statutory Cherwell local plan 2011. Whilst some policies within the plan may remain to be material considerations, other strategic policies have in effect been superseded by those in the Submission Local Plan (October 2014). The main relevant policies to consider are as follows:-

- Policy H15: Category 1 Settlements
- Policy H19: New dwellings in the countryside
- Policy EN30: Sporadic development in the countryside
- Policy EN31: Beyond the existing planned limits of Bicester and Banbury
- Policy EN34: Conserve and enhance the character and appearance of the landscape

Cherwell Local Plan – Proposed Submission Local Plan (October 2014)

The Local Plan has been through public consultation and was submitted to the Secretary of State for Examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in the light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. Although the plan does not have Development Plan status, it can be considered as a material planning consideration. The Examination convened and closed in December 2014 and the Inspector's report is likely to be published in March 2015.

The policies relevant to this proposal are:-

Policy Villages 1: Kirtlington is identified as a village where infilling, minor development and conversions will be permitted

Policy Villages 2: Distributing growth across rural areas

Policy Villages 4: Meeting the need for open space, sport and recreation

Policy BSC3: Provision of affordable housing. In rural settlements proposals for residential development of 3 or more dwellings will be expected to provide at least 35% affordable homes on site

Policy BSC4: Housing Mix

Policy BSC10: Open space, outdoor sport and recreation provision

Policy BSC11: Open space, outdoor sport and recreation

Policy ESD3: Sustainable construction.

Policy ESD7: Sustainable drainage

Policy ESD10: Protection and enhancement of biodiversity and the natural environment

Policy ESD13: Local landscape protection and enhancement

Policy ESD16: Character of the built and historic environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning Policy and the Principle of Development
- Five Year Housing land Supply
- Design and Access Statement
- Landscape Impact
- Ecology
- Flooding and Drainage
- Archaeology
- Transport Assessment and Access
- Adjacent Golf Course
- Delivery of the Site
- Planning Obligation

Planning Policy and the Principle of Development

5.2 The Development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell local Plan 1996. Section 70(2) of the town and Country Planning Act 1990 provides that in dealing with applications for planning permission, the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

5.3 The site in question is not allocated for development in any adopted or draft plan forming part of the development plan. Kirtlington is designated as a Category 1 settlement in the adopted Cherwell local Plan. Policy H13 of that plan states that new residential development within the village will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the settlement, or the conversion of non-residential buildings. The site is not within the

built up limits of the village and is therefore in open countryside. Policy H18 of the adopted Cherwell local Plan restricts new dwellings beyond the built up limits of settlements in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet an identified and specified housing need that cannot be met elsewhere. These policies are carried through in the non-Statutory Cherwell Local Plan. The adopted Cherwell Local Plan contains no specific allocation for this site and the proposal clearly does not comply with this policy criterion and therefore represents development beyond the existing built up limits of the village into open countryside. The proposal therefore, needs to be assessed against Policy H18 which limits residential development beyond the existing built up limits of settlements unless they are agricultural workers dwellings or affordable housing. Quite clearly the development proposed fails to comply with this policy and in doing so also potentially conflicts with Policy C8 which seeks to prevent sporadic development in the open countryside but also serves to restrict housing development.

- 5.4 The Council's Strategic Housing land Availability Assessment Update 2014 (SHLAA) is a technical document and is a key element of the evidence base for the emerging Cherwell Local Plan and will help the Council to identify specific sites that may be suitable for allocation for housing development. The SHLAA is to inform the plan making only, and does not in itself determine whether a site should be allocated for housing development.
- 5.5 The application site is identified in the 2014 update of the SHLAA as having potential for a development of up to 75 dwellings. The SHLAA also advises that the western extent of the development would need to be limited to avoid new development that is out of scale and character with the size and setting of the village and therefore a much reduced developable area would be needed, this being approximately 2.5ha of land to the eastern part of the site at the rear of Oxford Close. In view of the lower density of housing in Oxford Close and the edge of the village location, the SHLAA suggests that a density of 30dph, producing a yield of 75 dwellings on a reduced site area. It also goes on to say that highway safety will be an important issue, particularly as access would be off a bend in the main road. The application as submitted is not in accordance with the 2014 SHLAA.

National Planning Policy Framework

- 5.6 The NPPF is a material consideration in respect of the consideration of this proposal. Paragraph 49 of the NPPF states 'housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites'.
- 5.7 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve a sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which amongst other things require planning to;
- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
 - Proactively drive and support sustainable economic development
 - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - Support the transition to a low carbon future in a changing climate
 - Encourage the effective use of land by re-using land that has been previously developed
 - Promote mixed use developments

- Conserve heritage assets in a manner appropriate to their significance
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which are, or can be made sustainable
 - Deliver sufficient community and cultural facilities and services to meet local needs
- 5.8 The NPPF at paragraph 14 states 'At the heart of the National planning policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking'.....For decision taking this means
- Approved development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole, or
 - Specific policies in this framework indicate development should be restricted
- 5.9 The adopted Cherwell Local Plan 1996 is out of date in relation to the policies regarding the delivery of housing. The NPPF advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given). The Development Plan (the adopted Cherwell Local Plan) contains no up to date policies addressing the supply of housing and it is therefore necessary to assess the application in the context of the presumption in favour of sustainable development as required by the NPPF.
- 5.10 Whilst it is acknowledged that Kirtlington is one of the more sustainable villages, this does not necessarily mean that the proposal itself constitutes sustainable development. The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below.
- 5.11 In terms of the environmental dimension, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Whilst this is a green field site and its loss will cause harm to the character and appearance of the countryside, this would be limited in the main to short distance views within the immediate vicinity of the site, on the approach into the village from the south and from the public right of way which runs along the eastern boundary of the site adjacent to Oxford Close. The development proposal also includes areas of open space, landscaping and additional tree and hedge planting.
- 5.12 In terms of the economic role, the NPPF states that the planning system should do everything it can to support sustainable economic growth. The development is likely to provide local jobs in the short term during construction, and in the long term provide economic benefit to local shops and businesses, both within the village of Kirtlington and the wider area. It should be noted however, that employment opportunities within the village and its immediate environs are very limited.
- 5.13 The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. A high quality built environment and accessibility to local services is required as part of this function. Objectors have expressed concern that a lack of local infrastructure including health and education will put further pressure on local services and the lack of capacity within existing facilities, for example, the local primary school will make it difficult for future residents to integrate fully into the local community and result in out commuting for these

essential services.

- 5.14 The NPPF however, does not change the statutory status of the development plan as being the starting point for decision making. Proposed development which conflicts with the Development Plan should be refused unless other material considerations indicate otherwise.

Five Year Housing Land Supply

- 5.15 Section 6 of the NPPF 'delivering a wide choice of high quality homes' requires local planning authorities to significantly boost the supply of housing by identifying key sites within the local plan to meet the delivery of housing within the plan period and identify and update annually a 5 year supply of deliverable sites within the District.
- 5.16 Paragraph 031 Reference ID: 3-030-20140306 of the Planning Practice Guidance – Housing and Economic Development Needs Assessments states that the NPPF sets out that, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Therefore, local planning authorities should have an identified five-year supply at all points during the plan period. Housing requirement figures in up-to-date adopted local plans should all be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted local plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.
- 5.17 Where evidence in local plans has become outdated and policies in the emerging plans are not yet capable of carrying sufficient weight, information provided in the latest assessment of housing needs should be considered, but, the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government should be used as a starting point, but the weight given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example, because of past events that affect the projection are unlikely to occur again or because of market signals) or moderated against relevant constraints (for example, environmental or infrastructure).
- 5.18 On 28 May 2014, the Council published a Housing Land Supply update which showed that there was a five year housing land supply based on the Submission Local Plan requirement of 670 homes per annum from 2006 to 2031. The examination of the Local Plan began on 3 June 2014. On that day, and the following day, June 4 2014, the Local Plan's housing requirements were discussed in the context of the Oxfordshire Housing Market Assessment (SHMA) 2014, published on 16 April 2014 (after the submission of the Local Plan in January 2014).
- 5.19 The Oxfordshire Strategic Marketing Assessment (SHMA) 2014 was commissioned by West Oxfordshire District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and Cherwell District council and provides an objective assessment of housing need. It concludes that Cherwell has a need for between 1,090 and 1,190 dwellings per annum. 1,140 dwellings per annum are identified as the mid-point figure within that range.
- 5.20 The Planning Inspector appointed to examine the Local Plan made clear his view that the SHMA document provided an objective assessment of housing need in accordance with the NPPF and suspended the Examination to provide the opportunity for the council to propose 'Main Modifications' to the Plan in the light of

the higher level of need identified. The 1,140 per annum SHMA figure represents an objective assessment of need (not itself the housing requirement for Cherwell) and will need to be tested having regard to constraints and the process of Strategic Environmental Assessment/Sustainability Appraisal. However, the existing 670 dwellings per annum housing requirement of the submission Local Plan (January 2014) should no longer be relied upon for the purpose of calculating the five year housing land supply.

- 5.21 A further Housing Land Supply Update (June 2014) was approved by the Lead Member for Planning. It shows that the District now has a 3.4 year housing land supply which includes an additional 20% requirement as required by the NPPF where there has been persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made up within the five year period. The District does not therefore have a 5 year housing land supply and as a result of the NPPF advises in paragraph 14 that planning permission should be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole'. Since June, the Council has resolved to grant planning permission for a number of housing proposals throughout the District, thereby improving the above mentioned position, although a shortfall of housing land supply still exists. A revised Housing Land Supply update will be published in March 2015.
- 5.22 However, notwithstanding the Council's Housing Land Supply position, it should be noted that the NPPF does not indicate that in the absence of a five year supply that permission for housing would automatically be granted for sites outside of any settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits.

Submission Cherwell Local Plan

- 5.23 The Submission Cherwell Local Plan is not adopted and therefore carries limited weight, but does set out the Council's proposed strategic approach to development within the District to 2031, with the majority of new development being directed to the urban areas of Banbury and Bicester. The Plan does, however, recognise that some development will have to be permitted in rural villages in order to meet the needs of the rural population.
- 5.24 Policy Villages 1 of the Plan designates Kirtlington as a Category A village, and therefore, one of the districts most sustainable based on criteria such as population, size, range of services and facilities and access to public transport. Policy 2 Villages seeks to distribute the amount of growth that can be expected within these villages, although how the numbers will be distributed is not be specified as precise allocations within each village would be set out in the Neighbourhoods Development Plan Document, based on evidence presented in the SHLAA. This document is to be prepared following the adoption of the Submission Local Plan. As part of the 'Main Modifications' to the Submission Local Plan following the need to identify further housing in order to achieve the district's assessed housing need and maintain a five year housing land supply, Policy Villages 2 has been revised by including Kidlington as a Category A Village and increasing the number of homes to 750.
- 5.25 It is evident from the above that the proposed development is contrary to policies within the adopted Cherwell Local Plan and is not allocated for development within the Submission Cherwell Local Plan. As previously expressed however, the adopted Cherwell Local Plan is out of date in terms of allocating land for new housing development, and the Submission Cherwell Local Plan currently carries limited weight in the consideration of new development proposals. As such a refusal based on these grounds alone is unlikely to be defensible at appeal and has to be weighed against other material considerations, one of these being the need to provide a five year

housing land supply.

- 5.26 However, notwithstanding the Council's Housing Land Supply position as stated above, the proposal would give rise to conflict with a number of policies in the adopted Cherwell Local Plan, Non-Statutory Cherwell Local Plan and the Submission Local Plan. Paragraph 14 of the framework makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. It does not however indicate that an absence of a five year land supply means that permission should automatically be granted for sites outside settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the Development Plan and the Framework highlights the importance of the plan led system as a whole. The identified issues of acknowledged importance are identified and considered below.

Prematurity to the Submission Local plan and the Mid-Cherwell Neighbourhood Plan

- 5.27 Kirtlington is one of twelve parishes participating in the preparation of the Mid-Cherwell Neighbourhood Plan. This Plan has yet to be finalised and submitted to the District Council. Previous appeal decisions and Central Government advice have made it clear that the Neighbourhood Plan must be in general conformity with the strategic policies of the Local Plan and until such time that the Local Plan is adopted and the Neighbourhood Plan developed in line with the DPD, and the council has a five year housing land supply, this carries limited weight.
- 5.28 A more recent appeal however, was dismissed by the Secretary of State, despite the fact that the authority did not have a five year housing land supply. In that case however, the neighbourhood plan had been submitted as part of the development plan. In respect of Kirtlington, the plan has yet to be submitted to the council and therefore can for the moment carry only limited weight.

Design and Access Statement and Master Plan

- 5.29 A Design and Access Statement has been submitted with the application which seeks to set out the framework for the proposed development of the site. An indicative master plan has been submitted which indicates the areas of housing, proposed access route, a 'village green' within the centre of the development and planting and open space to the northern and western boundaries. The Design and Access Statement however lacks detail and fails to fully justify why the site has been identified, why it is suitable for the development proposed and how the concept of the layout indicated has evolved in respect of the character of Kirtlington Village and the sites opportunities and constraints. The Design and Access Statement submitted covers only the high level aspects of master-planning and contains less detail than we would expect for a scheme of this scope and scale. While it states that the development will seek to take cues from the historic core, and a brief analysis of the character of Kirtlington has been conducted, there is little explanation of how these would be distributed and applied across the development and so does not set a clear vision for how future development can come forward. There is also very little information which summarises how the findings relate to the future urban form, architecture and public realm at Lince Lane. A set of parameter plans and defined character areas would be expected. Given the sites prominent location from the southern approach, and expansion beyond the existing built up limits of the village,

there are a number of sensitive edges which will require specific design solutions if they are to be successfully integrated into the existing village.

- 5.30 Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that ‘good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.31 The NPPF advises at paragraph 58 that planning policies and decisions should aim to ensure that developments achieve a number of results including the establishment of a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and that developments should respond to the local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 60 advises that whilst particular styles or tastes should not be discouraged, it is proper to seek to promote or reinforce local distinctiveness.
- 5.32 Paragraph 61 states: ‘although visual appearance and the architecture of individual buildings and are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’.
- 5.33 Paragraph 63 states ‘In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’.
- 5.34 Paragraph 65 states: ‘Local Planning Authorities should not refuse planning permission for buildings or infrastructure which promote high level of sustainability because of concerns about compatibility with an existing townscape, if those concerns have been mitigated by good design, (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposals economic, social and environmental benefits).
- 5.35 The adopted Cherwell local Plan also contains established Policy C28 which 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 choice of materials, are sympathetic to the character of the urban or rural context of that development’. Policy C30 states that ‘design control will be exercised to ensure.....(i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and, (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority.
- 5.36 A major concern in respect of this development proposal is the context within which it sits. Kirtlington is a well contained settlement with a strong linear pattern following the original route of Portway, with greens located at junctions with other historic routes and bound on the east side by Kirtlington Park. The village has seen some more recent modern development, generally located on the western side, and whilst this generally shows poor relation to the remainder of the village, this tends to have been in a long, linear cul-de-sac form.
- 5.37 The Countryside Design Summary SPG identifies the village of Kirtlington within the Ploughley Limestone Plateau character area, while the site itself falls within Cherwell Valley character area. As the site provides a significant expansion of the village, it is appropriate to consider the site as also within the Ploughley Limestone character

area. The Countryside Design Summary SPG provides an analysis of the predominant characteristics of both the landscape and built environment identifying subsequent implications for new developments. Specific to this site, new development should reinforce the existing street pattern, which creates the basic village form. In linear villages, development should strengthen the dominant street scene, limit backland development and should reflect the character of the locality in terms of the relationship between buildings, open space and roads.

- 5.38 Having regard to the above, it is considered that the proposal does not represent a scheme that enhances the setting and distinctive character of the village, and given the scale and location of this development, it clearly is contrary to the established settlement pattern of Kirtlington with limited connectivity back into the main village core.
- 5.39 In terms of access, connectivity and integration, the main concern stems from the single point of access for 95 houses, forming an additional, larger cul-de-sac to the existing 20th Century development at Oxford Close. Policy ESD16 of the Submission Local Plan relating to the character of the built and historic environment, requires new development to be designed to integrate with existing streets and public spaces. The inward looking nature of the cul-de-sac adjacent to the site presents an awkward boundary, and prevents an appropriate level of interaction with the existing village.
- 5.40 As previously expressed, a major concern relates to the proposed size of the development and the context within which it sits. Kirtlington is a well contained settlement with a strong linear pattern following the route of Portway, with Village Greens located at junctions with other historic routes and bound on the eastern side by Kirtlington Park, an important Grade 1 Listed Historic Parkland. The village has seen some 21st Century infill development and some 20th Century development, the bulk of which is located adjacent to the application site in long linear form. It is considered that any development on this site should reinforce the existing street pattern, which creates the basic village form. In linear villages, such as Kirtlington, development should strengthen the dominant street scene, limit back land development and reflect the character of the locality in terms of the relationship between buildings, open space and roads. The development form indicated within the submission does not respect the traditional settlement pattern.
- 5.41 Having regard to the above, it is considered that given the scale of the proposal it does not represent a scheme that enhances the setting and distinctive character of the village, contrary to the established historic settlement pattern which lacks good connectivity back into the village. In terms of access, connectivity and integration, the Council's concern stems from the single point of access for 95 houses, forming an additional large cul-de-sac. The settlement pattern of a village can be as important to its character as the buildings. Policy C27 of the adopted Cherwell Local plan states that development proposals in villages will be expected to respect their historic settlement pattern and Policy ESD16 (the character of the built environment) of the Submission Local Plan requires new development to be designed to integrate with existing streets and public spaces. Policies C28 and C30 of the adopted Cherwell Local Plan also go on to state that all new development should be sympathetic to the character of the urban or rural context of the development, development in areas of high landscape value will be required to be of a high standard of design and that new housing development must be compatible with the appearance, character, layout, scale and density of existing dwellings in the locality. The submitted master plan has been assessed and it is considered that a development of this form, size and location pays no regard to the traditional settlement pattern or strong linear form of Kirtlington and would therefore be contrary to the aforementioned policies.
- 5.42 The development as indicated does not allow appropriate integration with the existing village. The Public Right of Way that runs along the eastern boundary of the site is

poorly maintained and is currently impassable at the Oxford Close end. This route is also very narrow and does not provide an obvious or hospitable route back into the village and is therefore not considered to be an appropriate main and clear means of connection into the village to suggest that the new development would be well integrated with the remainder of the village. As a result it is more likely that residents will use the car rather than walk to the facilities within the village and to Kirtlington Primary School.

Visual Amenity and Landscape Impact

- 5.43 The application site quite clearly lies beyond the existing built up limits of Kirtlington in an area of open countryside which is identified as being of High landscape Value (Saved Policy C13 of the Adopted Cherwell local Plan). Policies C7 and C8 of the adopted Cherwell Local Plan also seek to protect the landscape, preventing sporadic development that would cause harm to the topography and character of the landscape and the explanatory text states that tight control should be exercised over all development proposals in the countryside if the character is to be retained and enhanced. Careful control of the scale and type of development is necessary to protect the character of these designated areas. Policy EN34 of the Non-Statutory Cherwell Local Plan seeks to conserve and enhance the character and appearance of the landscape although the formal designation relating to the Area of High Landscape Value has been removed. This does not mean however that landscape quality is no longer important. The landscape significance of these areas is carried through in the Submission Local Plan through Policy ESD 13 which seeks to conserve and enhance the distinctive and highly valued local character of the entire district. The NPPF also advises that the open countryside should be protected for its own sake.
- 5.44 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscaped areas will be judged. Distinctions should be made between the hierarchy of internal, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and contribution to they make to wider ecological works.
- 5.45 Paragraph 115 of the NPPF advises that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status protection in relation to landscape and scenic beauty. The application site does not lie in any nationally designated landscape, such as a National Park or AONB but it does lie within an area designated locally within the adopted Cherwell Local Plan as an 'Area of High landscape Value'. There are no tree preservation Orders on or adjacent to the site.
- 5.46 The application is accompanied by a Landscape and Visual Assessment which has been prepared by Barnes Walker, Landscape Architect and Urban Design on behalf of the applicant. This appraisal of landscape and visual effects has been undertaken with reference to and using aspects of the guidance found within 'Guidelines for Landscape and Visual Impact assessment published by the Landscape Institute and Institute of Environmental assessment 2013. It has been assessed by the Council's Landscape Officer who considers that the conclusions of the landscape and visual assessment are fair showing that the development will have limited effect on the wider landscape, but that the greatest impact will be from the footpath to the rear of Oxford Close and from the open views into the site from Lince Lane where the effects will be major adverse.
- 5.47 It is accepted that the development proposed by virtue of its nature, being development of a green field site beyond the existing built up limits of the village into open countryside will result in localised harm on the approach into the village and from localised viewpoints, and the introduction of houses, access roads and

associated domestic paraphernalia would have an urbanising effect on this part of the village and open countryside. However, the wider visibility of the site within the wider area is restricted by intervening vegetation and longer distance views. Having regard to the above, whilst it is considered that the development proposed will cause demonstrable harm to the immediate locality in terms of its scale, size and form, the harm being identified as Major/Adverse, it is considered that the harm to the wider open countryside and the impact upon the Area of High Landscape Value is not sufficient to justify a refusal based on visual and landscape impact and Policy C7 of the adopted Cherwell Local Plan and the advice within the NPPF.

Ecology

- 5.48 The application is accompanied by an ecological appraisal including the results of an Extended Phase 1 and subsequent protected species surveys, undertaken on a site located on the south-western fringe of Kirtlington, prepared by FPRC Environment and Design Ltd on behalf of the applicants. The report states that the site is dominated by species-poor semi-improved grassland currently utilised as pasture bound by hedgerows and fences. Additional habitats present include patches of tall ruderal herbs generally associated with small areas of abandonment, a stagnant pond, tree standards, scattered scrub and a small allotment and amenity grassland associated with the bungalow.
- 5.49 The site was surveyed on 23 April 2014 following the Extended Phase 1 survey technique as recommended by Natural England which involved a systematic walk over the site by an experienced ecologist to classify the broad habitat types and to particularly identify any habitats of principal importance for the conservation of biodiversity as listed within section 41 of the NERC Act 2006. The surveys included the potential for the presence of bats, reptiles, birds and Great Crested Newts. An old bat roost in the roof of the bungalow and the potential for reptiles to be present are the main findings of the ecological survey, but given the habitats on site, the Council's Ecologist agrees that no other protected species are likely to be directly affected. A rare species of bat was recorded foraging or commuting nearby during the survey.
- 5.50 The application site is not within a statutory or non-statutory designated site, although Kirtlington Quarry SSSI and Local Nature Reserve are located 270m north; and Shipton-on-Cherwell and Whitehill Farm Quarries SSSI, 1.8km southwest of the site. These sites are designated for their geological interest and as such the submitted report makes no assessment upon potential geological impacts within the report. No statutory designated sites for their ecological interest are located within 5km for internationally important sites and 2km for nationally/regionally important sites.
- 5.51 In terms of Non-Statutory Designated Sites, Kirtlington Park Local Wildlife Site and Conservation Target Area and Lower Valley Conservation Target Area are located 390m east and 300m west respectively. The appraisal however, due to the distance buffers between the site and the development area, does not consider that these offer a constraint to the development as it is unlikely that the development would have a detrimental impact.
- 5.52 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures'.
- 5.53 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that 'every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and:

'Local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a 'competent authority' in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the member States to prohibit the deterioration or destruction of their breeding sites or resting places'.

5.54 Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under regulation 53 of the conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-

1. Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
2. There is a satisfactory alternative
3. Is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species

5.55 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.

5.56 The Council's Ecologist has assessed the Ecological appraisal which has been submitted with the application and raises no objection, and further advises that in general the ecological enhancements recommended should result in a net gain to biodiversity if carried out appropriately, she also recommends that as there is a known population of swifts in Kirtlington, swift nest boxes should be considered, together with integrated bat boxes. A number of conditions are recommended should planning permission be granted.

5.57 Consequently, having regard to the above, it is considered that Article 12 (1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on the site will continue, and will be safeguarded, notwithstanding the proposed development. It is therefore considered that the proposal accords with the advice within the NPPF and Policies C2 and C5 of the adopted Cherwell Local Plan and Policy ESD10 of the Submission Local Plan.

Flooding and Drainage

5.58 A Flood Risk Assessment has been submitted as part of the application which demonstrates that the site is not at risk of flooding. The site lies outside any fluvial flood risk areas, being located within Flood Zone 1. The report has determined that the site is at low risk from all forms of flooding. The surface water drainage strategy is to direct all the surface water run-off from the development to new surface water networks that flow south east, to correspond with the natural ground falls. An attenuation pond is proposed at these low points to retain excess water and the new private surface water networks will be designed in line with current British Standard guidance, up to the 100 year storm period including an allowance for climate change. The use of SuDS with controlled (restricted) outflow to the local watercourses in line with the required run-off rates will help mitigate any flood risk impact to the surrounding areas.

5.59 The Environment Agency has assessed the submitted Flood Risk Assessment and

raises no objection subject to the imposition of a condition requiring the submission of a surface water drainage scheme for the site based on the FRA and Surface Water Drainage Strategy dated September 2014.

Archaeology and Cultural Heritage

- 5.60 The site is located in an area of archaeological potential 650m south of Akeman Street, the roman road from Alcester to Cirencester (PRN 8921). Another possible prehistoric trackway and minor Roman road, the Portway, has been recorded 500m north of this site (PRN 8926). The projected course of the Portway passes 130m east of this proposed site. Roman settlement has been recorded 240m south east of the proposal area during an archaeological excavation which was recorded a Roman stone building and stone lined well along with a c2nd or 3rd field system (PRN 16989). Two Saxon sunken featured buildings were also recorded along with a third possible Saxon building along with a quantity of Neolithic pottery. Evidence of further Roman settlement evidence was recorded 170m east of the proposed site during an excavation which recorded a Roman pit (PRN 28269) along with a Saxon ditch and medieval features. Roman burials have been recorded 500m north of the site (PRN 1762) and numerous Roman coins have been found in the area.
- 5.61 Medieval remains have been found in a number of locations within the settlement itself. A series of earthworks have been recorded immediately south east of the application area which have been interpreted as a possible deserted medieval village (PRN 13284).
- 5.62 Section 12 of the NPPF – Conserving and Enhancing the Historic Environment sets out the planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance.
- 5.63 Paragraph 128 states that: ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset’s importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and , where necessary, a field evaluation’.
- 5.64 Paragraph 129 states: ‘Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid, or minimise conflict between the heritage asset’s conservation and any aspect of the proposed’.
- 5.65 Paragraph 131 in respect of the consideration of planning applications states that local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and
 - The desirability of new development making a positive contribution to local character and distinctiveness

- 5.66 Paragraph 132 states: 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.

The NPPF at paragraphs 133 and 134 go on to say that where a development will lead to substantial harm it should be refused, or where it will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

- 5.67 The County Archaeologist assessed the initial submission and raised an objection on the grounds that as the site is located in an area of archaeological potential, the results of an archaeological field evaluation would need to be submitted as part of the application in order that the potential impact of this development on any surviving archaeological features could be assessed. The applicants were advised of this and Oxford Archaeology was commissioned by CgMS to undertake an archaeological evaluation of the site. The archaeological work was carried out from 17th to 19th December 2014 and a Geophysical Survey Report produced by Stratascan dated December 2014 and an Archaeological Evaluation Report produced by Oxford Archaeology dated January 2015 were received by the Local Planning Authority on 27th January 2015.

- 5.68 The final comments from the county Archaeologist are awaited but the reports did not identify any significant archaeological remains or features. The proposed development therefore will not adversely affect the site in terms of its archaeological importance and the development is therefore considered to be in accordance with the above mentioned advice within the NPPF.

- 5.69 The application proposal has also been assessed in terms of its impact upon the adjacent heritage asset, the Kirtlington Conservation Area. It is considered that due to the distance between the site and the Conservation area boundary that the development proposed will not adversely affect the setting of the adjacent Conservation Area. There are no listed buildings within immediate proximity of the site. The development in that respect is therefore in accordance with the advice within the NPPF and Policy C18 of the adopted Cherwell Local Plan.

Transport Assessment and Access

- 5.70 The application has been submitted with a Transport Assessment and Travel Plan prepared by Stirling/Maynard transportation Consultants on behalf of the applicants. A single vehicular access into the site is proposed from the A4095 at the eastern end of the site from Lince Lane, a single carriageway road which in the vicinity of the site is approximately 6.5m wide. On the approach into the village from the south, the road is subject to a 50mph speed limit which reduces to 30mph at the entrance into the village. There is no footway immediately along the site frontage.

- 5.71 Access into the site is taken off the bend in Lince Lane via a simple priority junction with right turn facility and a footpath from the access to continue to link to the existing footpath on Oxford Road. Vision splays of 2.5m by 43m are proposed.

The highway authority have assessed the Transport Assessment but have raised objections on the grounds that the proposal as submitted lacks detail with regard to the geometry and visibility available at the vehicular access and therefore fails to demonstrate the proposed access would operate safely. The submitted plans do not include tracking diagrams for large vehicles, for example, refuse trucks turning to or from the site. Plans should be submitted to demonstrate that such manoeuvres would not involve running over the opposite side of the carriageway or turning lane. The

applicants were advised of the above objection and a revised submission was sent to the highway authority and copied to CDC in November.

- 5.72 The revised plans indicate that a vision splay of 2.4 x 90m is available in both directions. For vehicles travelling eastbound towards the access 134m visibility is available and westbound towards the access a 68m forward visibility is available. In respect of vehicles in the right turn lane waiting to turn right into the site the plans indicate that 84m forwards visibility is available to the off side lane and 103m to the near side lane. These plans have been passed to the highway authority for consideration but a response is still awaited, and it is therefore not clear whether the objection has been addressed. A reason for refusal is therefore recommended on highway grounds.
- 5.73

In terms of accessibility, the Transport Assessment considers that the whole of Kirtlington village is within cycling distance of the site, together with other surrounding villages and the fringes of Woodstock and Kidlington, bringing a further range of facilities within cycling distance of the site. This statement however, appears to make no assessment of the terrain, type of roads/lanes, many of these roads are not lit and are essentially narrow country lanes which are unlikely to be attractive to cyclists, particularly during the winter months.

5.74

The Transport Assessment also states that the bus routes into the village offer a regular service from early morning until early evening Monday to Saturday providing opportunities for travel to Bicester, Oxford and Kidlington. In addition there is a later bus back from Oxford on Saturday evening although there is no service on Sundays. However, these buses are only every 2 hours to Kidlington for the majority of the day.

Adjacent Golf Course

- 5.75 The site lies to the east of the Kirtlington Golf Course and one of the Tees which is situated close to the boundary with the application site. The possible issue of the safety of the application site arising from the proximity of the Kirtlington golf course on the boundary of the site was raised with the applicants during the consideration of the application. This issue was also highlighted in a letter submitted on behalf of the owners of the golf course drawing attention to the historic position relating to their site and the application site and the objections raised by the landowner and farmer Mr East regarding golf balls which were being hit onto the land causing damage to buildings and potential hazard to cattle. Following these complaints, fencing was erected by the Golf Club owners together with planting along the boundary in question to prevent the escape of golf balls from their site onto the land which now forms the basis of this application. The letter goes on to say that the physical fencing was removed some 3 years ago as the planted screen was considered sufficient to prevent the escape of golf balls from the site.
- 5.76 The Council's Anti-Social Behaviour manager advised that the use of planting to create a barrier must be considered a temporary solution to the problem as with time the trees and shrubs could deteriorate and become less effective. He therefore requested that the applicant's be required to submit a specialists report prepared by a golf course architect appraising the current arrangements for boundary protection and recommendations as to what would be required in the long term to protect the proposed dwellings and their inhabitants.
- 5.77 The applicants responded stating that whilst the safety concerns from stray golf balls from Kirtlington golf course were acknowledged, on balance they did not consider this to be a major '*planning issue*' relevant to the decision or a significant concern to be weighed in the planning balance. They also go on to say that the fact that the application site is close to a golf course may be seen as a positive visual landscape

feature and as a responsible developer point out the significant existing landscaping on the golf course and the equally significant buffer on the western boundary of the site and the layout which is sensitive to the proximity of the golf course and does allow this significant offset in consideration of potential future residents of the scheme. They further state that it is their understanding that large nets (which were previously in place) are no longer acceptable mitigation as they are deemed to be intrusive landscape features and it is therefore difficult to consider what further mitigation is either achievable or appropriate.

5.78 In respect of a recent appeal decision on land to the west of Warwick Road (application number 13/00656/OUT), the Inspector considered a similar issue with respect to a residential development and its relationship with the adjacent golf driving range and 9 hole golf course. In respect of that appeal, the appellants had commissioned a survey to assess the impact of the golf club on the proposed development and vice versa. The Inspector agreed that this issue required consideration because it is necessary to ensure the safety of future occupiers of the proposed development. Whilst that report acknowledged that a significant number of golf balls were currently being hit out of the driving range into part of the site, since the application was for up to 300 dwellings, the Inspector considered that permission could not be refused for the entire development even if it was found at reserved matters stage that a part could not be safely built.

5.79 In the case of this particular application, whilst it is unfortunate that the applicants are not willing to commission a survey and report as requested, it is considered that a recommendation of refusal based on the relationship between Kirtlington Golf Club and the residential development of the site cannot be justified and that this matter should therefore be dealt with by condition, requiring that a landscaped buffer is provided between the built development and the golf course to avoid potential damage and conflict from stray balls should planning permission be forthcoming.

5.80 **Delivery of the Site**

Part of the justification for the submission of this application is based on the District's housing land supply shortage. The potential of this development is to contribute to the shortage of housing is a key factor weighing in favour of this proposal. It is therefore vital that this land is delivered within the 5 year period.

5.81

As with other residential applications submitted for consideration on this basis, it is considered that if planning permission is granted, a shorter implementation period should be imposed which will help to ensure that the development contributes to the five year housing land supply. The application has been submitted by Gladmans who would look to market the site upon the receipt of a planning permission and cite the new development on the Barford Road at Bloxham which has been successfully marketed as an example.

Planning Obligation

5.82 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. The draft Supplementary planning Document (SPD) relating to the requirements was considered by the Council's Executive in May 2011 and was approved as interim guidance for development control purposes.

5.83 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/services. Obligations are the mechanism to secure these measures.

- 5.84 In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:
- Necessary to make development acceptable in planning terms
 - Directly related to the development, and:
 - Fairly and reasonably related in kind and scale to the development

- 5.85 Having regard to the above, the Heads of Terms relating to the additional development would include the following:-

CDC Contributions

- Affordable housing – 35%
- Refuse and recycling - £67.50 per dwelling
- Off-site sports – (to be confirmed)
- Indoor sports – (to be confirmed)
- Community Hall – (to be confirmed)
- Community development - £22,968.12 to support and integrate the new residents into the community
- Play area - £122,889.10 towards future maintenance of a combined LAP/LEAP on site
- Hedgerow maintenance - £38.96m2
- Attenuation areas - £16.26m2
- Informal open space on site - £27.31m2
- Mature tree maintenance - £3,027.34 per tree
- Monitoring fee – (to be confirmed)

OCC Contributions

- Public transport – (to be confirmed)
- Treatment of public right of way – (to be confirmed)
- Primary education - £370,740 for the necessary expansion of permanent primary school capacity
- Secondary education - £388,892 for the necessary expansion of permanent secondary school capacity
- Special education needs - £18,413
- Library
- Strategic waste and recycling
- Museum resource centre
- Social and healthcare
- Adult learning
- Administrative costs

Other contributions

- Thames Valley Police - £17,640.75

Engagement

- 5.86 With regard to the duty set out in paragraphs 186 and 187 of the Framework, a number of problems or issues have arisen during the consideration of the application. It is considered that the duty to be positive and proactive has been discharged through the desire of the District Council to seek to work with the applicants in an attempt to resolve the issues raised in respect of the submission, prior to the determination of the application.

Conclusion

- 5.87 Given that the adopted Cherwell Local Plan housing policies are out of date and the emerging housing policies can only be given limited weight, and the council cannot demonstrate a five year housing land supply, paragraphs 14 and 49 of the Framework are engaged. Paragraph 14 makes it clear that permission should be

granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- 5.88 The proposal seeks to provide up to 95 new dwellings, 35% of which would be affordable and this is seen as a benefit. The proposal however, notwithstanding the Councils' housing land supply position, is not considered acceptable and the site is not considered suitable for residential development in the form and scale proposed due to its impact on the visual amenities of the locality and the historic form and character of the village. In accordance with paragraph 14 of the NPPF, the adverse impact of the development on the locality and the character and form of the village therefore significantly and demonstrable outweighs the benefits that housing would bring. Therefore, in respect of this application proposal, the development would not constitute sustainable development and, consequently, the presumption in favour does not apply.

6. Recommendation

That Members resolve, that should they have determined the application, that, the application would have been refused on the following grounds:

Refuse:

1. Notwithstanding the Council's present inability to demonstrate that it has a five year housing land supply as required by paragraph 47 of the NPPF, the development of this site as proposed cannot be justified on the basis of the land supply shortfall alone. The proposal constitutes development which by virtue of its scale, size and form fails to respect the traditional settlement pattern of Kirtlington, extending beyond its built up limits into the open countryside, resulting in an incongruous, unsustainable and inappropriate form of development which pays little regard to the traditional settlement pattern and which would relate poorly to the remainder of the village, and cause demonstrable harm to the character of the village and visual amenities of the immediate locality, contrary to Policies H18, C8, C27, C28 and C30 of the adopted Cherwell Local Plan and Policies ESD13 and ESD16 of the Submission Cherwell Local Plan and Central government advice within the National Planning Policy Framework.
2. The proposal fails to demonstrate appropriate and safe access. The submission lacks detail with regard to the geometry and visibility available at the vehicular access, together with tracking diagrams for large vehicles turning into or from the site and therefore fails to demonstrate that the proposed access would operate safely to the detriment of highway safety, contrary to the advice within the National Planning Policy Framework.
3. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure and affordable housing directly required as a result of this scheme will be delivered. This would be contrary to Policy H5 of the adopted Cherwell Local Plan and Policy INF1 of the Submission Local Plan and Central government guidance within the national Planning policy Framework.

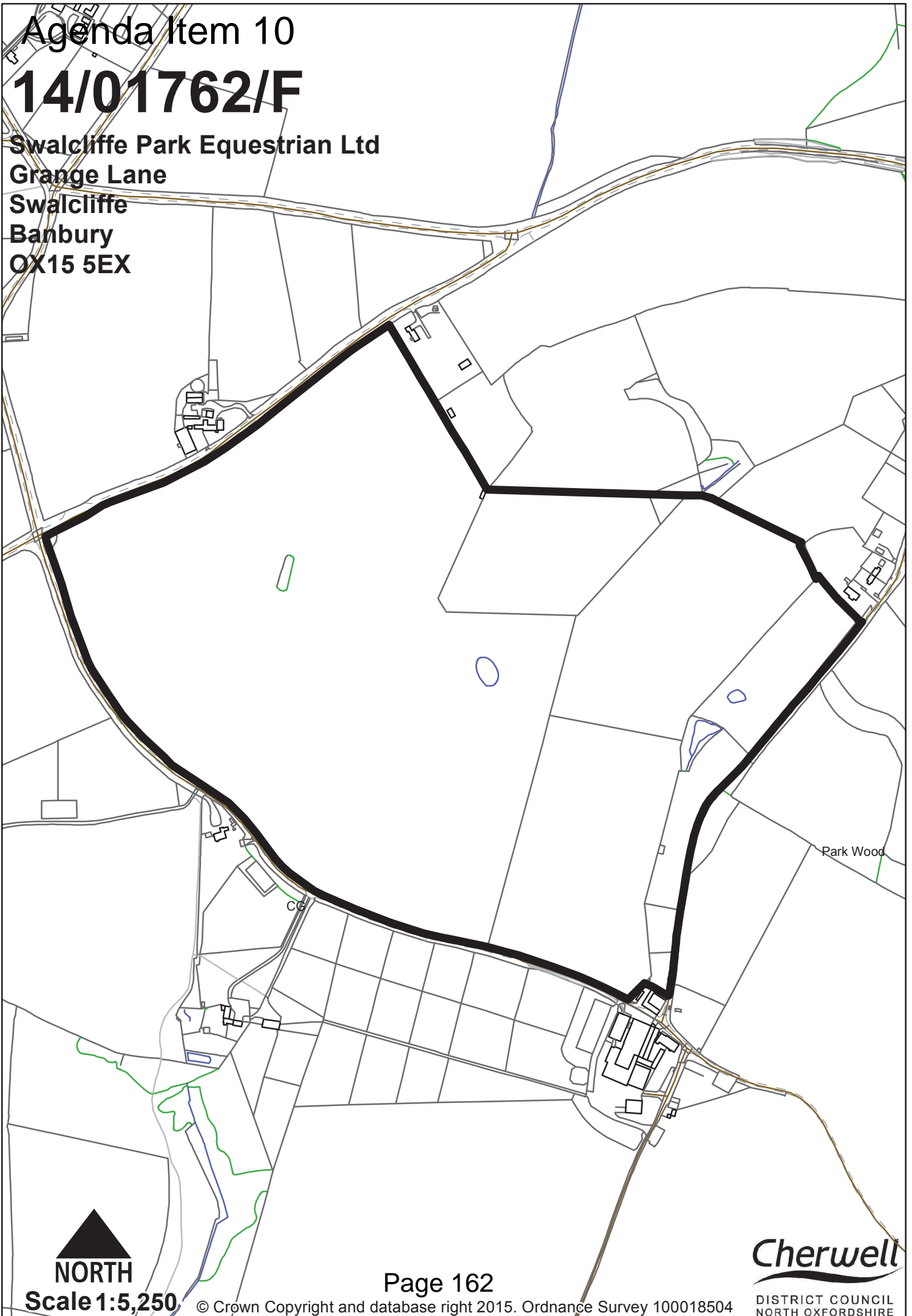
STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

Agenda Item 10

14/01762/F

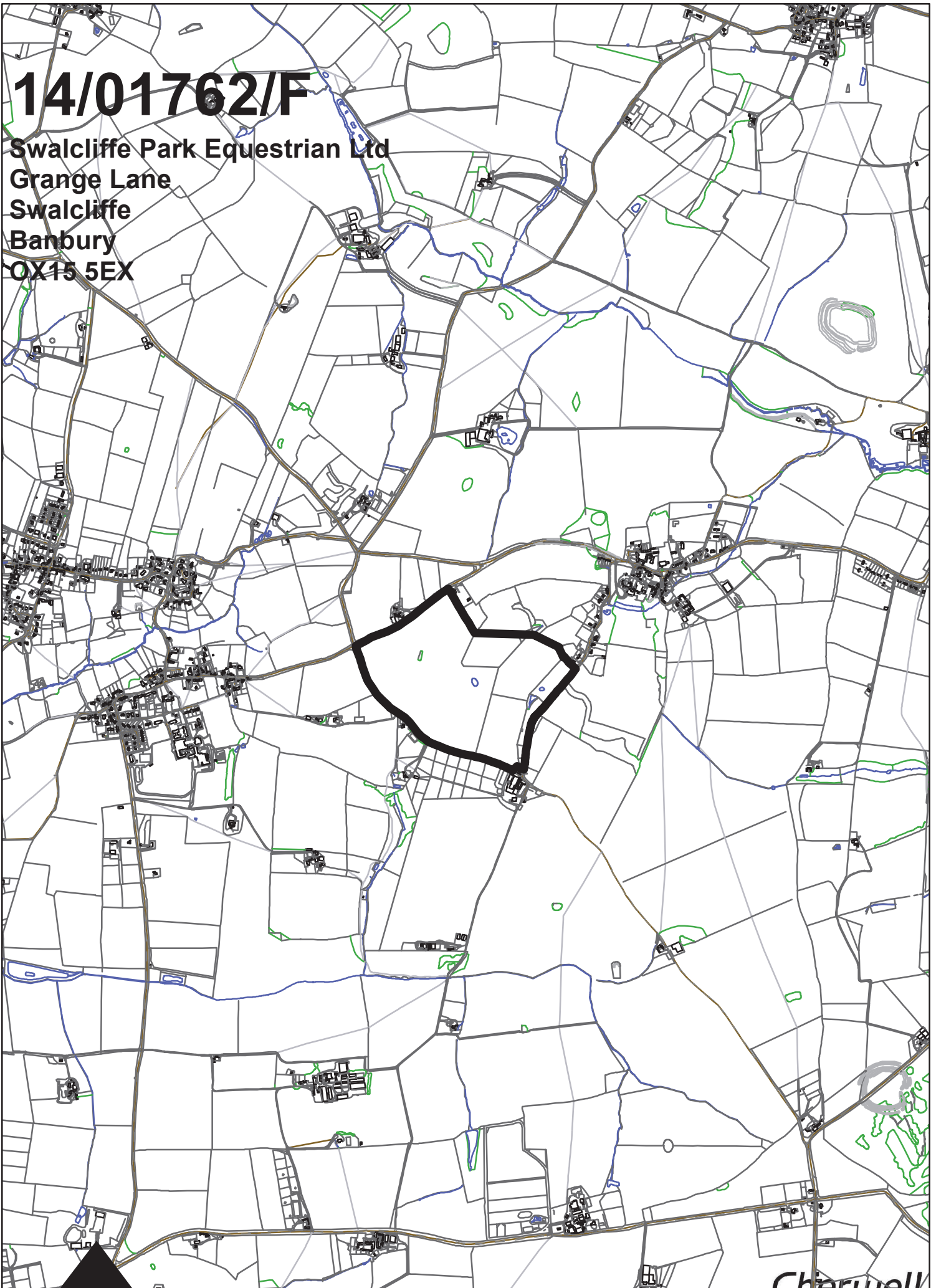
Swalcliffe Park Equestrian Ltd
Grange Lane
Swalcliffe
Banbury
OX15 5EX



Scale 1:5,250

14/01762/F

Swalcliffe Park Equestrian Ltd
Grange Lane
Swalcliffe
Banbury
OX15 5EX



 NORTH

Scale 1:20,000

**Site Address: Swalcliffe Park Equestrian
Grange Lane Swalcliffe**

14/01762/F

Ward: Sibford

District Councillor: Cllr. George Reynolds

Case Officer: Bob Neville

Recommendation: Approval subject to the receipt of an approved Noise Management Plan and conditions.

Applicant: Swalcliffe Park Equestrian - Mr Richard Taylor

Application Description: Use of land at Grange Farm for mixed use comprising part agricultural, part equestrian training and competitions (Use Class D2); retention of 1no. access and relocation of 1no. access on to the road leading from the B4035 to Sibford Ferris; retention of, and extension to, existing parking area and retention of equestrian jumps and obstacles; as detailed in agent's letter dated 22 December 2014

Committee Referral: Major application

Committee Date: 19/03/2015

1. Site Description and Proposed Development

- 1.1 The site is an area of land of approximately 39 hectares, which forms part of Swalcliffe Grange Farm, located just south-west of the village of Swalcliffe, east of Sibford Ferris and some 6 miles from Banbury. It is an area of undulating landscape in predominantly agricultural use and is accessed by narrow rural lanes (in some places only single-track). The site is largely bounded by existing mature agricultural hedgerows, although stock-proof fencing and a relatively new hedgerow has been planted along Grange Lane to the west. The site has an existing area of hardstanding for parking, although this does not appear to benefit from planning permission, and due to the passage of time it may be that it is now immune from enforcement action. Both permanent and moveable jumps/structures are present on site and include a water complex and jumps created within the landscape and hedgerows/fences. Some of these jumps are considered to be operational development and have also been constructed without the necessary consent.
- 1.2 The site is not within a conservation area and there are no listed buildings within close proximity; the site is however within an area designated as being of high landscape value (AHLV) and there are Public Rights of Way located to the south and east of the site.
- 1.3 The application seeks permission for a change of use of the site for a mixed use of equestrian and agricultural use and the retention of, and extension to, an existing parking area currently used for vehicle parking in association with the business. The equestrian use would include training and competitions whilst the agricultural use would occur in the event of the land not being required in conjunction with the equestrian use. The application also seeks the regularisation of unauthorised development associated with the equestrian activities taking place at the site including: the installation of permanent jumps/obstacles (as detailed in agent's letter dated 22 December 2014); the relocation of an existing vehicular access into the site from the road leading from the B4035 to Sibford Ferris, some 30m west of Elm Farm, and the retention of a further access on to the same road; some 34m west of Partway House.
- 1.4 The application was originally presented at the planning committee on the 19th of February 2015; however following comments made by Shoosmiths, solicitors acting on behalf of several key objectors to the proposal, the application was deferred to allow officers the opportunity to seek further legal advice on the points raised; i.e. any permission would not be lawful because:

- The use of the land for equestrian activities for 28 days pursuant to Permitted Development Rights (PD) is not a lawful fall-back position to consider because of the continued presence of unauthorised structures on the land;
- The development is EIA development because of the car park.

Further advice has been received confirming officers opinion that the fall-back position should be a material consideration and that the development does not constitute EIA development (discussed later in this report). Officers are now content that the position taken and ultimate recommendation is legally sound.

- 1.5 The site is currently being used for day-to-day equestrian training (although no previous planning consent has been applied for or granted for this use) and Swalcliffe Park Equestrian (SPE) also host equestrian competitions/events that attract a large number of competitors; such as the British Eventing Horse Trials which have seen some 500 riders taking part in the event over two days.
- 1.6 The applicant has indicated the use of the site for day-to-day training is pre-booked with most people schooling for 60 to 90 minutes per horse; utilising wooden cross-country fences and riding in large open spaces and suggest that a limit of 50 horses on site day-to-day is appropriate.
- 1.7 The applicant's contend that the larger events are being, and have been carried out under permitted development rights, afforded to them for temporary uses on the site; under Schedule 2 Part 4 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO), which allows for temporary buildings/moveable structures and the use of land for any purpose for not more than 28 days in any one calendar year; although looking at the calendar events submitted for 2014, usage of the site for competitions appears to be significantly above the 28 allowance. It is officer's opinion that the 28 days allowed under the GPDO would include days required to erect associated structures before the event and also days required to clear the site post event; as it is considered that as soon as activities are undertaken, that are associated with the temporary use, that the use is considered to have started and that the use would continue until the site has been returned to its original state. The calendar shows 15 events taking place over 22 days; however if set-up and take-down days are included, as would be required, the number of days that the site is in use rises to 54. Whilst there is a breach of the 28 day rule, this would be the applicant's fall-back position in terms of use of the site and unlimited events could be held on site, without the need for planning permission for 28 days in any one calendar year.
- 1.8 The Council's Planning Enforcement Team are monitoring the situation and are aware of activities taking place on the site and the unauthorised development that has also taken place. No action has been taken to date, given the previous and pending applications, other than the issuing of a Planning Contravention Notice (PCN) (to gain information to give a better understanding of activities taking place on site). This was fully complied with on 29/10/2014. Details of the applicant's response have been submitted as supporting information for the current application and are available to view on the Council's website. Further comments in relation to enforcement issues are discussed later in this report.
- 1.9 The applicants have stated that they have used the site for equestrian activities since 1997, They also state that the business has continued to be successful and expand; its core operations now include equestrian training, competitions and horse trials. The statement regarding the use of the site has been disputed by some of those objecting to the scheme; referring to aerial photographs showing the land to be in crop. The information received back from the applicant in response to the PCN sets out the history of the use of the site in relation to equestrian and agricultural activities that have taken place on site over the past 10 years; the layouts that have been used for some of the larger equestrian events that have taken place on site; details of

numbers of day-to-day equestrian users and a calendar of larger equestrian events that were held during 2014. The information provided would appear to demonstrate that equestrian uses on site have expanded, which would in turn, appear to corroborate the applicant's statement that the equestrian business has become more successful and therefore there has been less of a reliance on use of the site for agricultural crops.

- 1.10 This is the third application that has been made on the site for development of a similar nature and has been made following the withdrawal of previous application 14/00801/F; for the use of land for mixed use comprising equestrian training (use class D2) and agriculture, together with extension of existing vehicle parking area, in 2014. This application was withdrawn prior to being presented at Planning Committee in September 2014 at the request of the applicant; due to concerns relating to the proposed conditions, that had been attached to the recommendation for approval set out in the Case Officer's report to committee; in that the applicants considered that restrictions imposed by the conditions would impact on their ability to host larger events over 50 riders which would in turn detrimentally impact on the viability of the business. Further relevant planning history is detailed later in the report.
- 1.11 A continuous dialogue has been maintained with the applicant's agent throughout the course of the application and has resulted in further information being submitted to provide further clarity to the application and a revision to the development description. Further information was received attached to agent's email dated 22nd December 2014 and again on the 5th March 2015. The development description was amended to expand upon what 'associated development' referred to in the original description; and therefore provide clarity as to that for which permission is sought.

2. Application Publicity

- 2.1 The application has been advertised by way of a press notice, site notices and neighbour letters. The initial final date for comment on this application was 11.12.2014; however, following the submission of revised and additional information received at Christmas and again in March further consultation exercises were undertaken and a final deadline for comments has been set at the 15th March 2015. As the deadline for further comments extends beyond the date when this report has been prepared, any further consultee responses or comments received will be conveyed to committee members as a written update prior to the meeting on the 19th of March. At the time of writing ninety nine items of correspondence have been received as a result of the process; both supporting and objecting to the application; details of all the representations received are viewable on the Council's web-site.
- 2.2 Forty three letters of support were received from local residents/businesses and also users of the site, on the following grounds:
- Activities at Swalcliffe Park Equestrian support local rural businesses (including local public house and farriers)
 - The business generates employment opportunities
 - Valuable community facility
 - The business supports equestrian training and development at all levels (from young children to international competitors)
 - The site is well run and maintained
- 2.3 Letters/emails of objection have been received from sixteen individual households and local residents, citing some or all of the following reasons:
- Landscape impact (due to the extension of the parking area and jumps within the fields)
 - Impact on the conservation areas of Sibford Ferris and Swalcliffe.

- Noise impact (use of public address systems)
- Unacceptable increase in levels of traffic generation causing detrimental levels of noise, congestion and pollution; and in general causing damage to highways.
- Detrimental impact on neighbour amenity and an infringement on Human Rights
- Impact on the environment and biodiversity
- Impact on archaeology
- Unacceptable intensification of activities on site
- Impact on Health and Safety
- Cumulative impact on the environment of this application and previously approved anaerobic digester development.

2.4 A detailed objection has also been received from planning consultants Judith Norris Ltd on behalf of three neighbouring properties; these included reports on transport by Allen Davies, landscape impact by Portus & Whitton (however, it must be noted that although it does make reference to the fields within the current site area, it was produced in support to the previous objection submitted against application 13/01295/F and does not appear to have been updated with respect to the current application) and noise impact by Walker Beak Mason.

2.5 Further objections on behalf of two of the same three neighbours have been received from Shoosmiths LLP citing issues with the clarity of the supporting information of the application and the need for an Environmental Impact Assessment to be undertaken. These issues will be discussed further later in this report.

2.6 The issues raised in the objections will be addressed within the relevant sections of the main body of this report. As noted earlier the full contents of all the representations received are viewable on the Council's web-site.

3. Consultations

3.1 **Swalcliffe Parish Council** - Swalcliffe Parish Council does not object in principle to change of use to include equestrian training and to the extension of the vehicle parking. However we do have concerns regarding the scale, detail and clarity of the current application that we believe should be considered by the Planning Officer. And we would also refer to our comments made in relation to the previous planning application by SPE, reference 14/00801/F, some of which still apply.

- The car / lorry park – we are pleased that the proposed extension has been reduced in size. Nevertheless any extension will affect the immediate landscape. Appropriate screening by planting would help minimise this.
- The number and length of major events – it is not clear whether the 28 days for major events being requested includes set-up and take down time for the major events. In terms of actual event days the current number of days used by SPE for such events is well below the 28 days. But if the number of days of actual events (i.e. excluding set-up and take-down days) were to increase towards 28 days this would represent a significant expansion of the operation, with implications for traffic etc. (see below).
- It therefore needs to be clarified whether or not set-up and take-down days are included in the 28 days. If not, it might be appropriate for the number of days allowed for major events to be adjusted to a total nearer the current or planned usage by SPE.
- Sensitivity to close neighbours would be appreciated i.e. by leaving a good margin from their homes, and clearing event structures promptly.

- Road traffic – the application proposes that traffic from the east for the events should be diverted so as to go along the B4035 through the villages of Tadmarton and Swalcliffe. Oxfordshire Highways and Cherwell District Council should consider the effects of any increase in traffic on the main road through these two villages, in the light of current road management issues (e.g. the lack of pavements and speeding).
- Day to day use of the facilities will still require access via Grange Lane and any increase may put further strain on this road which is currently poorly maintained. Oxfordshire Highways and Cherwell District Council should also consider this.

Further comments following revised/additional information being received:

The further documents do not change our view, set out in our original submission.

We assume that CDC Planning have asked OCC Highways for its response to the many points made on traffic (for events) in the documents posted since the initial OCC Highways response to this application. We look forward to seeing the CDC and OCC Highways analysis and conclusion for traffic and road management.

We suggest that, if possible, any entry / exit gates are sited away from immediate neighbour's houses.

- 3.2 **Sibford Ferris Parish Council** - Raised no objections but commented that they believed that the increase in the cross-country business up to 50 horses per day would put too much heavy traffic onto Grange Lane; it would like to see a condition of any permission put in place requiring the upgrading of the lane up to the entrance of the proposed new vehicle park.

No further comments made following revised/additional information being received.

- 3.3 **Tadmarton Parish Council** - Tadmarton Parish Council wishes to raise no objection but would like to make the following comments: Tadmarton Parish Council has serious concerns about all event traffic going through Tadmarton and Swalcliffe. They would like to see a reversal of the traffic flow along the Ushercombe Road between Lower Tadmarton and Wigginton Heath. This will mean that traffic will access SPE via the Gated Road South.

Cherwell District Council Internal Consultees:

- 3.4 **Anti-Social Behaviour Manager** - No objections subject to conditions. Further to your consultation regarding the above application as I have already indicated there are a number of issues raised through objections to this application. These include the impact of road traffic on local air quality; the effect of the use of the land on the hydrological environment; highway safety and surface water drainage. All these topics are beyond my scope of knowledge and require inputs from other specialists.

I have confined my appraisal to the noise impacts of the proposal and in so doing rely on two separate specialists reports that have emerged during the application process. The first document submitted by the applicants in support of their proposal has been prepared by id!BRi and the second which consists of a report prepared following the submission of an earlier, withdrawn, planning application and a noise technical note. Both documents were prepared by Walker Beak Mason (WBM) and were submitted on behalf of an objector.

Both consultants have carried out objective noise monitoring at an event that took place on 21/09/14 with the WBM work making reference to an earlier objective noise survey they had carried out on behalf of their clients. The base line data obtained by both noise surveys on 21/09/14 is comparable with no significant variations in the measured results obtained.

The interpretation of these results is the key issue. There is no published standard means of assessing the noise impact of any sporting activity. Practitioners have to rely on the use of other standards not directly designed for that purpose. In the case of the id!BRi noise report the consultants make reference to the then British Standard BS 8233:1999 Sound insulation and noise reduction for buildings; the World Health Organisation document 'Guidelines for Community Noise' and the Noise Councils' Code of Practice on Environmental Noise Control at Concerts.

Using these three references they have derived an outdoor noise level and have used this as an assessment criteria. The level chosen is 55 dB LAeq (15 mins). Using this level as a bench mark id!BRi argue that their measured values for noise from all sources associated with the equestrian use is below this threshold and the use is therefore acceptable in noise terms.

I would be critical of this approach as it does not attempt to characterise the location where the noise is taking place; it does not relate the noise produced by the equestrian use to the background sound levels when the use is absent and no weight is given to the varying degree of annoyance caused by differing elements of the noise climate. It is also interesting to note that BS 8233:1999 was replaced by BS 8233:2014 in February 2014. In the revised version of the British Standard an LAeq sound level of 50 dB is recommended as being desirable with the 55 dB level remaining as an upper limit.

The WBM work does not present a conclusion in terms of relating objective noise measurements to a prescribed standard but their approach does compare LAeq levels with background noise levels measured in the absence of any activity on the application site and their commentary on the noise activity taking place during their measurement periods provides an insight in to what was audible at each measurement location. This information can in turn, be used to make some assessment of the 'annoyance' caused by individual activities. The measurement of the LA(max) criteria also gives an indication as to the level of the loudest sound heard at each measurement location during the measurement period.

What emerges from this assessment is that noise produced by certain parts of the equestrian activity were audible at the measurement locations i.e. the nearest dwellings to the site. From the descriptions given certain activities were described as clearly audible. These include the sounds of the PA system, the sound of car horns and the sound of whistles. All of these noise sources could be described as highly annoying as these are alien sounds in a rural environment. I would argue that the sounds produced by horses themselves and to a degree vehicle movements on the site should attract a lower annoyance rating.

There are a number of observations arising from the two reports in relation to the noise sources that are worthy of more detailed consideration. Firstly the PA system used on the 21/09/14 with two speakers and a third delay speaker is of particularly poor design relying on volume of sound to achieve the desired level of communication. By increasing the number of speakers the same level of communication can be achieved using lower volumes of sound thus reducing the impact of the activity. The use of portable radio equipment and suitable stewarding would negate the need to use the PA to summon competitors to a particular element of the competition. Car horns or portable air horns, mentioned in the description of sounds heard, are often used to alert competitors to the start and finish of various elements of equine competition. In my view these could readily be replaced with visual signals. Whistles are also mentioned. During the cross country element of competition whistles are used by course stewards to alert spectators to competitors approaching course crossing points. There are obvious and sound safety reasons for this practice but the level of use could be reduced by the careful design and

reduction in numbers of crossing points.

On balance I am not satisfied that the noise impact of the equestrian use is so significant that it would provide a reason to recommend the refusal of this planning application. I am however satisfied that the levels of impact from noise can be reduced by the mitigation and management techniques. In planning terms this will require the imposition of planning conditions. In order to protect the amenity of those residents closest to the site a combination of measures will be needed. A performance standard for community noise will be needed set at noise sensitive locations using an LAeq noise measurement related to the background noise level when no activity is taking place. Under pinning this there will need to be a prior approval condition requiring the preparation of the Noise Management Plan (NMP) for the site. The two elements need to be linked in such a manner that if an exceedance of the community noise level is detected then the NMP will be reviewed and modified to introduce the appropriate level of mitigation.

It should be noted that the NMP should not be confined to the control of noise during competitive uses of the site but should also include clauses that relate, for example, to the hours of working for the build phase of any temporary infra-structure, the use of portable generation equipment, the routing of vehicles with the site and the use of audible reverse alarms on contractors vehicles etc.

In terms of a level for the community noise target the 50 dB suggested by BS 8233:2014 can be considered as a starting point and whilst is tempting to specify this as a level consideration has to be given to the background sound levels in the area when the activity is absent. From the WBM work these can be shown to be lower than average and it is therefore appropriate to consider a lower community noise target. In this instance, in my view the community noise target should be set at 45 dB LA eq (15mins) when measured free field at noise sensitive locations.

Further comments following revised/additional information being received:

Further to your consultation of 10/01/15 I can confirm that I have considered the revised planning statement submitted by the applicants in December. I refer to paragraph 10 of their document in which they describe the application and in particular mention that they are seeking permission for the use of 38.98 hectares of land for equestrian training purposes and includes additional land to be used 'transiently' for activities associated with large equestrian events on no more than 28 days per year. In the applicants response to a PCN they indicate that these large events currently operate for 13 days per year yet the total time that the land is in use i.e. when an event is being put together and dismantled totals 39 days giving an overall total use of 52 days per year.

I am assuming that the build-up and dismantle times would be included within the permitted 28 days if approval were to be given and as a consequence the level of large use activity would fall.

Moving on to the various site layout plans submitted these are extensive in number but lacking in detail as they are only indicative sketches. In the proposed noise management plan (NMP) mentioned in my earlier report the effective starting point for the noise management plan would be the site layout with the general premise being to locate those activities that have the greatest potential to generate noise away from noise sensitive locations. In this regard I believe more could be done to achieve this objective. It is my view that in order to be effective a NMP would contain an assessment and plan for each of the potential configurations with scaled plans setting out the optimum location for each area of activity with the plan drilling down into the detail of each of the event configurations.

I also understand from our conversation that the applicants agents have indicated that they would be resistant to my suggestion that visual rather than

audible alerts could be used at the start and finish of elements of competition but have not indicated that there are any over bearing reasons, beyond convention, that support this stance.

Moving on to the Walker Beak Mason comment on my consultation response a minor point of detail, I am employed by Cherwell District Council (CDC) and not (AVDC) Aylesbury Vale District Council ? as Mr Sweet seems to suggest.

I would accept Mr Sweets comments regarding the measurement positions used in the two noise surveys examined but would comment that access to the noise sensitive properties may not have been available to the applicants specialists at the time of their survey and the use of measurement points within the applicants control may of assistance if the requirement to measure noise formed part of a compliance monitoring strategy. Mr Sweet is correct in his submission that I have not had the opportunity to visit the site and carry out my own objective measurements. My concern that the applicants consultants had not considered the individual characteristics of the various sounds heard was reflected in my earlier response. The absence of a description of the activity taking place at the time of measurement is considered a flaw in the applicants consultants work.

With regard to Mr Sweets comments on the derived noise target I suggested he is correct his appreciation of the way I arrived at the figure I did. The approach I would take through the NMP probably requires some expansion as is offered as a counter to Mr Sweets' suggestion of a lower noise target. The level I suggested would be for use when the site is built and is operating under competition use conditions. The build and dismantle phases would be controlled to a more restrictive standard using British Standard BS 4142:2014 a standard I would argue would be more appropriate to this type of activity. The level provided by this approach would be close to the level indicated by Mr Sweet.

- 3.5 **Arboricultural Officer** - No objections. The proposals should have a limited impact on the tree to be retained to the north of the proposed car park. There is a slight incursion into the root protection zone of the tree. The tree should tolerate this incursion. The post and rail fencing should be installed prior to the car park work being undertaken to prevent any further incursion into the root protection zone of the tree.

No further comments made following revised/additional information being received.

- 3.6 **Conservation Officer** - The site of the proposed development is located to the SW of Swalcliffe Conservation Area.

It is my considered view, that whilst the proposal may result in some intensification of land use I am not of the opinion that this would necessarily result in harm to either the character, appearance or significance of Swalcliffe Conservation Area.

Comments made post revised/additional information being received.

- 3.7 **Ecologist** - No objections subject to conditions. The proposals are unlikely to have any significant impact on the ecology of the site which cannot be mitigated satisfactorily. The recommendations within the submitted ecological report are appropriate, namely not removing vegetation during the bird breeding season.

I found it difficult to ascertain if any hedgerow parts are to be removed for the new car park and access but if so given they are a BAP habitat then these should be replaced with additional planting elsewhere on site to ensure no net loss of habitat.

No further comments made following revised/additional information being

received.

3.8 **Environmental Protection Officer** - No objections.

Land Contamination:

My records don't indicate a source of potential contamination which is likely to significantly affect this development. Given the scope of the development and its low sensitivity to potential contamination, I don't recommend a condition relating to land contamination.

Air Quality:

This development isn't close to, or likely to significantly impact an existing air quality management area or an area identified as approaching a national air quality objective. Given the rural nature of the area, typical background concentrations of pollutants in Cherwell and the scope of the development, it's unlikely an air quality objective will be exceeded as a result of the development requiring an air quality management to be declared. As such, I don't recommend a condition relating to air quality.

Comments made post revised/additional information being received.

3.9 **Landscape Officer** - The proposals for car parking are not acceptable in their current state. However I think that an acceptable scheme can be produced but it will require a professional to detail this up. A small amount of planting will not be sufficient.

We need a scheme that conceals the impact of the hard-standing from distant views to the south when it is not in use. Given the contours on the site some cut and fill may well be required to set the hard-standing into the landscape.

The current proposal on DWG 160_123 appears not to show any hedging on this boundary with horse-boxes adjacent to a post and rail fence. This is not acceptable. The parking will have to be adjusted to accommodate a wide hedge-line. Additionally I would suggest a line of hedging between the second and third rows of parking.

Further comments following revised/additional information being received:

The hedgerow onto Park Lane appears to be very narrow and immediately adjacent to the lane. This hedge needs to be a minimum of 3m wide set back behind a reinstated grass verge otherwise the screen won't be effective and the hedge has nowhere to spread and it will cause a nuisance to road users. The hedgerow needs to be a double staggered row.

The proposed parking which is in existence is a fairly flat area, this extends as far the backs of the western most box vans. From then on the ground rises slightly. I would like to see the car parking on the level and the additional area excavated into the slope with the planting on.

I would also like to see some planting on the opposite side of Park Lane to screen the access to the parking.

Oxfordshire County Council Consultees:

3.10 **Highways Officer** - No objections subject to conditions. The submitted transport assessment provides a fair assessment. On 'non event' days the number of riders is restricted to 50 and I consider associated traffic generation would not result in any significant harm to highway safety or convenience.

An event traffic management plan is proposed for event days and I consider this would provide reasonable mitigation of traffic impact albeit some inconvenience to other highway users is probable. The submitted event management plan is acceptable in principle but the signs proposed should be in general accordance with Department for Transport Traffic Signs Chapter 7.

Access, parking and turning provisions are appropriate as proposed and

should be constructed as such prior to first use.

Key issues:

Day to day activities would not have a significant impact upon the local highway network.

Event management plan would minimise traffic impact on event days.

Conditions:

Prior to first use an event traffic management plan shall be submitted to and approved by the Local Planning Authority and thereafter the approved plan shall be operated for any event including more than 50 riders.

D29 – Parking & Manoeuvring Areas as Plan

E3 – Surface Water Drainage

Informatives:

Any works in or adjacent the highway are subject to separate approval of the Local Highway Authority. Prior to any works the applicant should contact the Local Highway Authority on 08453 10 11 11.

Further comments following revised/additional information being received:

I have considered the submitted documents and the critique of the transport assessment. I do not consider there is any reason to vary my previous recommendation.

I reiterate, from a transport perspective, I do not consider the proposed development would cause severe harm as required to support a recommendation for refusal in accordance with the NPPF. Pertinent to this consideration is the fall-back position of the application site. The application site, under permitted development rights, may hold 'large' events for 28 days each year. The application proposes 'large' events for 28 days per year. The only difference being that setting up would be included in the 28 days allowable by the existing permitted development. I do not consider this difference to be sufficient grounds to demonstrate severe harm and justify the refusal of planning permission.

- 3.11 **Rights of Way Officer** - I do not consider that the application will have a significant direct impact on the public rights of way in the vicinity of this site and therefore have no objections to the proposals.

No further comments made following revised/additional information being received.

- 3.12 **Ecology Officer** - The District Council should be seeking the advice of their in-house ecologist who can advise them on this application.

In addition, the following guidance document on Biodiversity & Planning in Oxfordshire combines planning policy with information about wildlife sites, habitats and species to help identify where biodiversity should be protected. The guidance also gives advice on opportunities for enhancing biodiversity:

<https://www.oxfordshire.gov.uk/cms/content/planning-and-biodiversity>

No further comments made following revised/additional information being received.

- 3.13 **English Heritage** - Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation:

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

No further comments made following revised/additional information being received.

- 3.14 **Environment Agency** - No objections. The Flood Risk Assessment (FRA) submitted in support of this application has stated that there will be no increase in impermeable areas. As such, we have assessed this application as having a low environmental risk and we have no objection to the above proposal.
No further comments made following revised/additional information being received.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 1996 (Saved Policies)

TR7: Development attracting traffic on minor roads

AG5: Development involving horses

C2: Protected species

C7: Landscape conservation

C13: Areas of High Landscape Value (AHLV)

C28: Layout, design and external appearance of new development

ENV1: Development likely to cause detrimental levels of pollution

4.2 Other Material Policy and Guidance

National Planning Policy Framework (NPPF) - March 2012

Planning Practice Guidance (PPG)

Submission Local Plan (SLP) - October 2014

Submission Local Plan (October 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed in December 2014 and the Inspectors report is likely to be published in March 2015. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case:

ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 13: Local Landscape Protection and Enhancement

5. Appraisal

5.1 The key issues raised by this application are considered to be:

- Relevant planning history;
- Policy context;
- Principle;
- Permitted development;
- Highway safety and Rights of Way;
- Neighbour amenity;
- Landscape impact;
- Biodiversity and ecological impact.

5.2 Relevant planning history

14/00801/F - Use of land for mixed use comprising equestrian training (use class D2) and agriculture, together with extension of existing vehicle parking area. (Withdrawn at applicants request)

13/01295/F - Part retrospective change of use of land at Grange Farm for equestrian training and competition purposes and construction of two all-weather sand arenas, together with associated access improvements, vehicle parking and site landscaping. (Withdrawn due officer concerns relating to potential landscape impacts)

13/01128/F - Proposed steel portal building for stabling. (Permitted)

12/01588/F - Proposed on-farm anaerobic digestion facility. (Permitted)

01/02227/F - Conversion of part of barn to accommodation for groom working in adjoining stables. (Permitted)

01/00850/F - All weather outdoor horse riding arena with 4 floodlights along the north west side of the arena. (Permitted)

06/02343/F - Change of use from Agricultural to Equestrian use. (Permitted)

Application for a change of use of an existing agricultural barn to form stables made by Taylor Farms at The Old Grange Barn, Grange Lane, Swalcliffe; some 145m north of the current site.

00/00627/F - Alterations to livestock building, repairs to existing walls and roof to enable change of use to stables (Permitted)

Policy context

- 5.3 The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are three dimensions to sustainable development. These are environmental, social and economic. The NPPF places substantial weight on protecting and supporting a prosperous rural economy and advocates that planning should look to support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside
- 5.4 The Adopted Cherwell Local Plan 1996 is considered to be out of date with regards to the NPPF in some respects as it was adopted prior to 2004. However the NPPF also advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF. The Adopted Cherwell Local Plan does contain a number of saved policies which are relevant to the consideration of this proposal and those within the Submission Local Plan 2006-2031 are also considered to be consistent with the NPPF, but carry little weight at this time.
- 5.5 Saved Policy AG5 of the Adopted Cherwell Local Plan indicates that proposals for horse related development will normally be permitted provided:
- i. The proposal would not have an adverse effect on the character and appearance of the countryside;
 - ii. The proposal would not be detrimental to the amenity of neighbouring properties;
 - iii. The proposal complies with the other policies in the plan.

- 5.6 Saved Policy C2 of the Adopted Cherwell Local Plan 1996 seeks to resist development which would adversely affect any species protected by Schedule 1, Schedule 5 and Schedule 8 of the 1981 Wildlife and Countryside Act, and by the E.C. Habitats Directive 1992.
- 5.7 Saved Policy C7 of the Adopted Cherwell Local Plan 1996 seeks to resist development that would harm the character of the countryside whilst Policy C13 only permits development which will conserve or enhance the Area of High Landscape Value.
- 5.8 Saved Policy C28 of the Adopted Cherwell Local Plan also seeks standards of layout, design and external appearance, including the choice of external finish materials, which are sympathetic to the character of the context of the development.
- 5.9 Saved Policy ENV1 of the Adopted Cherwell Local Plan 1996 states that developments that are likely to cause material detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted. The policy states further at paragraph 10.4 that, 'The Council will seek to ensure...in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution.
- 5.10 Policy ESD 13 within the Submission Plan seeks to secure the enhancement of the character and appearance of the landscape, through the restoration, management or enhancement of existing landscapes, features or habitats. At the same time, the Policy requires development to respect and enhance local landscape character, stating that proposals will not be permitted if they would cause undue visual intrusion into the open countryside.
- 5.11 Policy ESD16 relates to the character of the built and historic environment, requiring new development to respect conservation areas and their settings and preserve, sustain and enhance designated and non-designated heritage assets.

Principle

- 5.12 Equestrianism is a popular and healthy activity for people of all ages typically carried out in rural locations. It attracts participants at all levels from amateur and community participation to international standard. The site at SPE caters for all ages and levels and it has been demonstrated, through figures showing use of the site, that the business has expanded and is successful.
- 5.13 Officers consider that the use of the land for equestrian activities also offers the opportunity for diversification away from the historical farming activities previously carried out at Grange Farm. Representations from individuals and local businesses also state that activities carried out at Grange Farm are well managed and help support local business such as veterinary practices, farriers and the local public house; although officers consider that the latter is more likely to be used at the time of larger events.
- 5.14 Although there is no direct reference to equestrian uses within the NPPF, it does give substantial weight to protecting and supporting a prosperous rural economy. Saved Policy AG5 of the ACLP is a permissive policy, with regards to horse related development, subject to considerations regarding impact on the character and appearance of the countryside and neighbouring property amenity (discussed later in this report). Given that equestrianism is a typically rural pastime/activity in a rural location and that the mixed use of the land allows for a diverse use of the agricultural land, it is officer's opinion that the principle of use of the site for both equestrian and agricultural use is considered an acceptable use of the site, subject to further considerations discussed below.

Permitted Development (PD) Rights

- 5.15 The applicant's contend that the use of the site for larger events has been carried out by utilising permitted development rights, afforded to them for temporary uses on the site; under Schedule 2 Part 4 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO), which allows for temporary buildings/moveable structures and the use of land for any purpose for not more than 28 days in any one calendar year; although looking at the calendar of events submitted for 2014. Whilst there is a breach of the 28 day rule, this would be the applicant's fall-back position and unlimited events could be held on site, without the need for planning permission for 28 days in any one calendar year.
- 5.16 Article 3(4) of the GPDO states "nothing in this Order permits development contrary to any condition imposed by any planning permission granted". PD rights "yield" to a condition on an express planning permission. It is therefore your planning and legal officer's opinion that any conditions imposed on any subsequent permission will override PD rights should permission be granted and conditions attached. However, any proposed conditions would need to meet the tests set out within the NPPF in relation to the use of conditions i.e. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (NPPF para. 206).

Highway Safety and Rights of Way

- 5.17 Impact on highway safety has been assessed in relation the use of the land for equestrian competitions and training; the development of an associated parking area; the relocation of an existing vehicular access into the site from the road leading from the B4035 to Sibford Ferris, some 30m west of Elm Farm (Access 1), and the retention of a further access on to the same road; some 34m west of Partway House (Access 2). A further access has been created onto Grange Lane, however given that the lane is not a classified road, it is considered that this access does not require planning permission. Again, the impacts of day-to-day use are considered to be significantly less than those of the larger events.
- 5.18 The Local Highways Authority have assessed the application, including the submitted Transport Assessment by DTTC and the critique of the assessment by Alan Davies (submitted in objection), and raises no objections to the proposals, subject to conditions being applied in relation to the parking and manoeuvring area and surface water drainage details being submitted and approved. These conditions are considered necessary in the interests of highway safety and flood prevention and to comply with Government guidance contained within the National Planning Policy Framework.
- 5.19 The applicant has indicated the use of the site is pre-booked and that the course can only safely accommodate 15 horses at any one time. Most people will school for 1-1.5 hours per horse. Users/visitors to the site travel to the site by motor vehicles and bring their own horses. This could mean that horses arrive in individual horse boxes towed by suitable vehicles (4x4s), although some more professional riders may travel in larger purpose built horse transporters that can accommodate several horses and associated equipment.
- 5.20 Figures submitted in relation to site usage in relation to training/schooling show that in 2014, at peak, 39 horses (in two group bookings) attended the site on one day; it is noted that these were riding and pony club events and it is unlikely that the number of horses actually on the course at any one time would breach the safety limit previously stated. Whilst this application seeks permission to regularise the training activities on site and not necessarily seeking an intensification of use, a fifty horse limit per day

would allow for an increase of activities at the site. This would result in additional traffic movements to those that currently exist, should the business expand through continued success.

- 5.21 The objections raised by local residents and Parish Councils in relation to the impact on the local highways again appear to predominantly relate to the larger events that take place at the site. Indicating that they believe the events at SPE will significantly increase the amount of traffic that goes onto the B4035 through the local villages of Tadmarton and Swalcliffe; which is also the main route between Banbury and Shipston on Stour. Whilst large events will increase the levels traffic the current application does not propose an increase in the number of events taking place at SPE and only seeks permission for events, of over 50 competing horses, in line with the 28 days allowed under permitted development; and is the situation that currently exists albeit without the benefit of planning permission.
- 5.22 The site is largely served by narrow country lanes which are predominantly single track in nature and have weight restrictions in place. Officers do have concerns that these lanes are unsuitable for large numbers of vehicles; especially HGVs. There is evidence of damage to the highway verge which is considered to be as a result of vehicles travelling in opposite directions pulling over to allow passing. Whilst this damage could be attributed to vehicles associated with the equestrian use at the site, it would not be exclusive; as the lanes are public highway in a predominantly agricultural area and will be used by cars, public service vehicles and agricultural traffic alike.
- 5.23 The applicants have submitted an Event Management Plan (EMP) which details how the associated traffic is managed on days of events; including routing arrangements and associated signage. The Highways Authority have considered that measures detailed within the EMP serve to mitigate the impact that large events will have on the local road network, however also note that some inconvenience to other highway users is probable. Further work in relation to the actual event day directional signage, including locational information and set-up and take down periods has been carried out on the EMP since its initial submission and a revised plan submitted. The detail contained within the EMP is now considered acceptable and it would therefore be appropriate that any permission is conditioned to be in accordance with the detail of the plan in the interests of highway safety and public amenity.
- 5.24 Comment has been made within the Transport Critique (submitted in support of the objections) with regards to additional vehicle movements being generated by spectators and people supporting users of the site. Officers consider that the numbers of spectators wanting to watch training activities is not likely to be so great that it would add further significant amounts of vehicle movements. Support staff are likely to accompany the more professional riders visiting the site. It is considered probable that these people are more likely to travel with the horses in transporters and again will not generate a significant amount of further vehicle movements.
- 5.25 Comments have been made as to the ability of the proposed parking area being able to accommodate the number of vehicles associated with the day-to-day usage. The Highways Authority and officers consider that the proposed extension to the parking area is sufficient to cope with the day-to-day training operations of up to fifty horses, but that the extension should be constructed as a matter of course. Notwithstanding the layout/landscaping scheme submitted, further details regarding the final construction, drainage and landscaping will be required but it is considered by officers that these can again be secured through the addition of suitably worded conditions should permission be granted.
- 5.26 Two accesses to the site from the road to the north of the site have been created and the ground reinforced. One of these accesses is to be retained (Access 2) whilst the

other (Access 1) is to be relocated; details of which has been included within the application and are shown on drawing number J251. Further clarification regarding the accesses, that have been created, has been received attached the agent's email dated 05/03/2015; including existing and proposed location plans and photographs. The accesses provide adequate vision splays and will improve access and egress to and from the site. The accesses are therefore considered acceptable in terms of highway safety.

- 5.27 The proposal will, on balance, generate some additional day-to-day traffic if the business continues to be successful. However, the effect on the local road network associated with these movements associated with up to fifty horses per day is not considered likely to be so significant that it would cause a severe impact. Oxfordshire Highway Authority raises no objections to the proposed day-to-day use of the site. It considers the day-to-day use for up to fifty horses undertaking equestrian training activities at the site gives rise to no significant detrimental impacts on highway safety and further that given the fall-back position of relying on permitted development rights, that there is not sufficient grounds for refusing the application on highway safety grounds; subject to the larger events not being carried on more than 28 days in any one calendar year. It is considered appropriate to apply a condition in this respect should the application be approved. Consequently, it is considered that the proposed development would not cause detriment to highway safety and as such, accords with central Government advice contained within the NPPF.
- 5.28 The County's Rights of Way Officer does not consider that the proposals will have a direct impact on the Public Rights of Way and any harm would be limited to those of a visual nature. These visual impacts are discussed later in the landscape impact section.

Neighbour Amenity

- 5.29 There have been substantial objections to the application by the occupants of neighbouring properties of the site, on the grounds of the impact on their amenity; citing specific instances where they have been impacted upon through noise emanating from the site, vehicles and structures being located within close proximity to their boundaries and the general impact arising from vehicles attending the site; providing photographic evidence to support their objection. Further objections from residents within Swalcliffe Village with regard to the noise emanating from the site due to the use of tannoy systems have also been received; although it has to be noted that letters of support have also been received from Swalcliffe residents indicating that they do not consider the noise from loudspeakers and tannoy as an issue.
- 5.30 The site is rural in its nature therefore the use of Public Address (PA) systems and other audible warning devices associated with equestrian events would be out of place. It is considered that whilst competitions and events are likely to involve the use of PA systems and other noise generating devices, it is considered that these would not usually be used in connection with training and schooling at the site and as such noise arising from the day-to-day use is unlikely to be at the same significant levels indicated in the noise report. It is however considered that the use of public address systems and audible warning/indicator sound generating devices do have the potential to cause noise nuisance and disrupt the amenity of neighbouring properties.
- 5.31 Noise impact assessments have been carried out both to support (iD!BRi report dated October 2014) and in objection to (Walker Beak Mason (WBM) Technical Notes dated 24 September 2014 and further on 9th January 2015), to the current proposals; both of these reports relate to measurements taken during an event which took place on the 21 September 2014. Further Technical Notes by WBM previously submitted in objection to application 14/00801/F were again received as part of Judith Norris'

detailed objection report.

- 5.32 The Council's Anti-Social Behaviour Manager (ASBM) has assessed the information presented both in support and objection to the proposals (full comments detailed above) and raises no objections to the proposal assessed within this application subject to a condition requiring that a Noise Management Plan (NMP) is prepared, approved and implemented; that ensures that noise levels arising from activities on site do not exceed a limit of at 45 dB LA eq (15mins) when measured free field at noise sensitive locations (i.e. adjacent to residential properties in proximity to the site).
- 5.33 The ASBM has indicated that the NMP must identify all sources of noise generated by the equestrian use which may include those sources of noise associated with the construction and/or dismantling of any temporary structures, the operation of any sound amplification equipment, the internal movement of traffic within the site, hours of operation of the site in all phases of use etc. The NMP must also indicate the means that will be used to reduce noise at source to a minimum and where noise levels cannot be reduced the means of mitigation must be stated. Mitigation may include the sensitive positioning of certain elements of the use in such a way as to minimise the impact of a particular activity on noise sensitive premises. The NMP must also include a method and timetable for the periodic quantitative monitoring of noise emitted from the site and a procedure for recording and responding to complaints received either directly from local residents or via the Local Authority.
- 5.44 Although the level suggested by the ASBM is 5 dB lower than that indicated as being an acceptable community noise target the 50 dB within the current British Standard BS 8233:2014, it is considered that given the context of the site and its tranquil rural nature that this would be an appropriate level for the noise limit to be set at; to ensure that the amenity of the neighbouring properties and also those further afield within the village would not be significantly affected by events taking place.
- 5.45 Comment has been made with regard to the parking of vehicles and stationing of temporary structures impacting on neighbour amenity during the larger events that take place. Noise is considered to be the most likely cause of harm to neighbour amenity arising from vehicles and structures being located in close proximity to neighbour residential property boundaries. As noted events would be considered permitted development up to 28 days per year and no control could be had over the use of the site under PD. However, it is considered that the NMP and its associated community noise target, as discussed, above would offer mitigation that would look to reduce any noise to a level that was considered acceptable. An NMP has been submitted by the applicants and is the subject of on-going work and consultation with the Council's ASBM. At the time of preparation of this report no consultation response has been received, however any response received will be conveyed to the Committee as a written update prior to the meeting on the 19th of March.
- 5.46 Officers consider that the day-to-day use of the site for equestrian training for up to fifteen horses at any one time (course safety limit) would not raise the same issues as larger events described in the objections raised; subject to activities being undertaken at reasonable times throughout the day. Parking would be located within the proposed parking area, and training would not require any temporary structures (e.g. temporary stables, portable toilets or commentary boxes). On balance officers consider that, subject to proposed conditions restricting the number of events, levels of noise and timing of activities, any impact on neighbour amenity brought about by the proposed development would not be so significant that it would warrant a reason to refuse the application.

Landscape Impact

- 5.47 One of the core principles in the NPPF is that planning should recognise the intrinsic character and beauty of the countryside and should look to conserve and enhance the natural environment. The site is within an area designated as being of High Landscape Value (AHLV). Officers consider that the main elements of operational development of the proposal that will impact on the landscape and the surrounding countryside will be the extension of the parking area (and associated vehicle parking within this area) and the jumps/obstacles associated with the equestrian uses within the site.
- 5.48 The Council's Landscape Officer has raised concerns relating to the impact that the proposed parking area, and vehicles parked there within, would have on the landscape and surrounding countryside. The parking area is considered of an acceptable scale and location that, subject to the area being set into the immediate landscape with appropriate screening, will have limited impact on the landscape. A landscaping scheme has been submitted in support of the application; however, its detail is considered unacceptable by the Landscape Officer and further work will be required in this area. It is unfortunate that a landscaping scheme could not be finalised within the timeframe of the application but it is considered by officers that this is not an obstacle that cannot be overcome and not a reason to refuse the application on these grounds alone. It is considered that a suitable landscaping scheme would sufficiently screen the parking area and that these details can be secured through the addition of suitably worded conditions should permission be granted.
- 5.49 Comments have been made by objectors in relation to the unauthorised development of jumps/obstacles within the site. Officers consider that the permanent jumps/obstacles constitute operational development and therefore require consent. The applicant contends that due to the passage of time that some, if not all, of the jumps would now be immune from enforcement action; this has not been established and officers doubt whether this could be demonstrated given available aerial photographs of the site; which show that the permanent jumps were not in place at specific points in time (August 2005 and August 2009). Details of the locations and styles of fixed jumps have therefore been submitted during the process of the application so that their impact can be assessed within the current application.
- 5.50 The jumps do appear as an alien feature within the landscape, although they are often a common sight in rural locations where equestrian uses exist. Many of them would be moveable and not cause any permanent harm to the topography of the site. Hedgerows exist in and around the site and, in officer's opinion, serve to soften/screen views of the jumps. The hedgerow along Grange Lane is still in its early stages of development; however, once established this will serve to further limit views of the site and structures contained therein.
- 5.51 To further lessen the visual impact of any equestrian related equipment on the open countryside it is considered appropriate for any unused items to be stored within the storage area shown on approved drawing 13_002_01 Rev. C; it is considered by officers that this can again be secured through the addition of suitably worded conditions should permission be granted.
- 5.52 On balance, whilst the jumps and features may be visible from certain vantage points, officers consider that the development of the parking area and use of the site for equestrian training will not have such a significant adverse impact on the character and appearance of the countryside or harm visual amenities to the extent that would warrant a reason to refuse the application. Officers consider that subject to a suitable landscaping scheme being approved and implemented, and unused equipment being stored in an approved location, that the proposals would not cause any significant harm to the Area of High Landscape Value within which the site sits and are therefore acceptable in terms of landscape and visual impact.

- 5.53 As is the theme throughout this report, the holding of events introduces much greater impacts than the day-to-day equestrian activities at the site. Temporary structures and vehicles parked within the field, in officer's opinion, have the potential to cause harm to the character and appearance of the landscape. However this harm would be temporary in its nature and confined to periods of events taking place and their preparation and clear-up periods. It is therefore considered that subject to the number of events being controlled to the 28 days allowed under permitted development rights, that the impact would not be so significant that it would warrant a reason to refuse the application.

Biodiversity and Ecological Impacts

- 5.54 Conserving and enhancing the natural environment requires that "the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures" (NPPF, Para. 109)
- 5.55 Paragraphs 192 and 193 further add that "The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question". One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
- 5.56 Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that "a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions".
- 5.57 Objections have been raised in relation to potential detrimental impacts on biodiversity and ecology within the site and surrounding area. An extended Phase 1 Habitat Survey and Baseline Ecological Impact Assessment report was submitted with the previous application (14/00801/F) which identified no significant ecological impacts; this report has been updated and resubmitted in support of the current application and its increased site area. The report again identified no significant ecological impacts. The Council's Ecologist is satisfied with conclusions and precautions suggested within the report.
- 5.58 Officers consider that, subject to the recommendations and precautions detailed within the report being adhered to, that there will be no significant ecological impacts as a result of the implementation of the proposals and is therefore acceptable in this regard.
- 5.59 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the

proposed development. The proposal therefore accords with the National Planning Policy Framework - Conserving and enhancing the natural environment and Policy C2 of the Adopted Cherwell Local Plan.

- 5.60 The Council's Arboricultural Officer has assessed the application and raises no objections. The only element that is likely to have any impact on any trees within the site is the extension of the car park. The work is unlikely to significantly impact on trees adjacent the site, but there is a risk that the roots of a tree on the north-east corner of the car park area could be damaged during construction. It is considered that protection should be afforded during the construction of the car parking area and could be dealt with through the addition of a suitable condition should permission be granted.

Other Matters

- 5.61 Although not within either the Swalcliffe or Sibford Ferris Conservation Areas, concern has been raised over the potential of the proposals detrimentally impacting on their character and appearance. Although not usual working practice, given the context of the site, the nature of the proposals and their relationship with the identified conservation areas, both English Heritage and the Council's Conservation Officer have been consulted on the proposals; neither of which raised any objections to the scheme. The nearest point of the application site is some 170m from the Swalcliffe Conservation Area and 350m from the Sibford Ferris Conservation Area. Given the context of the site and the nature of the proposals officers see no reason not to agree with the opinion of both English Heritage and the Council's Conservation Officer.
- 5.62 Concerns have been raised by the objectors as to whether the Authority and its consultees had sufficient information to ultimately come to an informed decision. It is considered that the information initially submitted with the application described the proposal sufficiently for it to be registered as valid and that any further information, the case officer deemed necessary for clarity and ultimately, determination, has been requested and received during the course of the application. A further period of consultation has been allowed for consultees and key stakeholders to assess and comment on all revised and additional information and officers are satisfied that there has been sufficient information submitted over the course of the application to enable them to make an informed recommendation.
- 5.63 Objectors have placed substantial weight within their objections with regards to the fact that a full Environmental Impact Assessment has not been carried out and submitted in support of the proposals; as was the case with the two applications previously withdrawn (13/01295/F and 14/00801/F). This was again raised at the committee on the 19th of February by Shoosmiths solicitors speaking on behalf of objectors. The application has been screened by the Authority in relation environmental impact pursuant to Part 2, Regulation 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011; a copy of the Authority's opinion has been placed on the application file. It was the Head of Development Management's opinion that the use of land for mixed use comprising part agricultural, part equestrian training and competitions (Use Class D2), formation of new access, extension to existing car park and associated work did not constitute Schedule 1 or 2 development, as defined within the Regulations, and as such an Environment Impact Assessment was not required. The screening opinion has been further scrutinised by the Council's legal department who are satisfied that the regulations have been correctly interpreted and that the opinion is correct.
- 5.64 Comments have been made within the Portus & Whitton landscape impact report again submitted in objection with regard to the cumulative impact that proposal would have on the local road network and the landscape in light of the recent permission (12/01588/F) and development of an anaerobic digestion facility at Grange Farm

some 1km south-east of the current site. Whilst these comments are noted, given that no highway issues have been raised by the Highways Authority in relation to either application and that both proposals have been assessed in terms of their landscape impact and considered acceptable subject to suitable landscaping, it officer's opinion the that any cumulative impacts that arise from the use of the site, currently being considered, are unlikely to be so significant that it would warrant a reason for refusal.

5.65 The site has not been identified as being within any known archaeological sites of interest; although there are known sites immediately to the south. Whilst no formal response has been received from the County's Archaeologist, given that there is little operational development actually taking place and the general nature of the proposals, it is considered that they will not have any significant impact on any archaeological sites within the area. It is however considered appropriate to add a suitably worded planning note to advise the applicant that they should contact Oxfordshire County Council's Archaeologist should any items of archaeological interest be discovered during any operational development taking place.

5.66 Since August 2013, there has been an on-going investigation by the Council's Planning Enforcement Team into activities at the site. Officers lacked conclusive evidence to establish a breach of planning control on the site. In October 2014, a planning contravention notice was served on the site owners to ascertain the extent of the uses on the site. The owners' replies to this PCN were very detailed and helped clarify exactly what was happening on the site. In the light of the answers to the PCN, Officers now have evidence that a breach of planning control has occurred. However, the investigation was put on hold whilst this current application was considered as it was supported by Officers. It would not be expedient to take enforcement action when efforts are being made to regularise the uses on the site and the application is supported by officers.

Should the committee be minded to refuse this application, officers, under delegated powers, would need to consider whether it would be expedient to take formal enforcement action in relation to breaches of planning control that have occurred within the site having regard to the development plan and other material considerations.

The following are considered to be the identified breaches of planning control:

- Unauthorised vehicular access points
- Unauthorised permanent jumps being constructed within the landscape
- Unauthorised parking area
- Alleged unauthorised material change of use of the land for equestrian use
- Breach of permitted development rights for temporary uses afforded under Schedule 2 Part 4 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended)

5.67 The unauthorised vehicular accesses on to the road leading from the B4035 to Sibford Ferris and the permanent jumps have been assessed in relation to the development plan, within the body of this report, and on balance are considered, by officers to be acceptable. It is therefore considered that given that officers have concluded within the recommendation that the development of the accesses and jumps to be acceptable, that it would not be expedient to take enforcement action in relation to these elements. However, if the committee consider that the accesses and jumps are not consistent with development plan policy and guidance, then officers would need to review their position in relation to these elements.

5.68 The parking area south of Grange Farm (shown within the site boundary and proposed for extension) has not been granted planning permission and is therefore considered to be unauthorised. There appears to be no conclusive evidence as to when the parking area was created; however, aerial photographs taken in August

2005 show the parking area to be in existence at that point in time. It is therefore considered that due to the passage of time that it is likely that the parking area would be immune from enforcement action and in these circumstances it would not be expedient to pursue matters in relation to this area.

- 5.69 It is alleged that use of the land for equestrian use has intensified on the application site; and therefore that a material change of use away from use of the land for the purposes of agriculture could be considered to have occurred. The principle of use of the site for the purposes of equestrian activities is considered by officers to be acceptable, as discussed earlier within this report. The detailed response to the PCN has served to demonstrate the uses that have occurred on site, at specific periods of time; these uses comprise of both equestrian and agricultural activities. At this point in time the Council's Enforcement Team have not considered that it is reasonable or expedient to take formal enforcement action, given that there have been applications to determine (14/00801/F and this current application 14/01762/F), with officer recommendations of approval. If the committee resolve to refuse the current application, then officers would need to review their position in relation this issue and whether there is sufficient evidence to demonstrate that a material change of use has occurred, which is in breach of planning control, and whether it would be expedient to pursue formal enforcement action on this matter having regard to the development plan and other material considerations.
- 5.70 As discussed earlier in the report, the applicants contend that the use of the site for larger events has been carried out by utilising permitted development rights, afforded to them within the GPDO for temporary uses on the site. The response to the PCN clearly indicates that there has been a breach of the 28 day rule relating to permitted development for temporary uses at the site in 2014; with the duration of events that have taken place (including the number of days required for preparation and dismantling of the site) totalling 54 days. It is considered that it is the use of the site for larger events that significantly impacts on neighbour amenity, highway safety and the character and appearance of the local and wider landscape; and members could reasonably conclude that this would be contrary to both local and national policy guidance. Again at this point in time the Council's Enforcement Team have not considered that it is reasonable or expedient to take formal enforcement action, given that there have been applications to determine (14/00801/F and this current application 14/01762/F), with officer recommendations of approval. However, it is considered that should permission be refused that officers would need to seek to remedy the breach of planning control through the issuing of an appropriately drafted enforcement notice.
- 5.71 Comments have been made as to the use of a Lunge Pen and Floodlit Riding Arena adjacent Grange Farm being used in association with SPE's equestrian activities at the site. The arena was granted planning permission under ref. 01/00850/F; this permission was restricted by condition to be used by the occupiers of Swalcliffe Grange and not for commercial use. These elements have not been considered within the current application as they fall outside of the scope of the application and its boundaries; however, the matter is currently being investigated by the Council's Planning Enforcement Team under reference 15/00028/BCON.
- 5.72 It has been suggested in objections to the current proposals that the Council should impose an Article 4 Direction restricting permitted development rights on the site. Article 4 directions must be made in accordance with national Government guidance given in the National Planning Policy Framework which directs that there must be a clear justification for removing national permitted development rights:

The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area (this could include the use of Article 4 directions to require planning permission for the demolition of

local facilities). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so (NPPF, Para. 200).

Given that prior to the first application in 2013 (13/01295/F) no formal complaints had been received by the Council in relation to equestrian activities at the site, it is considered that there is little justification for action of this nature at this time; given that there is an application before the Council to determine. If however, the application is refused and it is considered that greater control over the site is required, then it may be that the option of imposing an Article 4 Direction would need to further explored and an assessment as to whether it would expedient and appropriate to impose such a restriction on the site undertaken and also to consider the cost implications of taking such action; as the Council may be liable to pay compensation to those whose permitted development rights have been withdrawn if they:

- refuse planning permission for development which would have been permitted development if it were not for an article 4 direction; or
- grant planning permission subject to more limiting conditions than the GPDO [the 1995 Order] would normally allow, as a result of an article 4 direction being in place.

Engagement

- 5.73 With regard to the duty set out in paragraphs 186 and 187 of the Framework, any problems or issues that have arisen during the application have been dealt with in consultation with the applicant and their agent. An extension of the determination period has been agreed with the applicant's agent in order to fully assess further information that has been received during the course of the application. It is considered that the duty to be positive and proactive has been discharged through the interaction with the applicant's agent and the efficient determination of the application.

Conclusion

- 5.74 As can be seen from the above assessment it is officer's opinion that there are two scales of equestrian activity that need to be considered in determining this application; the day-to-day use of the site and the use of the site for larger events. The majority of the objections that have been raised appear to relate to a greater extent to the larger events rather than the day-to-day activities. Whilst the principle of use of the site for equestrian use is considered acceptable, it is clear that there is a point at which the timing and scale of the activity taking place becomes detrimental to neighbouring amenity, highway safety and landscape. Consideration of the application is finely balanced and whilst officers do not dispute objector's representations that there are significant impacts on the local highway network and neighbour amenity as a result of large equestrian events being held at the site; due regard has to be had to the fall-back position that the applicants have in terms of what can be carried under permitted development.
- 5.75 It is considered that the use of the site for day-to-day activity, for equestrian training/schooling for up to 50 horses, would not have the same detrimental impacts as those of the larger events and therefore would be acceptable within the site's rural context and would not appear out of place.
- 5.76 The larger events however introduce impacts on neighbour amenity, highway safety and on the landscape that are a cause for concern. Notwithstanding these concerns, given that these larger events could take place without the need for planning permission, up to 28 days per year, in officer's opinion it would be unreasonable to refuse the application if the larger events were limited to the same 28 day period as allowed under permitted development.

- 5.77 In conclusion, officers consider that given the fall-back position that could be adopted, that the proposals, on balance, are therefore considered to be acceptable. The proposals support the continued operation and viability of both the existing farming and equestrian businesses on site and within the local area, and are recommended for approval subject to the receipt of an approved Noise Management Plan and conditions as set out below.
- 5.78 In reaching this recommendation officers have had due regard to any implications that may arise from the Human Rights Act 1998; specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant).

6. Recommendation - Approval subject to the receipt of an approved Noise Management Plan and the following conditions

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

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

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Planning Statement (dated October 2014), DTPC Transport Statement (dated October 2014), Extended Phase 1 Habitat Survey and Baseline Ecological Impact Assessment (dated November 2014), Course Jump Details contained in agent's letter dated 22nd December 2014 and drawings numbered: 13_002_01 Rev. C, 13_002_02 and J251.

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

3. Events with greater than 50 competing horses shall be limited to take place on no more than 28 days (including days required for the setting up and taking down of any associated equipment and structures) in any one calendar year.

Reason - In order to safeguard the amenities of the area and in the interests of highway safety and to comply with Policy C30 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Equestrian events of greater than 50 competing horses taking place on site shall be in accordance with details within the Event Management Plan (EMP) dated October 2014, ref. J251/EMP rev A.

No operational changes shall be made in relation to the details of the EMP without prior written approval by the Local Planning Authority through the submission of a further 'approval of details reserved by condition' application.

Reason - In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

5. Equestrian events of greater than 50 competing horses taking place on site shall be in accordance with, the Noise Management Plan (NMP) dated [DATE], ref. [REFERENCE], detailing the methods to be employed to achieve compliance with a noise limit of at 45 dB LA eq (15mins), when measured free field at noise sensitive

locations adjacent the residential properties of Partway House, Elm Farm, Swalcliffe House and Wykham, shown on the attached plan ref. CDC-01.

No operational changes shall be made in relation to noise management without prior written approval by the Local Planning Authority in which case a revised NMP shall be submitted approved through the submission of a further 'approval of details reserved by condition' application.

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

6. Equestrian events of greater than 50 competing horses taking place on site shall be in accordance with the 'Swalcliffe Park Equestrian - Calendar of Events (of more than 50 horses) 2015' document; received 05/03/2015.

Thereafter, prior to the 31st of December of each year a calendar of events for the following year shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the site in order to safeguard the amenities of the occupants of the neighbouring properties and in the interests of highway safety, in accordance with Policy C30 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Swalcliffe Park Equestrian shall keep a log of all equestrian users visiting the site in connection with day-to-day equestrian activities taking place at the site; excluding events of greater than 50 competing horses. As a minimum the log shall include:
 - i. The date;
 - ii. Arrival and departure times;
 - iii. The number of attendees;
 - iv. The number horses;

The log shall be maintained and made available for inspection by the Local Authority upon request.

Reason - To enable the Local Planning Authority to be able to monitor levels of equestrian activity at the site, in the interests of safeguarding the amenities of the occupants of the neighbouring properties and in the interests of highway safety, in accordance with Policy C30 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Notwithstanding the details submitted, within 3 months of the date of the permission hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - i). Details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - ii). Details of any existing trees and hedgerows to be retained as well as any to be felled.

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general

landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the approval of the landscaping scheme. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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

10. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
- b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the permission hereby approved.

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

11. The existing hedgerows along the boundaries of the site along Grange Lane and the street leading to Sibford Ferris from the B4035 shall be retained, and if any hedgerow plant dies within five years from the date of this decision it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. Notwithstanding the details submitted, within 3 months of the date of the permission hereby granted, specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Within 6 months from the date of the approval of the specification, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed

except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and flood prevention, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

14. No equipment or structures associated with the equestrian use other than equipment and structures associated with a current course configuration shall remain on site outside of the storage area shown on approved drawing 13_002_01 Rev. C.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies C13 and C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. The use of the site for equestrian training and schooling shall be restricted to the hours of operation between 08:00 and 20:00.

Reason - In order to safeguard the amenities of neighbouring properties and in the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

16. No external lights/floodlights shall be erected on the land without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area and to protect neighbouring residential amenity in accordance with Policy C28 of the Adopted Cherwell Local Plan.

PLANNING NOTES

Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

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 01635 268881.

Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

Records indicate that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact: County Archaeologist, Historic and

Natural Environment Team, Infrastructure Planning, Speedwell House, Speedwell Street, Oxford, OX1 1NE (Telephone 01865 328944).

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), any problems or issues that have arisen during the application have been dealt with in consultation with the applicant and their agent. An extension of the determination period has been agreed with the applicant's agent in order to assess further information that has been received during the course of the application. It is considered that the duty to be positive and proactive has been discharged through the interaction with the applicant's agent and the efficient determination of the application.

Agenda Item 11

14/01825/OUT

OS Parcel 6680 North Of Hook Norton Primary School And South Of Redland Farm
Sibford Road
Hook Norton

Quarry House

Slurry Pit

Track

Hook Norton
C of E
Primary School

Cherwell

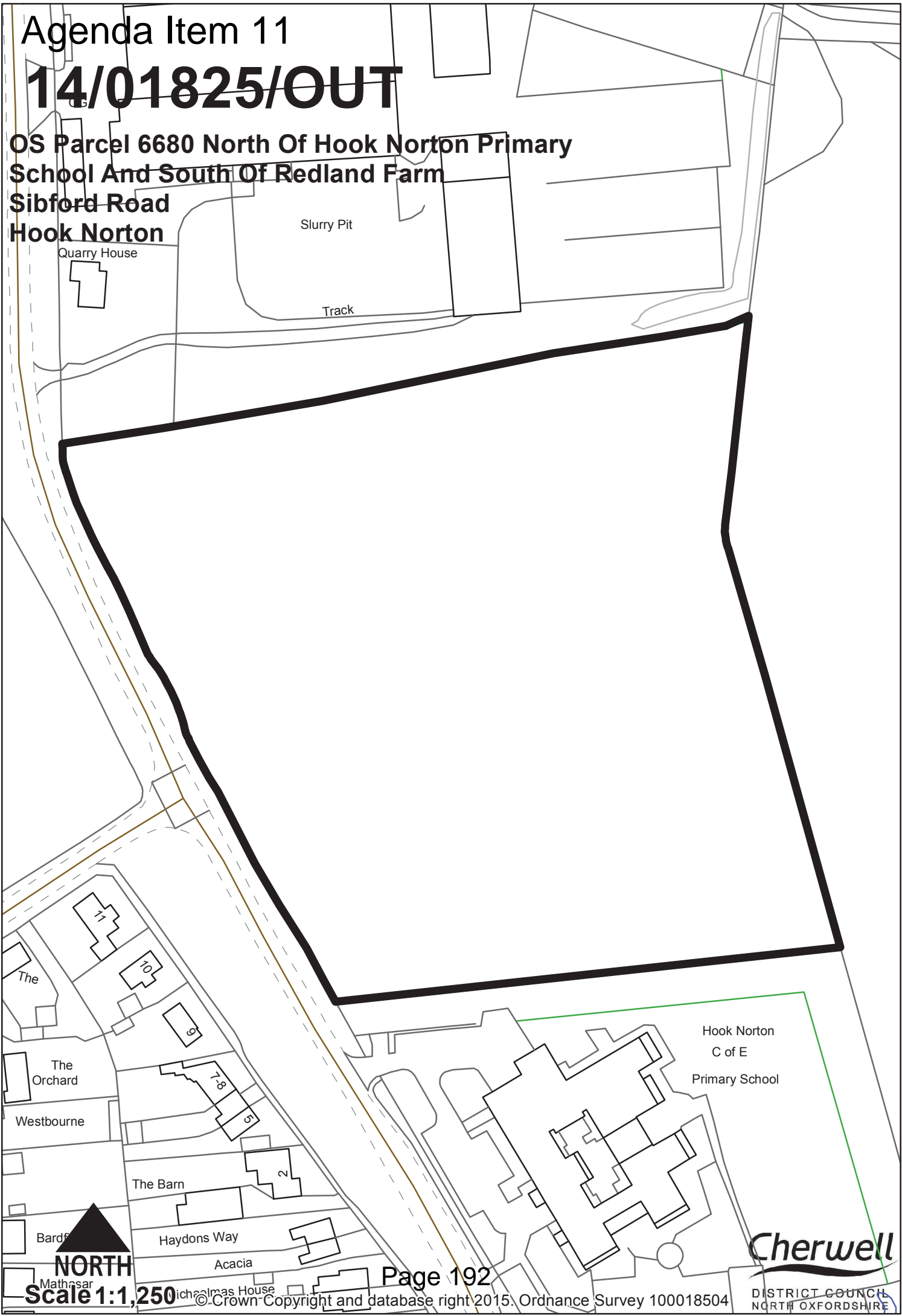
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NORTH

Scale 1:1,250

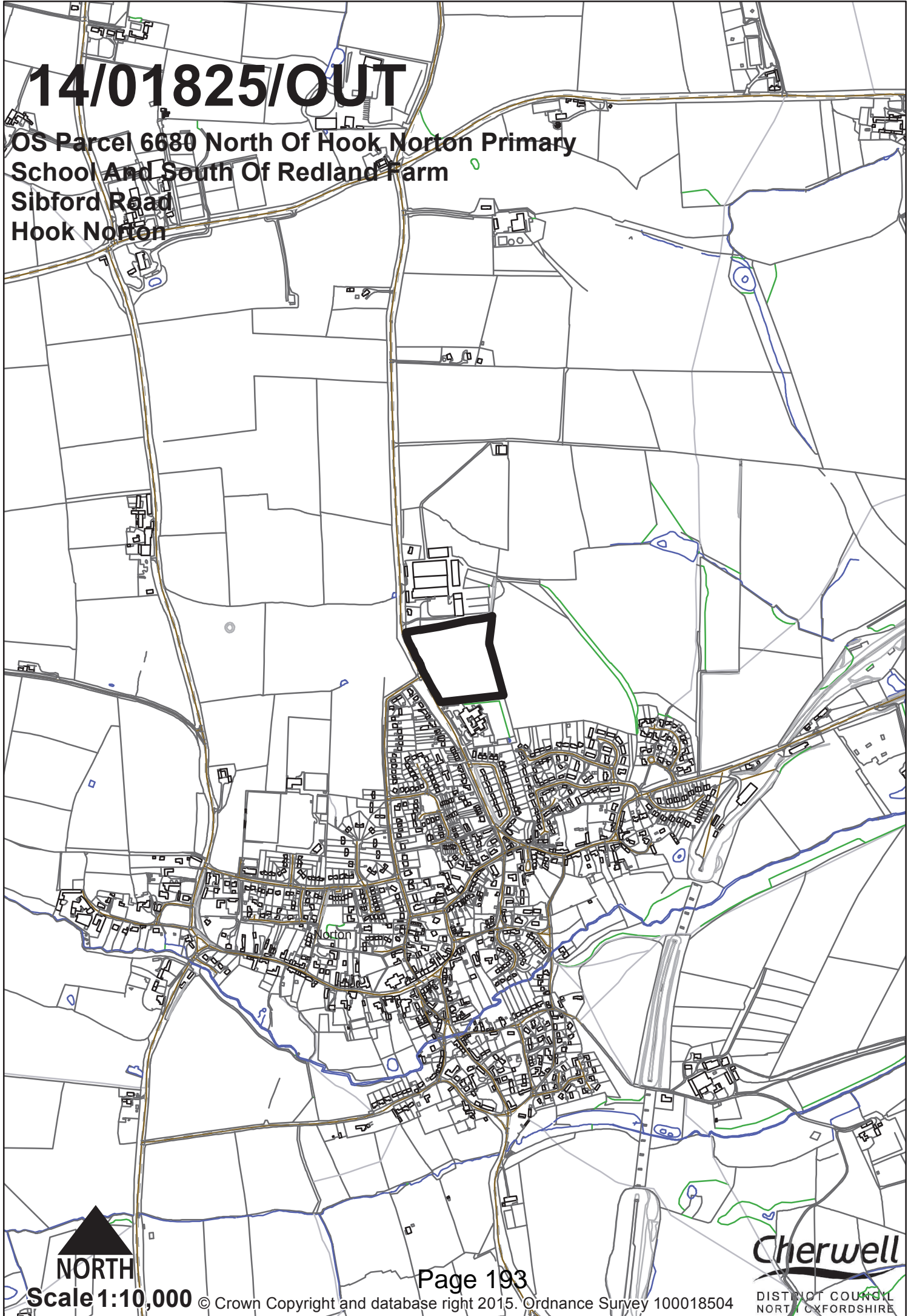
Page 192

© Crown Copyright and database right 2015. Ordnance Survey 100018504



14/01825/OUT

OS Parcel 6680 North Of Hook Norton Primary School And South Of Redland Farm
Sibford Road
Hook Norton



NORTH

Scale 1:10,000

Site Address: OS Parcel 6680 North of Hook Norton Primary School and South of Redland Farm, Sibford Road, Hook Norton

14/01825/OUT

Ward: Hook Norton

District Councillor: Cllr Jelf

Case Officer: Ernest Addae-Bosompra

Recommendation: Refusal

Applicant: Gladman Developments Ltd

Application Description: Outline – Erection of 54 dwellings, Landscape, Public Open Space and Associated Works

Committee Referral: Major and Departure from Policy

1. Site Description and Proposed Development

- 1.1 The application site is situated at the northern end of the village of Hook Norton and relates to approximately 2.70 ha of agricultural land located to the east of the Sibford Road between the Hook Norton Primary School and Redland Farm, an intensive dairy farm. The land is relatively flat agricultural land and is currently in arable use and has an existing field gate access onto the Sibford Road just north of the primary school entrance. The site is bounded by hedgerows and trees to all boundaries of the site. A denser tree belt currently exists along the northern boundary of the site within the Redlands Farm control. To the east and west of the site lies open agricultural land. To the south west are residential properties set back behind a wide verge, fronting Sibford Road.
- 1.2 The proposal seeks consent for up to 54 dwellings, 35% of which will be affordable to include an area of open space in the south eastern corner of the site and a single vehicular access onto the Sibford Road. An attenuation pond is indicated along the northern boundary at the low point of the site. It is proposed to retain existing trees and hedgerows where possible.
- 1.3 Members will recall that at their meeting held in September 2014 they refused planning permission for a similar development – see para 5.3 tp 5.6 below

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letters, site notice and an advert in the local press.

8 letters of objection have been received to date. The following issues have been raised

- Village infrastructure is incapable of supporting unchecked development
- Already approved housing is placing stress on the community
- Gladman have no interest in the sustainability of Hook Norton
- Absence of an approved housing plan should not provide a technical loophole facilitating unchecked development at the expense of the community.
- Sibford Road can only increase the traffic problems and dangers that already exist.
- Main aim of the second application is to ridicule Cherwell and Hook Norton Councils
- Further destruction of the environment in and around Hook Norton

- Local services and infrastructure cannot cope with current demand, the school is full and local residents already have difficulty getting children into school
- The sewage system is insufficient to cope with the development
- In periods of heavy rain, water runs down Sibford Road and not into the drains
- School is in danger of losing its village ethos
- Bus service is erratic and it is ludicrous to promote cycling as an alternative when we are miles away from alternative transport on narrow, unlit roads
- Commuters are less likely to shop in the village
- New residents will be subject to the odour, insect nuisance and noises of the neighbouring dairy farm
- Random testing of the odour dismisses it as 'slight adverse'
- A 3.5m wall and a band of trees cannot deal with the issue
- Road infrastructure simply cannot take any more new homes and roads are very narrow and increased traffic outside the school at peak times does not appear to have been taken into consideration in the TA
- The only viable heating fuel is oil, a rapidly dwindling resource and a high carbon footprint
- Is the heavy carbon footprint to be off-set by tree planting
- Hook Norton has had its fair share of new development
- Contrary to the NPPF
- The bus service does not serve the working population because of the late and infrequent times and no link to local trains
- In a village which prides itself for its low carbon credentials, in all the plans put forward so far not a single alternative energy solution has been put forward, nor insisted on by the council in compliance with the NPPF
- Too many houses crammed into a small space, spoiling the look of the village
- It will compromise the farm which has been there for generations
- No local employment means people have to commute long distances for work
- It will further prejudice the ability of longstanding village families to get their children to the oversubscribed school
- Hook Norton is creaking at the seams with traffic
- Foul farm smell, unable to open windows, sit in your garden or hang out washing, this is obnoxious for us but to live on top of it would be unbearable.
- Such development, when taken together with the planning permissions already granted, would fundamentally undermine the intrinsic character of the village and would do nothing to support what is currently a thriving community.
- CDC has been lagging in its duty to protect us by not producing a five year plan
- Noise from the milking machines, a constant beeping sound from roughly five in the morning
- Bellowing of cows when separated from their young, I have logged for the purposes of this letter the various days when this has been an issue over the last 6 weeks, to date there have been 36 occasions
- Several houses in Sibford Road have commercial fly killing machines to deal with flies from the slurry pit. Complaints of this nature would no doubt impact on the viability of the farm and would be contrary to the NPPF and the support of the rural economy and the scarce number of jobs available locally
- Size of development runs contrary to the Neighbourhood Plan
- Whilst some homes will be affordable, the vast majority of units would fail to meet the needs or budget of local residents, namely the young and elderly to enable them to remain in the village
- This vexatious application appears identical to that which was previously refused
- 54 houses in addition to 105 houses now granted consent, does not support a thriving community
- I am woken most days at dawn by machinery and warning horns

- The stench from the farm is gut-wrenching on more days than it is not
- Our traditional villages need to be preserved to retain the character of our countryside
- Previous application was rejected and gone to appeal, but this application is a mirror and so should be refused
- The development does not accord with the Neighbourhood Plan and significant weight should be attached to the latter given the stage it is at.

Consultations

- 3.1 **Hook Norton Parish Council:** Hook Norton has reviewed this application and can see no significant changes to the earlier application (14/00844/OUT) to which they objected and which was refused. Therefore the Parish Council objects to this application for the following reasons:

The Ministerial announcement by Nick Boles of 14th July 2014 in which it is clear that the Secretary of State wishes planning decisions to reflect the governments clear policy intention when introducing neighbourhood planning, “ which was to provide a powerful set of tools for local people to ensure they get the right types of development for their community, while also planning positively to support strategic development needs”

The Hook Norton Neighbourhood Plan (HNNP) is progressing via Cherwell District Council (CDC). It has been out to consultation and is now going toward Examination and Referendum and we therefore consider it as a highly material consideration to this application in accordance with recent Ministerial advice.

The application conflicts with several policies in the Neighbourhood Plan as set out in this submission and therefore the PC objects to the application, not only for reasons previously submitted but also for the following policy-based reasons.

Under policy HN-H2 of the HNNP, any applications for housing development will be assessed for suitability of location according to a set of criteria. The application fails to meet 3 of the 4 criteria because:

Site location

Under policy HN-H2 of the HNNP, any applications for housing development will be assessed for suitability of location according to a set of criteria. The application fails to meet 3 of the 4 criteria because:

- The application does not comply with policies in the plan, as set out in this submission
- Consultations undertaken as part of the neighbourhood planning process clearly showed the application site as one where respondents felt housing should not go
- The PC is aware that an expansion of the school is sought as a result of the recent approval of a large amount of residential development. The school is immediately adjacent to the application site and the residential development proposed would preclude the potential for the adjacent school to consider using the site for expansion.

no reference to another development in Hook Norton which will result in an additional 37 dwellings. All the committed development will inevitably impact on the road network of the village as a whole because of the small size of the settlement. We therefore disagree with the claim that the traffic growth applied is robust. We consider that the lack of consideration of cumulative effect renders the TA questionable and as transport is a fundamental aspect of sustainability, the application as a whole is similarly unacceptable.

Provision of a Transport Plan cannot make up for the poor sustainability rating of Hook Norton (as found in CDC's Local Plan evidence base document CRAITLUS) – no Travel Plan can overcome the fact that the location and size of the proposal is inappropriate. The HNNP takes account of CRAITLUS and provides in HN-H1 for measured growth but this application is contrary to the HNNP.

The DAS refers (in section 04) to the proposal having a “layout that encourages people to walk and cycle and to use the Primary Street and its public bus route”. The application does not appear to propose or fund the additional bus services which would be required to meet this statement, contrary to Policy HN-T2. The application also appears to offer no enhancement to the PROW network as sought in policy HN-COM2.

Effect on adjacent sites

The application site is immediately adjacent to the primary school and Redlands Farm. The requirement for the school to expand has been considered in relation to site location and policy HN-H2 above. In relation to the farm, the application acknowledges the noise and odour effects which are a part of the day-to-day operation of the farm business. However, the issues seem inadequately addressed in the application and the PC is concerned that future residents living so close to the farm would raise objections related to noise, smell etc., and thereby raises doubts about the future of Redlands Farm to provide employment. The HNNP seeks to retain local employment under policy HN-COM5 and the community values the contribution the farm makes.

Conclusion

The policy comments above are submitted in relation to the HNNP which is at an advanced stage and provides clear policy guidance. Hook Norton is a village which is due to undergo significant expansion and the Neighbourhood Plan has been prepared in order to manage future growth. Such an approach accords with the Government's localism agenda and the NPPF core planning principle requiring planning to be plan-led and empowering local people.

Cherwell District Council Consultees

- 3.2 **Planning Policy Officer:** The site is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996 or those of the non-statutory Cherwell local Plan 2011, nor is the site proposed for development as a strategic housing allocation in the Submission Local Plan January 2014.

The main saved policies of relevance for the adopted Cherwell Local Plan 1996 are

Policy C8 – Sporadic development in the Countryside

Policy H18 – New Dwellings in the countryside

Policy- C7 Harm to the topography and character of the landscape

Policy C9 – Beyond the existing and planned limits of Banbury and Bicester

Policy ENV1: Environmental Pollution including paragraph 10.5 which states, “ Where a source of pollution is already established and cannot be abated, the Council will seek to limit its effect by ensuring that development within the affected area maintains a suitable distance from the pollution source”

The site is not identified for development in the Non-Statutory Cherwell Local Plan 2011. Whilst some policies within the Plan may remain to be material considerations, other strategic policies have in effect been superseded by those of the Submission Local Plan (January 2014). The Planning Policy Team should be contacted on 01295 227985 if advice is required

on individual policies.

The main policies relevant for the Non-Statutory Cherwell Local Plan 2011 to this proposals are:

Policy H15 Residential development in category 1 settlements

Policy H19 New dwellings in the countryside

Policy EN30 Sporadic development in the countryside

Policy EN31 Beyond the existing and planned limits of the towns of Banbury and Bicester

A new Local Plan (Part 1) was submitted to the Secretary of State on 31 January 2014 for Examination. Following Hearings in June 2014, Proposed Modifications were submitted on 21 October 2014. Hearings continued from 9 December 2014 to 23 December 2014. The Inspector's report is expected in the Spring of 2015. The main draft policies of most relevance (as proposed to modified) are:

Policy Villages 1; identified as a Category 1 village

Policy Villages 2;

Policy BSC3: Affordable Housing

Policy BSC4: Housing Mix

Policy ESD13: Local Landscape Protection and Enhancement

Policy ESD16: The character of the built and historic environment

The paragraphs of the NPPF most relevant to this application are:

Paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'

Paragraph 47 requires local planning authorities to 'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land'

Paragraph 14 on the presumption in favour of sustainable development. This indicates that where a development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted

Paragraphs 47-50 and 55 on delivering a wide choice of high quality homes

Paragraphs 56, 57, 59-64 on requiring good design

Paragraph 109 on conserving and enhancing the natural environment

The NPPG states that it is important to recognise particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It states that assessing housing need and allocating sites should be considered at a strategic level and through Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas.

The PPG provides advice on the weight that can be attached to an emerging neighbourhood plan when determining planning applications (Paragraph: 007 Reference ID: 41-007-20140306): “Planning applications are decided in accordance with the development plan, unless material considerations indicate otherwise. An emerging neighbourhood plan may be a material consideration. Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging neighbourhood plan. The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals. And all representations on the proposals should have been submitted to the local planning authority by the close of the local planning authority’s publicity period. It is for the decision maker in each case to determine what is a material consideration and what weight to give to it.”

The PPG also provides advice on ‘prematurity’ (Paragraph: 014, Reference ID: 21b-014-20140306): in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

Five Year Housing land Supply – the latest published position on the districts housing land supply is the Housing Land Supply Update June 2014 which was published following a change in circumstances and reflects the Oxfordshire SHMA 2014 midpoint figure of 1140 dwellings per annum, currently considered to be the objectively assessed housing need figure for the district. It indicates that the five year supply of deliverable sites for 2014-2019 is now 3.4 years (compared to 4.9 years in the 2013 AMR). This includes a requirement for an additional 20% buffer and taking into account of the shortfall (2314 homes) within the next five years. The projection for 2015-2020 is 3.4 years supply.

The latest published position on the district’s housing land supply is the Housing Land Supply Update June 2014. This states that the five year supply of deliverable sites for 2014-2019 is 3.4 years. This includes a requirement for an additional 20% buffer and makes us the delivery shortfall (2314 homes) within the next five years. The projection for 2015-2020 is 3.4 years supply. The calculations do not include new deliverable sites permitted since June 2014 and the land supply position will shortly be reviewed

document and is a key element of the evidence base for the emerging Cherwell Local Plan. It will help the Council to identify specific sites that may be suitable for allocation for housing development. The SHLAA is to inform plan making and does not in itself determine whether a site should be allocated for housing development.

The SHLAA 2013 recorded the application site (ref. HO027) but included the site in the list of rejected sites, as the availability of the site was not confirmed and was therefore not considered to be available at that time. It recommended that the Council kept the site under review.

The Submission Hook Norton Neighbourhood Plan has been consulted upon, submitted, and is currently the subject of an Examination. A Consultant Statement has been produced. There are outstanding objections to the Plan. Key relevant policies are:

Policy HN - H1: Sustainable housing growth states, "Sustainable housing growth for Hook Norton in this Plan period (2014 to 2031) means conversions, infilling, and minor development. 'Conversions' means the conversion of either residential or non-residential buildings. 'Infilling' means the development of a small gap in an otherwise continuous built-up frontage, typically but not exclusively suitable for one or two dwellings. 'Minor development' means small scale development proposals, typically but not exclusively for less than 10 dwellings. To maintain a sustainable community, proposals for up to 20 dwellings will be allowed where justified by objectively assessed local housing need and where this does not result in more than 20 dwellings being built in any location at any time, taking into account any extant permissions. In all cases, housing growth must comply with all relevant policies in this Plan."

Policy HN - H2: Location of housing states, " Any applications for housing development will be assessed for suitability of location using the following criteria. Suitable locations will:

- Not be in Flood Zone 2 or 3 or within 8 metres of a watercourse
- Comply with policies and advice in this Neighbourhood Plan
- Comply with the evidence gained during Neighbourhood Plan consultation regarding general locations and extents of sites, as set out above in Section 4.2
- Take account of existing or potential alternative site uses which shall be identified in consultation with the Parish Council."

The Plan includes other policies on matters of detail including Policy HN - H3: Housing density and Policy HN - H4: Types of housing.

The Neighbourhood Plan (p.18) comments that there was not public support for development on the 'field between the School and Redlands Farm' and seeks to restrict size of developments in individual locations to 20 dwellings.

However, I consider that the weight that that can be attached to the Submission Neighbourhood Plan in the context of unresolved objections and issues will be limited.

Overall Policy Observations

The site lies outside the built up limits of the village, would extend development into the countryside and as such is contrary to saved policies in the adopted Local Plan for protection of the countryside. It's housing policies are, however, out-of-date in the context of the current five year land supply position (NPPF, para' 49). Development would have an impact on the appearance of the countryside and on the landscape setting on the approach to the village from the north. The SHLAA identifies this location as being potential suitable for residential development but a detailed assessment will need to be made as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. This should include detailed issues of compatibility with Redland Farm to the north. The grant of permission would produce new housing including affordable homes and if the houses were to be shown to be deliverable within five years, they would contribute to the five year land

supply.

Hook Norton is identified as a suitable location for some new development in the Submission Local Plan as Proposed to be Modified. The Plan has limited weight at this stage. The application is for a number of homes (54) that exceeds the 20 homes restriction suggested by the Submission Neighbourhood Plan and is in a location considered by the Plan to be locally unpopular. That Plan also has limited weight at this stage.

The village has received a modest level of growth in recent years, but the Stanton Engineering site in Station Road (under construction) has planning permission for 37 dwellings and the appeal decision for Bourne Lane is for an additional 70 dwellings. It is considered that the development proposed would not be so substantial, or its cumulative effect so significant, that to grant permission would undermine the completion of the Local Plan process.

However, now that the Neighbourhood Plan is being Examined, I consider that the grant of permission would predetermine the Examiner's recommendations and completion of the Neighbourhood Plan process due to the scale of the proposed development in light of draft Policy HN - H1 which is central to the Submitted Plan. However, the effect of such predetermination will need to be considered in the light of all material considerations.

Policy Recommendation –

No planning policy objection in principle to the development of this site but the grant of permission would now predetermine completion of the Submitted Hook Norton Neighbourhood Plan by reason of development scale in the context of draft Policy HN - H1. The effect of this predetermination will need to be considered in the context of all material considerations including the latest five year land supply position and whether the adverse impacts of granting permission, including the impact on the countryside and landscape, would significantly and demonstrably outweigh the benefits brought about by the construction of new homes including affordable housing. To contribute to the five year land supply the development would need to be deliverable within five years

These comments can be seen in full on the application details on the Council's website.

3.3 **Housing Officer:** No objection to this application, the applicant has stated the need to provide a policy compliant quantity of affordable housing on site and has given an indicative unit and tenure mix to confirm with this requirement. 35% affordable housing equates to 19 units, not 18 as stated in the in the applicant's affordable housing statement. There should be a 13 rent and 6 low cost home ownership split.

As noted in the submission the affordable units should, as far as possible, be indistinguishable from the private market housing creating tenure blindness. The clustering sizes proposed is acceptable, that is, between 6-10 units and should be transferred to a Registered Provider which will need to be agreed with the council.

The applicant has suggested that the affordable housing will be secured through condition rather than sec 106 agreement. This is unacceptable and not consistent with Cherwell's approach on this matter.

Although the indicative unit mix is a reasonable approach, it is suggested that the following mix better suits Cherwell's housing needs

Affordable rent	Intermediate housing
2x1 bed 2 person maisonettes	6x2bed4person houses
6x2bed4person houses	
5x3bed5person houses	

The applicant has indicated that they would be open to discussions around a proportion of the affordable housing to be delivered in the form of a commuted sum approach in order to re-

provide affordable housing in another location in the district.

As there is a significant amount of affordable housing being delivered through existing permissions in Hook Norton, this may be considered further. However the presumption is that the affordable housing should be delivered on site at present.

- 3.4 **Environmental Protection Officer:** Land contamination may be an issue depending on any former potentially polluting activities that may have been undertaken from the site or even possible elevated levels of naturally occurring contamination such as arsenic, nickel or even vanadium.

The Desk Study Report prepared by Hydrock Consultants has been reviewed which advises that further ground investigation works may need to be carried out on the site. A condition is recommended.

- 3.5 **Landscape Officer:** The site is currently a pastoral field surrounded by hedgerows and mature. To the north lies Redlands dairy farm and to the south is Hook Norton . The site lies within an AHLV but not within or adjacent to the Conservation Area. There is a belt of trees adjacent to Redlands Farm but this is outside the application boundary. The site slopes gently from north to south

The site is not contiguous with either the Conservation Area or Cotswolds AONB and therefore development in this location will have little effect on them. The effect on the AHLV will be minor as the proposed development is located adjacent to existing development and between the school and farm. Development will inevitably remove a gap between the built form and farm on this side of Sibford Road, but this has to be balanced by the existence of existence of existing and consented development on the opposite side of the road.

Visual effects

Some partial view of the upper parts of new dwellings. Moderate to minor adverse effects.

The development will not be visible from the AONB or the Conservation Area. The site is within the AHLV but is contiguous with the built form on the north and south boundaries. The development will be visible from Sibford Road and Bourne Lane. However visibility in the wider landscape will be limited by intervening vegetation, topography and distance.

- 3.6 **Anti Social Behaviour Manager:**

The arguments for and against this proposed development were examined in detail at the Planning Inquiry convened to consider that applicants appeal against the Councils decision to refuse planning application no 14/00844/OUT. The current application does not differ significantly from the submission considered at appeal and the applicants technical submissions in respect of odour, insects and noise that are included as part of this application were taken into account during the course of the appeal.

In respect of odour my objection remains and I would support that view with reference to paragraphs 2.3 and 2.4 of my inquiry proof of evidence which states as follows:

“ 2.3 Peter Brett Associate LLP Odour report – July 2014

2.3.1 In response to this recommendation the applicants submitted a report prepared by Peter Brett Associates LLP. The document was titled “Land Off Sibford Road Hook Norton –Odour Impact Assessment Report”. It was referenced 31495/3001 and was dated July 2014.

2.3.2 This document has undertaken an odour assessment using two of the techniques described in the Institute of Air Quality Managements’ Guidance document. A predictive assessment using a matrix recommended in the guidance together with an observational

assessment using the 'sniff test' described in the guidance.

2.3.3. The predictive assessment relies on judgements being made as to the weight that should be assigned to a series of odour descriptors, site conditions and receptor sensitivity. Details of these factors and their application are contained within Appendix 1 of the guidance.

2.3.4 The first step in the process is to identify the potential odour sources to be considered. In this case three potential odour sources are selected. These are the livestock buildings at Redland Farm, the slurry lagoon and the silage storage clamps. I would consider these sources as representative of the odour producing activities on the farm.

2.3.5 Next a 'source odour potential' is assigned to each source. In their assessment Peter Brett Associates have assigned a source odour potential of 'Medium' to the livestock buildings and slurry lagoon and medium to small for the silage clamps.

I would argue that assigning a medium odour source potential to the farm underestimates the situation. Table 8 on page 28 of the guidance details the descriptors used to define the three levels of odour source potential. In the box describing Large Source Odour Potential a list of factors are set out. These include the 'unpleasantness' of the odour rated in terms of its classification within Table 5 of the document, hedonic tone and the means of odour mitigation. Whilst I would not disagree that the livestock buildings should attach a rating of medium, in my view the slurry lagoon and the slurry handling process should fall within the large source odour potential classification on the basis that it contains material which is highly offensive in odour terms and it is an open air operation that relies on good management and best practice to mitigate its affects.

Hedonic tone is a property of an odour relating to its pleasantness or unpleasantness. A distinction should be made between the acceptability and the hedonic tone of an odour. When an odour is evaluated in the laboratory for its hedonic tone in the neutral context of an olfactometric presentation, the panellist is exposed to a controlled stimulus in terms of intensity and duration. The degree of pleasantness or unpleasantness is determined by each panellist's experience and emotional associations.

2.3.6. Pathway effectiveness is the next factor to be considered. This is effectively a description of the source of the odour and the terrain between the release point and any potential receiver. In all cases Peter Brett Associates have assigned a pathway effectiveness of 'moderately effective' for all three factors.

Again it is my view that these factors have been incorrectly assigned. I would argue that the development site is effectively adjacent to the farm complex and that the odour releases from all three sources are at ground level.

Reference is made in this section to 'minimum setback' distances. These are distances between an odour source and a receiver are designed to ensure that there is no adverse impact from odour at sensitive locations.

Whilst there is no current UK statute that specifies such distances they are defined in other jurisdictions. The State of Queensland in Australia for example suggest a separation distance of 500 m should exist between agricultural land and an odour sensitive receptor. This advice is contained within that States Planning Guidelines: Separating Agricultural and Residential Land Uses – August 1997 attached as Appendix 4 of this proof.

British Standard BS 5502 Part 33 1991 Building and Structures for Agriculture. Guide to the Control of Odour Pollution states that planning controls in force at the time the standard was published sought to prevent permission for livestock waste storage facilities from being created within 400m of dwellings.

2.3.7. The 'sniff test' assessment was based on one further visit to the site with the applicants consultants choosing to argue that this test was undertaken under worst case conditions.

2.3.8 The conclusion to this report indicates that the northern part of the development site could suffer substantial adverse odour effects under worst case conditions. Basing a

prediction of frequency on metrological data rather than multiple observations they conclude that the frequency of occurrence of these conditions would be so infrequent as to render odour not an issue rating the effect slightly adverse overall.

2.3.9 In my view the 'predictive assessment' underestimates the odour potential for the farm site and the 'sniff test' approach is based on insufficient baseline data to permit it to be used to draw robust conclusions from.

2.4 Peter Brett Associates LLP Addendum to odour impact report –August 2014

2.4.1. An addendum to the Odour Impact Assessment report was prepared by Peter Brett Associates for the applicants. The document, dated August 2014, is attached as Appendix 5 of this proof.

2.4.2 The document was submitted following a request made by the Council to quantify the effect of the odour mitigation they had indicated they intended to provide on the development site. This additional was described as being in the form of a vegetative barrier.

2.4.3 The principal behind the use of a vegetative barrier is to create turbulence within the airstream passing from an odour source to a receiver relying on the turbulence to mix the odorous air stream to point where the odorous component is diluted to a point where it no longer causes offence.

It is further claimed that the barrier would have the effect of trapping dust which is cited as a significant vector for the transmission of odour.

2.4.4 .At 2.1.1 of the addendum report Peter Brett Associates state that 'odour largely travels by way of particulates'. Whilst this may be the case where the source of odour is a 'dry' process such as the rearing of broiler poultry intensive dairy farming is essentially a 'wet' activity with large quantities of slurry, a mixture of animal manure urine and washing water, being produced. In these cases the odorous emissions are at molecular level, considerably smaller in size than dust particles. I would therefore submit that a vegetative barrier would have limited effect on their physical distribution.

2.4.5. Mention is made of studies that describe the performance and formation of vegetative barriers yet these are not referenced within the document.

2.4.6. In an extract from a paper published by the University of Delaware the author Bud Malone suggests a planting width of 9 metres is needed to establish a vegetative barrier consisting of a three row planting of mixed species (paragraph 12) Malone goes on to describe the results of two seasons assessment of the performance of this barrier. The results across the reported time period were highly variable with some odour parameters being reduced by 67% in the first season with performance falling to 29% in the second season (paragraph 12). This extract is attached as Appendix 6 of this proof.

2.4.7. I would submit that in order to bolster the claimed effect of their vegetative barrier the applicants are choosing to relying on vegetation that is already established on the Redlands Farm site. Equally they suggest that a 3.5 metre noise barrier may have some benefit in creating air movement and dispersing odour. No conclusive proof was included in the odour assessment to confirm this effect."

The applicants have sought to update and reinforce their submission on odour by submitting a further report from Peter Brett Associates dated October 2014. This document includes additional odour monitoring logs which appear to show a 'slight adverse' effect on the development site due to odour from the nearby Dairy Farm. As it emerged at the inquiry we do not accept the view as the odour monitoring exercises were carried out at times of day when the most malodorous activities on the farm were taking place. Equally during wind conditions

favourable to the applicants position odours of significant strength were detected on the application site.

In addition to our concerns over odour the potential the Diary Farm has to offer a source of insect pests was a second reason why we would support a recommendation to refuse this planning application.

- 3.7 **Ecology Officer:** The ecological survey found no evidence of any protected species using the site and the likelihood of any being present was considered to be negligible. Ecological enhancements in the form of additional boundary planting, informal grassland, SUDS area, appropriate management of retained hedgerows and the provision of new bat roosting and bird nesting opportunities are suggested in the May 2014 ecological appraisal. The bat roosts and bird nest boxes, as stated in the report, should be a mixture of types, with some being incorporated in to the new dwellings. Swifts are present in the village and incorporated nest boxes for this species should be considered where the building design allows. Conditions and an informative are recommended.

Oxfordshire County Council Consultees

- 3.8 **Highways Liaison Officer:** The objectives of the 'Local Transport Plan 2011-2030 (Revised April 2012) reinforce the need to ensure the sustainability of rural areas and include the objectives for rural transport of:
- Supporting access to work, education and services for the residents of rural Oxfordshire
 - Supporting the rural economy through access to rural Oxfordshire for all (local residents and non-residents)
 - Maintaining and improving the condition of local roads, bridleways, footpaths and cycleways and supporting access by all modes.

This site is located on the periphery of Hook Norton, a rural village in north Oxfordshire with poor accessibility and only very limited shops and services available locally. Walking and cycling may be appropriate for trips within the village but are highly unlikely modes for non-recreational trips beyond the settlement. A bus service is available, but its frequency is poor with a limited number of destinations available. Employment opportunities within Hook Norton are few and the primary school will require extension to accommodate the expected increased demand. The CRAITLUS Study raised similar concerns and noted that Hook Norton was among the most remote settlements in terms of access to the larger county towns. Sustainability in terms of accessibility and dependence on the private car, is clearly a concern but this is a matter for the Local Planning Authority to determine in conjunction with the other sustainability merits of the development; and in terms of the NPPF it may be difficult to prove severe detrimental impact based on transport matters alone.

Travel Plans aid in encouraging modal shift to a more sustainable travel. OCC's guidance, 'Transport for New Developments: Transport Assessments and Travel Plans march 2013' states that for a development of 50 to 79 dwellings a travel plan statement is required. The documents submitted with the application include a travel plan but some amendment is needed to meet the requirements outlined in the OCC guidance. This matter is best dealt with by condition and further advice may be obtained from the Travel Plans Team at OCC.

The proposed site access is appropriate and plans show the provision of a footway connecting to existing provision. The layout of the site is not to be determined at this stage; however, illustrative plans appear acceptable in principle.

Hook Norton village is connected to Banbury and Chipping Norton by bus route 488, which offers a broadly hourly service on weekday daytimes. There are however, several recognised deficiencies with this service, including the lack of a morning peak service to Chipping Norton and a lack of an evening and Sunday service.

Developer funding is sought with the aim of improving the frequency and hours of operation of this bus route in order that new residents would benefit from improved connectivity to Banbury and Chipping Norton, where employment and other facilities can be found. The sums sought are similar to other developments in this area that are outside of the Local Plan.

A number of conditions are recommended together with a financial contribution of £862 per additional dwelling towards improvement of the Chipping Norton-Banbury bus service (indicatively £46,548) and a contribution of £4,000 towards improved bus stop facilities at The Green. A S278 under the Highways Act will be required in respect of works within the highway relating to access works and footway provision.

- 3.9 **Drainage Officer:** A full drainage strategy, layout plans and drainage calculations will be required and approved by the Lead Flood Authority (OCC) prior to the commencement of any development.
- 3.10 **Education:** A feasibility study has been conducted to identify how Hook Norton CE Primary School could grow in a manner which is cost-effective, without compromising the high quality of education provided by this school. The County Council's proposed strategic response to population growth arising from a number of housing proposals in and around Hook Norton CE Primary School is the expansion of Hook Norton school to 1.5 form entry. This would be subject to statutory approval process. All relevant housing developments in the area would be expected to contribute towards the cost of this expansion.

Following recent expansion of the school's accommodation, Chipping Norton secondary School has sufficient spaces to absorb the level of housing growth likely in this area. No Section 106 is currently expected to be required for expansion of permanent secondary school capacity in the area.

Planning permission to be dependent on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in order for Oxfordshire County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

£212,298 Section 106 developer contributions towards the expansion of permanent primary school capacity serving this area, by a total of 18.33 pupil places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.

Hook Norton CE Primary School's site is 4900m² below the 1.81ha which OCC requires for a 1.5 form entry school. To facilitate the school's expansion to meet the needs of housing development, OCC would like to discuss with the developer any scope for augmenting the school's site.

£10,545 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 0.35 pupil places. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised to allow £30,656 per pupil place to expand capacity in special educational needs schools.

- 3.11 **Archaeology:** the site lies within an area of some archaeological interest but in an area where little archaeological investigation has been undertaken and therefore very little is known. A possible Bronze Age barrow is recorded 390m to the west of the site although it is possible that this is a post medieval windmill tump. A second barrow has been recorded from aerial photographs 900m to the west. A number of find spots of prehistoric flint tools and roman pottery have been recovered from the general area of the site. An archaeological evaluation on a site to the west of this application recorded an undated linear feature. The site has seen little recent disturbance and therefore if unknown archaeological features are present on the site it is possible they could be fairly well preserved.

A condition is therefore recommended to ensure a staged programme of archaeological

investigation during construction.

- 3.12 **Minerals and Waste:** Published BGS mapping shows the application site to be underlain by deposits of ironstone which lie to the north of Hook Norton, on the east side of Sibford Road. The Council is not aware of any detailed geological information on the depth, extent and quality of these ironstone deposits, and there is no known history of mineral working or of minerals industry interest in the immediate area.

The proposed development needs to be considered against saved Oxfordshire Minerals and Waste Local Plan policy SD10 on protection of mineral resources. This policy dates from 1996 but it is consistent with the NPPF (paragraph 143, bullet 3). Under policy SD10, development which would sterilise the mineral deposits within this site should not be permitted unless it can be shown that the need for the development outweighs the economic and sustainability considerations relating to the mineral resource.

The ironstone deposits within and adjoining the application site are constrained by the existing school and housing to the south and south east, on the northern edge of Hook Norton village, and by the house adjoining the application site to the north. In view of this, it is unlikely that these mineral deposits would constitute a workable ironstone resource. Therefore, the proposed development would not be contrary to saved Oxfordshire Minerals and Waste Local Plan policy SD10 on protection of mineral resources and, accordingly no objection should be raised to this planning application on minerals policy grounds.

- 3.13 **Ecology Officer:** The submitted ecological appraisal is satisfactory and there is little in the way of protected species on site. The hedgerows and species dependent on them are the principal ecological feature which need retention and protection during construction. There is considerable scope for biodiversity enhancements on site and in general the layout suggested in the design and access statement would offer some gains for biodiversity if appropriately managed. Enhancements should also be included within the built environment (integrated bat and bird boxes/nests/tubes in suitable locations, green walls, invertebrate boxes etc..).

Lighting on site should be kept minimal, directional and it should be ensured that light spill does not affect boundary vegetation.

Other Consultees

- 3.14 **Thames Water;** Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

Thames Water have become aware of two further possible development sites. The cumulative impact of these 3 sites causes concern that existing customers may be affected by sewage flooding. A detailed drainage impact studies to determine whether upgrades would be necessary and if they are what the scale and location of the upgrade would be. This may lead to the possibility of a more strategic solution being possible, subject to the phasing of the development sites, meaning less disruption for all during construction.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site

storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. .

- 3.15 **Natural England:** No objection. The application is in close proximity to Hook Norton Cutting and Banks SSSI and Whichford Woods SSSI. Natural England is satisfied that the development as submitted will not damage or destroy the interest features for which the site have been notified and therefore these SSSI's do not represent a constraint in determining this application. Should the details of the application change, Natural England should be re-consulted.

The Local authority should also assess and consider other possible impacts on local sites, local landscape character and local or national biodiversity priority habitats and species. The application has not been assessed in terms of impact on protected species.

In terms of biodiversity enhancements, the application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if minded to grant permission. This is in accordance with Paragraph 118 of the NPPF.

3.16 **Thames Valley Police:**

TVP has undertaken an assessment of the implications of growth and the delivery of housing upon the policing of the Cherwell District Council area and in particular the major settlements in the district where new development is being directed towards. We have established that in order to maintain the current level of policing developer contributions towards the provision of infrastructure will be required. This assessment and information has been fed into the Council's Infrastructure Delivery Plan and is acknowledged by the Council as a fundamental requirement to the sound planning of the area.

The additional population generated by the development will inevitably place an additional demand upon the existing level of policing for the area. In the absence of a developer contribution towards the provision of additional infrastructure then TVP consider that the additional strain placed on our resources and therefore ability to adequately serve the development.

At present the Cherwell Local Police Area (within which Hook Norton lies) has a population of approximately 141,900 and 56,700 households. based on 2011 Census information

At present this population generates an annual total of 32,871 incidents that require a Police action. These are not necessarily all "crimes" but are calls to our 999 handling centre which in turn all require a Police response/action. Effectively therefore placing a demand on resources.

The proposed development of 54 units would have a population of 135 (at 2.5 per unit). Applying the current ratio of "incidents" to population then the development would generate an additional 41 incidents per year for TVP to deal with.

In total Cherwell area is served by; (all figures = FTE)

- 124.3 Uniformed Officers – a mixture of Patrol and Neighbourhood
- 21 PCSO's.
- 11 CID Officers.
- 9.25 Dedicated staff

Central staffing provision is provided and drawn upon when required – this ranges from support functions (HR, IT, etc) to operational functions (SOCO, Forensics, Major Crime Unit) these services are provided force wide. Again utilising the ratio of current staff/officers to the projected additional demand then the development would generate the following additional requirements.

Total Additional LPA Officers Required	0.13
Total Additional PCSO	0.02
Total Additional CID	0.01
Total Additional Support Staff (Local/Central)	0.01

In order to mitigate against the impact of growth TVP have calculated that the “cost” of policing new growth in the area equates to £11,917 to fund the future purchase of infrastructure to serve the development.

The contribution represents a pooled contribution towards the provision of new infrastructure to serve the site and surrounding area. The pooling of contributions towards infrastructure remains appropriate under the terms of the CIL Regs, up until the relevant Local Authority has adopted CIL, whereby pooling will be limited to 5 S106 Agreements (subject to other regulatory tests).

The contribution will mitigate against the additional impacts of this development because our existing infrastructures do not have the capacity to meet these and because like some other services we do not have the funding ability to respond to growth.

The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows;

STAFF SET UP

The basic set up costs of equipping and training of staff;

OFFICER/PCSO	
Uniform	£873
Radio	£525
Workstation/Office Equip (2:1 ratio)	£1508
Training	£4515
TOTAL	£7421

On the basis that the development generates a requirement for 0.15 (uniformed officers – including PCSO) the set up costs equate to £1113 (7421 x 0.15) staff generation/CID increase is not included given its small impact.

PREMISES

At present within Cherwell Neighbourhood Policing is delivered from premises in Banbury, Bicester and Kidlington. At present TVP maintain full capacity of accommodation for staff and officers, with any additional capacity delivered via new works to provide floorspace. Each new officer/member of staff is allocated 16.8sqm of floorspace (workstation, storage, locker room etc) at a cost of £1800per sq m. This is a derived cost of adaptation/new build (TVP operate an estate policy of delivering new accommodation principally through the adaptation of existing buildings as opposed to new build at a 90:10 ratio. As this development will generate 0.25 (rounded down) staff/officers the cost is £5165 (16.88 x 1800 x 0.17)

VEHICLES

The purchase of vehicles including response and neighborhood patrol cars and bicycles. The (three year lifetime) capital costs of these items are;

Patrol Vehicle – £42,300
PCSO Vehicle - £25,960
Bicycles - £800

Current fleet deployment within Cherwell administrative area (therefore serving 56,700 households) is broken down as follows;

Patrol Vehicle – 18
PCSO Vehicle - 12
Bicycles – 15

This equates to a cost of £19.13 per household. Accordingly therefore in order to maintain this level of provision the development would generate a required contribution of £1,043 (19.13 x 54)

MOBILE IT

Provision of mobile IT capacity to enable officers to undertake tasks whilst out of the office, thus maintaining a visible presence. Cost of each item - £4250, therefore for this development (which generates 0.15 additional uniformed officers, the cost would be £637.50 (4250 x 0.21).

RADIO COVERAGE/AIRWAVE CAPACITY

Radio Coverage/Capacity – TVP is currently at capacity with regard to its coverage, therefore each additional household places an additional burden upon our communications ability. TVP roll out a programme of capacity enhancements and improvements of £368,467p.a that is based on a cost of 0.40 per household. These improvements are expected to last for 5 years, by which time the telecom capacity will be able to absorb this additional demand. Therefore the cost of this contribution would amount to £108 (.40 x 54 x 5)

ANPR CAMERAS

Automatic Number Plate Recognition (ANPR) Cameras – TVP has a desire to roll out ANPR Cameras throughout the area. There is a limited budget for this at present but a requirement to roll out more cameras. The number and location of cameras is driven by the scale and location of proposed development and the road network in the area. Current coverage in Cherwell is extremely limited. An

An assessment based on the significant planned growth within Cherwell District has been undertaken and it has been assessed that there is a requirement for additional ANPR camera coverage in the area to mitigate the impact of planned growth. Each camera costs £11,000, and requirement is assessed on the basis of the scale, location, and proximity to the road network of the proposed development. Operationally it has been determined that this development should support the contribution of **£3000** towards the provision of ANPR in the area.

CONTROL ROOM AND POLICE NATIONAL DATABASE CAPACITY

At present Police control room handling is used to capacity at peak times. Our various call handling centre's deploy resources to respond to calls as quickly as possible. We are able to assess the capacity of the existing technology and calls currently dealt

with (based on the minimum times with callers) and are able to assess the additional impact of growth upon this capacity. Existing lines, telephony, licenses, IT, workstations and monitoring will be required on the basis of **£15.75** per unit. Therefore the cost generated by this development would be **£850.5 (15.75 x 54)**.

Developer contributions are necessary to ensure development is in line with the wider objectives of sustainable development as set out in national and local planning policy. The infrastructure identified above has been specifically identified as infrastructure required to deal with the likely form, scale and intensity of incidents that the development will generate.

Two recent appeal decisions in Leicestershire (APP/F2415/A/12/217984 & APP/X2410/A/12/2173673 assesses the request from Leicestershire police for developer contributions towards infrastructure. These appeal decisions confirms that the approach of TVP in assessing the impact of development, having regard to an assessment of the potential number of incidents generated by growth is appropriate, and fundamentally it confirms that police infrastructure should be subject to developer contributions as the provision of adequate policing is fundamental to the provision of sustainable development. These comments can be seen in full on the application details on the Council's website.

4. Relevant National and Local Policy and Guidance

4.1 *Development Plan Policy*

Adopted Cherwell Local Plan (Saved Policies)

C8:	Sporadic development in the countryside
H13:	Category 1 Settlements
H18:	New dwellings in the countryside
C2:	Protected Species
C5:	Creation of new habitats
C7:	Harm to the topography and Character of the Landscape
C9:	Beyond the existing and planned limits of Banbury and Bicester
C13:	Area of High Landscape Value
C27:	Development in villages to respect historic settlement pattern
C28:	Layout, design and external appearance of new development
C30:	Design of new residential development
C33:	Protection of important gaps of undeveloped land
R12:	Public Open Space provision
ENV1:	Development likely to cause detrimental levels of noise & smell
ENV12:	Contaminated land
TR1:	Transportation funding

4.2 *Other Material Policy and Guidance*

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with regard to the following sections:-

- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change and flooding

11: Conserving and enhancing the natural environment

The site is not identified for development in the Non-Statutory Cherwell Local Plan 2011. Whilst some policies within the Plan may remain to be material considerations, other strategic policies have in effect been superseded by those of the Submission Local Plan (January 2014). The relevant policies are

- Policy H15: Category 1 Settlements
- Policy H19: New dwellings in the countryside
- Policy EN3: Pollution Control
- Policy EN30: Sporadic development in the countryside
- Policy EN31: Beyond the existing and planned limits of Banbury and Bicester
- Policy EN34: Conserve and enhance the character and appearance of the landscape

4.3 Submission Local Plan 2006 - 2031

A new Local Plan (Part 1) was submitted to the Secretary of State on 31 January 2014 for Examination. Following Hearings in June 2014, Proposed Modifications were submitted on 21 October 2014. Hearings continued from 9 December 2014 to 23 December 2014. The Inspector's report is expected in the Spring of 2015. The site is not identified as a strategic housing site in the new Local Plan. The draft policies of most relevance (as proposed to modified) are:

Policy villages 1: Hook Norton is identified as a Category a village where infilling, minor development and conversions will be permitted.

Policy Villages 2: Distributing Growth across the rural areas

Policy BSC3: Provision of affordable housing. In rural settlements proposals for residential development of 3 or more dwellings will be expected to provide at least 35% affordable homes on site.

Policy BSC4: Housing Mix expects new residential development to provide a mix of homes to meet current and expected future requirements having regard to evidence on housing need and market conditions.

Policy ESD 3: Sustainable construction. All new homes are expected to meet at least Code Level 4 of the Code for Sustainable Homes.

Policy ESD 7: Sustainable drainage. All development will be required to use SUDS for the management of surface water run-off.

Policy ESD 10: Protection and enhancement of biodiversity and the natural environment.

Policy ESD13: Local Landscape Protection and Enhancement expects developments to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided

Policy ESD16: the character of the built and historic environment should be protected and where development is allowed it should respect the local character context.

5. *Appraisal*

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Planning policy and the Principle of development
- Five year housing land supply
- Prematurity
- The impact of odour & Insects from Redland Farm
- Design and Access Statement
- Landscape impact and visual amenity
- Transport assessment
- Ecology
- Flooding and drainage
- Archaeology
- Delivery of the Site
- Planning obligation

Relevant Planning History

5.2 An application for 70 houses on a site to the west of the application site was granted outline planning permission on appeal by the Secretary of State on 23rd September 2013 (APP/C3105/A/12/2184094). The Secretary of State, in making his decision, concluded that although the proposal would be contrary to some of the policies in the out of date adopted Local Plan, the Council did not have a five year housing land supply, so little weight could be given to the relevant housing policies in the development plan. He considered Hook Norton to be a sustainable location for development. Whilst he acknowledged that development of the site would cause some moderate and localised harm to the character and appearance of the countryside he was satisfied that this would be limited and would not significantly and demonstrably outweigh the benefits of the scheme.

5.3 Application Ref; 14/00844/OUT, involved the construction of market and affordable dwellings, with all matters reserved except for access arrangement. The illustrative Development Framework Plan which accompanied the application indicated that 54 dwellings could be accommodated on the site, 35% of which will be affordable. The application also proposed supporting uses including a proposed green infrastructure, Local equipped play area, proposed planting, a 'balancing pond' along the south east boundary at the low point of the site. It was proposed to retain existing trees and hedgerows where possible.

5.4 That application was presented to the Planning Committee on 5th September 2014 with a recommendation for refusal. The reports to Committee identified conflicts with the development plan and harm caused by the development as a result. The members of the Planning Committee considered the matter and determined that the benefits of the development did not warrant approval given the significant and demonstrable harm identified and permission was refused on 5th September 2014 for the following reasons;-

"1. Notwithstanding the Council's present inability to demonstrate that it has a 5 year housing land supply as required by paragraph 47 of the NPPF, the development of this site cannot be justified on the basis of the land supply shortfall alone. The applicant has failed to adequately demonstrate that the proposed development would not be adversely affected by the activities associated with the Intensive Dairy Unit at Redlands Farm immediately to the north, resulting in an unacceptable living environment for the occupiers of the new dwellings. As such the development is considered to be unsustainable and the proposed would be contrary to the thrust of Policy ENV1 of the adopted Cherwell Local Plan and Government advice within the National Planning Policy Framework which seeks to ensure high quality design and a good standard of

amenity for all existing and future occupants of land and buildings.

2. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure and affordable housing directly required as a result of this scheme will be delivered. This would be contrary to Policy H5 of the adopted Cherwell Local Plan, Policy INF1 of the Submission Local Plan and government guidance within the National Planning Policy Framework.”

5.5 An appeal was lodged against the Councils refusal of planning permission and an inquiry into the appeal was opened on 13th January 2015. The Inquiry site visit and Closing Statements have been postponed until 31st March 2015. The Council confirmed on 9th December 2014 before the inquiry that matters associated with noise were no longer an issue and effectively withdrew this part of the reason for refusal.

5.6 The Council however maintains that the proposed mitigation features to improve the situation were not robust enough. Smell and flies are the most serious potential nuisance and will cause significant and demonstrable harm. The harm will affect both future occupiers of the proposed land and Redlands Farm. The effect on the residents of the proposed housing development because of harm to their living environment and harm to Redlands Farm because of pressure to change its operations in response to likely complaints will constitute a significant and demonstrable harm when weighed against the benefits and planning permission should not be granted.

Planning Policy and the Principle of Development

5.7 The Development Plan for the District comprises the saved policies in the Adopted Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

5.8 The site in question is not allocated for development in any adopted or draft plan forming part of the development plan. Hook Norton is designated as a category 1 settlement in the adopted Cherwell Local Plan. Policy H13 of that Plan states that new residential development within the village will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the settlement, or the conversion of non-residential buildings. The site is not within the built up limits of the village and is therefore in open countryside. Policy H18 of the adopted Cherwell Local Plan restricts new dwellings beyond the built up limits of settlements, in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet a specific and identified housing need that cannot be met elsewhere. These policies are carried through in the non-Statutory Cherwell local Plan. The adopted Cherwell Local Plan contains no specific allocation for this site and the proposal clearly does not comply with this policy criterion and therefore represents development beyond the existing built up limits of the village into open countryside. The proposal therefore, needs to be assessed against Policy H18 which limits residential development beyond the existing built up limits of settlements unless they are agricultural workers dwellings and affordable housing. Quite clearly the development fails to comply with this policy and in doing so also potentially conflicts with rural conservation Policy C7 which does not normally permit development which would cause harm to the topography and character of the landscape. Policy C8 seeks to prevent sporadic development in the open countryside but also serves to restrict

housing development. Policy ENV1; including paragraph 10.5 which states that “ Where a source of pollution is already established and cannot be abated, the Council will seek to limit its effect by ensuring that development within the affected area maintains a suitable distance from the pollution source”

National Planning Policy Framework

5.9 Paragraph 49 of the NPPF states ‘housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites.

5.10 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to:

- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- Proactively drive and support sustainable economic development
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Support the transition to a low carbon future in a changing climate
- Encourage the effective use of land by reusing land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which are, or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs
-

The NPPF at paragraph 14 states ‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking’....For decision taking this means

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or
- Specific policies in this framework indicate development should be restricted

5.11 The Adopted Cherwell Local Plan 1996 is out of date in relation to the policies regarding delivery of housing. The NPPF advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given). The Development Plan (the adopted Cherwell Local Plan) contains no up to date policies addressing the supply of housing and it is therefore necessary to assess the application in the context of the presumption in favour of sustainable development as required by the NPPF.

- 5.12 Whilst it is acknowledged that Hook Norton is one of the more sustainable villages, this does not necessarily mean that the proposal itself constitutes sustainable development. The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below. In respect of the appeal at Bourne Lane, it is important to note that due to the range of facilities within the village, and the inclusion of Hook Norton as a category 1 settlement, that he concludes that Hook Norton is a sustainable location. He also concluded that whilst the village does not have a piped gas supply and that electricity supply, and broadband connectivity can be poor, that these did not alter his overall assessment of the range of facilities available within the village.
- 5.13 In relation to the economic role, the NPPF states that the planning system should do everything it can to support sustainable economic growth and the development is likely to provide jobs during the construction phases of the scheme, and in the longer term provide economic benefit to local shops and businesses. This was also acknowledged by the Inspector in the Bourne Lane appeal.
- 5.14 In terms of environmental, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Whilst this is a green filed site and its loss will cause harm to the character and appearance of the countryside, this would be limited by short distance views within the immediate vicinity of the site. The development proposal also includes area of public open space, landscaping and additional tree and hedge planting. Conditions can be imposed to ensure that an ecological enhancement scheme is carried out as part of the development.

Five Year Housing Land Supply

- 5.15 Section 6 of the NPPF 'delivering a wide choice of high quality homes' requires local planning authorities to significantly boost the supply of housing by identifying key sites within the local plan to meet the delivery of housing within the plan period and identify and update annually a 5 year supply of deliverable sites within the district.
- 5.16 Paragraph 031 Reference ID: 3-030-20140306 of the Planning Practice Guidance – Housing and Economic Development Needs Assessments states that the NPPF sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Therefore local planning authorities should have an identified five-year supply at all points during the plan period. Housing requirement figures in up-to-date adopted local plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted local plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.
- 5.17 Where evidence in local plans has become outdated and policies in the emerging plans are not yet capable of carrying sufficient weight, information provided in the latest assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government should be used as the starting point, but the weight given to these should take account of the fact they have not been tested (which could evidence a different housing requirement to the projection, for example, because of past events that affect the projection are unlikely to occur again or because of market signals) or moderated against relevant constraints (for example environmental or infrastructure).

- 5.18 The latest published position on the district's housing land supply is the Housing Land Supply Update June 2014. This states that the five year supply of deliverable sites for 2014-2019 is 3.4 years. This includes a requirement for an additional 20% buffer and makes us the delivery shortfall (2314 homes) within the next five years. The projection for 2015-2020 is 3.4 years supply. The calculations do not include new deliverable sites permitted since June 2014 and the land supply position will shortly be reviewed.
- 5.19 The Oxfordshire Strategic Marketing Assessment (SHMA) 2014 was commissioned by West Oxfordshire District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and Cherwell District Council and provides an objective assessment of housing need. It concludes that Cherwell has a need for between 1,090 and 1,190 dwellings per annum. 1,140 dwellings per annum is identified as the mid-point figure within that range.
- 5.20 The Planning Inspector appointed to examine the Local Plan made clear his view that the SHMA document provided an objective assessment of housing need in accordance with the NPPF and suspended the Examination to provide the opportunity for the council to propose 'Main Modifications' to the Plan in the light of the higher level of need identified. The 1,140 per annum SHMA figure represents an objective assessment of need (not itself the housing requirement for Cherwell) and will need to be tested having regard to constraints and the process of Strategic Environmental Assessment/Sustainability Appraisal. However, the existing 670 dwellings per annum housing requirement of the submission Local Plan (January 2014) should no longer be relied upon for the purpose of calculating the five year housing land supply. Until 'Main Modifications' are submitted to the Secretary of State for Communities and Local Government, the objectively assessed need figure of 1,140 homes per annum from the SHMA is considered to be the most robust and defensible basis for calculating the five year housing land supply.
- 5.21 A further Housing Land Supply Update (June 2014) has been approved by the Lead Member for Planning. It shows that the District now has a 3.4 year housing land supply which includes an additional 20% requirement as required by the NPPF where there has been persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made-up within the five year period. The District does not therefore have a 5 year housing land supply and as a result of the NPPF advises in paragraph 14 that planning permission should be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.'
- 5.22 However, notwithstanding the Council's Housing Land Supply position, it should be noted that the NPPF does not indicate that in the absence of a five year supply that permission for housing should automatically be granted for sites outside of settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits.

Submission Cherwell Local Plan

- 5.23 The Submission Local Plan (January 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications to meet the Objectively Assessed Need have been through the consultation period and were approved unanimously by full Council on 20th October 2014 and the 'Examination in Public' reconvened between 9th

December 2014 and 23rd December 2014. The Inspectors decision is expected in early spring of 2015. Although this plan does not have Development Plan status, it is a material Planning consideration because the Plan is in an advanced stage of scrutiny because Examination is complete and weight can be placed on it as an emerging policy document. The plan sets out the Council's strategy for the District to 2031. The policies listed below are therefore considered to be material to this case:

- 5.24 Policy Villages 1 of the Plan designates Hook Norton as a Category A village, and therefore one of the Districts most sustainable based on criteria such as population, size, range of services and facilities and access to public transport. Policy Village 2 seeks to distribute the amount of growth that can be expected within these villages, although how the numbers will be distributed is not specified as precise allocations within each village would be set out in the Local neighbourhoods Development Plan Document, based on evidence presented in the SHLAA. This document is to be prepared following the adoption of the emerging local plan.
- 5.25 It is evident from the above that the proposed development is contrary to policies within the adopted Cherwell Local Plan and is not allocated for development within the Submission Cherwell Local Plan. As previously expressed however, the Adopted Cherwell Local Plan is out of date in terms of allocating land for new housing development, and the Submission Cherwell local Plan currently carries limited weight in the consideration of new development proposals. As such a refusal based on these grounds alone is unlikely to be defensible at appeal and has to be weighed against other material considerations, the most significant being the need to provide a five year housing land supply.
- 5.26 However, notwithstanding the Council's Housing Land Supply position as stated above, the proposal would give rise to conflict with a number of policies in the adopted Cherwell Local Plan, Non-Statutory Cherwell local Plan and the Submission Local Plan. Paragraph 14 of the Framework makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. It does not however indicate that an absence of a five year land supply means that permission should automatically be granted for sites outside settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole. The identified issues of acknowledged importance are identified and considered below.

Prematurity in the context of , and / or prejudice to the Submission Cherwell Local Plan and Hook Norton Neighbourhood Plan

Submission Cherwell Local Plan (SCLP)

- 5.27 Whilst the application site is not allocated for development in the adopted Cherwell Local Plan, the wider site has been included as Strategic Housing Land Availability Assessment (SHLAA) (Update 2014) site HO030 which is a site considered to be available for development, although it must be considered in terms of odour and noise impacts arising from the immediately adjoining land use of the dairy farm. The application therefore relates to a release of housing land ahead of the on-going independent Examination of the Local Plan's proposals and policies.

5.28 One of the NPPF's core planning principles (para' 17) requires planning to "be genuinely plan-led, empowering local people to shape their surroundings..." The issue of 'prematurity' must therefore be considered. The guidance within the NPPG with relation to the issue of prematurity is as follows:

"In the context of the National Planning Policy Framework and in particular the presumption in favour of sustainable development arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b. the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."

5.29 Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

5.30 The Local Plan has now reached an advanced stage. It has been through several rounds of consultation and is now supported by an extensive evidence base. It has been submitted for Examination with the hearings completed. The Submission Local Plan policies are considered to be generally consistent with the NPPF. It is considered that the first and third bullet points of paragraph 216 of the NPPF are met and therefore some weight can be given to the Submission Local Plan policies.

5.31 Prematurity is 'unlikely' to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account. The development proposed is not considered to be of such a scale and importance that it would prejudice the outcome of the plan-making process. In these circumstances, it is considered that dismissal of the appeal on the grounds of prematurity in relation to the SCLP is not justified where the SCLP is at an advanced stage but not yet part of the development plan. It will therefore not be premature to release the site for development ahead of adoption of the Local Plan.

Submission Hook Norton neighbourhood plan

5.32 The Hook Norton Neighbourhood Plan has been consulted upon, submitted, and is currently the subject of an Examination. A Consultant Statement has been produced. There are outstanding objections to the Plan. The Plan includes other policies on matters of detail including Policy HN - H3: Housing density and Policy HN - H4: Types of housing. The Neighbourhood Plan comments that there was not public support for development on the 'field between the School and Redlands Farm' and seeks to restrict size of developments in individual locations to 20 dwellings. However, It is considered that the weight that that can be attached to the Submission Neighbourhood Plan in the context of unresolved objections and issues will be limited. The development proposed is not considered to be substantial and neither would its cumulative effect be so significant as to undermine the plan-making process to an emerging Local Plan or Neighbourhood Planning. As the Submission

Cherwell Local Plan is at Examination stage, and the Neighbourhood plan has not yet been examined, it cannot be considered to be in conformity with that Local Plan.

The impact of Odour and Insects from Redlands Farm

- 5.33 Paragraph 14 of the NPPF makes it clear that there is still a requirement to carry out a balancing exercise in order to determine whether a scheme can be justified. In carrying out this balancing exercise, it is necessary to take account of the policies in the Framework as well as development plan policies.
- 5.34 Paragraph 49 states very clearly that the NPPF must be read in the context of delivering sustainable development. It is not therefore intended simply to address numbers in terms of housing growth but continues to place sustainable growth at the centre of decision making. This is clearly not the case with the appeal proposal. Paragraph 14 advises granting permission, where relevant policies are out of date, unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. The effect on the residents of the proposed housing development because of harm to their living environment and harm to Redlands Farm because of pressure to change its operations in response to likely complaints will constitute a significant and demonstrable harm when weighed against the benefits and planning permission should not be granted.
- 5.35 The site is situated to the south of Redlands Farm, a dairy farm. The livestock on site comprise 400 high yielding dairy cows together with female replacements. Production is 4 million litres of milk per annum on a level profile for the domestic liquid market. The unit has a turnover of £1.5 million per annum employing 3 full time and 5 part time staff all of whom live locally. It is an arable and dairy unit with the field work being carried out by a contractor. The dairy unit is labour intensive, but the arable is highly mechanised with a low staff requirement.
- 5.36 Odour will arise from animal waste and urine that comes from the animals within the building; from the slurry lagoon and from the silage clamp, as well as from the general activities on site. The odour sources will be diffuse in nature from the buildings and general farm area. The release of odour will fluctuate according to the activities being undertaken. Odour will generally increase when manure is being cleared from the farm yard, slurry is being pumped and when silage is removed from the clamp. Good silage production will tend to have a sweet smell due to the production of lactic acid in the fermentation process, and the odour is only released when the silage clamp is disturbed for the removal of feed. The amount of odour generated will also depend on temperature, with higher amounts of odour being released in summer months due to higher biological activity.
- 5.37 The current application does not differ significantly from the submission considered at appeal and the applicants technical submissions in respect of odour, insects and noise that are included as part of this application were taken into account during the course of the appeal. In respect of odour and insects the Councils objections remain and that view is supported with reference to paragraphs 2.3 and 2.4 of the inquiry proof of evidence for appeal Ref; APP/C3105/A/14/2226552
- 5.38 From an environmental perspective, the potential impacts arising from the sites proximity to Redlands Farm are paramount. Redlands Farm operations have the potential to give rise to odour and in some circumstances increased numbers of insects all of which could affect residential properties that were located too close to the farming operation.
- 5.39 A range of insects are often found in association with housed livestock and are difficult to control at source. A good proportion of the appeal site would be within the flying range of these species and the proposed dwellings could be considered at risk from

annoyance caused by their presence. The presence of insects is not a matter that can be subjectively assessed and in many respects it is linked to the odour generating potential of activities on the farm site. The applicants have not demonstrated that odour from Redlands farm will not impact on their proposed development.

- 5.40 Residents living in proximity to the site have stated that odour and noise are an issue from the farm at certain times of the day and year. He also comments that several properties in Sibford Road have commercial fly killing machines to deal with the flies from the slurry pit. Complaints from residents in the new development could consequently have an impact on the viability of the farm.
- 5.41 The submission by the applicants provides no evidence to the contrary that there will not be an increased nuisance to those living progressively closer to the dairy unit beyond the existing built edge of the village. Notwithstanding the revised format of the submitted odour assessment, it is considered that the baseline data is insufficient to give the Council confidence that the odour impact has been fully assessed.
- 5.42 There was a failure to provide an assessment of the odour emissions, no indication as to the time of day when these observations were made and prevailing weather conditions, no indication of the strength of the odour noted or the exact position where the assessment was made. Baseline data which was based on a single site visit was not enough and was not sufficiently robust to demonstrate that the farm would have no adverse impact through odour emissions on the proposed dwellings.
- 5.43 The applicants are choosing to rely on vegetation that is already established on the Redlands Farm site. Equally they suggest that a 3.5 metre noise barrier may have some benefit in creating air movement and dispersing odour but no conclusive proof was included in the odour assessment to confirm this effect.
- 5.44 The applicants have recently submitted a revised Odour Assessment in support of this revised application , which they relied on for this application. The observational assessment has been updated by the inclusion of additional site assessments carried out in the period between 22nd September and 17th October 2014. Whilst these assessments have covered a range of wind directions, information on the odour impact over a range of air temperatures and climatic stabilities is lacking. As it emerged at the inquiry the Council did not accept the view as the odour monitoring exercises were carried out at times of day when the most malodorous activities on the farm were taking place. Equally during wind conditions favourable to the applicants position odours of significant strength were detected on the application site.
- 5.45 Policy ENV1 comes under the broad heading “Environmental Protection”. The Policies in this chapter seek to protect the environment and prevent pollution through the control of development. Developments likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted. The Council will seek to ensure that the amenities of residential properties are not unduly affected by development which may cause environmental pollution.
- 5.46 The Council states that the harm identified is considered to be so significant that the benefits of housing that the proposal would bring to the Councils Land Supply position are not significantly and demonstrably outweighed. As such, the proposal is not considered to constitute sustainable development in line with the NPPF and Policy ENV1 of the Submission Draft Local Plan.

Design and Access Statement

- 5.47 A design and access statement including a revised addendum document with additional

information to support the design and access statement submitted with the outline planning application for the site in May 2014. The additional information was submitted in response to officers comments regarding more information on the analysis of the local morphology and vernacular, with design and layout cues being taken from the historic core rather than examples of 20th Century development within the village. The design and access statement sets out the framework for the proposed development of the site. An illustrative masterplan has also been submitted. The masterplan indicates that 54 dwellings can be accommodated within the site and indicates an attenuation feature and play space in the south eastern corner of the site adjacent to the primary school boundary. The submitted statement contains an appropriate level of design analysis which generally supports the overall design approach for the site, the applicants were The statement also proposed dwellings of up to 3 storeys in height and gable spans up to 12m in width which were not considered to be acceptable for this site. The Statement has addressed the requirements of the noise assessment which concluded that the mitigation measures should include a 3.5m high acoustic fence/and or bund.

- 5.48 The statement has been amended to indicate gable spans between 5-8m and a maximum ridge height of 10.5m and natural ironstone is now suggested along the Sibford Road frontage and other key locations within the development. The layout of the development and location of the primary area of public open space has been informed by the Landscape and Visual Appraisal . Locating the play area and public open space to the south east provides an effective landscape buffer and potential for new structural planting to mitigate both landscape and visual effects on the countryside to the east. The proposed LEAP is located within 400m walking distance of all proposed new residential properties and natural surveillance is provided by housing which would front onto areas of public open space. There is sufficient open space on site for a LAP to be provided on site. The precise location, size and design of the play areas would be agreed at the reserved matters stage.

Landscape Impact and Visual Amenity

- 5.49 The site lies beyond the built-up limits of the village in an area of open countryside. Policy C7 of the adopted Cherwell Local Plan seeks to resist development if it would result in demonstrable harm to the topography and character of the landscape and the explanatory text states that tight control should be exercised over all development proposals in the countryside if the character is to be retained and enhanced. The site is within an area designated locally as being of High Landscape Value and an assessment of the proposal must therefore be made under Policy C13 of the adopted Cherwell Local Plan which seeks to conserve and enhance such areas. Careful consideration of the scale and type of development is necessary to protect the character of the designated areas. Policy EN34 of the Non-Statutory Cherwell Local Plan seeks to conserve and enhance the character and appearance of the landscape although the formal designation relating to the Area of High Landscape Value has been removed. This does not mean however that landscape quality is no longer important. The landscape significance of these areas is carried through in the Submission Local Plan through Policy ESD13 which seeks to conserve and enhance the distinctive and highly valued local character of the entire district. The NPPF also advises that the open countryside should be protected for its own sake.
- 5.50 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be

made between the hierarchy of internal, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological works.

- 5.51 Paragraph 115 advises that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and areas of Outstanding natural Beauty which have the highest status protection in relation to landscape and scenic beauty. The site does not lie in any nationally designated landscape, such as a National park or Area of Outstanding Beauty (AONB) but it does lie within an area designated locally as an 'Area of High Landscape Value'. There are no Tree Preservation Orders on or adjacent to the site.
- 5.52 The application is accompanied by a Landscape and Visual Impact Appraisal which has been prepared based on the 'Guidelines for Landscape and Visual Impact Assessment published by the Landscape institute of Environmental Management and Assessment 2013. It has been reviewed by the Council's Landscape Officer who considers it to be a fair assessment of the likely impact of the development, although the assessment was carried out in summer when screening is at its best. However, the impacts will not be greatly increased in winter as they are generally low in the first place. The report concludes that the landscape effects and visual effects of the proposed development are unlikely to have any significant adverse effect on area 'negligible impact'.
- 5.53 In terms of the characteristics of the site, it is physically constrained to all boundaries of the site by existing hedgerows and trees. Being an open agricultural field bounded by trees and hedges this is not uncharacteristic of this landscape area and not of such rarity and scenic quality to indicate a landscape of more than local value. There are no public rights of way across the site.
- 5.54 A number of viewpoints have been reviewed by the LVIA which have been taken from nearby settlements and residential properties, public rights of way and road network as well as recreational areas. Views from various points within the immediate vicinity of the site along the Sibford Road and the public right of way opposite which demonstrate that views into the site are limited and generally screened by the existing vegetation. In terms of more long distance views from the wider landscape and open countryside, the appraisal concludes that whilst the site and Redlands Farm are glimpsed from higher ground, the site is largely screened by intervening vegetation and the existing trees and hedgerows around the site and seen against the backdrop of the existing village.
- 5.55 It is accepted that the development proposed by virtue of its nature, being the development of a green field site beyond the existing built up limits of the village into open countryside will result in localised harm within the immediate vicinity of the site, and the introduction of houses, access roads and associated domestic paraphernalia onto the site would have an urbanising effect. However the visibility of the site within the wider area is restricted by intervening vegetation built development and topography. The proposal is therefore unlikely to adversely impact on the Area of High Landscape value or the adjacent Cotswolds AONB. Having regard to the above and the Landscape Officers comments, it is considered that the development proposed, which would be predominantly two storeys would not appear unduly prominent or obtrusive and therefore the visual impact of the development would not be of significant and demonstrable harm as described within the NPPF to justify refusal of the application on landscape impact and harm to the open countryside.
- 5.56 An arboricultural assessment has also been submitted as part of the application which has been assessed by the council's arboricultural officer who has not raised any objections to the proposal. There are no trees within the site itself, as tree cover is confined to the peripheries and it is stated therefore that no significant tree loss will be required to facilitate the development. The main vehicular access for the proposed

development is to be positioned to the south western end of the site where a small section of hedge will need to be removed. The proposed vehicular access will be positioned within the Root Protection Area of T1 and this report therefore recommends that the access should be constructed using tree friendly techniques to reduce the risk of root severance and significantly reduce soil compaction.

Archaeology

- 5.57 The archaeological desk based assessment submitted as part of the application states that there are no designated heritage assets within the study site or its vicinity and that there would be no impact on the Hook Norton Conservation Area or the listed buildings within it. The assessment also states that there are no known non-designated archaeological assets within the study site and there is a low potential for the survival of unknown buried archaeological remains.
- 5.58 The County Archaeologist has commented on the application stating that the site lies within an area of some archaeological deposits to survive on site. Section 12 of the NPPF sets out planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance.
- 5.59 Having regard to the above, it is recommended that the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction.

Ecology

- 5.60 The application is accompanied by an Ecological Appraisal which sets out the findings of the desk top study and Extended Phase 1 Habitat Survey undertaken on 3 September 2013. It confirms that the site is not within a statutory or non-statutory designated site. In addition the site is not within 5km of any statutorily designated sites of international importance although the study boundary is within 2.3km of the Cotswolds AONB and is within 2km of the Hook Norton Cutting and Banks SSSI..
- 5.61 In terms of non-statutory designations, data obtained from TVERC indicates the presence of part of the Swere Valley and Upper Stour Conservation Target Area running around Hook Norton to the south east and west and lying approximately 530m south east of the boundary at its nearest point. This is a landscape scale designation that has been identified as supporting high concentrations of habitat and species of principal importance under the NERC Act.
- 5.62 There were four non-statutory sites within 1km of the study boundary, Cradle and Grounds Farm Banks was identified as a Local Wildlife Site (LWS), Park Farm Quarry and Hook Norton Cutting North are Local Geological Sites (LGS) and the Hook Norton BBOWT Reserve.
- 5.63 The study area comprises arable farmland which supports a very limited diversity of associated species and is therefore considered to be of negligible nature conservation value. The boundary hedgerows provide some structure and diversity. The study states that the hedgerows are of intrinsic value and recommends that they are retained and buffered from residential development where possible. H4 which is the hedge to the Sibford road boundary was identified as 'important' under the Hedgerow Regulations and due to its high structure and diversity scores considered as having high to very high ecological value. It further recommends that should existing hedges be removed, compensation in the form of native species planting providing linkages across the site or enhancement of retained hedgerows should be incorporated into the landscaping

proposals.

- 5.64 No records of badger setts were returned in the desk study within 1km of the site boundary and no evidence of badger activity was recorded on the site as a result of the walkover survey. No records of bat roosts or sightings were identified within the study boundary in the desk top study although there are records of bats within 1km of the site. There was no evidence that the hedgerows and associated trees bordering the study area had to be used by roosting bats, although they do provide commuting and foraging corridors. Enhancement and mitigation measures to ensure that no significant impacts upon bat species are anticipated to include additional and reinforced hedge planting, bat boxes and a sensitive lighting strategy.
- 5.65 All birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). The appraisal therefore recommends that any hedge/vegetation be removed outside the bird nesting season and that additional native hedge planting occurs.
- 5.66 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109 that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 5.67 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity’ and:
- 5.68 Local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that a ‘competent authority’ in exercising their functions, must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions’.
- 5.69 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.70 Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licences from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-
1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
 2. is there a satisfactory alternative
 3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 5.71 Therefore where planning permission is required and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might

be met.

- 5.72 The Council's Ecologist has assessed the Ecological Appraisal which has been submitted with the application and is satisfied that no evidence of any protected species using the site was found and that the likelihood of any being present was considered to be negligible. There is considerable scope for biodiversity enhancements on site and in general the layout suggested in the design and access statement would offer some gains for biodiversity if appropriately managed. Enhancements should also be included within the built environment. A number of conditions are therefore suggested to be included within any permission to ensure adequate mitigation and enhancements are included as part of the development. This report has also been assessed by Natural England who raise no objections.
- 5.73 Consequently it is considered that Article 12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on the site will continue, and will be safeguarded, notwithstanding the proposed development. The proposal therefore accords with the NPPF and Policies C2 and C5 of the adopted Cherwell Local Plan and Policy ESD10 of the Submission Local Plan.

Flooding and Drainage

- 5.74 The Environment Agency has not objected to the proposal as the application site is not within a high risk area, being located within Flood Zone 1. A flood Risk Assessment has been submitted as part of the application which demonstrates that the site is not at risk of flooding. The surface water drainage strategy is to direct all the surface water runoff from the residential development to new surface water networks that flow south east to correspond with the natural ground falls and then into a geocellular infiltration tank which will be situated on the network to retain the excess rainwater due to the outflow restriction set by the infiltration rates. The use of SUDS accords with the NPPF and will help mitigate any flood risk impact to the surrounding areas.

Transport Assessment

- 5.75 The application has been submitted with a Transport Assessment and Travel plan. A single vehicular access is proposed from Sibford Road into the site. Sibford road is a single carriageway of approximately 6m wide and is subject to a 30mph speed limit, although this changes to 60mph as one leaves the village just north of the Bourne Lane junction. There is no footpath outside the site on the eastern side of Sibford Road, although an existing footpath from within the village terminates outside the school. The proposed access will be constructed to adoptable standards and will include footways to link into the existing pedestrian infrastructure along Sibford Road. The proposed Access indicates a 5.5m carriageway, and vision splays of 2.4m x 43m on exit from the site and a junction radii of 8m. Means of access is sought to be considered at this stage.
- 5.76 The submitted Transport Assessment and Travel Plan have been assessed by the Highway Authority. The Transport Assessment sets out that for the development proposed the predicted level of peak hour traffic movements generated from the site are 40 and 46 vehicles respectively during the am and pm hours.
- 5.77 Transport and accessibility is one of the aspects which must be considered in respect of whether development can be considered to be sustainable. Whilst it is acknowledged that the site, being on the edge of a village is less sustainable than in the urban areas of Banbury and Bicester, Hook Norton has been assessed as being one of the Districts more sustainable villages because of the range of services available. The site itself is located adjacent to the school and is only a short distance on foot to the village centre and within easy walking distance of bus stops. Having regard to this emerging policy anticipates that villages will take some of the housing

growth and that Hook Norton is sufficiently sustainable to accommodate some new development. No objections to the development have been received from the local highway authority and the proposal is unlikely to have any significant adverse impact on the local highway network and highway safety and is therefore considered acceptable in this respect.

- 5.78 Residents have raised concerns in respect of highway safety in such close proximity to the school and added congestion and the lack of public transport available through the village suitable for commuters. The highway authority recognise in their consultation response that walking and cycling is only really appropriate for trips within the village and that whilst a bus service is available, its frequency is poor with a limited number of destinations available. This matter was also considered in the recent appeal at Bourne Lane where the inspector concluded that Hook Norton was not an unsustainable location that was unsuitable for additional housing. The highway authority are seeking developer funding as part of this development with the aim of improving the frequency and hours of operation of the Banbury to Chipping Norton bus service in order that residents would benefit from improved connectivity to Banbury and Chipping Norton where employment and other facilities can be found. This is similar to the requirement secured in respect of the Bourne Lane development.

Delivery of the Site

- 5.79 Part of the justification for the submission of this application is based on the District's housing land supply shortage. The potential for this development to contribute to the shortage of housing is the key factor weighing in favour of this proposal. It is therefore vital that this land is delivered within the 5 year period.
- 5.80 As with other residential applications submitted for consideration on this basis, it is considered that if planning consent is granted, a shorter implementation condition should be imposed which will help to ensure that the development contributes towards the 5 year housing land supply. The applicants have confirmed that they would agree to a shortened timescale and suggest 18 months with a year for the reserved matters. The applicants state that this would be sufficient time to market and sell the site to a house builder and then for the preparation of reserved matters and are confident that the site can be delivered within the five year period.

Planning Obligation

- 5.81 The appellant includes within the Planning Statement that accompanied the application, a list of matters to be incorporated within a Section 106 planning obligation in connection with the development. Regulation 122 of the Community Infrastructure Levy Regulation 2010, and also paragraph 204 of the Framework, set out the tests which must be employed in determining the justification for any contributions. All contribution must meet all of these tests;-
- Necessary to make the development acceptable in planning terms
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development
- 5.82 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. The draft Supplementary Planning Document (SPD) relating to the requirements was considered by the Council's Executive in May 2011 and was approved as interim guidance for development control purposes. New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional

infrastructure/service. Obligations are the mechanism used to secure these measures.

5.83 Having regard to the above, the Heads of Terms relating to the additional development will include the following:-

CDC Contributions

- Affordable Housing – 35%
- Refuse bins and Recycling - £67.50 per dwelling
- Off site sports – £53,966.74 towards sports pitches at Hook Norton sports and Social club
- Play areas – a LEAP and a LAP plus commuted sums of £33,682 per LAP and £130,189 per LEAP
- Open Space – 23m² per resident and commuted maintenance sum of £30.04 m²; balancing pond commuted maintenance sum of £17.87m²; hedgerow maintenance £42.86 m² and per mature tree £302.34 maintenance sum
- Monitoring fee – £1,975

OCC Contributions

- £862 per dwelling towards the improvement of the Banbury to Chipping Norton bus service
- £4,000 towards improved bus stop facilities at The Green
- £212,298 - Primary School expansion
- £10,545 - Special Education Needs
- £2,942 - towards Hook Norton Library
- £9,415 - Waste Management
- £736 - Museum Resource Centre
- £1,599 – improvements to adult learning in Banbury
- £11,990 – Health and Wellbeing
- £3,750 – Administration and Monitoring

Others

Thames Valley Police -

5.83 The applicants have been advised of the above requirements, but to date no legal agreement is in place in respect of the proposed development to secure the above. The Contributions sought are fully justified, being directly related to the development in question, fairly and reasonably related in scale and kind to the development and necessary in order to mitigate the impacts of the development and make the development acceptable.

5.84 Financial contributions are required to secure necessary mitigation for the impact of the development, including but not restricted to affordable housing, education, public transport, open space and play space. Without such contributions to secure essential infrastructure to support the development, the application would be unacceptable, for example because whilst there are a range of services within reasonable walking distance, some of the infrastructure is at or close to capacity and alternative provision would be beyond the accepted maximum walking distance of 2km, further increasing the reliance on the private car, should the transport infrastructure improvements not materialise. This would be contrary to the social aspect of sustainability in the NPPF, which requires new development to create a high quality built environment, with accessible local services that reflect the community's needs.

Engagement

5.85 In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of

the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

6. Conclusion

6.1 Given that the adopted Cherwell Local plan housing policies are out of date and the emerging housing policies can only be given limited weight and that the Council cannot demonstrate a five year housing land supply, paragraphs 14 and 49 of the Framework are engaged. Paragraph 14 makes it clear that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

6.2 The proposal seeks to provide up to 54 dwellings, 35% of which would be affordable and this is seen as a benefit. The proposal however, notwithstanding the council's five year housing land supply position, is not considered acceptable and the site not considered suitable for residential development due to its proximity and relationship with the adjacent intensive dairy farm. In accordance with paragraph 14 of the NPPF, the adverse impact of that unit on the development significantly and demonstrably outweighs the benefits that the housing would bring. Therefore, in respect of this application proposal, the development would not constitute sustainable development and, consequently, the presumption in favour does not apply.

6.3 There are benefits of the proposal and it has to be admitted that they should be attributed some weight. The provision of Housing/Affordable Housing can be seen to be of considerable weight because they benefit from the presumption in the NPPF.

6.4 However the adverse impacts and harm when taken as a whole or cumulatively, significantly and demonstrably outweigh the benefits. The applicant has failed to adequately demonstrate that the proposed development would not be adversely affected by the activities associated with the intensive Dairy Unit at Redlands farm immediately to the north, resulting in an unacceptable living environment for the occupiers of the new dwellings.

6.5 Peter Brett Associates 'predictive assessment' underestimates the odour potential for the farm site and the 'sniff test' approach is based on insufficient baseline data to permit it to be used to draw robust conclusions from. As such the development is considered to be unsustainable and the proposal would be contrary to the thrust of Policy ENV1 of the adopted Cherwell Local Plan and Government advice within the National Planning Policy Framework which seeks to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

7. Recommendation

Refusal on the following grounds:

1. Notwithstanding the Council's present inability to demonstrate that it has a 5 year housing land supply as required by paragraph 47 of the NPPF, the development of this site cannot be justified on the basis of the land supply shortfall alone. The applicant has failed to adequately demonstrate that the proposed development would not be adversely affected by odour and insects associated with the Intensive Dairy Unit at Redlands Farm immediately to the north, resulting in an unacceptable living environment for the occupiers of the new dwellings. As such the development is considered to be unsustainable and the proposed would be contrary to the thrust of Policy ENV1 of the adopted Cherwell Local Plan and Government advice within the National Planning Policy Framework which seeks to ensure high quality design and a

good standard of amenity for all existing and future occupants of land and buildings.

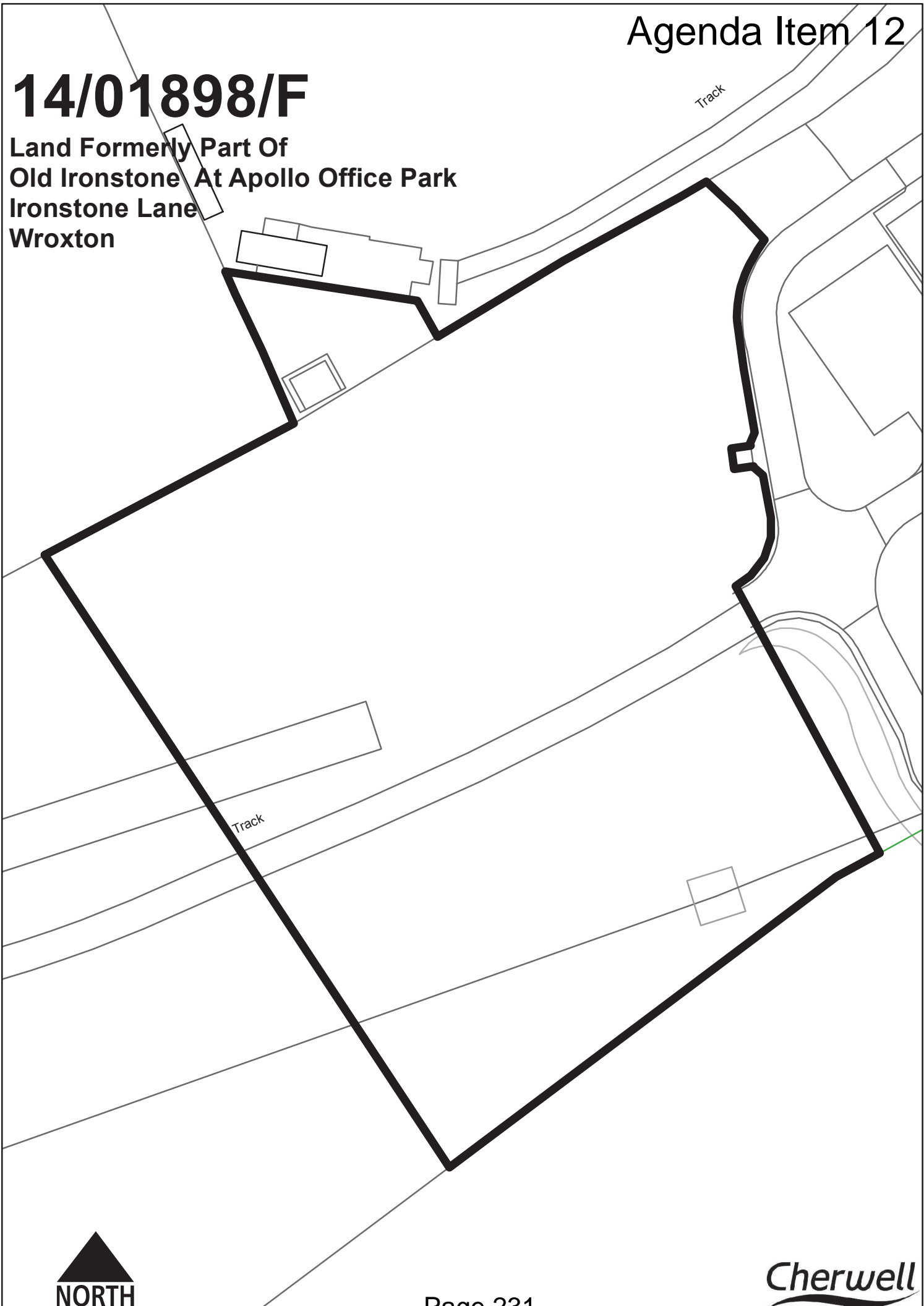
2. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure and affordable housing directly required as a result of this scheme will be delivered. This would be contrary to Policy H5 of the adopted Cherwell Local Plan, Policy INF1 of the Submission Local Plan and government guidance within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

14/01898/F

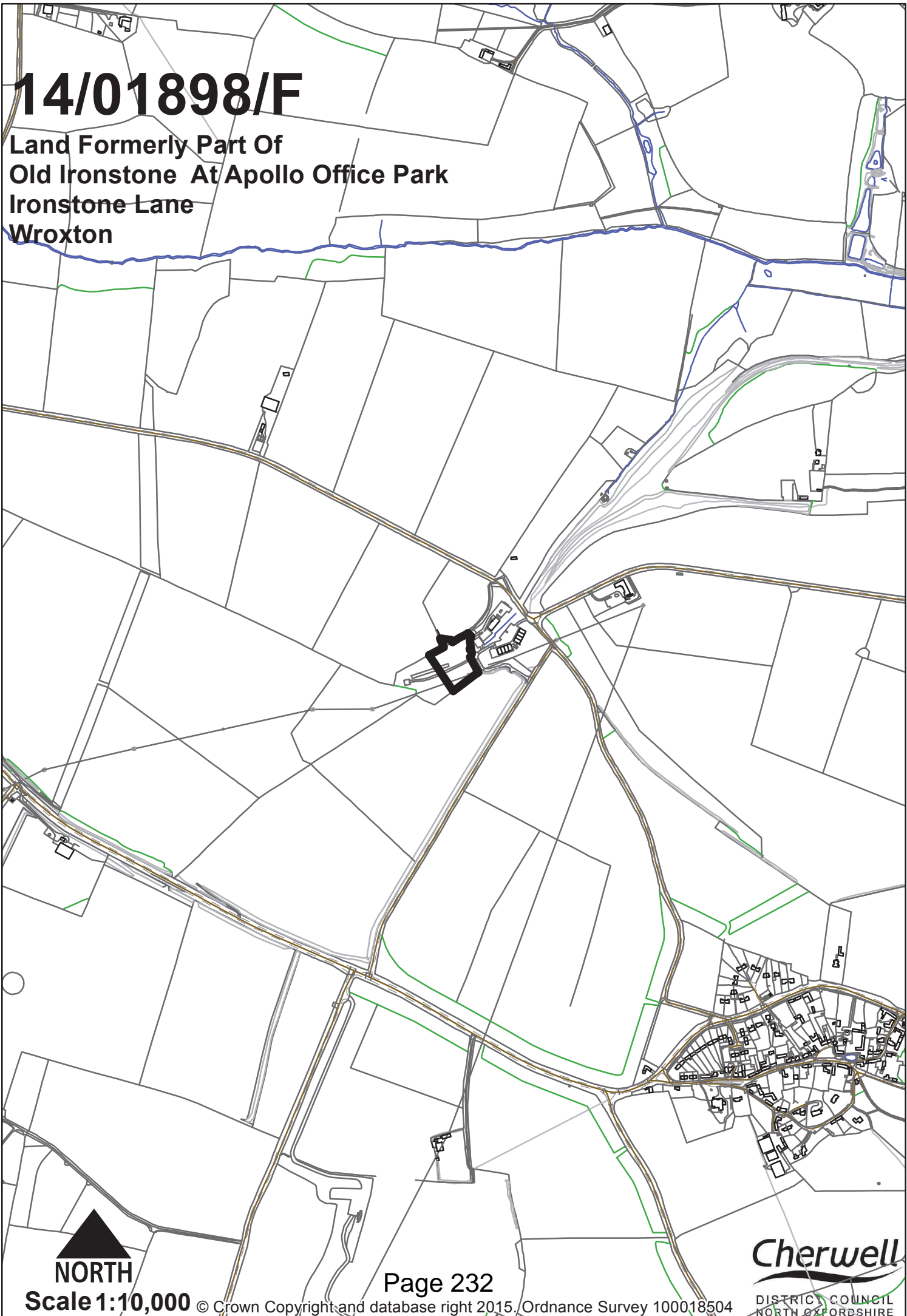
Land Formerly Part Of
Old Ironstone At Apollo Office Park
Ironstone Lane
Wroxton



NORTH
Scale 1:600

14/01898/F

Land Formerly Part Of
Old Ironstone At Apollo Office Park
Ironstone Lane
Wroxton



Scale 1:10,000

**Site Address: Land Formerly Part Of Old
Ironstone At Apollo Office Park,
Ironstone Lane, Wroxton**

14/01898/F

Ward: Wroxton

District Councillor: Cllr Douglas Webb

Case Officer: Gemma Magnuson

Recommendation: Approval

Applicant: Apollo Business Parks LLP – Mr Robert Synge

Application Description: Provision of 10 no. employment units (Classes B1, B2 & B8), car parking and associated landscaping (revised scheme following approval of 11/00473/F)

Committee Referral: Major Development

Committee date: 19 March 2015

1. Site Description and Proposed Development

- 1.1 The application relates to a 0.73 ha. brownfield site located north-west of Wroxton village, and is part of an existing business park formerly known as the Wroxton Ironstone Works. The site is located on Ironstone Lane, accessed via Stratford Road (A422). The site is in an Area of High Landscape Value and consists of scattered scrub, a UK BAP Priority & Section 41 Habitat. The land is potentially contaminated, including naturally occurring arsenic, nickel and chromium.
- 1.2 The topography of the site is level, and is currently vacant and overgrown. The existing part of the business park is located to the north-east, with a playing field to the north, and a conifer woodland to the west with Solar PV development beyond. The surrounding landscape consists predominantly of agricultural land. The remnants of the concrete base and rail track from an original locomotive shed are adjacent to the site to the west.
- 1.3 Planning permission is sought for 10 no. employment units to be accommodated within three separate buildings arranged in a 'U' shape. The proposed uses would fall into Classes B1, B2 and B8. Associated car parking, servicing areas and landscaping would also be provided. The building walls would be constructed from brick and the roof would be profiled metal cladding. Photovoltaic roof cells are also proposed. Each unit would be identical in terms of floorspace, consisting of 99 square metres on the ground floor and 60 square metres of first floor mezzanine. A total of 31 parking spaces are proposed to serve the development.
- 1.4 A display to commemorate the former ironstone works is also proposed at the entrance to the site. The intention is for the display to include a 10 metre length of track lifted from the former locomotive shed, and a mining truck. A descriptive plaque will also be mounted upon an ironstone base.

2. Application Publicity

- 2.1 The application has been advertised by way of newspaper advert, site notice and neighbour letter. The final date for comment was 18 December 2014. One letter was received from CPRE objecting to the proposal. The following issues were raised (please note that these have been summarised, refer to file for full version):
 - Application omits any reference to the historic asset that exists on the site, being the trackway relating to the former mineral railway.
 - The asset was protected by conditions in each of three preceding applications.
 - This is a brownfield site and so principle of development is accepted.

- As proposal is speculative in nature it should be amended to include the retention of the historic asset as previously intended and the appropriate conditions should be maintained.

Amended plans were received on 19 February 2015 and these were re-consulted upon for 14 days, although the application was not re-advertised by way of newspaper advert or site notice. The final date for comment was 09 March 2015. A follow up letter to that previous received from the CPRE was received suggesting wording for a condition that, if used, would result in their objection being withdrawn. The suggested wording is as follows:

That prior to the commencement of development, a 10m length of railway track be removed from the north-eastern section of the former locomotive shed and re-positioned within the application site, together with an appropriate wagon, all to be approved by the Local Planning Authority. The remainder of the former shed site to be left in situ.

3. Consultations

3.1 Wroxton Parish Council: No objection and make the following observations:

Some of concerns about level of extra traffic through village, inclusion of additional passing places would be welcome. Traffic plan seems excessive.

Amended plans received 19 February 2015: no objections to amended plans.

Cherwell District Council Consultees (In summary)

3.2 Planning Policy: The site is identified for employment use in the adopted Local Plan (saved policies).

The proposals are generally inconsistent with Policy SLE1 of the Submission Local Plan which states that employment development should be located on the edge of Category A villages. However, the site, even though not on the edge of the village, is only 1 km from Wroxton (a Category A village) and is relatively close to labour supply at Banbury. The proposal also meets, or could potentially meet, all other policy criteria and requirements in SLE1.

There is a previous expired planning permission for employment use associated with this site, however this was for a different scheme so impacts would need to re-considered.

The Submission Local Plan and the NPPF is clear on the need to provide for economic growth. Environmental impacts would need to be considered.

3.3 Urban Design Officer: I have reviewed the Design and Access Statement, site layout and elevations relating to application 14/01898/F phase 2 at Apollo Business Park Wroxton. It is disappointing that the scheme has not moved on from the scheme presented at pre-app (14/00124/PREAPP), on which significant advice was provided. It is also disappointing that the scheme has moved so fundamentally from the spirit of the previous permission 11/00473/F.

My main concerns relate to the lack of analysis contained in the Design and Access Statement; there is no assessment of the opportunities and constraints, design concept development and testing are not included and there is no

assessment/analysis of the adjacent phase 1 development. Without the benefit of this work there is no evidence as to how the two developments relate to each other, or develop specific design principles that respond to the site. As such the layout appears poorly considered and represents a disappointing response to the site, particularly in comparison to the previously approved scheme. It is also disappointing that all reference to the proposed PV solar panels and other 'green' features have been removed, as this could have helped drive a more suitable layout.

I remain concerned at the proportion of timber cladding / kingspan cladding proposed and feel that the units would benefit from a higher proportion of brick. I would also suggest that the applicant consider using natural ironstone as per the previous application.

The section of disused railway line, considered a non-designated heritage asset should be plotted on the plans to ensure due consideration.

While the principle of development on this brown field site is generally considered to be positive, it is unfortunate that the proposed scheme has moved so significantly from the original scheme. While it may be necessary to make changes to the spec and features of the development to meet the current demand/ climate for this scheme, there are design elements that could be improved at limited cost to the developer. As presented the scheme does not demonstrate a high quality design response, informed by the application of site specific design principles and I would therefore be unable to support an approval.

I would recommend that the layout, configuration of buildings and parking, materials and unit design (particularly principal elevations) are reconsidered to show better integration with phase 1 as referenced in pre-application advice 14/00124/PREAPP.

- 3.4 **Conservation Officer:** The issue with this application is the less than adequate level of background historic and landscape analysis submitted. My concern is principally that I feel the context of the site has not been addressed in this application and therefore the impact that the current proposal will/may possibly have on the archaeology that remains has not been addressed. Contrary to NPPF policy 128.

Comments on amended plans received 19 February 2015: Design & Conservation support the proposal to create an historically relevant display based on the re-use of an appropriate mining truck towards the entrance to the site. The site is quite degraded and although of important industrial archaeological interest does not retain enough of the original structures/fabric to merit pursuing the option of statutory listing.

Environmental Protection Officer: no comments received at time of writing.

- 3.5 **Arboricultural Officer:** I have no arboricultural objections to the proposal. Although it is indicated that a number of trees are to be planted the Landscape plan does not show where each species is going and how many of each species. I would like to see a diagrammatical view of the proposed planting pits. The tree pits should include perforated watering tubes. No objection subject to conditions.

- 3.6
3.7 **Landscape Officer:** The site is well concealed in the wider landscape and since it has also had a previous consent on it I don't see a problem. Landscape plan required by condition.

Comments on amended plans received 19 February 2015: I've had a look at the planting plan which will need to be amended to accommodate the installation of the track and rail waggon. Since this site is in a rural area I would prefer to see native tree species used so an alternative to Liquidamber would be welcome. I would omit Rosa canina from the native shrub planting as it quickly smothers other plants.

- 3.8 **Ecology Officer:** The submitted reptile and badger reports are fine. The recommendations within them should ensure that harm to protected species is minimised and should be conditioned. The landscaping plan does not appear to include the recommendations within the reptiles mitigation strategy and these should be included in order to ensure the on-going conservation of these species on site. Conditions recommended.

Economic Development Officer: no comments received at time of writing.

3.9

Oxfordshire County Council Consultees (In summary)

- 3.10 **OCC Transport:** No objection subject to conditions. The site benefits from a previous similar planning permission, when the provision of passing places was agreed as appropriate mitigation. This proposal reiterates that provision and similar 'standard' conditions are recommended to ensure there is not any significant impact upon the safety or convenience currently enjoyed by highway users. Further information is required with regard to the drainage scheme; the submitted plan being limited in detail. A pre-commencement condition is recommended therefore. The submitted framework travel plan, whilst thorough in its approach, requires some minor amendments and additions such as, contact details and monitoring criteria. An amended plan is recommended and the County Council would be pleased to advise appropriately.

Other Consultees

- 3.11 **Environment Agency:** no objection subject to condition regarding contaminated land. Without the inclusion of this condition we consider the development to pose an unacceptable risk to the environment. Same response received with regard to amended plans received 19 February 2015.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 1996 Saved Policies:

EMP1: Employment Generating Development – site allocated.

EMP4: Employment Generating Development in Rural Areas

TR1: Transportation Funding

C2: Protected Species

C13: Area of High Landscape Value

C28: Layout, Design and External Appearance

ENV1: Environmental pollution

ENV12: Contaminated Land

4.2 Other Material Policy and Guidance

Planning Practice Guidance

National Planning Policy Framework

Non-Statutory Cherwell Local Plan 2011 Policies:

TR3: Transport Assessment and Travel Plan
TR4: Transport Mitigation Measures
TR5: Road Safety
TR11: Parking
EMP1: Employment Generating Development – site not allocated.
EMP4: Existing Employment Site

Submission Cherwell Local Plan (January 2014)

Submission Local Plan (October 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed in December 2014 and the Inspectors report is likely to be published in March 2015. The Policies listed below are considered to be material to this case:

PSD 1: Presumption in Favour of Sustainable Development
SLE1: Employment Development – site not allocated.
ESD 1: Mitigating and Adapting to Climate Change
ESD 3: Sustainable Construction
ESD 5: Renewable Energy
ESD 7: Sustainable Drainage Systems
ESD 10: Protection & Enhancement of Biodiversity & the Natural Environment
ESD 13: Local Landscape Protection & Enhancement
ESD 16: The Character of the Built & Historic Environment
Policy Villages 2 – Distributing Growth
INF 1: Infrastructure

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle of the development
- Visual amenity, including design, landscape impact and AHLV
- Non-designated heritage asset
- Residential amenity
- Highway safety
- Protected species
- Contaminated land

Relevant Planning History

5.2 Phase 1 – Bentley Drivers Club/Units 2- 3

04/01234/F - Demolition of existing buildings and erection of 2 No. units for B1 (business) and B2 (general industrial) use with associated parking and landscaping (as amended by plans accompanying agent's letter received in the department on

21.09.04) – approved 15 October 2004.

05/00457/F - Demolition of existing buildings, erection of units for B1 use with associated parking, landscaping and vehicular access. Amendment to permission 04/01234/F – approved 29 April 2005.

5.3 Phase 2 - Current Site

10/00134/F – Proposed erection of 3 no. B1 units set within and below earth moundings, improvements and enhancement to railway line, car parking and associated landscaping on existing derelict brownfield site to form extension to existing Phase 1 development – approved 08 July 2010.

11/00473/F – Variation of Condition 7 and 9 (of 10/00134/F) – revised highway mitigation measure and revised travel plan – approved 21 November 2011. Expired 21 November 2014.

Principle

- 5.4 In establishing the acceptability of the principle of the development of the land for employment generating use regard is paid to Government guidance contained within the NPPF and Policies contained within the adopted Cherwell Local Plan. The Policies contained within the Non-Statutory Local Plan 2011 and Submission Local Plan 2014 are also material considerations.
- 5.5 One of the key principles of the NPPF is to contribute to the achievement of sustainable development. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 5.6 The Government is committed to ensure that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Local Planning Authorities are asked to take a positive approach to sustainable new development and to promote a strong rural economy through the support of sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 5.7 Another of the core planning principles of the NPPF is to encourage the effective use of brownfield land by reusing land that has been previously developed, whilst actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are, or can be, made sustainable. However, the Government recognises that different measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 5.8 The site as a whole is an allocated site and referred to within the adopted Cherwell Local Plan 1996 as a site proposed for employment generating development. Saved Policy EMP1 therefore applies to the development and is generally supportive subject to other relevant Policies in the plan. The supporting text relating specifically to the site in question, at paragraph 3.48, states that the site is suitable for small scale employment generating development that is compatible with the local road network and would improve the appearance of the site. Paragraph 3.58 states that the Council will use 500 metres square as a guide for an upper floorspace limit in order to place restraint on growth in the rural areas. However, the Council will have particular

regard to the individual site characteristics and the nature of the proposed developments which are likely to vary considerably from case to case.

- 5.9 Furthermore, saved Policy EMP4 of the adopted Cherwell Local plan states, inter alia, in rural areas proposals for employment generating development within an existing acceptable employment site, including redevelopment, will normally be permitted.

However, the site is not allocated for employment generating development in either the Non-Statutory Cherwell Local Plan 2011 or the Submission Local Plan 2014.

- 5.10 Policy EMP4 of the Non-Statutory Local Plan states that a balance needs to be achieved in relation to the following:

- i) The proposal and any associated employment activities can be carried out without undue detriment to the highway network and the appearance and character of the landscape;
- ii) The proposal for small firms (up to 500m²) or for firms whose source of supply, commercial linkages, labour supply and markets make a specific location necessary for them, and;
- iii) The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car.

- 5.11 The Submission Local Plan 2011-2031 (January 2014) as proposed to be modified, aims to support sustainable economic growth in the District. Limited new employment development in the rural areas will be supported to help strengthen the rural economy and increase employment opportunities throughout the District.

- 5.12 Submission Local Plan Policy SLE1 states that unless exceptional circumstance are demonstrated, employment development in the rural areas should be located within or on the edge of those villages listed in Category A of Policy Villages 1. Wroxton is considered at Category A village and the site is located 1km north-west of the village.

- 5.13 Whilst I consider the proposal to comply with the requirements of Policy EMP 4 of the Non-Statutory Cherwell Local Plan 2011, as with the previously approved scheme, due to the position of the site beyond the edge of the village of Wroxton the development would not strictly comply with the requirements of Policy SLE 1 of the Submission Local Plan 2014. Proposals in the rural areas on non-allocated sites should also meet a number of criteria, including justification as to why the development should be located in the rural area on a non-allocated site.

- 5.14 The applicant has tried and failed to market the previously approved scheme over a three year period. This situation has been put down to the high cost of the project and current market demand being for more flexible small business units rather than high end offices. Interest in the current scheme from small business owners has already been shown.

- 5.15 The Policies relating to extensions to existing employment sites will be considered for Local Plan Part 2.

- 5.16 It is considered that a balanced approach needs to be taken in determining the acceptability of the principle of the proposed development. Given the clear Government commitment to supporting economic growth in rural areas and the requirement for the planning system to support sustainable economic growth, and for the use of previously developed land, this employment generating development is considered to accord with the provisions of the NPPF.

- 5.17 Saved Policy EMP1 of the adopted Cherwell Local Plan identifies the site for

employment use and the site has previously benefitted from planning permission for employment generating development that expired on 21 November 2014. The site comprises previously developed land that is positioned adjacent to an existing office park. The site is not within, or on the edge of, the village of Wroxton, but it is in close proximity to the village which is listed in Category A of Policy Villages 1 of the Submission Local Plan.

- 5.18 Therefore, whilst the proposal does not strictly accord with Policy SLE1 of the Submission Local Plan, the development is compliant with saved Policy EMP 1 and guidance in the NPPF, which currently hold more weight than the Submission Local Plan. The principle of the development is considered acceptable.

Visual Amenity, Design, Landscape and AHLV

- 5.19 Government guidance contained within the NPPF attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.20 Saved Policy C13 seeks to protect the environment within Areas of High Landscape Value (AHLV). Saved Policy C28 of the adopted Cherwell Local Plan seeks to control new development to ensure that it is sympathetic to the character of its context.
- 5.21 The site is situated in the open countryside and an Area of High Landscape Value and careful control of the design of the development is required to protect the character of the landscape. The site benefits from a lower land level, dense boundary planting to the boundaries of both the site and adjacent plots and a setback of approximately 120 metres from Ironstone Lane.
- 5.22 The proposed units have a functional 'U' shaped layout that maximises the plot potential whilst providing sufficient parking, manoeuvring and servicing areas for each unit. Landscaping has been incorporated to boundaries. The structures would reach a height of 8.7 metres; 1.5 metres taller than the previously approved height. The design, again, is functional, consisting of large openings for servicing within the front elevations. No openings are proposed within the rear elevations, and only one within each gable end. The construction materials would consist of red brick, as with the structures at Phase 1, and profiled metal roofing. Phase 1 included large areas of timber cladding and artificial timber cladding at first floor level, although the appearance of both have now deteriorated. It is considered that a more desirable long-term solution is to omit the timber cladding from the current proposal with all walls being constructed from red brick.
- 5.23 It is considered that the proposed units are sympathetic to their context, being of similar design and appearance to the existing units at Phase 1, and well screen from public vantage points.
- 5.24 The Landscape Officer has raised concern regarding the detail on the landscaping scheme, although a satisfactory scheme can be sought via condition. The disappointment of the Urban Design Officer regarding the significant departure from the previous scheme is both noted and shared, although on balance, it is not considered that the current proposal would cause significant harm to the visual amenities of the locality that is so significant as to warrant the refusal of the application on these grounds.
- 5.25 The proposal accords with Government guidance contained within the NPPF and saved Policies C13 and C28 of the adopted Cherwell Local Plan in terms of visual amenity.

Non-Designated Heritage Asset

- 5.26 The site once formed part of the North Oxfordshire Ironstone Company, which was the largest producer of ironstone in the Oxfordshire Orefield. The company was established in 1917 and went into liquidation during 1967. The site is considered to have played an important role in the industrial heritage of the area, and holds significance as a non-designated heritage asset. Immediately adjacent to the red line site for the current application lies the remnants of a long rectangular locomotive shed. The former shed sat upon a concrete plinth with a corrugated iron sheet clad steel frame forming the walls and roof of the structure. The walls and roof have since been removed, although the concrete plinth remains largely intact complete with tracks.
- 5.27 A detailed survey of the site has confirmed that the tracks and plinth do not extend beneath the footprint of the proposed units and so will not be directly affected by the development. However, concern was raised over the relationship of the proposed units to the plinth and the treatment of the feature during construction itself. The applicant has agreed to remove a ten metre section of the track and relocate it at the entrance to the site to form a commemorative feature. A mining truck will be sourced and positioned upon the track, with an ironstone mounted plaque to inform visitors of the history of the site. The finer detail of this display would be sought via condition. The Conservation Officer has commended this proposal.
- 5.28 Whilst the feature would not be specifically incorporated into the layout of the site, as with the former scheme, the provision of a display is considered to provide public benefit by educating visitors of the significance of the site, and result in the direct preservation of an element of the non-designated heritage asset through its use in the display.
- 5.29 Government guidance contained within the NPPF requires Local Planning Authorities to make a balanced judgement when weighing applications that affect directly or indirectly non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.30 Whilst the layout of the scheme would poorly relate to the alignment of the plinth and track, the provision of an educational display is considered to outweigh the harm that would be caused to the non-designated heritage asset. A building recording investigation was prepared as part of the Phase 1 development during January 2005. This investigation included the locomotive shed and the report was deposited with Oxfordshire and Swindon libraries. The photographs and site archives were deposited at the Oxfordshire County Council museum store at Standlake. It is therefore considered unnecessary to require this recording to be undertaken again. The proposal is considered to accord with Government guidance contained within the NPPF in terms of non-designated heritage assets.

Residential Amenity

- 5.31 Due to the isolated position of the site, there are no residential properties in close proximity that would be affected in terms of a loss of amenity as a result of the proposed development. The development accords with Government guidance contained within the NPPF that seeks development that will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and saved Policy ENV 1 of the adopted Cherwell Local Plan that states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

Highway Safety

- 5.32 Oxfordshire County Council Highway Authority have raised no objection to the proposal, subject to conditions, one of which being the implementation of the proposed widening of Ironstone Lane that was approved as part of the former application: 10/00134/F. The scheme referred to by the Highway Authority was subsequently amended as part of application: 11/00473/F, with no objection from the Highway Authority, to provide passing places along Ironstone Lane as an alternative to widening. The provision of passing places, as agreed as part of 11/00473/F, is therefore considered acceptable, and the detailed comments provided in the Highway Authority response to the current application refer to the passing places as appropriate mitigation. The suggested condition has therefore been re-worded accordingly.
- 5.33 The proposed development is considered to have a negligible impact upon highway safety, and in conjunction with an acceptable Travel Plan sought via condition, is considered to accord with the requirements of the NPPF in terms of sustainable transport.

Protected Species

- 5.34 Government guidance contained within the NPPF states that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity. If significant harm resulting from development cannot be avoided adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 5.35 Saved Policy C2 of the adopted Cherwell Local Plan states that development that would adversely affect any species protected by Schedule 1, Schedule 5 and Schedule 8 of the 1981 Wildlife and Countryside Act, and by the E.C. Habitats Directive 1992 will not normally be permitted.
- 5.36 A Badger Survey and Method Statement, and Reptile Mitigation Strategy, have been submitted with the application. No evidence of recent badger activity was found as a result of the survey although a number of recommendations are made for avoiding harm to the badgers if they do access the land or use it as their foraging area.
- 5.37 The Reptile Mitigation Strategy was undertaken as a result of the land being identified as potential reptile habitat as part of the ecological survey undertaken as part of the previous application. A number of mitigation measures have been suggested as part of the Strategy. Biodiversity enhancements are also proposed as part of this.
- 5.38 The CDC Ecology Officer has assessed the proposals and considers the surveys and recommendations acceptable, subject to them being incorporated into the final landscape plan. The proposal accords with Government guidance contained within the NPPF in terms of conserving and enhancing the natural environment, and saved Policy C2 of the adopted Cherwell Local Plan in terms of protected species.

Contaminated Land

- 5.39 Government guidance contained within the NPPF requires the planning system to contribute to and enhance the natural and local environment by preventing both new and existing development from contribution to or being put at unacceptable risk from, or being adversely affected by unacceptable level of soil, air, water or noise pollution or land instability, and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Saved Policy ENV12 of the

adopted Cherwell Local Plan states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site and the development is not likely to result in contamination of surface or underground water resources.

- 5.40 Given the former use of the site as a quarry the land is considered to be potentially contaminated. The Environment Agency have raised no objection to the application subject to a condition requiring a remediation strategy to be submitted to the Local Planning Authority for approval if contamination is found during development. The strategy is required in order to ensure that any unexpected contamination encountered during the developments is suitable assessed and dealt with, such that it does not pose a unacceptable risk to ground or surface water.

Engagement

- 5.41 With regard to the duty set out in paragraphs 186 and 187 of the Framework, concerns were raised during a meeting with the Agent regarding the design and layout of the scheme, and the relationship with the non-designated heritage asset. Additional and revised plans were sought and received. It is considered that the duty to be positive and proactive has been discharged through discussion with Agent regarding concerns.

Conclusion

- 5.42 The principle of the erection of 10 no. employment units on this site, that is allocated for employment use by saved Policy EMP1 of the adopted Cherwell Local Plan, is considered acceptable. Whilst the design and layout of the scheme vastly differs from that previously approved, it is not considered that it would result in significant harm to the visual amenities of the area or the environment within this Area of High Landscape Value. The development would not result in harm to highway safety and would both conserve and enhance biodiversity. The living amenities currently enjoyed by residential dwellings would not be affected. The proposal accords with Government guidance contained within the National Planning Policy Framework and saved Policies EMP 1, EMP 4, C2, C13, C28, ENV1 and ENV12 of the adopted Cherwell Local Plan.

6. Recommendation

Approval, subject to conditions:

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

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Reptile Mitigation Strategy by Philip Irving dated August 2014, Badger Survey and Method Statement by Philip Irving dated August 2014, and drawings numbered: 2975/13 dated 3/14, 2975/13 dated 02/15, 2975/11 G dated 3/14, 2318-04 Rev. B, 2318-05 Rev. A, 10016/01, 2442/01

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

3. The premises shall be used only for purposes falling within Classes B1, B2 and B8 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

Reason – In order to maintain the character of the area in accordance with Policies C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
4. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, a revised schedule of the materials and finishes for the external walls and roof(s) of the development, including samples where appropriate, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
5. Prior to the commencement of development a construction phase traffic management plan shall be submitted to and approved by the Local Planning Authority. The approved plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
6. Prior to the commencement of development a scheme of drainage shall be submitted to and approved by the Local Planning Authority. The approved plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and flood prevention and to comply with Government guidance contained within the National Planning Policy Framework.
7. Prior to the first occupation of the development, the proposed widening of Ironstone Lane and associated access works shall be completed in accordance with the details provided within the Revised Transport Assessment number 2352/03 dated March 2011 and Drawing No. 2442/01A approved as part of Application: 11/00473/F unless otherwise agreed with the Local Planning Authority.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework
8. Prior to the first occupation of the development the access road, parking and manoeuvring areas shall be provided in accordance with the plans hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention and to comply with Government guidance contained within the National Planning Policy Framework.
9. An amended Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

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

10. If, during development, contamination 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. The development hereby approved shall be carried out strictly in accordance with the details set out in the Summary and Recommendations page 6 of the Badger Survey and Method Statement submitted with the application, which was prepared by Philip Irving dated August 2014.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. The development hereby approved shall be carried out strictly in accordance with the details set out in the first six bullet points within Summary and Mitigation Strategy on pages 4 and 5 of the Reptiles Mitigation Strategy submitted with the application, which was prepared by Philip Irving dated August 2014.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement to include plans, locations and on-going management for enhancing the site for reptiles, in accordance with the details contained within Summary and Mitigation Strategy on page 5 of the Reptiles Mitigation Strategy submitted with the application, which was prepared by Philip Irving dated August 2014, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 1.4 Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

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

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

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

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

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

16. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the first occupation of the development.

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

17. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

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

18. That full details of any lighting to be fixed on the buildings and on the ground 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 and retained as such thereafter.

Reason – In order to safeguard the visual amenities of the area in accordance with Policies ENV1 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

19. Prior to the commencement of the development, full details of the commemorative display, including details of the mining truck and length of track to be removed from the former locomotive shed for use in the display, shall be submitted to an approved in writing by the Local Planning Authority. The approved display shall be erected within six months of the date of the first occupation of the development and retained in accordance with the approved details at all times thereafter.

Reason - To secure the proper preservation of the non-designated heritage asset which is of historic importance, to advance understanding of the heritage asset in the context of the site and to comply with Government guidance contained within the National Planning Policy Framework.

20. Notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 and its subsequent amendments, the approved building shall not be extended or altered without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard the amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason – In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. The widening and provision of passing places along Ironstone Lane are subject to separate approval of the Local Highway Authority under Section 278 of the Highways Act. Please contact Oxfordshire County Council's Road Agreements Team at either by email Roadagreements@oxfoprshire.gov.uk; or telephone 01865 815 008.
2. Under the terms of the Environmental Permitting Regulations 2010, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Contact the National Customer Contact Centre on 08708 506 506 for further details.

3. Sewage discharges above 2M³/day or any sewage containing trade effluent going via a treatment plant to ground, would require an environmental permit. Sizing need can be calculated by referring to "British Water Code of Practice – Flows and Load". It would appear likely that the sewage discharges will require an environmental permit.

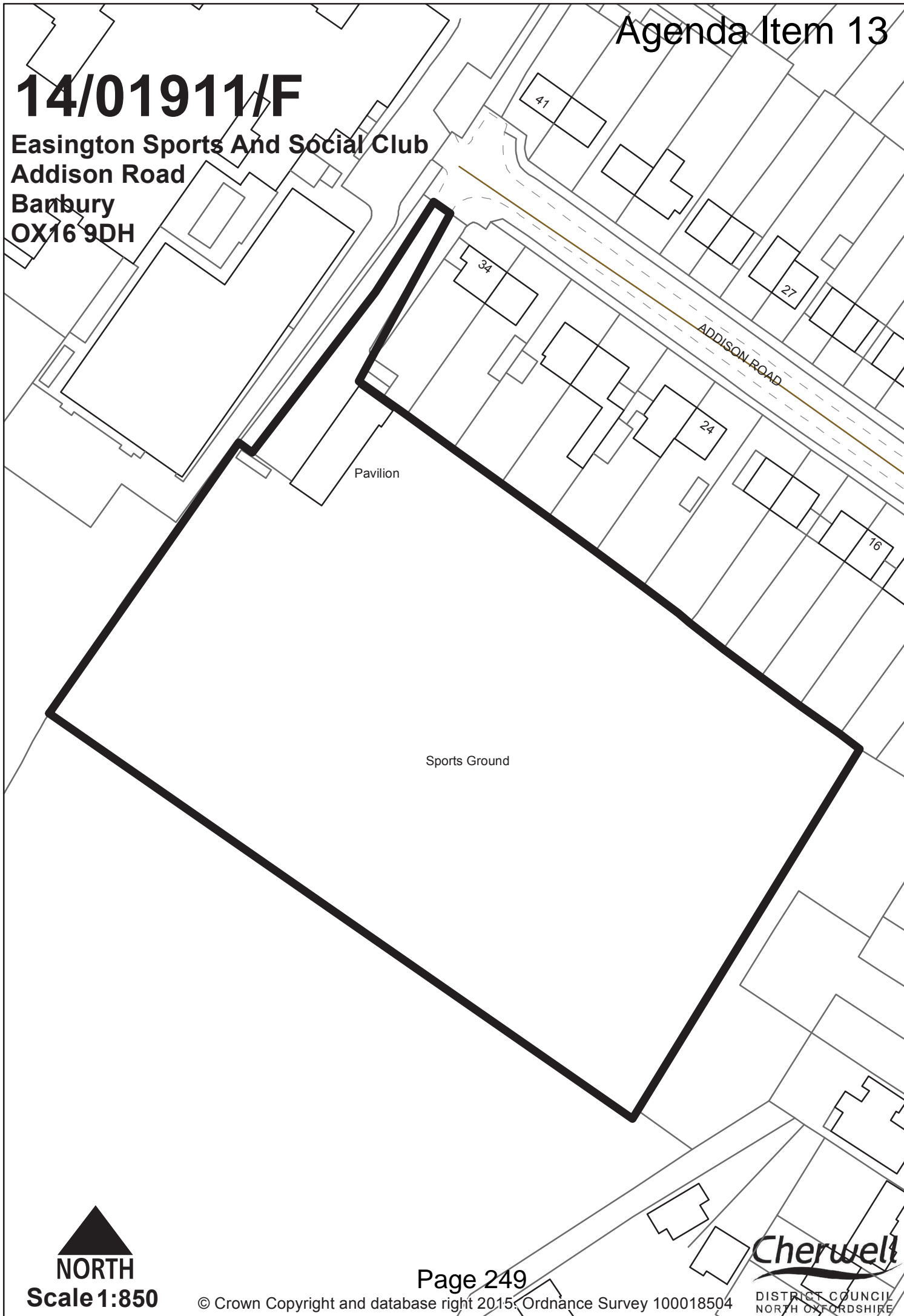
STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as the decision has been made in an efficient and timely way.

CONTACT OFFICER: Gemma Magnuson TELEPHONE NO: 01295 221827

14/01911/F

Easington Sports And Social Club
Addison Road
Banbury
OX16 9DH



NORTH
Scale 1:850

14/01911/F

Easington Sports And Social Club
Addison Road
Banbury
OX16 9DH



NORTH

Scale 1:10,000

Page 250

© Crown Copyright and database right 2015. Ordnance Survey 100018504

**Easington Sports and Social Club,
Addiston Road, Banbury**

14/01911/F

Ward: Banbury Easington

Councillor: Cllrs Blackwell, Mallon,
Morris

Case Officer: Aitchison Raffety

Recommendation: Approval

Applicant: Mr Richard Meadows (Easington Sports and Social Club)

Application Description: Installation of 6 floodlight columns and 16 1500mw lights

Committee Referral:

Committee Date: 19 March 2015

1. Site Description and Proposed Development

- 1.1 The application site is located to the rear of properties along Addison Road and Grange Road and is occupied by Easington Sports and Social Club. This comprises a football pitch together with a clubhouse and associated car parking. Access is taken off Addison Road off the turning head outside of Blessed George Napier School (BGN). The pitch forms part of a larger area of open space and sports pitches which are used by BGN and which extend to the west and south west.
- 1.2 The application proposes the erection of a total of six floodlight columns each with a height of 15.24 metres. The floodlights would be positioned at either corner of the pitch and on the halfway line. The four at the corners would have three lights and those on the halfway line two lights.
- 1.3 The application is submitted as part of the club's work to improve facilities at the site in order to enable the club to fulfil requirement of the FA to compete in wider competitions and higher leagues.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 8 January 2015. A total of 10 letters of objection have been received following the consultation process which raised the following issues;

Traffic

- 2.2 Addison Road already deals with high levels of traffic associated with BGN and Easington Sports and Social Club. Traffic is generated weekday evenings between 6pm and 10pm and when BGN has functions. It is serving traffic beyond its original design and its capacity. The expansion of Easington Sports and Social Club would worsen the situation in an area where there is nowhere additional to park.

- 2.3 Addison Road already experiences damage to verges from cars and, drainage is already a problem. The increase in traffic the application would bring would make these issues worse.
- 2.4 The club are looking to expand and there is insufficient parking within the site. Addison Road cannot cope with the additional traffic including coaches that would be generated from higher league status.

Residential Amenity

- 2.5 The additional traffic would create noise and disturbance to residents.
- 2.6 There have been repeated cases of antisocial behaviour reported to the Council following events at the clubhouse, with disruption and disturbance late at night. Increased use of the club through new facilities will potentially increase these instances.
- 2.7 Light pollution from the floodlights to the rear gardens and rear rooms of properties which back onto the site. There is concern over the ability to police the timing of the floodlights. The level of use indicated is a minimum for matches and does not take account of training which seems likely to use the facilities if floodlighting is provided. Currently training is at BGN.
- 2.8 The masts on which the floodlights would be installed would be an eyesore to residents.
- 2.9 Support is given to the football club and the provision of decent sporting facilities, however, the impact on the local area and residents is unacceptable.

3. Consultations

- 3.1 **Banbury Town Council:** Objects to the application on the grounds of light pollution having an unacceptable impact on neighbouring properties.

Cherwell District Council Consultees

- 3.2 **Ecology Officer:** raises no objections on ecological grounds, providing that the level of use outlined in the application is secured by a condition such that the potential impact on bats remains at the minimal level described.
- 3.3 **Environmental Protection Officer:** raises no objections to the application.
- 3.4 **Anti-Social Behaviour Manager:** confirms that the proposed lighting complies with the good design practice set out in the Institute of Lighting Practitioners Design Guidance. Comparison with the previously submitted scheme shows that predicted light spillage from this scheme has been reduced to properties and the gardens of properties in Addison Road and Grange Road. Despite the high specification of the lighting system due to the proximity of the football ground to the gardens of the properties in the two streets mentioned above, the view from these properties will no doubt be compromised when this lighting is in operation, with the view to the rear of these properties being of a brightly lit column when the lights are in use.

- 3.5 In an update to the original comments the following response was received. I can confirm that from a technical stand point the proposed floodlighting does comply with the standards contained in the Institute of Lighting Professionals Guidance document. Despite this technical compliance I would anticipate that we would receive complaints from nearby residents on the grounds that they are very close to a brightly lit area.

As you point out in our comments on the previous application we suggested that a 21:00 hrs curfew should be imposed on the use of the lit area. The curfew was suggested as the access to the site is via a narrow residential street. The potential for traffic to and from the football club to cause disturbance to the residents of Addison Road is further compounded by the lack of off-street parking in the area.

If you are minded to approve this application then I would recommend that planning conditions be included to restrict the total number of occasions the lighting can be used in any season and restrict the latest time of use for the lights.

Oxfordshire County Council Consultees

- 3.6 **Highways Liaison Officer:** raises no objections to the application.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C2	Development affecting protected species
C28	Layout, design and external appearance of new development
C31	Compatibility of proposals in residential areas
ENV1	Development likely to cause detrimental levels of pollution

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Cherwell Local Plan (January 2014)

The Proposed Submission Local Plan was published for public consultation in August 2012. A further consultation on Proposed Changes to the Draft Plan was undertaken from March to May 2013. On 7 October 2013, the Draft Submission Plan was approved by the Council's Executive. The Plan was endorsed at Full Council on 21 October 2013 as the Submission Local Plan. The Plan has now been formally 'Submitted' to the Secretary of State for Communities and Local Government for Examination and, therefore, carries

more weight than has been previously attributed to it. However, it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council. The following policies are considered to be relevant:-

- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- BSC 10: Open Space, Outdoor Sport and Recreation Provision.

5. Appraisal

5.1 The key issues for consideration in this application are:-

- Relevant Planning History
- Visual Amenity
- Traffic Issues
- Residential Amenity
- Ecology

Relevant planning History

5.2 There have been a number of planning applications previously relating to the site. Application Reference 13/00036/F proposed the erection of floodlighting as well as spectator stands and additional car parking. This application was withdrawn following various issues being raised by consultees which could not be satisfactorily addressed at the time. At the time of assessment of the application and presentation to Committee in June 2013, officers had concluded that the additional noise and activity from the extended use of the site and impact from the floodlights was unacceptable and would result in harm to residential amenity of adjacent residential properties. A subsequent application for the spectator stands and car parking was submitted under reference 14/00179/F and was subsequently approved. There is no planning history which directly affects the current submission and the application revises the 2013 proposals in an attempt to address the issues raised at the time. The key question is whether the revised submission satisfactorily addresses the concerns that were expressed by officers at the time of the original application.

Visual Amenity

5.3 The site is contained by residential properties along two sides but is open to views from the adjoining school playing fields and public rights of way to the south west and west, in particular Salt Way which is a main route in the area. The floodlight columns with a height of 15.24 metres would be visible above neighbouring residential properties and their prominence would be substantially increased when in use when lighting would make them visible across a much wider area.

5.4 The visibility of the lighting columns when in use and when not in use is not a reason in itself to refuse planning permission. There needs to be harm caused by any visible impact which is not outweighed by any benefits the scheme would provide in order to justify the refusal of the application. In respect of the

site, whilst the floodlights would be visible from many locations in the area, particularly when illuminated, it is considered that they will be viewed within the context of a large urban area and as a consequence will not appear incongruous or out of keeping with the locality. Indeed BGN and Banbury School, to the north west, both have outdoor sports pitches which are illuminated.

- 5.5 There are very significant benefits associated with the provision of the floodlights in terms of the ability of the football club to run an under 18 team in a league and also provide for the senior team to run in higher leagues as well as more competitions. The improvement in sports facilities is supported by the National Planning Policy Framework (NPPF), particularly paragraph 70. On balance therefore, whilst there would be some visual harm caused as a result of the development this is within an urban context where lighting is common and is outweighed by the benefits which would be provided through their provision.

Ecology

- 5.6 The previous application (13/00036/F) highlighted conflicts between the floodlighting and bats in the vicinity. The continued importance of habitat and species potation remains an important aspect of the NPPF. The applicant has engaged a suitable professional to advise on the impact on bats from the floodlights and the supporting documentation provides an assessment of the potential impacts. The submitted information provides an assessment on the use of the floodlights using the assumptions for use of two teams and the senior one being in a higher league as a worst case scenario. The floodlights would in such circumstances have a minimal impact on the local bat population given the very few times each year when bat activity would coincide with the use of the floodlights. The Council's Ecology Officer is satisfied with the submitted information. The level of use is such that the potential impact on the bat population will be minimal and providing this can be restricted through conditions there would be no material harm through the proposals on ecological grounds.

Traffic Issues

- 5.7 Local residents have raised concerns over the increased use of the application site through the installation of the floodlights. Addison Road provides an access to BGN as well as residential properties. The main issues raised relate to congestion along the road and the exiting problems which are experienced with traffic associated with the football club as well as the poor condition of the surface and damage caused to verges. Application 14/00179/F did include the extension of car parking within the site which should assist in addressing some of the concerns expressed by residents. The Highway Authority has **not** raised any objections to the proposals on highway safety grounds. This assessment by technical highway professionals is a material consideration which attracts significant weight in the assessment of the proposals.
- 5.8 The previous application which included floodlighting examined the issue of highway safety and a similar proposal was considered to be appropriate in highway safety terms. The assessment by the Highway Authority indicates that

the site can be adequately served from Addison Road and the current site arrangements. It is considered, therefore, that the development would not conflict with policy TR7. The development is, therefore, considered to be acceptable in highway safety terms.

Residential Amenity

- 5.9 There are two issues relevant to the consideration of residential amenity; the direct impact from floodlighting to the properties which adjoin the site and, the issue of potential for noise and disturbance to the residential area through increased use of the site in the evenings. I will deal with each matter in turn.
- 5.10 The floodlight columns would be positioned approximated 2 metres from the boundary with the houses on Addison Road. Each column would be 15.24 metres in height. The current scheme differs from that proposed in 2013 (13/00036/F) by reducing the height of the columns from 18 metres but having a total of six rather than four in order to provide the necessary illumination to the pitch. The technical information which accompanies the application provides an assessment of the light spill and demonstrates that the impact on the residential properties is extremely limited. The Council's Anti-Social Behaviour Manager has confirmed that the lighting scheme meets best practice from the Institute of Lighting Practitioners document '*Guidance notes for the reduction of obtrusive light*'. It is considered, therefore, that the level of light spill from the proposed floodlighting would be very limited and would not result in any significant lighting of the rear gardens or the rear facing rooms of the adjacent houses. The scheme has been prepared to minimise any impacts of light pollution and is successful in this respect.
- 5.11 The lighting would inevitably be visible from the rear gardens and rear windows of the residential properties which abut the application site. The question is whether the illumination would result in any material harm to the amenities of the occupiers of the properties. The views from the rear of the housing, particularly those on Addison Road are extensive across the sports fields to the countryside in the distance. Floodlighting at the schools (BGN and Banbury School) are set some distance away to the south west, out of direct line of sight. There would inevitably be an impact on views from the rear of these properties, and when the floodlights were in use at night there is likely to be a perception of light pollution even with luminance level within the required levels.
- 5.12 The presence of the lighting would clearly have an impact on the neighbouring properties. However, in view of the design meeting the relevant best practice, it is considered that it would not be possible to sustain an objection on the grounds of light pollution at appeal. Therefore, on balance the impact is found to be acceptable and would not conflict with policies C31 or ENV1.
- 5.13 The lighting columns themselves would be located directly adjoining the rear gardens of residential properties and would not be screened by any significant fencing or vegetation. The columns whilst visible from rear gardens and rear facing rooms would not obstruct the wider views, allowing continued views over the sports field and beyond. They are relatively slim structures which would not appear overbearing or dominant when viewed from neighbouring properties, particularly given the relatively substantial rear gardens the houses possess. It

is not considered that there would be any material harm caused, therefore, from the presence of the floodlight columns adjacent to the boundary with the houses and they comply with policy C31 as a result.

- 5.14 The second aspect relates to the potential for increased evening activity through the provision of floodlights. The floodlighting is required in order to provide the potential for increased fixtures for the senior team and also the establishment of an under 18 team. The floodlights would be used on Saturday afternoons (15.00-17.00) and provide the means for midweek fixtures to meet FA regulations. The applicant indicated as part of the original submission that they anticipate 36 midweek fixtures using the floodlights throughout a season in all competitions. There is no doubt that the floodlights would provide a significant benefit to the club and the wider community in terms of enhanced sports facilities.
- 5.15 Use of the site for fixtures during the week will attract vehicle movements from players, officials and supporters at times when currently levels of use are low, given that it is not possible to use the pitch at these times. There will, therefore, be an increase in traffic movements using Addison Road as well as noise created through the activities on the pitch from players and supporters. The original submission indicated matches would normally finish around 21.30 but can start no earlier than 19.30. It should be noted that the application sought to use for three hours on week days to cater for extra time in cup competitions, but it is assumed this would be a rare occurrence. The provision of floodlights would extend the use of the facilities and would result increased movements to and from the site. Concerns were expressed by the Council's anti social behaviour manager over this increased activity occurring late in the evenings on a regular basis. The use of the floodlights for possibly up to 36 times a season and until nearly 22.00 was considered to be unacceptable due to the additional noise and disturbance that would result from the use of the site.
- 5.16 Discussions have taken place with the applicant over the intended level of use of the floodlights and it has been indicated that the key element is for use of the floodlights to facilitate the first team and ensure they can maintain in their existing league. Whilst the use by an under 18 side would have been preferred it has been agreed to delete this element in order to significantly reduce the number of midweek games that would be played. In addition the applicant has clarified the issue of timings of evening games and has indicated that these can be scheduled to start at 19.30 with a finish of approximately 21.15 with the exception of cup matches where extra time may be necessary. The agreement to limit the number of matches would result in the floodlights being required approximately 12 times each season for midweek fixtures each season and the also having kick off at 19.30 will substantially reduce the potential for the use to cause disturbance to nearby residential properties.
- 5.17 Addison Road is not on a main thoroughfare and it does provide access to BGN including potentially for evening functions and use of the sports facilities. Parking for these out of school activities is available within the school grounds and together with the one way system employed impacts on residential properties is reduced. The proposed installation of the floodlights would result in a material increase in traffic using the road and use of the facilities at the

club. It would be possible to condition both frequency and duration the floodlights could be used, however, the Council's Anti-social Behaviour Manager has expressed concerns over increased activity from the site later in the evenings and, a limit of 21.00 has been suggested in line with the pitches at BGN.

- 5.18 The reduction in the number of times each season the floodlights could be used for matches, together with a restriction on kick off times substantially alters the development and the impact it would have in local residents. There would still be an increase in level of activity and associated with the site, however restricting this to 12 times in nay season together with a limit on the time they can be used will substantially reduce any potential impacts to a level whereby the living environment of neighbouring properties will not be materially affected to any significant degree. The application seeks to address concerns which were raised in connection to the previous application for the floodlights. The submission has addressed the issue that were raised at the time and as such a different conclusion has been reached.
- 5.19 In weighing up the application, it is necessary to recognise the benefits that would be provided through the improvement on sports facilities which are actively encouraged in the NPPF (paragraph 70). This positive aspect must, therefore, be weighed in the balance as should the fact that the other issues highlighted did not amount to a material level of harm to residents or matters such as landscape or highway safety. It is recognised that there would be an impact on residential properties in the area, however the degree of impact can be controlled through appropriate conditions. On balance, therefore, it is considered that the benefits of the scheme outweigh any potential negative impacts and the application is recommended for approval as a result. harm to residents would be significant and could not be made acceptable through conditions that would be useable to the club. It is, therefore, considered on balance that the benefits do not outweigh the harm that would be caused and refusal is recommended as a result.

Consultation with Applicant

- 5.20 Discussions have been undertaken with the applicant which have resulted in an acceptable solution being achieved. Therefore, the Local Planning Authority has taken this decision in the timely and efficient manner.

Conclusion

- 5.21 This is a finely balanced decision which has been reached and there are clearly public benefits to the proposals which justify the proposals. the applicant has gone to considerable lengths to address concerns that were raised with the previous proposals and the agreement to limit the number of midweek matches and hours the floodlights can be used satisfactorily overcomes any remaining concerns. The proposals with the imposition of appropriate conditions are conserved to be acceptable.

6. Recommendation Approval, subject to the following conditions
--

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

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

2. The floodlights hereby approved shall not be switched on more than 30 minutes before match kick off and shall be switched off no more than 10 minutes after the final whistle and in any event no later than 22.00 Sunday to Friday and 18.00 on Saturdays.

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

3. There shall be no training on the pitch and no more than 12 floodlit matches in any one season.

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

4. The lighting is to be installed in accordance with the submitted details and to be checked and certified by the installer.

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

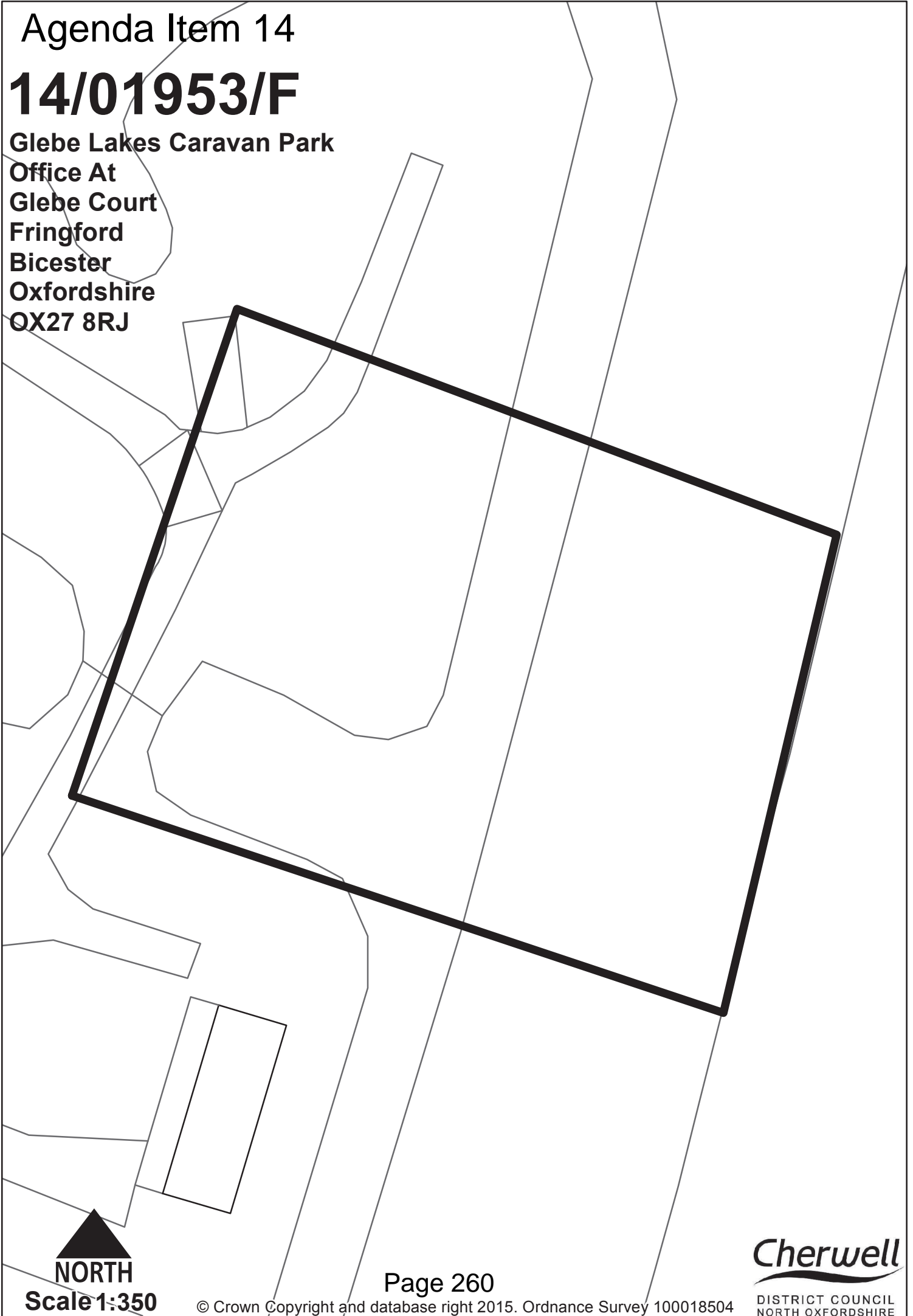
Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

Agenda Item 14

14/01953/F

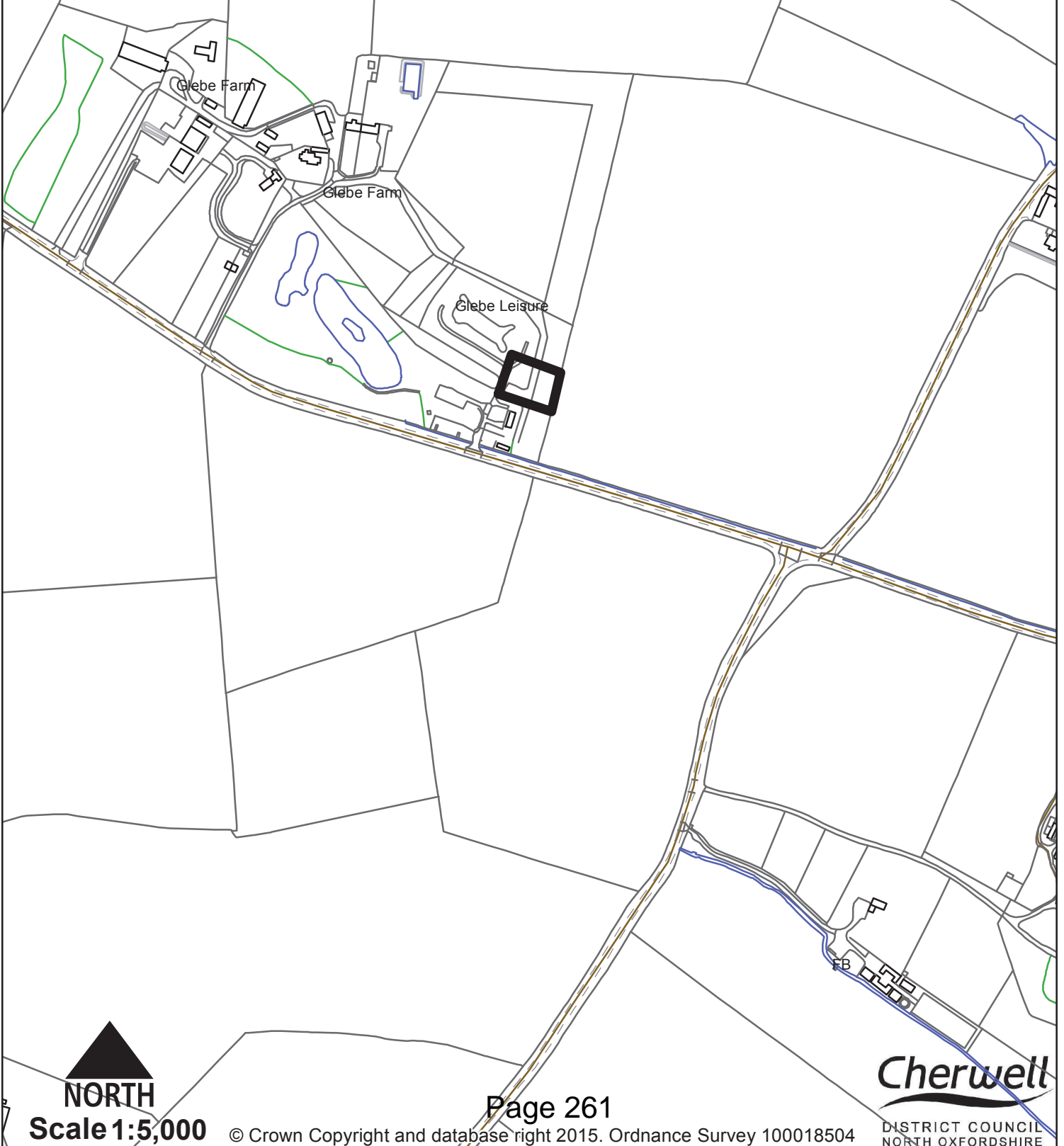
**Glebe Lakes Caravan Park
Office At
Glebe Court
Fringford
Bicester
Oxfordshire
OX27 8RJ**



Scale 1:350

14/01953/F

Glebe Lakes Caravan Park
Office At
Glebe Court
Fringford
Bicester
Oxfordshire
OX27 8RJ



NORTH
Scale 1:5,000

Glebe Leisure Caravan Park Glebe Court, Fringford

14/01953/F

Ward: Fringford

District Councillor: Cllr Wood

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Glebe Leisure – Mr R T Herring

Application Description: Erection of a permanent Warden's dwelling. Re-submission of 14/00698/F

Committee Referral: Member call in

Committee Date: 19 March 2015

1. Site Description and Proposed Development

- 1.1 The site consists of an established touring caravan site with associated facilities, including two fishing lakes with car park for users, situated south-west of the village of Fringford. The site sits within a rural context and forms part of an Area of High Landscape Value. It is a site of high archaeological interest as part of a historic battlefield.
- 1.2 The proposed development would involve the erection of a one and a half storey dwelling to the north-east of an existing toilet/utility block, behind some existing foliage. The property would look out over the adjoining caravan park. The construction materials would be natural limestone walls, with a natural slate or plain tile roof. Openings would be constructed from timber.
- 1.3 The proposed dwelling would be occupied by the applicant, who is also the site owner, to function as a residence for a permanent warden on the site. Its justification is to improve the safety of visitors to the site, improve the rating of the caravan site and to deter crime, helping to secure a more financially stable future for the business.
- 1.4 This proposal represents a resubmission of application 14/00698/F, which was refused on 11 July 2014. The same proposal is tabled, but the red line area has been reduced to the immediate setting of the proposed dwelling and additional information has been provided. This includes availability of other properties in the area, business turnover figures, a business plan and crime reports for the site.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 8 January 2015.

Five responses have been received. Four support the proposal, including two from caravan site users, and one objects.

The following issues were raised:-

- Applicant indicates that a condition seeking demolition of the building would be acceptable should the business cease. Unlikely that these works would occur in such an instance.
- Long term feasibility of the caravan park questioned as profit relatively low.
- Someone has been living on the site for a number of years and this has made no difference to the security of the site. A permanent dwelling would not alter this situation.
- The location of the existing static caravan adjacent to the entrance would be the best location if a warden's dwelling were to be approved.
- The applicant and his wife already live on site so will not reduce traffic movements. The claim that this would reduce vehicle movements is incorrect.
- Understand that a warden is living on site separately from the applicants. If approved, the dwelling needs to be used for the specified purposes only (warden's dwelling).
- If approved, then there is the potential for applications for additional properties to be forthcoming.

The letters of support make the following points:-

- It will improve the security for site and wider area.
- It will ensure continued management of the environment.
- It would provide an improved service to customers.

3. Consultations

3.1 Fringford Parish Council: Make the following comments:

- No longer have any concerns regarding the design and size of the proposed dwelling.
- Concerns over the operational practicality of the location of the proposed Warden's cottage within the curtilage of the campsite. If it was really necessary, it would be positioned closer to the road.
- Concern over the property becoming an unrelated residence unless enforceable conditions introduced to ensure it is used only in association with the caravan park business.
- If approved, a condition should be attached to remove the current static mobile home on site.

Cherwell District Council Consultees

3.2 Landscape Officer: No objection.

3.3 Ecology Officer: Recommends conditions relating to nesting birds and vegetation clearance method statement to protect reptiles.

3.4 Licencing: No changes to licencing conditions required. Support proposal due to security benefits to wider area.

Oxfordshire County Council Consultees

3.5.1 Highways Liaison Officer: No objection subject to attaching conditions.

- 3.6 **Archaeologist:** No archaeological constraints.
- 3.7 **Licencing:** No changes to licencing conditions required. Support proposal due to security benefits to wider area.

Other Consultees

- 3.7 **Thames Water:** No objection but recommends informative.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H18	New dwellings in the countryside
C2	Development affecting protected species
C7	Landscape conservation
C8	Sporadic development within the countryside
C9	Development beyond the planned limits of Banbury and Bicester
C13	Area of High Landscape Value (AHLV)
C28	Layout, design and external appearance of new development
C30	Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Submission Cherwell Local Plan (January 2014)

The Proposed Submission Local Plan was published for public consultation in August 2012. A further consultation on Proposed Changes to the draft plan was undertaken from March to May 2013. On 7 October 2013, the Draft Submission Plan was approved by the Council's Executive. The Plan was endorsed at Full Council on 21 October 2013 as the Submission Local Plan.

The Plan has now been formally 'Submitted' to the Secretary of State for Communities and Local Government for Examination and, therefore, carries more weight than has been previously attributed to it. However, it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council. The following policies are considered to be relevant:-

ESD10	Protection and enhancement of biodiversity and the natural environment
ESD13	Local landscape protection and enhancement
ESD16	Character of the built and historic environment

5. Appraisal

5.1 The key issues for consideration in this application are:-

- Relevant planning history
- Principle of development
- Location of the dwelling
- Impact upon visual amenity, including the Area of High Landscape Value
- Residential amenity
- Highway safety

Relevant Planning History

5.2 06/01392/F – Planning permission for change of use of land to caravan park to provide 20 no. touring van pitches and new toilet/utility building granted on 05 September 2006.

5.3 Condition 6 of this decision stated that no caravans, motor caravans or tents shall be stationed anywhere on the land for more than 28 consecutive nights and a register of occupiers shall be kept and made available for inspection by an authorised Officer of the Local Planning Authority at all reasonable times - Reason – In order to limit the use of the site to that of touring and not long stay residential caravans and tents to comply with Policy T8 of the adopted Cherwell Local Plan.

5.4 11/01908/F – Retrospective application for retention of 15 No. additional caravan pitches and change of use of agricultural land to camping and caravan site granted on 16 February 2012.

5.5 13/00283/F – Permanent stationing of 3 No. camping pods granted 15 April 2013.

5.6 14/00698/F – Erection of a permanent Warden's dwelling refused at Planning Committee following the Officer Recommendation on 11 July 2014 for the following reasons:

1. The applicant has failed to establish that the dwelling is essential for the proper functioning of Glebe Leisure Caravan Park and that a warden needs to live permanently on site. The proposal therefore fails to meet the requirements of the National Planning Policy Framework and saved Policy H18 of the adopted Cherwell Local Plan 1996.
2. The proposal represents sporadic development in the open countryside that would be detrimental to the open rural character and appearance of the area and the environment within the designated Area of High Landscape Value, contrary to Government guidance contained within the National Planning Policy Framework, saved Policies C7, C8, C9, C13 and C28 of the adopted Cherwell Local Plan 1996 and Policies ESD 13 and ESD 16 of the Submission Cherwell Local Plan.

Principle of Development

5.7 Government guidance contained within the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without

compromising the ability of future generations to meet their own needs. There are three dimensions to sustainable development; economic, social and environmental.

- 5.8 The adopted Cherwell Local Plan 1996 is considered to be out of date with regards to the NPPF in some respects as it was adopted prior to 2004. However, it also advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF. The adopted Cherwell Local Plan does contain a number of saved Policies which are consistent with the NPPF and relevant to the consideration of the proposal. The same applies to policies within the Submission Local Plan.
- 5.9 The site is situated within the open countryside, beyond the built-up limits of a settlement. The acceptability of the principle of the development therefore stands to be considered against Government guidance contained within the NPPF and saved Policy H18 of the adopted Cherwell Local Plan.
- 5.10 With regard to new isolated homes in the countryside, the NPPF advises that unless there are special circumstances such as; the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling, they should be avoided. It is considered that the applicant's case is based on the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 5.11 Saved Policy H18 of the adopted Cherwell Local Plan states that planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when; it is essential for agriculture or other existing undertakings, or the proposal meets the criteria set out in Policy H6 (affordable housing); and the proposal would not conflict with other Policies in the Plan. It is considered that the applicant's case is based on the essential need for 'other existing undertakings'.
- 5.12 It must therefore be considered whether the case put forward by the applicant demonstrates an essential need for a new dwelling on the site.
- 5.13 The applicant states that the proposed dwelling would help to provide a safer environment for visitors to the campsite and nearby residents through the presence of a permanent warden on site to act as a deterrent to criminal activity. It is said that the warden would also ensure that the site is better managed and issues such as trespass into the park and on the fishing lakes would be avoided and that improved ratings for the business could be achieved as a result, leading to a more financially stable future for the business. This in part could occur through an increased rating to the site, as one criterion that needs to be met is 24 hour on site presence.
- 5.14 The caravan and fishing lake business at the application site has been expanded extensively since its initial operation circa 20 years ago. This has included installation of additional pitches and eco pods, diversifying the range of facilities provided, and upgrading existing facilities, including a new reception

and toilet block. The function and value of investment in the site has therefore grown and consequently so has the need for on site management.

- 5.16 The supporting information makes reference to a number of criminal and anti-social activities that has occurred on the site. This includes theft, joyriding, arson, physical assault, a fire, illegal fishing, unauthorised camping and unauthorised parking. No elaboration on the extent or frequency of these incidents was submitted. Following a request by Officers, the applicant has forwarded the Police incident reports. Information from this source has been noted by the applicant as incomplete, and as such a full list of incidents has been provided in the form of a journal by the applicant. The accuracy of the journal references cannot be verified, but it is assumed that they represent a fair reflection of the activity that has occurred since 2006.
- 5.17 The applicant or a family member has been living on the site unauthorised for the last 2 – 3 years in different accommodation. The level of anti-social behaviour on the site does not appear to have reduced during this period, suggesting that human presence on site does not act as a deterrent in itself, or at least, not in the location in which it has been situated.
- 5.18 There are numerous alternative means of providing security for a caravan site, many which could be implemented. These include:
- Coded barrier gates. This would control access to the site, preventing unauthorised caravanning, joy riding on the site and theft of caravans/trailers. Currently the caravan site has a simple push button barrier, whilst the fishing lakes car park has a lockable wooden gate.
 - CCTV. It has been suggested that CCTV is already present on site, but its coverage and manner in which it is monitored is unknown. A more visible presence of the entrance and other key areas would provide a visual deterrent and enable activity to be monitored and recorded from an off-site location.
 - Appropriate operational management. Clearly advertised arrival times for manned periods of the day and contact information for early/late arrivals. Contact boards could display all necessary information for emergency requirements during out of office hours.
 - Upfront payment for all activities would also reduce the opportunity for unauthorised caravanning.
- 5.19 Similar suggestions were noted within the Officers Report to Planning Committee in July 2014, but no alterations to the operation of the site appear to have occurred.
- 5.20 Marketing information provided shows the limited opportunity for the purchase of properties within the area, which typically have high associated values. However, the sale prices of dwellings within the local area take an average of the properties sold, and do not reflect the market for 2 bedroom properties only. A recent search of 2 bedroom properties for sale within 1 mile of Fringford identifies 10 dwellings ranging between £213,000 and £350,000 in price. If the search is expanded to 3 miles then 27 properties with a cost of up to £250,000 are identified. It is estimated by the applicant that it would cost between

£180,000 and £200,000 to construct the proposed dwelling which is therefore not so dissimilar to alternative existing housing within the vicinity. There are opportunities available within local area for easy access to the site in case of emergency, subject to suitable management arrangements being in place for the site.

- 5.21 Financial information has been forwarded by the applicant showing a modest profit in the years ending 31 March 2013 and 31 March 2014 with a slightly larger return in the latter year. Information for April – December 2014 shows an increase in profit again, but does not incorporate the winter months January – March where incomings for tourism are lowest and outgoings remain. The overall profit is therefore expected to be reduced come the end of this financial period. Whilst the business is turning a profit and the brief information provided as part of the Business Plan shows some additional investment to increase turnover, it is questioned whether the turnover of the business can finance the construction of the dwelling proposed. The dwelling would initially be paid for by the applicant who will then repay himself over 10 years. This would absorb all the profit from the business for the next decade and mean that no income could be taken for the applicant (or his wife) who would need to be the primary wardens on site in order to occupy the proposed dwelling. It would also provide no float for maintenance or improvements to the site. The dwelling does not therefore appear to be a viable proposition at this time.
- 5.22 The planning system does not seek to restrict the growth of rural enterprises and tourism, but the NPPF is clear that an essential need must be provided for new dwellings in the countryside. In this instance, Officers are not convinced that there is an overwhelming need for a dwelling on site, whilst there is also concern over the ability for the business to afford the dwelling proposed. It has been indicated that a condition could be attached seeking the demolition of the dwelling should the caravan site cease to operate. This is not considered an appropriate method in which to control the construction of dwellings within the countryside, particularly when the need for the unit is not considered to have been robustly established. The principle of the development is therefore considered contrary to Government guidance contained within the NPPF and saved Policy H18 of the adopted Cherwell Local Plan.

Location of the Proposed Dwelling

- 5.23 The proposed dwelling is located in the same position as that refused in July 2014. Additional justification from the applicant has indicated that the selected position would provide better screening of the building from the surrounding countryside (considered further below) and allows views across the rear caravan field, part of the front caravan field, the site entrance and most of the fisherman's car park.
- 5.24 The key consideration is the main function of the proposed on-site presence: security on arrival or security/contact point on the site. Most anti-social behaviour noted relates to issues associated with access of persons to the site and the fishing lakes and buildings on the front part of the site. Views of these areas from the proposed dwelling would be compromised due to intervening vegetation. The vegetation is part of an existing planting buffer, containing a number of young trees. These trees already filter views of the front part of the site, a position that will increase as they mature. Consequently, it is considered that CCTV would be required over the front of the site to enable appropriate surveillance should the dwelling be located where it is proposed.

- 5.25 Located further towards the front of the site, any issue with fires or noise on the rear caravanning area could still be easily controlled and if any guests to the site needed to contact the warden, the site is not sufficiently large that it would deter them seeking out the dwelling regardless of its location. The good views created over the rear part of the site from the proposed location are not considered sufficient to outweigh the reduced visibility over the entrance and parking sections of the site.
- 5.26 Should a dwelling be positioned on site, it is considered that a building immediately adjacent to the north or south of the reception/toilet block would be more appropriate. This view was provided through the previous application. Whilst increased visibility is cited by the applicant as a reason not to locate the dwelling further forward on the site, Officers are not convinced by this argument. The location of the dwelling will therefore compromise its function as part of the caravan and fishing site and thus fail to accord with Government guidance contained within the NPPF and saved Policies H18 of the adopted Cherwell Local Plan.

- Impact upon Visual Amenity, including the Area of High Landscape Value**
- 5.27 Government guidance contained within the NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should also respond to local character and history, and reflect the identity of local surroundings and materials. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Further, the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 5.28 Saved Policies C7 and C8 of the adopted Cherwell Local Plan seeks to control development that would cause demonstrable harm to the topography and character of the landscape, and to resist sporadic development in the open countryside. Saved Policy C9 seeks to direct development to the towns of Banbury and Bicester in order to protect the environment, character and agricultural resources of the rural areas. These Policies require tight control over all development proposals in the countryside in order to retain the character and appearance that has evolved over many hundreds of years. Sporadic development in the countryside must be resisted if its attractive, open, rural character is to be maintained.
- 5.29 Saved Policy C13 of the adopted Cherwell Local Plan seeks to conserve and enhance the environment within Areas of High Landscape Value. Saved Policies C28 and C30 of the adopted Cherwell Local Plan state that control will be exercised over all new development to ensure that it is sympathetic to the character of its context. Further, all new housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity Policies ESD 13 and ESD 16 of the Submission Local Plan continue the general thrust of Government guidance contained within the NPPF and the adopted Cherwell Local Plan.

- 5.30 The site is positioned within the open countryside beyond the built-up limits of a settlement. That said, the site is within close proximity to a small cluster of buildings that appear to be associated with Glebe Farm to the north-west. However, the proposed dwelling would not appear as part of this cluster, instead being positioned over 250 metres to the south-east.
- 5.31 Whilst the site benefits from dense boundary vegetation that would largely screen the dwelling from view of the public domain, Officers are of the opinion that it constitutes sporadic development within the open countryside that would not be sympathetic to its rural context. When viewed in isolation, the design of the dwelling is not offensive, although it is simply the fact that a structure would be erected in this location that is of concern. Even within the caravan site, it will appear isolated.
- 5.32 The current proposal is therefore considered to represent sporadic development in the open countryside and not be sympathetic to the rural character and appearance of the landscape, neither conserving or enhancing the environment within the designated AHLV, contrary to Government guidance contained within the NPPF and saved Policies C7, C8, C9, C13 and C28 of the adopted Cherwell Local Plan.
- 5.33 It is highlighted that the location of the proposed dwelling is the same as that refused in application 14/00698/F, with impact upon the open rural character and appearance as a reason for refusal.

Residential Amenity

- 5.34 As stated previously, Government guidance contained within the NPPF attaches great importance to good design. Saved Policy C30 of the adopted Cherwell Local Plan requires new housing development to provide standards of amenity and privacy acceptable to the Local Planning Authority.
- 5.35 Due to the isolated nature of the development the proposed dwelling would be situated a sufficient distance from all residential dwellings to avoid any harm in terms of amenity or privacy. The proposal accords with Government guidance contained within the NPPF and saved Policy C30 of the adopted Cherwell Local Plan.

Highway Safety

- 5.36 Oxfordshire County Council Highway Authority have assessed the proposal and raise no objection subject to conditions requiring the dwelling to be used as a warden's dwelling and the provision of two off-street parking spaces. Officers consider the first of these conditions to be unreasonable; a warden's dwelling is not expected to generate movements that differ so significantly from a private dwelling as to warrant a restriction of use on the grounds of highway safety.
- 5.37 The provision of two parking spaces is considered reasonable and have been shown on the plans submitted. The proposed development therefore accords with Government guidance contained within the NPPF in terms of the promotion of sustainable transport that states that developments should create safe and secure layouts.

Engagement

5.38 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the Agent was advised of the likelihood of a recommendation for refusal and invited to submit further information in support of the case. This information was subsequently received and has been taken into account. It is considered that the duty to be positive and proactive has been discharged.

Conclusion

5.39 Officers conclude that the application is contrary to Government guidance contained within the National Planning Policy Framework, saved Policies H18, C7, C8, C9, C13 and C28 of the adopted Cherwell Local Plan and Policies ESD13 and ESD16 of the Submission Cherwell Local Plan. Furthermore, if this proposal were granted planning permission based on the submitted case, the decision is likely to set an unwelcome precedent for future dwellings to be erected in association with rural businesses in the open countryside. Officers therefore recommend that the application is refused.

6. Recommendation

Refusal, for the following reasons:-

1. The applicant has failed to establish that the dwelling is essential for the proper functioning of Glebe Leisure Caravan Park and that a warden needs to live permanently on site. The proposal therefore fails to meet the requirements of the National Planning Policy Framework and saved Policy H18 of the adopted Cherwell Local Plan 1996.
2. The proposal represents sporadic development in the open countryside that would be detrimental to the open rural character and appearance of the area and the environment within the designated Area of High Landscape Value, contrary to Government guidance contained within the National Planning Policy Framework, saved Policies C7, C8, C9, C13 and C28 of the adopted Cherwell Local Plan 1996 and Policies ESD13 and ESD16 of the Submission Cherwell Local Plan.

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way through enabling the submission of additional information to support the application.

Agenda Item 15

14/02019/F

Kelberg Trailers And Trucks Ltd
Northampton Road
Weston On The Green
Bicester
OX25 3TH

Kelberg House

Medley House

LB

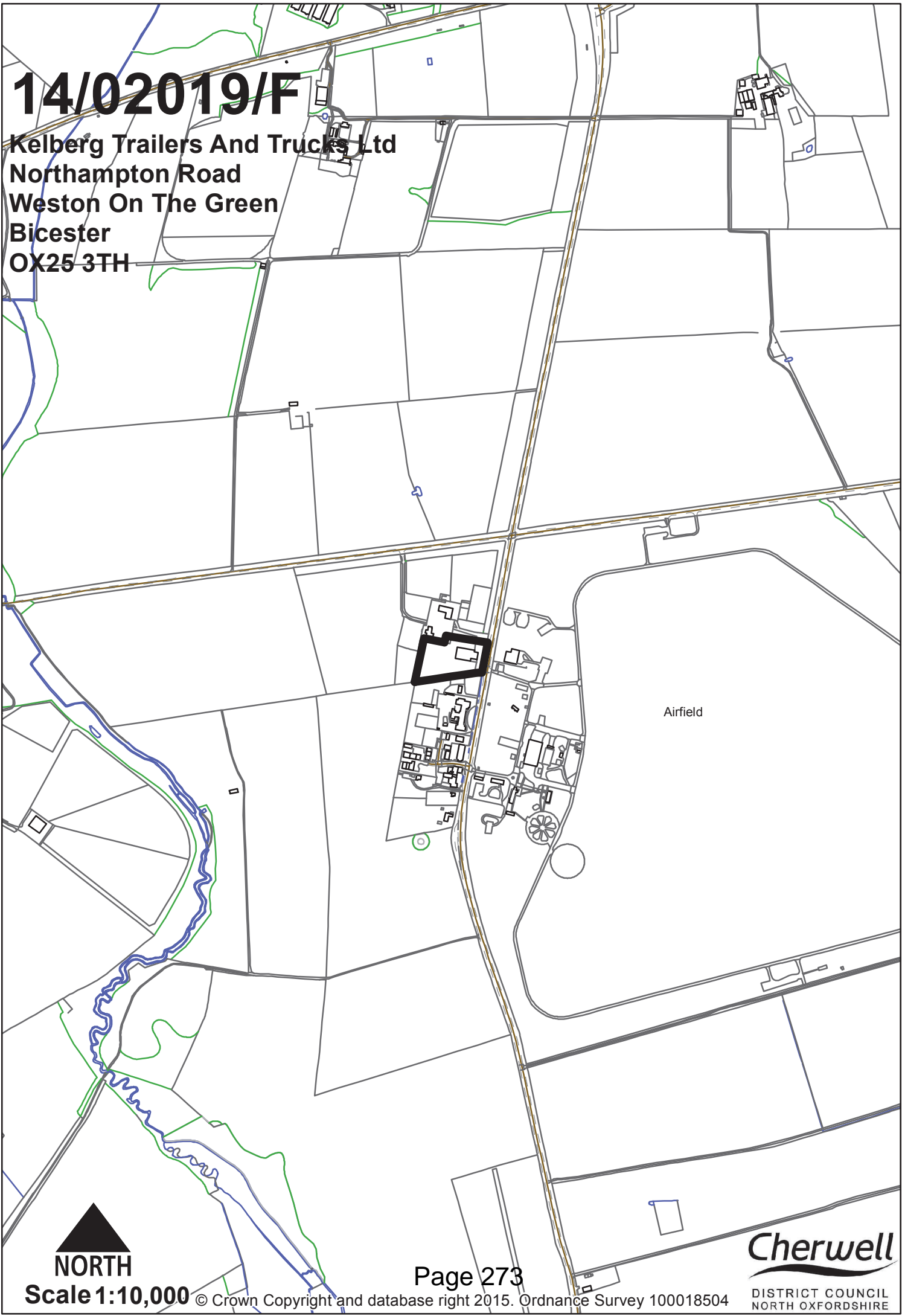
83.0m



Scale 1:1,000

14/02019/F

Kelberg Trailers And Trucks Ltd
Northampton Road
Weston On The Green
Bicester
OX25 3TH



Airfield



Scale 1:10,000

**Kelberg Trailers and Trucks Ltd,
Northampton Road, Weston-on-the-Green**

14/02019/F

Ward: Kirtlington

District Councillor: Cllr. Holland

Case Officer: Aitchison Raffety

Recommendation: Approval

Applicant: Kelberg Trailers and Trucks Ltd

Application Description: Extension to existing Workshop Including Enclosure of Vehicle Wash Bay

Committee Referral: Major

Committee Date: 19th March 2015

1. Site Description and Proposed Development

- 1.1 Kelberg Trailers and Trucks Ltd is a large commercial site located on the western side of Northampton Road (B430).
- 1.2 The site consists of a two storey office building and attached five bay workshop. The remainder of the site is covered in hard standing surfaces and used for the storage of trucks, trailers and associated equipment. A high and dense row of trees is located around the perimeter.
- 1.3 The site has two access points and a large parking area is provided on the frontage.
- 1.4 The surrounding area consists of a collection of commercial units located in the open countryside. There are also a limited number of residential properties and numerous caravans and a gliding club are located opposite. Weston Business Park is located to the south of the site.
- 1.5 The area has been identified as being potentially contaminated and a special site of scientific interest (Weston Fen) is located within 2km.
- 1.6 Planning permission is sought for the extension of the existing workshop. The proposal would maintain the existing building lines and measure 24.5m wide, by 19m deep, with an eaves height of 7.4m and a ridge height of 10.2m. The proposal would provide three additional bays, incorporating two workshop bays and an enclosed wash bay.
- 1.7 The proposal will allow for the expansion of the existing business and it is intended to increase the number of employees from 16 to 23.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 13 February 2015. No correspondence has been received as a result of this consultation process.

3. Consultations

3.1 **Western on the Green Parish Council:** No comments received at the time of writing this report.

Cherwell District Council Consultees

3.2 **Anti-Social Behaviour Manager:** No objections or observations to make in respect of this planning application.

3.3 **Environmental Protection Officer:** No comments received at the time of writing this report.

Oxfordshire County Council Consultees

3.4 **Highways Liaison Officer:** No objections.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

EMP4	Employment in rural areas
C28	Layout, design and external appearance of new development
ENV1	Development likely to cause detrimental levels of pollution
ENV12	Contaminated land

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Cherwell Local Plan (January 2014)

The Proposed Submission Local Plan was published for public consultation in August 2012. A further consultation on Proposed Changes to the draft plan was undertaken from March to May 2013. On 7 October 2013, the Draft Submission Plan was approved by the Council's Executive. The Plan was endorsed at Full Council on 21 October 2013 as the Submission Local Plan.

The Plan has now been formally 'Submitted' to the Secretary of State for Communities and Local Government for Examination and, therefore, carries more weight than has been previously attributed to it. However, it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council. The following policies are considered to be relevant:-

SLE1	Employment Development
ESD16	Character of the Built and Historic Environment

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:-

EMP1	Proposed Site for Employment Generating Development
EMP4	Proposal for Employment Generating Development

5. Appraisal

5.1 The key issues for consideration in this application are:-

- Relevant Planning History
- Principle of Development
- Character and Appearance
- Impact of Amenity
- Highway Safety and Parking

Relevant Planning History

5.2 06/01321/F – Extension to industrial building. This application was refused on 3 July 2006 for the following reasons:-

1. Notwithstanding the proposal being an extension to an existing building within an existing employment site, the Local Planning Authority considers the proposal to be contrary to Policy EMP4 of the adopted Cherwell Local Plan and the provisions of Policy EMP4 of the Non-Statutory Cherwell Local Plan and Policy E4 of the Oxfordshire Structure Plan in that the scale of the development is inappropriate on this rural setting and would cause harm to the character and visual amenities of the area contrary to Policy C28 of the adopted Cherwell Local Plan.
2. The extension proposed would significantly reduce the area of outside storage of vehicles and trailers which may lead to further demand to extend the commercial activity further into the open countryside, contrary to Policies EMP4, C8 and C28 of the adopted Cherwell Local Plan.

5.3 01/00623/F – Single extension to provide staff mess room. Granted conditional permission 25 June 2001.

5.4 00/00784/F - Demolition of workshop and replacement with larger building and full landscape of site. Granted conditional permission 17 April 2000.

5.5 99/01775/F - Demolition of workshop and replacement with larger building and enlargement of industrial curtilage. Refused on 11 November 1999 for the following reasons:-

1. The proposal is contrary to Policy E4 of the Oxfordshire Structure Plan 2001 and to Policy EMP4 of the Cherwell Local Plan in that the proposal would be unduly large and prominent in the rural landscape and therefore is not considered to be an appropriate site for an operation of the size proposed.
2. The enlarged activity proposed would be likely to be detrimental to the residential amenities of the properties to either side and would be contrary to Policy E6 and T18 of the Oxfordshire Structure Plan.
3. It is considered that the location and lack of suitable transportation facilities means that the proposal is unsustainable and therefore contrary to Policies E6 and T18 of the Oxfordshire Structure Plan.
4. The access is substandard in geometric terms and its use by traffic generated as a product of this proposal will result in a hazard and a detriment to the safety of other road users

5.6 97/01662/F - Extension to existing building, use of that building for some light assembly, reorganisation of parking and landscaping, (including variations to Conditions of Planning Approval Ref 95/02006/F). Granted conditional permission 18 September 1997.

5.7 95/02006/F - Replacement of two storey part of building at front and new single storey extension. Use of site for maintenance, storage, display and sale of agricultural and commercial vehicles and machinery. Granted conditional permission 22 December 1995

Principle of Development

5.8 The National Planning Policy Framework (the Framework) confirms the Government's commitment to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

5.9 In regards to the rural context of this site, paragraph 28 of the Framework states "Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:-

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; "

- 5.10 Saved Policy EMP4 of the adopted Cherwell Local Plan seeks to encourage economic activity in the rural areas of the district by identifying opportunities for employment generating development and, in particular, for small businesses. The policy states that proposals for redevelopment or minor extensions to existing acceptable employment sites will normally be permitted, provided that the scheme and any associated employment activities can be carried on without undue detriment to the character and appearance of the locality or to residential amenity.
- 5.11 Kelberg Ltd has occupied the application site for a considerable amount of time, over which their operations have been extended and evolved. Their current operations consist predominantly of assembling, repairing and servicing trailers. They also fit bodywork to smaller trucks and service their own vehicles. The proposed development seeks to expand the existing operations by providing an enlarged covered area and employing 7 new members of staff.
- 5.12 The proposed extension would increase the number of workshop bays from 5 to 7 and provide a covered space for an existing wash area. Including the existing office, the proposal would amount to a 48 percent increase in the building floor area. Whilst this is a sizeable increase, the provision of two additional bays and covering an existing washing area would not be considered a disproportionate increase in relation to the existing built form or use. The proposal would simply extend the existing building lines and the extension is located to the rear of the existing building where the impact on the character and appearance of the surrounding area would be reduced. The proposed extension would be fully contained within this established employment site, which is located in close proximity to other similar uses and is designated in the Non-Statutory Cherwell Local Plan 2011 as part of a site for proposed employment use. Furthermore, the extended building would be located a sufficient distance from the site boundaries minimising the impact on the amenity of the adjoining occupiers.
- 5.13 The proposal provides economic development within a rural area and constitutes a relatively minor extension to an existing acceptable employment site. The principle of the proposed extension, subject to complying with other material planning considerations, is therefore considered acceptable in isolation and in compliance with the provisions of Policy EMP4 of the adopted Cherwell Local Plan and the Framework.
- 5.14 It is acknowledged that the level of commercial activity and size of the associated buildings have increased over the years and previous applications for redevelopment and extensions have been refused. However, as identified above, this proposal would have a positive economic benefit and would not result in an overly large or harmful increase in the size of the existing operation. It is also noted that the proposed extension is significantly smaller in size than the most recently refused application for an extension, referenced 06/01321/F.

Character and Appearance

- 5.15 The NPPF attaches great importance to the design of the built environment, stating *'good design is a key aspect of sustainable development... and should contribute positively to making places better for people.'* It stresses the need to

plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Whilst it states that local authorities should not impose architectural styles or particular tastes, it reinforces that it is also important to consider local character and distinctiveness, continuing that *'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'*.

- 5.16 Saved Policy C28 of the Adopted Cherwell Local Plan supports the use of good design in line with the provisions of the Framework outlined above and full weight should therefore be attached to the provisions of this policy.
- 5.17 The application site consists of a two storey office building and large workshop. The proposed extension would continue the existing building lines and form of the workshop and closely replicate the existing openings, features and composition. The proposal would therefore be compatible with the character and appearance of the existing building.
- 5.18 The existing building is large in the context of the surrounding development and the proposal would add to the bulk and massing of this already substantial building. However, the proposed extensions are located to the rear where the impact would be reduced and are set in a sufficient distance from the site boundaries, ensuring the proposal would not detract from the spacious character of the surrounding area. Furthermore, there are other large buildings in the surrounding area and the trees around the site boundaries would partially conceal the extension and soften the impact of the proposed development.
- 5.19 The materials have been carefully selected to match the existing and the green finish would be beneficial in blending the proposal into the surrounding landscape and reducing the visual prominence of the building.
- 5.20 Given the level of existing planting around the site boundaries, no additional landscaping is considered necessary to soften the impact of the proposed development.
- 5.21 The proposed development is therefore compatible with the existing buildings and would not harm the character and appearance of the site or surrounding area, in accordance with Policy C28 of the Adopted Cherwell Local Plan and Policy ESD16 of the Emerging Local Plan and the Framework.

Impact of Amenity

- 5.22 A core planning principle as set out in the Framework is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 5.23 Whilst the surrounding area consists predominantly of commercial uses, the site appears to be adjoined on either side by residential properties and a caravan site is located opposite. The proposed extension is set in from the site boundaries and located a sufficient distance away from the adjoining dwellings and key amenity space. The proposed development would not therefore harm the visual or residential amenity of the surrounding occupiers, as it would not

be overbearing or materially affect levels of daylight, sunlight or over-shadowing.

- 5.24 The proposed development would result in an intensification of the existing use and an increase in the level of activity. However, the site is located in a mix use area on a classified road where background noise levels are fairly high and a degree of disturbance is common place during normal working hours. The increase in on-site activity as a result of the proposed development is unlikely to result in a harmful increase in noise levels or disturbance during normal working hours to the surrounding occupiers/users. It is noted that the hours of operation have been restricted in the previous application for redevelopment. This restriction is still applicable and necessary to protect the surrounding occupiers from disturbance later in the evening and early in the morning when background noise levels are low and residents can reasonably expect a quieter environment. Whilst these restrictions associated with the original permission are still applicable, it is recommended they are re-attached to any new planning permission which may be granted for the avoidance of doubt. Other conditions are also recommended relating to the use of the workshop to minimise noise and disturbance to the surrounding occupiers/users.
- 5.25 The proposed development would not therefore harm the amenity of the surrounding users/occupiers, in accordance with Policy ENV1 of the adopted Cherwell Local Plan and the Framework.

Highway Safety and Parking

- 5.26 No changes are proposed to the site access as part of this development.
- 5.27 Sufficient provision would be retained on site for parking, storage and vehicle circulation.
- 5.28 The Local Highway Authority has raised no highway safety concerns with the proposed development.
- 5.29 The proposed development would not therefore result in conditions prejudicial to highway safety or adversely affect the provision of on-site parking and circulation.

Consultation with Applicant

- 5.30 As there were no issues that needed to be addressed with the application as submitted, no contact with either the agent or applicant was deemed to be necessary.

Conclusion

- 5.31 The proposed development is considered acceptable as it represents a minor extension to an established and acceptable employment site. The proposed extensions are compatible with the style and form of the host building and would not detract from the character and appearance of the surrounding area. There will be no adverse impact on neighbouring properties or to the natural environment. Access will not be affected and sufficient parking provision has been retained. A good standard of design has therefore been achieved and the proposal would comply with Policies EMP4 and C28 of the Adopted Cherwell Local Plan and the National Planning Policy Framework.

6. Recommendation

Approval, subject to the following conditions:

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

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

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered: Design and Access Statement, Site Location Plan, 14/11/01 and 14/11/02.

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

3. The materials to be used for the external surfaces of the development hereby approved shall match in terms of colour, type and texture those used on the existing building.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. The operational use of the workshop hereby approved shall be restricted to the following times:-

Monday-Friday – 8.00am to 6.00pm
Saturday – 8.00am to 1.00pm
and no time on Sundays or Public Holidays

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Assembly operations inside the building hereby approved shall be carried out with the workshop main doors and pedestrian access doors closed except when vehicles or personnel are moving in and out of the building.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National

Planning Policy Framework.

6. The workshop shall be provided with sufficient silenced mechanical extract ventilation so as to permit working within the extended workshop during hot weather with all external doors closed.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

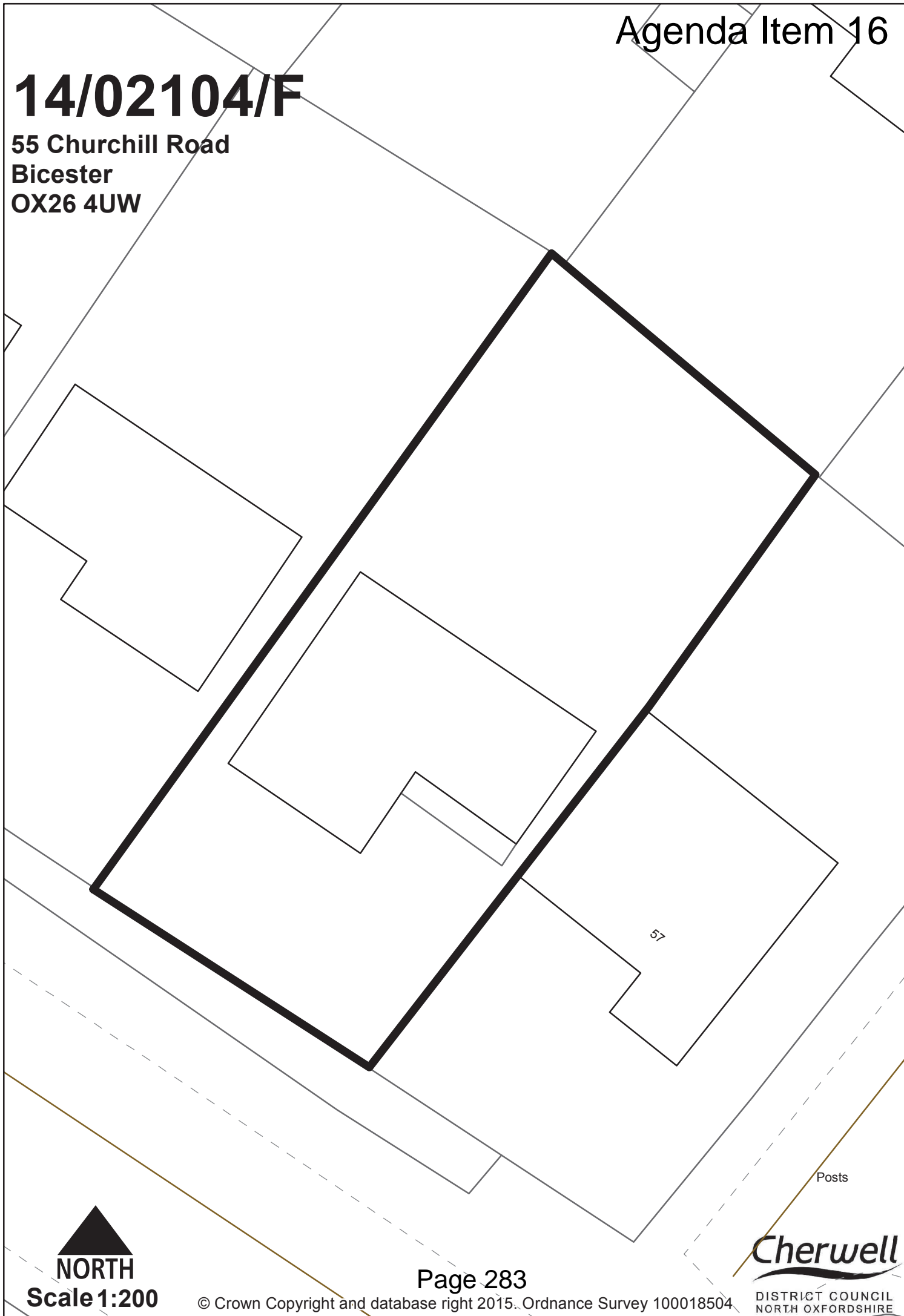
Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

14/02104/F

55 Churchill Road
Bicester
OX26 4UW



NORTH

Scale 1:200

14/02104/F

**55 Churchill Road
Bicester
OX26 4UW**

Pond



NORTH

Scale 1:2,500

Page 284

© Crown Copyright and database right 2015. Ordnance Survey 100018504

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Site Address: 55 Churchill Road,
Bicester**

14/02104/F

Ward: Bicester East

District Councillor: Cllr Lawrie Stratford and Cllr
Rose Stratford

Case Officer: Gemma Magnuson

Recommendation: Approval

Applicant: Mr and Mrs S Roe

Application Description: Side extension to create new dwelling

Committee Referral: Called in by Cllr Rose Stratford

Committee date: 19 March 2015

1. Site Description and Proposed Development

- 1.1 55 Churchill Road is a detached dwelling situated in a residential area north-east of Bicester town centre. The building is not listed, no listed buildings are in close proximity and the site is not in a Conservation Area. The Stratton Audley Quarries SSSI is within 2km of the site and the Swift and West European Hedgehog have been identified in the vicinity of the site. The land is potentially contaminated.
- 1.2 The proposed development would involve the replacement of an existing flat roofed attached garage to the side of 55 Churchill Road with a two storey, two bedroom dwelling. The dwelling would be attached to 55 Churchill Road creating a semi-detached dwelling. A driveway providing one off-street parking space would be situated to the front of the dwelling and a private garden to the rear separated by a 1.8 metre fence. Bin storage would be provided in the rear garden. 55 Churchill Road would have 2 no. off-street parking spaces to the front of the dwelling with bin store to the side.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter. The final date for comment was 03 February 2015. One letter has been received as a result of the consultation objecting to the application, the following issues were raised (please note these have been summarised, refer to file for full version):
- North of Churchill Road comprises individual plots/detached houses/generous frontages. Semi-detached would leave 57 adrift from the sequence – detriment to streetscene character/appearance.
 - Building should be in character with decade of existing and surrounding properties.
 - This would introduce an unbalanced semi-detached block – large four bed 1970 dwelling aligned with a small two bed 2015 contemporary house would not enhance the appearance of street.
 - Attempt to squeeze a “quart into a pint pot” for benefit of short-term financial gain by what appears to be a non-resident.
 - Development is no more than an annexe of additional rooms to an existing property; it should not become a separate dwelling by inserting a front door.
 - Design and Access Statement filled with emotive language that is subjective in nature and not factually correct.
 - How does inserting a deviant into the mix ‘enhance’ it? Building is not designed in keeping with surroundings.
 - Second floor of proposed dwelling protrudes nearly two metres forward from first floor windows of 57 resulting in loss of street view and light.
 - Inaccurate description of location – north/west.

- Extension to rear will cut into sloping land. No details provided as to how adjacent properties land will be supported and minimum footway distance maintained.
- Small size of accommodation.
- Most dwellings have vehicle turning space on private land/driveway.
- Proximity to large secondary school accessed from Churchill Road – high footfall on Churchill Road, hundreds of school children traverse Churchill Road directly across the frontage of number 55. Driving in forward and exiting forward makes manoeuvre safer.
- Splitting frontages so that forward entry and exit from the properties cannot be facilitated would increase the risk of injury to pedestrians/school children.

3. Consultations

- 3.1 **Bicester Town Council:** objects to this application on the grounds that it is too close to the neighbouring property and out of keeping with the area.

Cherwell District Council Consultees

- 3.2 **Private Sector Housing Inspector:** I don't have any concerns with this proposal, as it meets the sub-division for residential use guidance.
- 3.3 **Environmental Protection Officer:** no comments received at time of writing.

Oxfordshire County Council Consultees

- 3.4 **Highway Authority:** no objection subject to conditions.

Other Consultees

- 3.5 **Thames Water:** no objections, notes recommended.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C28: Layout, design and external appearance of new development
 C30: Design of new residential development
 ENV12: Contaminated land

4.2 Other Material Policy and Guidance

Planning Practice Guidance

Cherwell District Council Home Extensions and Alterations Guide (2007)

4.3 National Planning Policy Framework

Submission Local Plan (October 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the

Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed in December 2014 and the Inspectors report is likely to be published in March 2015.

PSD1: Presumption in Favour of Sustainable Development

ESD7: Sustainable Drainage Systems

ESD16: Character of the built and historic environment

B.2 Theme Two: Policies for Building Sustainable Communities

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle of development
- Visual amenity
- Neighbours
- Highway safety

Relevant planning history

5.2 There is no planning history relevant to the current application.

Principle

5.3 Government guidance within the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development; economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependant. With specific regard to housing development, LPA's are required to significantly boost the supply of housing. Housing applications should be considered in the context of sustainable development.

5.4 The Local Planning Authority cannot currently demonstrate a five year supply of housing. In such circumstances, the NPPF advises that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Further, where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, where assessed against the policies in the Framework taken a whole or specific policies in this framework indicate development should be restricted.

5.5 There are no adopted Local Plan policies relating specifically to housing development within existing Bicester housing areas, however, the Submission Local Plan states that housing growth will be directed towards the urban areas of Banbury and Bicester. Paragraph B.85 states "By focusing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth."

5.6 The site is positioned within an established residential area in relatively close proximity to Bicester town centre and its range of shops, facilities, services and

transport connections. It is considered that the site is sustainably located, and as it is in a location where housing development is encouraged, it is considered that the principle of the erection of a dwelling here accords with Government guidance contained within the NPPF and the Submission Local Plan.

Visual Amenity

- 5.7 Government guidance contained within the NPPF attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 5.8 Saved Policies C28 and C30 of the adopted Cherwell Local Plan seek to control new development to ensure that it is sympathetic to the character of its context, and that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 5.9 The proposed dwelling would appear as a subservient extension to the existing dwelling, being set back from the front elevation and at a right angle to the existing gable fronted dwelling. The frontage of the proposed dwelling would sit in line with the front-most single storey element of adjacent 57 Churchill Road, with the two storey element of 57 Churchill Road set back a further 1.6 metres. The separating distance between the proposed dwelling and adjacent 57 Churchill Road would be 1 metre. It is considered that the distances and positioning described above would be sufficient to avoid the appearance of terracing through the provision of visual breaks.
- 5.10 The frontage of the proposed dwelling would include a front door that, when viewed alongside adjoining 55 Churchill Road, will appear as a semi-detached dwelling. The immediate streetscene consists of detached dwellings to the north of Churchill Road and a mix of semi-detached and terrace dwellings across the road to the south. It is understood that the dwellings to the north were self-built during the 1970's, resulting in a variety of house types and styles, including bungalow and one-and-a-half storey dwellings. The existing streetscene could not be described as uniform and it is considered that this variety forms the character of the immediate streetscene. It is considered that the introduction of further variety by having a semi-detached pair of dwellings would not be so out of keeping with the existing streetscene character as to warrant a refusal of planning permission.
- 5.11 The proposed dwelling would be of contemporary design, which would not be strictly in-keeping with the 1970's style of both the existing dwelling and its neighbours. However, given that this site is not sensitively located and taking account of Government guidance with regard to the requirement to conform to particular forms or styles, it is not considered that this difference between the existing and proposed dwellings warrants the refusal of the application on this ground. Render and timber cladding are construction materials that are present in vicinity of the site and would not be out of keeping.
- 5.12 It is considered that the proposed dwelling would be in-keeping with the streetscene character and would not detract from the visual amenities of the locality, in accordance with Government guidance contained within the NPPF and saved Policies C28 and C30 of the adopted Cherwell Local Plan.

Residential Amenity

- 5.13 The proposed dwelling has the potential to affect the dwellings along Anson Way to the north-east, and adjacent dwellings to either side; 55 Churchill Road and 57 Churchill Road.
- 5.14 The proposed first floor fenestration would be situated over 22 metres away from dwellings to the rear on Anson Way, which is the minimum distance guidance set out in the Cherwell District Council Home Extensions and Alterations Guide (2007) in order to avoid a loss of privacy. Outlook from ground floor openings would be limited by the boundary fencing.
- 5.15 The two storey element of the proposed dwelling would not protrude into the 45 degree line when taken from the mid-point of the nearest window at first floor level of both 55 and 57 Churchill Road. It is therefore considered that the dwelling will not result in a significant loss of outlook. Due to the position north-west of 57 Churchill Road, it is not considered that it would result in overshadowing. Some morning sunshine may be lost at 55 Churchill Road, although it would not be significant.
- 5.16 A single storey element to the rear of the proposed dwelling is also proposed at a depth of 4.5 metres. The height of the extension would be 3.5 metres at its highest point, reducing down to 2.5 metres at its lowest. Whilst the extension would sit upon the boundary between the proposed dwelling and 55 Churchill Road, it is considered that the lean-to roof design would reduce the impact upon this neighbour in terms of a loss of outlook or overshadowing, through the positioning of the highest element of the extension closest to the rear wall of 55 Churchill Road. Further, the lounge that is served by the nearest opening to the boundary runs along the full width of the dwelling and is served by a second window. The harm that would be caused here is not, therefore, considered so significant as to warrant the refusal of the application.
- 5.17 The single storey element of the proposed dwelling would be positioned a sufficient distance from the adjacent neighbour at 57 Churchill Road in order to avoid any harm in terms of a loss of outlook or overshadowing.
- 5.18 No first floor openings would directly face towards 55 or 57 Churchill Road. No ground floor openings are present within the side elevation of 57 Churchill Road that could be affected by the proposed ground floor openings in the dwelling. A first floor side facing opening is present at 57 Churchill Road although this opening is obscure glazed and floor plans indicate that it serves an en-suite bathroom. The proposed dwelling is not considered to result in significant harm to the amenity or privacy currently enjoyed by neighbouring properties, in accordance with Government guidance contained within the NPPF and saved Policy C30 of the adopted Cherwell Local Plan that seeks standards of amenity and privacy acceptable to the Local Planning Authority.
- 5.19

Highway Safety

- 5.20 Oxfordshire County Council Highway Authority have assessed the proposal and do not consider that harm would be caused to highway safety, subject to conditions requiring the provision of two off-street parking spaces per dwelling. Two parking spaces are proposed at 55 Churchill Road and one space is proposed for the new dwelling. Given the sustainable location of the site in close proximity to Bicester Town Centre, it is considered that providing one space is sufficient. It is considered that the refusal of the application based on the failure to provide two parking spaces could not be sustained at Appeal.
- 5.21 The layout of the proposed access and driveway is considered acceptable. The proposal accords with Government guidance contained within the NPPF that seeks

safe layouts which minimise conflicts between traffic and cyclists or pedestrians.

Engagement

- 5.22 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through discussion with the applicant on site.

Conclusion

- 5.23 The principle of the erection of a dwelling in this sustainable location, in close proximity to Bicester Town Centre, is considered acceptable. The proposed dwelling would not result in significant harm to the visual amenities of the locality, the amenity or privacy currently enjoyed by neighbouring properties or highway safety, in accordance with Government guidance contained within the National Planning Policy Framework and saved Policies C28 and C30 of the adopted Cherwell Local Plan.

6. Recommendation

Approve (subject to conditions)

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

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

- 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application form, Design and Access Statement and drawings numbered: 100, 104A, 105A, 106A

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

- 3 Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4 Prior to the first occupation of the dwelling hereby approved, the existing means of access between the land and the highway shall be widened to geometry as submitted and formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the commencement of the development hereby approved, a plan showing a car parking provision for three spaces to be accommodated within the site to include

layout, surface details, and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

- 6 Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Planning Notes

- 1 With reference to Condition 4, the guidance referred to is available at <http://www.oxfordshire.gov.uk/cms/content/dropped-kerbs>
- 2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
- 3 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

STATEMENT OF ENGAGEMENT

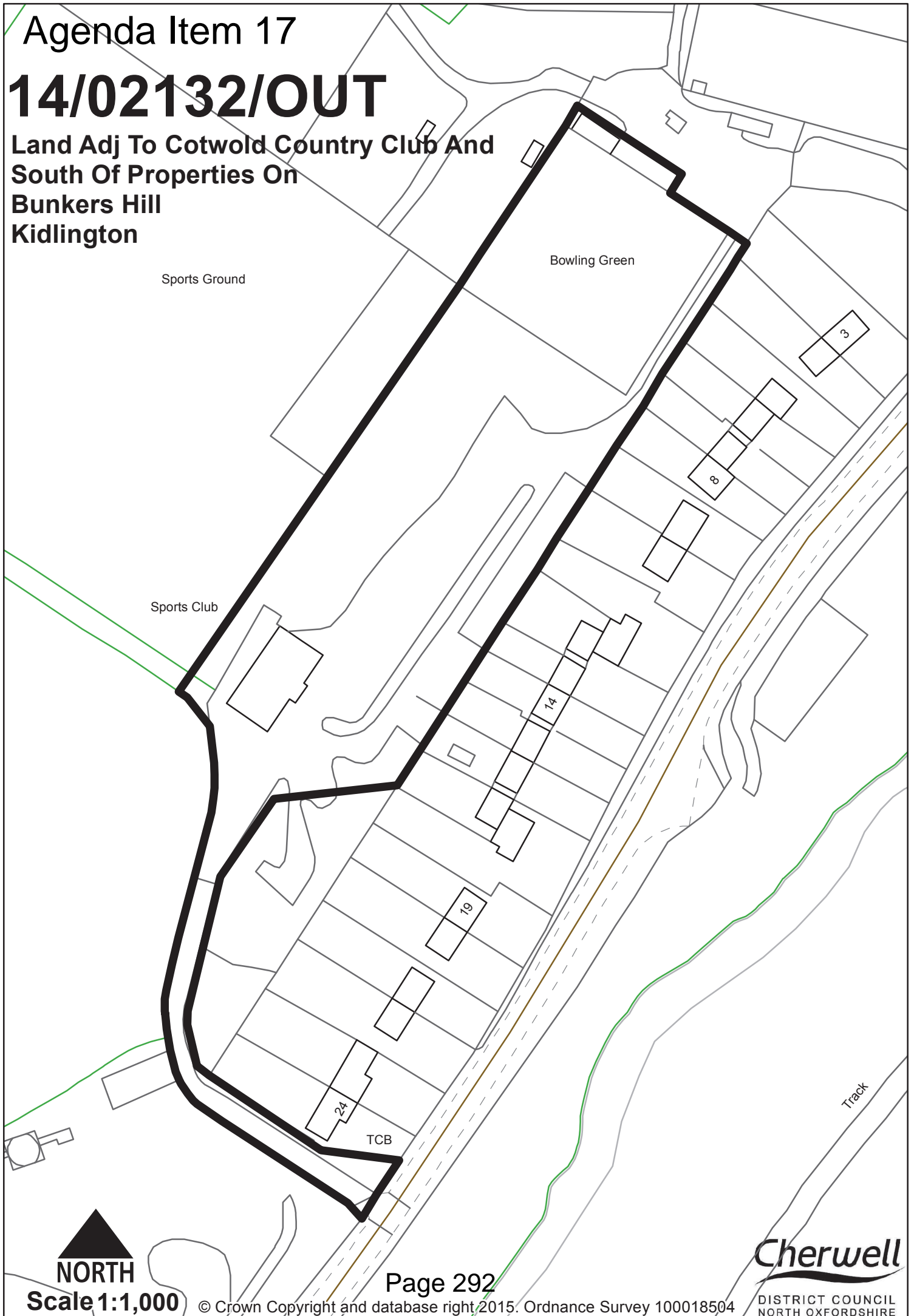
In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way through approving an application for sustainable development.

CONTACT OFFICER: Gemma Magnuson TELEPHONE NO: 01295 221827

Agenda Item 17

14/02132/OUT

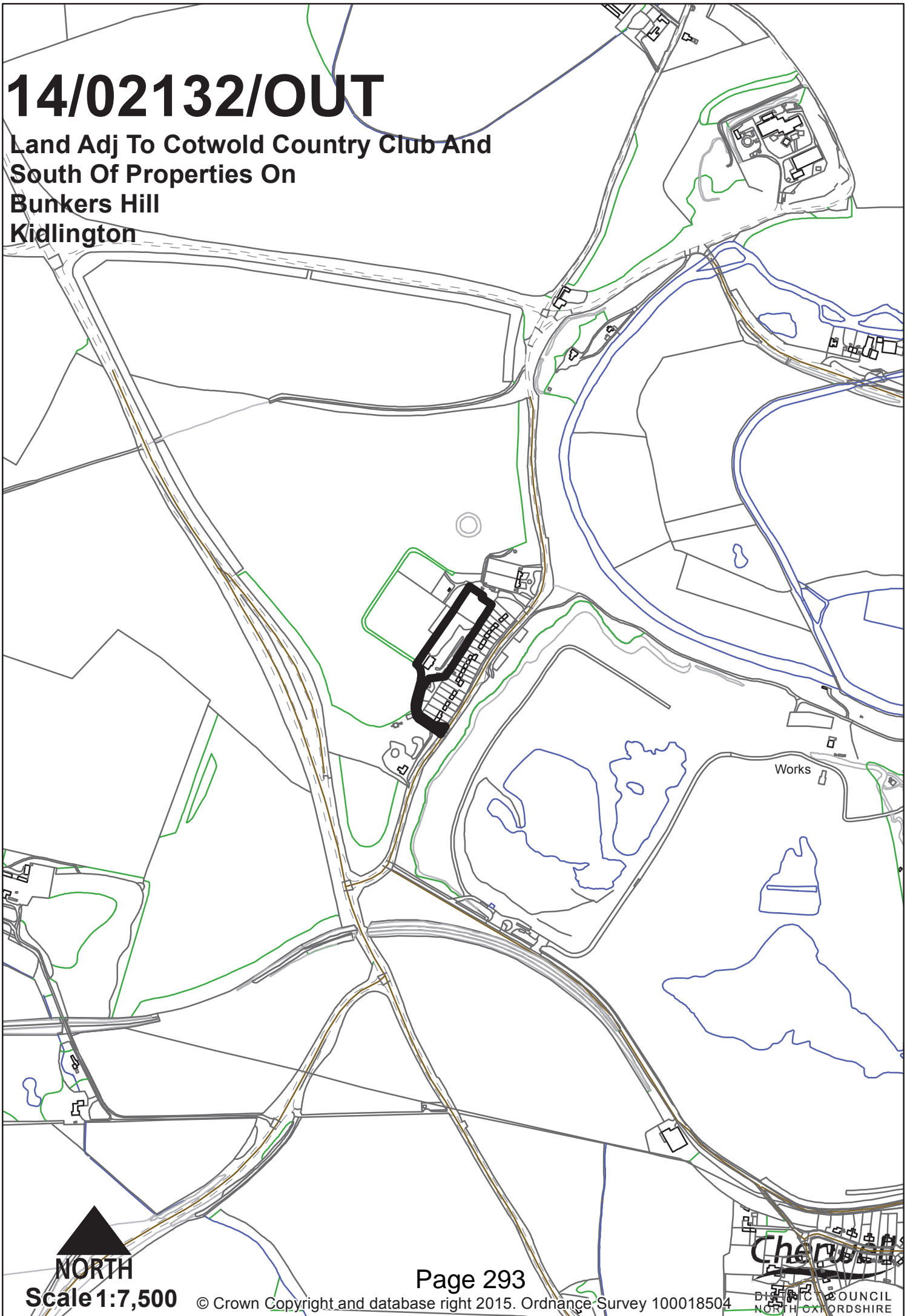
Land Adj To Cotwold Country Club And
South Of Properties On
Bunkers Hill
Kidlington



Scale 1:1,000

14/02132/OUT

Land Adj To Cotwold Country Club And
South Of Properties On
Bunkers Hill
Kidlington



NORTH

Scale 1:7,500

Page 293

© Crown Copyright and database right 2015. Ordnance Survey 100018504



**Site Address: Land adj to Cotswold
Country Club and South of Properties on
Bunkers Hill Kidlington**

15/02132/OUT

Ward: Kirtlington

District Councillor: Cllr Holland

Case Officer: Shona King

Recommendation: Refusal

Applicant: Mr Alan Mackenzie-Wintle, Heritage Pensions Ltd

Application Description: Outline – Development of eight houses and access improvements

Committee Referral: Member Request

Committee Date: 19 March 2015

1. Site Description and Proposed Development

- 1.1 The site is located to the rear of a row of dwellings which front onto the A4095 and currently comprises an area of hardstanding, former Club building, and a disused bowling green and associated changing rooms and maintenance shed. Access to the highway is via a narrow track onto the A4095 at the western end of the site. The site is bounded to the north and west by countryside and to the east by an established nursery/garden centre.
- 1.2 Outline consent is sought for the demolition of the Club building and those associated with the bowling green and the erection of eight dwellings. Improvements to the access are also proposed.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment was the 5th February 2015. 12 letters have been received, 1 in support, signed with 10 signatures, and 11 objecting to the application. The following issues were raised:

- Loss of countryside
- Traffic/highway safety
- Lack of lighting
- Lack of local amenities
- Reliance on private car
- Limited bus service
- Use of land not in applicant's ownership
- Noise from Kidlington Airport
- Upkeep and running of community facility
- Viability of community facility
- Contrary to policy
- Lack of consultation with residents by applicant
- Existing residents to improve water supply and repair water tower
- Existing sewage system to undergo maintenance.
- Sympathetic development
- Benefits to community
- Restore sense of community
- Not unsustainable
- Improve appearance of area

3. Consultations

- 3.1 Shipton-on-Cherwell and Thrupp Parish Council: We consider that the proposed development would significantly improve the infrastructure and amenity of the Bunkers Hill settlement as a whole and therefore fully support the application.

Cherwell District Council Consultees

- 3.2 Planning Policy Officer: The site lies outside the built-up limits of the village, would extend development into the countryside and as such is contrary to adopted Development Plan policies.

The Council cannot demonstrate a five year housing land supply however this is a small site of less than 10 dwellings therefore it is not considered to be of housing land supply significance. It is noted that the application does not provide any affordable housing but instead a contribution of £40,000 will be made towards off-site affordable housing provision. This is contrary to emerging policy and the need for affordable housing is of course high. It is not yet known whether the Local Plan Inspector will make observations on the policy in the context of the recent change to the NPPG. In advance of the Local Plan Part 2 or a Neighbourhood Plan it will be necessary to consider the district's current housing supply situation, to be mindful of emerging policy and the likely impact of proposed developments on a case by case basis.

As mentioned earlier Bunkers Hill is within Shipton on Cherwell and Thrupp parish and is a Category C Village in the emerging Local Plan, which is one of the least sustainable settlements in the district. The sustainability of the area was considered as part of the planning application 12/01271/F on a neighbouring site for 3 dwellings which was dismissed at appeal in 2013. The Inspector had recognised that "Bunkers Hill is essentially a single row of about 20 houses isolated from any settlement and with few facilities of its own." The Inspector continued to state "I do not accept the appellant's suggestion that this is a sustainable location for residential development. The lack of local services is such that, while there is a bus service nearby, residents would be mainly reliant on cars for trips to day-to-day services and facilities, including employment, education, medical services and shopping."

Policy Recommendation

The planning policies contained in existing Local Plans, the Submission Local Plan as Proposed to be Modified, the NPPG and the NPPF will need to be taken into account. From a Policy perspective the proposal would lead to an incursion into the open countryside and the loss of natural resources. There would be benefits from the provision of new houses. However, landscape, the loss of recreation use and building and other impacts will need to be considered. Development in this unsustainable location would be contrary to Local Plan policies and is therefore not supported.

- 3.3 Environmental Protection Officer: No comment to date
- 3.4 Landscape Officer: The application site is presently well-screened by intervening structural vegetation between the PRoW to the north and the surrounding highways, A4260, A4095 and B4027. The localised visual impacts will affect the residences of Bunkers Hill immediately South east of the site; however the proposed indicative landscaping on the Proposed Layout Plan goes some way in mitigating this visual impact.

There are existing trees near to the site access which will be within an influencing distance of the proposed access road and therefore a tree survey should be implemented by a qualified arboriculturalist in accordance with BS5837, if consent is given. Standard CDC landscape and tree retention conditions are also necessary

The site is subject to on-site play provision because the threshold of 6 units has been achieved. An equipped LAP is required, perhaps on the community facility site. The commuted sum will be £31,995.52.

The community centre is going to be too close to the boundary of plot 8 to allow residents the necessary privacy, etc., and therefore a landscaped buffer between them of 5 m (similar to the buffer required for a LAP). The community centre area with a LAP will have to be increased in area to accommodate both facilities.

Please note that it is evident that this application will be contributing a further extension into the countryside and is therefore contrary to CDC's relevant planning policies, highlighted by Planning Policy, and for this reason I do not support the application.

Oxfordshire County Council Consultees

- 3.5 Highways Liaison Officer: The proposal is identical to the previously refused application no.14/01565/OUT.

The Highway Authority notes improvements are to be made to the access point and the access lane itself in terms of widening.

However this still does not overcome the sustainability of the site. As per the previous Highway Authority comments "The location is considered unsuitable for an increased residential usage. Poor accessibility to essential shops and services will result in residents being highly dependent upon the private car and therefore, from a transport perspective, the proposal is considered unsustainable"

Furthermore, it is noted the access point is to be potentially improved along with the vision splays which is considered a benefit over the existing situation. However, on drawing no.002F, Job No.1320 the improved vision splay crosses 3rd party land in which the applicant has no control over.

Given the reasons set out above the Highway Authority recommends refusal to the proposal.

- 3.6 Minerals and Waste: The land adjoining the application site to the north west was the subject of a planning permission granted on 13th July 1956 for the winning and working of minerals (limestone) for the manufacture of cement (application no. M542/55). However, this is no longer an extant planning permission, having lapsed without being implemented before the 1979 deadline for old mineral working permissions.

This old permission suggests the presence of a potentially workable deposit of limestone within the area of land bounded by the A4095, A4260 and B4027, although published BGS mapping does not confirm this. The land to the south east of the A4095 at Bunkers Hill was worked for limestone to serve the former Shipton on Cherwell cement works, and some limestone extraction for aggregate use is continuing to take place there in conjunction with other development.

The proposed development needs to be considered against saved Oxfordshire Minerals and Waste Local Plan policy SD10 on protection of mineral resources. This policy dates from 1996 but it is consistent with the NPPF (paragraph 143, bullet 3). Under policy SD10, development which would sterilise the mineral deposits within this site should not be permitted unless it can be shown that the need for the development outweighs the economic and sustainability considerations relating to the mineral resource.

The Council is not aware of any current minerals industry interest in the working of limestone within the area of land to the north west of the application site and, in the absence of the Shipton on Cherwell cement works, it is uncertain whether there is now a commercially workable deposit of limestone at this location.

The application site lies immediately to the north west of existing houses on the northwest side of the A4095 at Bunkers Hill and is adjoined to the north by an existing garden centre. Part of the application site is occupied by an existing clubhouse building. These existing developments would all act as constraints on any mineral working within the application site or the land to the north west. Any working within the application site itself would almost certainly be ruled out by the need for unworked margins (buffer zones) between any working and these existing developments. The extent of the unworked margins required would be likely to extend beyond the application site, into the land to the north west. Whilst the proposed housing development would extend the unworked margins further into the land to the north west, I consider it unlikely that this would significantly increase the quantity of mineral that would be prevented from being worked.

Taking into consideration the uncertainty over the presence of a commercially workable mineral deposit within this site and the land to the north west; the constraints from existing development that already apply to any mineral working in this area; and the limited additional constraint on any such working that the proposed development would introduce; I consider there to be insufficient justification for these mineral deposits to be safeguarded from the effect of the proposed built development and, accordingly no objection should be raised to this application on minerals policy grounds.

Other Consultees

3.7 Thames Water: Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

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

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H15:	Category 3 Settlements
H18:	New dwellings in the countryside
C2:	Protected species
C7:	Landscape conservation
C8:	Sporadic development
C9:	Compatibility with rural location
C13:	Area of High Landscape Value

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Local Plan (October 2014)

Submission Local Plan (October 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed in December 2014 and the Inspectors report is likely to be published in March 2015.

The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

Policy Villages 1: Category C

BSC1:	District wide housing distribution
BSC3:	Affordable housing
BSC4:	Housing mix
BSC10:	Protection of open space outdoor sport and recreation uses
BSC2:	The effective and efficient use of land
ESD1:	Mitigating and adapting to climate change
ESD10:	Protection and Enhancement of Biodiversity and the Natural Environment
ESD13:	Local landscape protection and enhancement
ESD16:	Built and historic environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning History
- Principle
- Impact on the visual amenities of the area
- Highway safety
- Impact on neighbouring properties amenity

- Ecology
- Other issues

Planning History

- 5.2 Planning permission was granted in 2005 under 04/02441/F for the demolition of an existing clubhouse and the erection of a new clubhouse.
- 5.3 Planning permission was refused in December 2014 under application 14/01565/OUT for the development of eight houses and access improvements. The application was refused as the development was considered to represent development within the countryside which could not be justified on the basis of an identified need. It was considered to constitute unsustainable, new build residential development in a rural location which is divorced from established centres of population, not well served by public transport and is reliant on the use of the private car. The development was considered to be prejudicial to the aims of both national and local policy to focus development in areas that will contribute to the general aims of reducing the need to travel by private car.
- 5.4 Planning permission was refused under application 12/01271/F in 2012 and dismissed at appeal in September 2013 on a neighbouring site for the demolition of existing car repair buildings and construction of 3 dwellings.

Principle

- 5.5 The development plan for Cherwell comprises the saved policies in the adopted Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the development plan unless material planning considerations indicate otherwise.
- 5.6 With specific regard to housing proposals the NPPF, in paragraph 49, further advises that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.' To achieve sustainable development, the NPPF sets out the economic, social and environmental roles of planning including contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (para 7). It also provides (para 17) a set of core planning principles.
- 5.7 The NPPF does not change the statutory status of the development as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise. (para 12)
- 5.8 The Adopted Cherwell Local Plan and the Submission Local Plan do not contain any policies which seek to allocate the site for residential development. Sites other than those allocated, fall to be considered under Policy H12 of the adopted Local Plan which allows for development within the built-up limits of rural settlements in accordance with Policies H13, H14 and H15.
- 5.9 The site is located to the north of a single row of 24 dwellings isolated from any settlement. It is considered to represent sporadic development in the countryside and this opinion is supported by the Inspector for the appeal on the adjacent site

(12/01271/F). Saved Policy H18 of the ACLP applies. This policy states that new dwellings beyond the built up limits of settlements will only be permitted where they are essential for agricultural or other existing undertakings. No case has been made for consideration as a rural exception site or other essential undertaking. As the proposal cannot be justified on the basis of an identified need in an unsustainable location, the proposal clearly does not comply with this policy criterion and therefore represents a departure from the ACLP.

- 5.10 The development is also considered to be contrary to Policy C8 of the ACLP. This policy seeks to resist sporadic development in the open countryside.
- 5.11 The Council cannot identify a 5 year housing land supply and it could therefore be argued that the housing policies within the adopted Cherwell Local Plan are out of date. Paragraph 14 of the Framework makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted.
- 5.12 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable development and in the context of this application would include promoting sustainable transport, delivering a wide choice of high quality homes, requiring good design and the conservation and enhancement of the natural environment.
- 5.13 It is considered that Policies H18 and C8 are broadly consistent with the NPPF and therefore weight can still be attached to them. The Inspector for the appeal on the neighbouring site concluded that these policies were in particular consistent with para 55 of the NPPF and attached considerable weight to them.
- 5.14 In the supporting statement accompanying the application the agent has raised as an issue that Inspectors for other appeals have taken a different view on the weight of these policies such as:
- 70 dwellings at Hook Norton (11/01755/OUT) allowed on 23/9/2013
 - 25 dwellings at Adderbury (13/00996/F) allowed on 3/0/2014.
- The Inspectors for these appeals considered that Policies H18 and C8 of the adopted Cherwell Local Plan are out of date.
- 5.15 Notwithstanding the discrepancy between the findings of different Inspectors, whilst the application proposal re-uses previously developed land, encouraged by paras 17 and 111 of the NPPF, given its remote location, the proposal is considered to represent unsustainable new build residential development in a rural location which is divorced from established centres of population, not well served by public transport and is reliant on the use of the private car. The development is considered to be prejudicial to the aims of both national and local policy to focus development in areas that will contribute to the general aims of reducing the need to travel by private car.
- 5.16 The applicant's agent has quoted a further planning appeal that was allowed at Enslow approximately 1 mile to the north east of the site. This appeal was for the demolition of existing buildings on the site, the erection of 170m² of Class B1 officer development and 10 dwellings with an associated access. Application 12/00643/OUT refers. This development, whilst in a rural location, was allowed as it was considered to be within a settlement with employment opportunities in walking distance along with the additional B1 employment floorspace to be provided. A financial contribution towards the provision of affordable housing within the nearby village of Bletchingdon and a footpath to the public house in Enslow were also proposed which were

considered to be further benefits of the proposal. The Inspector found that the “considerable benefits of the proposal would not be outweighed by the harm arising from the provision of housing within a Category 3 village”.

5.17 The applicant’s agent has stated in the supporting statement that the development is not in an isolated location as it relates well to existing housing; it is not visually prominent and is sustainable as it makes good use of previously developed land; and is a high quality scheme which does not harm the rural character of the area or local landscape. It has also been stated that local finance considerations can be a material consideration in determining planning applications and in this instance the New Homes Bonus resulting from the development of eight houses would provide funds to benefit the local community.

5.18 Notwithstanding these above arguments deployed by the applicants. your officers consider that having balanced the need for housing land against the other material considerations set out below that the proposal comprises development within the countryside and whilst it is previously developed land the construction of 8 dwellings in this location is unsustainable and therefore contrary to the Policies within the adopted Cherwell Local Plan, the Submission Local Plan and government guidance within the NPPF

Impact on the visual amenities of the area

5.19 The proposed development will not have a significant impact on the visual amenities of the area. It is well screened in public views due to the location of the existing dwellings and the vegetation in the surrounding vicinity. There is a footpath to the north west of the site but this is some distance from the application site and views into the site will not be significant.

Highway safety

5.20 The Highway Authority has recommended refusal of the application on the grounds that the development is in an unsustainable location. They state that poor accessibility to essential shops and services will result in residents being highly dependent upon the private car. The proposed vision splay also crosses 3rd party land which the applicant does not have any control over.

Impact on the living amenities of neighbouring dwellings

5.21 The proposed development is in outline with appearance, landscaping, layout and scale reserved for consideration at a later date. However, it is considered that if permission were to be granted a layout could be produced that did not result in any unacceptable overlooking of private amenity space or habitable room windows, loss of light or overshadowing of the existing properties. The location of the proposed access into the site and the use for up to 8 dwellings will not result in a significant level of disturbance to the neighbouring properties adjoining the access.

Ecology

5.22 The Council’s Ecologist was consulted on the previous application and considers that the area of land proposed for development has some potential to support reptiles, which are protected from killing and injury under the Wildlife & Countryside Act 1981 (as amended). It is considered that the existing buildings are not particularly suitable for use by bats but that the existing hedgerows should be retained and enhanced with new appropriate planting. If consent is granted it is recommended that a condition is attached to the permission restricting the clearance of the site.

Other Matters

5.23 The applicant for the current application has advised that they will improve the access to the site (and to the rear of the dwellings in Bunkers Hill), provide an improved water supply and sewerage system, provide a “work from home/home office” and community facility, demolish an obsolete water tower as well as make a contribution towards off-site affordable housing provision if planning permission is granted.

5.24 Improvements to the junction with the highway and access road

The improvements to the access, as set out in the supporting statement and indicated on drawing no. 1320/002E, will undoubtedly improve the existing situation. The access is currently well below the required standards with poor visibility to the north east and the width of the existing track is very narrow with no passing places. However as part of any new development this would need to be upgraded to ensure that the scheme met the necessary highway safety standards resulting from increased traffic generation. The permission for the replacement of the clubhouse in 2005 (04/02551/F) did not however require works to the access and junction with the highway.

5.25 Improvements to the water supply

The existing dwellings and clubhouse at Bunkers Hill are served by a private distribution system which involves mains water being piped to a holding tank at the northern end of the site and then pumped to the individual properties. The site was originally served by a mains fed water tower which is no longer used as it became contaminated. The overflow tank for the water tower was then used to hold the mains water prior to distribution to the individual properties. This also became contaminated and the Management Company approached Thames Water about the individual properties being directly connected to the mains. A temporary tank was fitted whilst discussions have been taking place. The quality of the water supply has been acceptable whilst the temporary tank has been used.

5.26 The continued use of the temporary tank in the long term however is not an option as it does not comply with the relevant legislation. The existing supply will need to be upgraded in the near future with or without any new development as if the Management Company does not improve supply they are at risk of prosecution by the Council for supplying sub-standard quality water. The options for the existing residents are:

- To install a suitable tank
- To connect directly to the mains

5.27 In my opinion it is not necessary to allow development in an unsustainable location to pay for the connection of the existing dwellings directly to mains water but it is desirable for the residents of those properties. They have the option of a new holding tank which will overcome the existing issues.

5.28 Sewage disposal facilities

The existing on-site sewage treatment plans and facility is relatively old and the applicant has stated that if permission is granted a new treatment plant will be funded and installed to serve all of the Bunkers Hill properties. Whilst the existing residents may welcome the replacement of the facility it is not a matter that will be of wider public benefit and the existing residents occupy the dwellings in the knowledge that they have a private treatment facility to maintain.

5.29 Demolition of the water tower

The water tower is in a state of disrepair and it will require attention in the future to either demolish or make safe. However it is not prominent in public views as it is surrounded by mature trees which screen it and it does not significantly detract from the visual amenities of the area. Its demolition is not considered to be of great benefit to the wider public.

5.30 “Work from home/home office” and community facility

The location of the proposed “work from home/home office” and community facility is indicated on the layout plan. No details are given of the proposed building however the supporting statement advises that the building will serve multiple purposes encouraging the residents of the existing and proposed dwellings to reduce the amount of vehicular movements and to increase the sustainability of the community.

5.31 During the daytime it is proposed that the building would be used as a home office/business centre with desks and IT facilities and during the evenings and weekends the building would be used for meetings/parties/youth club/local events. It would not be licensed but would have a small kitchen. It may also be used as a small store for non perishable items for the benefit of the community to reduce car travel.

5.32 No details have been provided with the application that there is any demand for this type of facility or indeed that it would be viable. The existing clubhouse has been vacant for a number of years as it was not considered to be viable to operate. The proposed facility would in my opinion have little public benefit as it is for use by the residents of Bunkers Hill and if it were to be used by the wider public it would be located in an unsustainable location.

5.33 There is also a modern village hall at Shipton-on-Cherwell within 1 ½ miles of the application site.

5.34 Affordable housing contribution

The applicant is proposing to make a contribution towards off-site affordable housing provision if permission is granted. Whilst there is a need for more affordable housing within the district there is no current policy position for requiring affordable housing provision within the site and it is not in an accessible location to meet the affordable housing needs of nearby villages. A contribution towards off-site provision is therefore the most suitable.

5.35 The Planning Practice Guidance however has recently been updated and sets out that affordable housing and tariff style contributions should be sought from developments of 10 or more dwellings. In designated rural areas where a lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development.

5.36 This is not such a designated rural area and as such it is considered that a contribution towards affordable housing cannot be sought as the development is for 8 units.

5.37 Whilst the foregoing are benefits, and therefore material to the consideration of the application, they do not in my opinion outweigh the harm arising from the provision of housing isolated from any settlement.

Engagement

- 5.38 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged as the agent has been kept informed of the issues and problems that have arisen in the determination of the application.

Conclusion

- 5.39 It is considered that the proposal comprises development within the countryside and whilst it is previously developed land the construction of 8 dwellings in this location is unsustainable and therefore contrary to the Policies within the adopted Cherwell Local Plan, the Submission Local Plan and government guidance within the NPPF.

6. Recommendation

Refusal, for the following reasons:

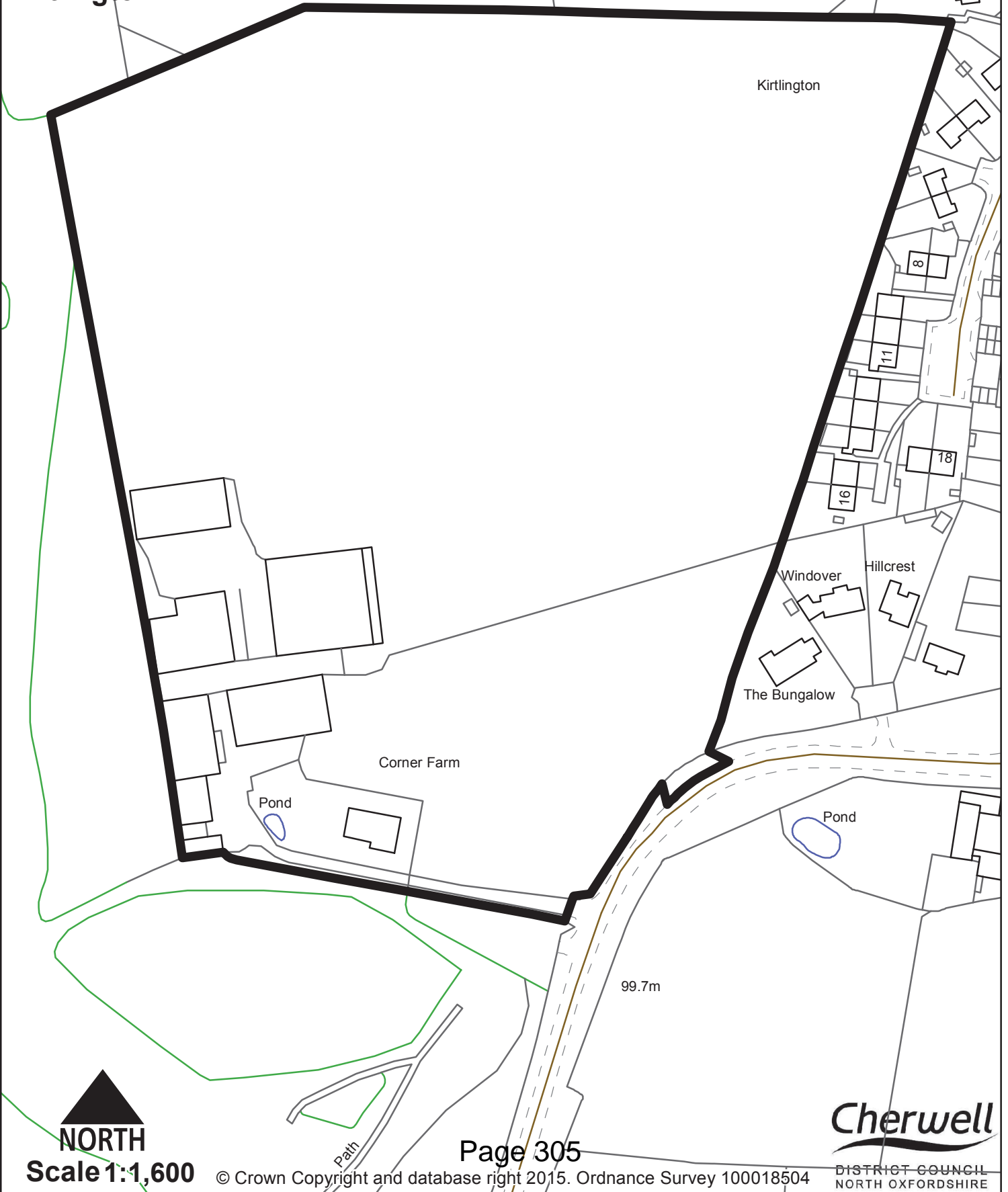
1. Notwithstanding the Council's present inability to demonstrate that it has a 5 year supply of housing land required by Paragraph 47 of the NPPF, the development of this site cannot be justified on the basis of the land supply shortfall alone. The proposal represents development within the countryside where there is no proven need for agriculture or other existing undertaking and the application has not been made on the basis that it is a rural exceptions site. As the proposal cannot be justified on the basis of an identified need, it constitutes unsustainable, new build residential development in a rural location which is divorced from established centres of population, not well served by public transport and is reliant on the use of the private car. The development is considered to be prejudicial to the aims of both national and local policy to focus development in areas that will contribute to the general aims of reducing the need to travel by private car. The proposal is, therefore, contrary to Policies H18 and C8, of the adopted Cherwell Local Plan, Policy Villages 1 of the Submission Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as the agent has been kept informed of the issues and problems that have arisen in the determination of the application.

14/02139/OUT

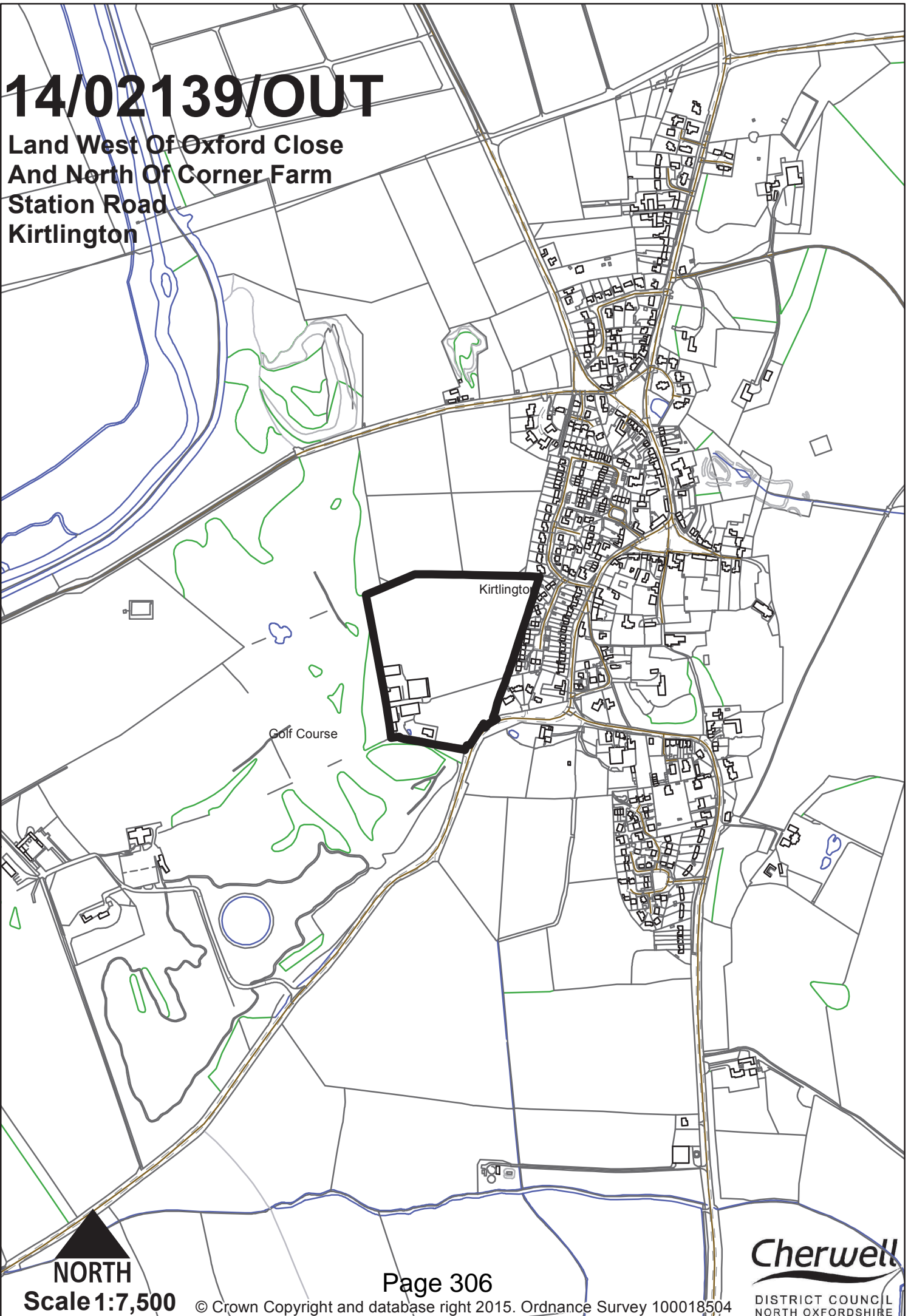
Land West Of Oxford Close
And North Of Corner Farm
Station Road
Kirtlington



Scale 1:1,600

14/02139/OUT

Land West Of Oxford Close
And North Of Corner Farm
Station Road
Kirtlington



NORTH

Scale 1:7,500

Page 306

© Crown Copyright and database right 2015. Ordnance Survey 100018504

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Site Address: Land West of Oxford
Close and North of Corner Farm, Station
Road, Kirtlington**

14/02139/OUT

Ward: Kirtlington

District Councillor: Councillor Holland

Case Officer: Linda Griffiths

Recommendation: Approval

Applicant: Gladman Developments Ltd

Application Description: Outline – Demolition of existing bungalow and agricultural buildings and residential development of up to 75 dwellings including highway works, landscaping and public open space

1. Site Description and Proposed Development

- 1.1 The application site relates to approximately 5.8 hectares and is located to the west of Lince Lane. An existing bungalow and agricultural buildings are located on the south western boundary of the site. It is proposed that these buildings will be demolished. The land is currently farmed in conjunction with the aforementioned farm unit and cattle graze the land. The application seeks consent for up to 75 dwellings on an area of land of 2.46 hectares on the eastern part of the site, with the remainder proposed as public open space. To the south and west of the site is Kirtlington Golf Club. Lince Lane/Oxford Road runs to the south and east and there are agricultural fields to the north. There is an existing public right of way which runs from north to south across the site and runs parallel to the eastern boundary. There are no Tree Preservation Orders on the site. The site abuts the western existing built up edge of the village along its eastern boundary.
- 1.2 Vehicular access into the site is proposed via a new priority junction with the A4095 Lince Lane/Oxford Road, with a right turn facility into the site on the outside of the bend in the middle frontage of the site. Improved and new footways are proposed back into the village centre. Access is for consideration as part of this outline submission. The application site is elevated above the adjacent A4095 by approximately 1 metre, and the frontage to the A4095 is bounded by a low stone wall. The existing public right of way which runs along the eastern boundary of the site exits via a stile onto the A4095 highway verge. This will be retained as part of the development.
- 1.3 Within the local area there are Schedule Ancient Monuments, Conservation Area, Registered Parks and Gardens and Listed Buildings. The site lies within the Cherwell Valley which is designated as an Area of High Landscape Value as identified within the adopted Cherwell Local Plan. The site is not within a conservation area although Kirtlington Conservation Area lies just to the east, within which lies Kirtlington Park Registered Parks and Gardens with numerous listed buildings, including the Grade II Listed St Mary's Church to the east of the site.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notices and a notice in the local press. The correspondence received is summarised below, the letters can be viewed in full within the application documentation.

107 letters have been received. The following issues were raised

- Despite being a reduced number remains many more homes than can be accommodated and is still an unbalanced and unbalancing proposal for Kirtlington, smaller, discrete sites of a style that enhances the appeal of the village would be acceptable
- Highway and drainage/sewerage infrastructure is not adequate, there are regular power cuts. HGVs cannot pass near the village shop and often mount the pavement. Parked cars are hit every few months
- Primary school cannot accommodate the additional pupils and does not have room to extend
- Secondary school cannot accommodate the additional pupils
- Contrary to policy which only allows in-filling or brownfield development as well as small developments of up to 25 houses
- Access for pedestrians (apart from along the main road) to the main part of the village would be via a narrow, often overgrown and poorly maintained footpath with no scope for widening
- Loss of privacy, peace and quiet
- Increased traffic through the village and associated dangers of the A4095, particularly with reference to Troy Lane and pedestrians crossing near the shop, school and pubs
- Unsuitable access on a dangerous bend with limited visibility
- Use of viable farmland when there are infill sites available within the village
- Scale of the development will alter the nature and feel of the village
- Approved developments at Upper Heyford will over-stretch the already over worked road junctions to the point of gridlock, this will add to the problems
- The site is a hilltop, there are better sites in the village where small developments would not damage the visual aspect of the approach to the village
- Neighbourhood plan must be taken into consideration
- Kirtlington currently has approximately 400 houses and this would be an increase of almost 20%
- Village is used as a cut through when there are problems on the A34 or M40
- There is a need for affordable housing in the village, but the benefits of the percentage of affordable homes would be swamped by the adverse consequences of such an unbalanced development for the village. Small development of 15 low cost houses would be more sensible
- Station Road has a bottle neck at the junction with the B4027 at Enslow which is a particular problem in the mornings with traffic queues forming past Ingleby Paddock and towards the golf course
- Are any extra amenities such as doctors surgery and shop planned
- Loss of views across fields, overlooking and loss of sunlight to rear gardens
- Impact on local wildlife, including bats and Red Kite
- Ecology report is deficient
- The heightened differential (about 1.5m) above existing housing bordering the development will be invasive to those properties and families
- Increased light pollution affecting the ability to enjoy the stars
- Archaeology
- Potential flood risk from the higher land
- Little employment in the village
- Whilst agree additional housing is required, this location is unsuitable for reasons already specified above
- Increased travel by car to deliver children to schools outside the area and work. There is no railway station within walking distance and the buses stop early evening
- Principle of building outside the village envelope, on a greenfield site will lead to further applications

- Internal roads indicated provide for later links to the adjacent land
- Ecology report does not refer to 'wildlife and its conservation in Kirtlington' which was published by KWACS in 2008. This is available on the Kirtlington website and TVERC hold a copy and is the best source of recent information about wildlife in Kirtlington
- Contrary to current and emerging planning policy
- Localism, the development is not supported by the overwhelming majority of people who live in the parish
- This is not a logical expansion to the village, increasing it beyond its natural boundaries
- Comments made in respect of the previous application for 95 still stand, many of the points raised are still relevant to this application. The fact that this is a reduced number makes no difference at all. Furthermore, they are now proposing to cram them on a smaller part of the site which is worse as the remaining parcels could be given further planning permissions in the future
- This village at its base consists of some 400 dwellings and to absorb 75 new dwellings in one phase would be intolerable; too many people all at once and impossible to assimilate from a socialising point of view, the development at Gossway Fields and Roman Point being a case in point
- No development should take place in the villages until the road infrastructure, including the M40 and A34 junctions have been improved. This would preclude the provision of a by-pass for Kirtlington
- Development is physically isolated from the village
- Construction is already underway in Chesterton for 50 houses, Bletchingdon 58 houses, Bicester 1000s of homes, Upper Heyford 1800+ and possibility of 1500 in Woodstock, all of which are either on or lead to the A4095
- Kirtlington is linear in nature and the addition of an 'outcrop' on its western side is not in keeping
- The results of the one-off traffic survey simply does not reflect the day to day experience of using the A4095 in Kirtlington as either a driver or a pedestrian. Counts were made at the proposed access point and do not take account of traffic travelling through the core of the village and onto the Bletchingdon Road.
- Ecology report dismisses the value of, and the impact of the proposed development on Kirtlington Quarry which is both an SSSI and RIGS in respect of its internationally important geology and is a designated Local Nature Reserve.
- Geographically and socially foresee problems with assimilation, leading to the creation of an un-integrated and isolated block of separate housing. It is also unclear what the architectural style and finish of the proposed houses would be, which if not built sympathetically and in character with the rest of the village will also have a negative impact and reinforce any separateness.
- Houses will be too expensive for local people and likely afforded by newcomers who work elsewhere
- Public transport consists of 1 bus per hour. It is not possible to walk to another settlement without using 50/60mph roads with no footpaths and many blind corners
- Housing needs in the wider local area are being met by large developments at Bicester and Upper Heyford
- The railway station at Tackley is only accessible by car in the winter
- Unsustainable development beyond the built up limits of the village in open countryside, not allocated for development, contrary to policy and the NPPF
- The Parish Council has demonstrated its commitment to the Mid-Cherwell Neighbourhood Plan and has made suggestions as to the scale of development considered appropriate in the village resulting from the recently conducted residents survey
- Landscape and Visual Assessment is deficient

- Relationship with adjacent golf course and stray balls
- Traffic assessment is inadequate

2 letters of support from village residents state that their grown up children would love to come back but current house prices are much too high and hope it includes bungalows and low cost housing for young people who were born in the village. It will be good for the village.

1 letter of support has been received from a resident in Penrith

3. Consultations

- 3.1 Kirtlington Parish Council (KPC) supported by the Parish Development Survey 2014, objects strongly to the principle of a development of 75 houses at the side of Kirtlington, which is disproportionately large in relation to the current settlement. KPC object to the building of this large new estate beside the village on currently farmed agricultural fields. This is a speculative development proposal which is an abuse of the correct plan-led process for identifying sites for new housing.

The grounds for objection are summarised under the following main headings:

Failure under the Localism Act

Kirtlington is one of eleven local parishes involved in the emerging Mid Cherwell Neighbourhood Plan in association with Heyford Park. The local co-operation achieved in this planning process is genuine 'localism' to achieve an agreed plan for growth by those most closely involved.

Following the 2014 village survey about village growth and in response to CDC enquiry regarding the SHMA needs for the modified local plan, KPC proposed a small organic growth in Kirtlington plus an allocation of houses for the brown field site of Heyford Park within the Mid Cherwell Neighbourhood Plan. KPC suggested up to 10 new dwellings in the village every 5 years until 2031 only if in tandem with the essential improvements to infrastructure. In terms of localism, this constructive co-operation locally is in stark contrast to the non-local and aggressive development opportunism of the applicant.

Local opinion is also clearly reflected in the number of individual objections submitted to CDC in opposition to this application. These objections contain further local information and should be read.

Dangerous Access

OCC highways should review very closely the information provided which does not demonstrate safe access. The point of access varies in different maps submitted. KPC emphasises its concern that the rising topography before a left hand bend just to the west of the access is an unacceptable hazard on the A4095 allowing insufficient visibility both to vehicles approaching from the west and for vehicles entering/leaving the site. Accidents have occurred in this part of the A4095. Also very relevant will be the heavy goods vehicle traffic to be generated on the same road due to new commercial glasshouses and their biomass boiler which has an entrance only 1km west of the access.

Footpath access

Neither the short section of unmade footpath from the site to Hatch Way, nor any extension to the footpath parallel to Station Road to beyond the existing private homes is on land owned by the landowner and footpath improvements cannot be assumed. The narrow, unmade footpath access to Hatch Way is inadequate for a development on this scale to be considered as linking the estate to the existing

community. It is implausible that most residents will usually go to the village centre on foot, and the development will remain detached from the main settlement, except by car using the dangerous access on the A4095 and increasing within village traffic.

Failure to demonstrate sustainability

The proposed development fails sustainability criteria in many respects.

Sewerage and other utilities

Thames Water has repeated its concerns about water and sewerage. Local residents have recorded that already the village sewerage system is insufficient, and have recorded their evidence of foul sewage overflow in the fields, draining into a stream leading to the Cherwell water system. The applicant's claims to have met demands must be reassessed. Correspondence by villagers has noted water pressure problems and electricity cuts already.

Primary School Capacity

The primary school is at full capacity now. OCC has stated that Kirtlington school has no capacity, nor any land to provide space for further development to increase the size of the school. It is a priority of KPC that children of parishioners can attend the primary school in the village. It is OCC transport policy that a primary school be available in villages within walking distance.

Transport, Travel and Pedestrian Safety

There is no easy access to a rail station by foot, bicycle or bus. The future Oxford Parkway station will not be accessed by the bus route and for Chiltern Railway services would be an insufficient journey. Kirtlington residents will continue to use Bicester North Station. Thus any access to rail requires car journeys.

Bus

There are only three buses to Kidlington centre per day. Walking to Kidlington centre from the nearest bus stop takes around 25 minutes for the able bodied. There are no buses leaving Oxford after 7.00pm. Total lack of public transport in other directions east or west. No public transport to medical centres at Islip and Woodstock. No dental practise easily accessible by public transport.

Road Infrastructure

The traffic survey is totally inadequate as it does not reflect either new planning applications granted or the current delays at rush hours.

Repeatedly villagers complain about the amount of traffic through Kirtlington because two commuter routes go through Kirtlington. Heavy Goods vehicles use the A4095 continuously and other lorries travelling on B430 south from junction 10 of the M40 turn onto the A4095 and through this village for an alternative route to the A34 avoiding the Weston on the Green bridge.

The traffic survey presented has not been through any traffic modelling software. Increased traffic will be generated by developments approved in Bicester and Witney, and at Chesterton including all those at Whitelands farm, at Woodstock, at Long Hanborough. All the developments around Banbury, at Heyford Park, all villages to the north and 58 houses at Bletchington.

As mentioned above the heavy goods traffic to be generated by the activities of the large commercial glasshouses and agricultural buildings with biomass boiler as well as traffic of the fruit farm business. Further heavy goods traffic is planned for depots, waste disposal, industry and retail in and around Bicester effecting the A4095.

Traffic Load and pedestrian safety

As well as adding to surrounding road traffic, a development of 75 new properties would increase the number of private vehicles accessing the centre of the village. This traffic would add further delays and congestion in the village. Risk to pedestrians, the elderly, the disabled and children is great. Access on foot to the

shop, school, church and village hall from the proposed development involves crossing the A4095.

Local Employment

The application suggests there is plentiful local employment accessible without a car. It is nonsense to suggest that there is local employment available for all those purchasing the 4 and 5 bedroom houses. It is clear that all or most residents in the development will commute out of the area by car.

Community

Applicant claims in the application that an estate of many new houses helps maintain "community". This is not the case. Kirtlington already has a very strong sense of village community and where a large estate is created at the side of the village there is a strong possibility of the opposite social effect. It is inaccurate to suggest that Kirtlington lacks young families as evidenced by the full capacity of the school. The mix of houses shows no 2 bedroom homes. 45 out of the 49 houses are shown as large 4 and 5 bedroom houses, while for housing association use there are only 2 and 3 bedroom houses and none suitable for large families.

Much of the documentation provides unnecessary information on other locations. Many of the socio-economic and employment comments relate to all of Cherwell and are irrelevant to Kirtlington.

Abuse of the plan-led process

Stated at the CDC local Plan examination on 18 Dec 2014 that the categorisation of villages would be reviewed in the second part of the local plan. Kirtlington is among the Category A villages and is inappropriate as it is not sustainable for much growth. The distribution of new homes across Category A villages is planned as pro rata. Kirtlington has 2.4% of the combined population across Category A so a development of 18 new homes would be the allocation. Application is premature pending acceptance of the Mid Cherwell Neighbourhood Plan, the CDC modified plan and the Local Plan part 2.

Other points identified in relation to the application.

The visibility of dwellings rising two storeys above ground level is underestimated from one bridleway and two footpaths, not to mention existing homes. The photos are of a scale and dimension that are misleading and from too few vantage points.

The Air Quality Report nor the Noise Screening report identify disturbance during construction of such a large development.

The maps of the Historic Context document show how the North/ South linear settlement shape of Kirtlington has been maintained. As the document states growth has been by 'small increments'. The village has been able to accommodate such gradual growth maintaining a good sense of community. In contrast, the proposed development is very large in relation to the existing village, not in accordance either with the traditional linear shape of the village or with small incremental growth.

In the Ground Conditions Desk Study, Hydrock states that both current and predicted chemical status are poor and that natural soil concentrations are below typical generic acceptance criteria for residential land use in terms of risks to human health. They recommend a list of further work which we highlight the need for an appropriate asbestos survey of the existing structures on site and contamination analysis.

The Ecological Survey makes no reference to the local ecology report, **Wildlife and its Conservation in Kirtlington** (2008) available on the Kirtlington Village website, nor takes sufficient account of newts and other reptiles, birds and rare plants recorded in close proximity to the site.

The 75 dwellings are all proposed on the eastern half of the site, separated from the western half by the planting of a new hedge. KPC questions the relevance of demolition of the existing buildings in the south western corner of the western half of the site. No plans or justification for this demolition, nor any comments given as to the future intended use of this large area of agricultural land.

Use of the SHLAA

The figure in the SHLAA report are not a reflection of policy but an imaginative exercise, no longer valid for Kirtlington because of all the problems of sustainability and access already listed in this objection. A reasonable contribution by Kirtlington to the Oxfordshire SHAA would be 18 houses, so long as growth is supported by considerable improvements to sewerage, road, and other infrastructure, new school premises etc.

Breaches of existing planning policy

The proposal breaches Policies C1, C2, C8, C9 and C27 of the Cherwell Local Plan 1996.

Breaches of emerging policy

Cherwell Submission Local Plan October 2014 Policy Villages 2. There is clear emphasis on the Local Plan Part 2 and Neighbourhood Plan and as such a plan led process will ensure that future housing delivery is planned in a holistic manner with appropriate growth for specific locations within each category of settlement. This would prevent ad-hoc unsustainable development such as the current application.

The Parish Council considers that the application fails to meet the criteria in Policy Villages 2, Policy C214 and Policy C227. KPC believe that there would be an adverse impact on wildlife assets and in relation to Policies C1 and C2 and refers the District Council to comments made by in response to 14/02139/OUT and Wildlife and its Conservation in Kirtlington (2008)

It would be a travesty of the concept of 'plan' in the local plan process if this application should succeed.

Gladman Developments is a non-local firm which has specialised in overcoming local views and local knowledge and exploiting timing issues in the planning process. The proposed development is inappropriate in planning terms and should not succeed against so much local opposition.

Kirtlington Parish Council has instructed Peter Brett Associated to carry out a review of the Transport Assessment submitted by Striling Maynard Transportation Consultants on behalf of Gladman Development Ltd. Their conclusions on the transport assessment are set out in a Technical Note dated 20 Feb 2015 and are set below-

This note has considered the robustness of the TA submitted on behalf of Gladman Developments Ltd for the proposed development of land accessed on the A4095 Lince Road to 75 dwelling units.

The note has identified that there will be an increase of traffic in the local road network as a result of the proposed development. The increased levels of traffic on the village roads are of concern as the road network may not adequately deal with it. Specifically, there is a narrowing on the main road (A4095) through the village resulting in delays and further opportunities for conflicts and accidents. The TA should have demonstrated adequate capacity at other constrained junctions in the local road network including Oxford Road/Bletchington Road junction.

The access to the proposed development is to be located on a bend with reduced forward visibility which would result in safety concerns because of the level of traffic using the access. In previous consultations on the proposed site, CDC had raised concerns about the adequacy of the proposed access to serve the proposed development without the means of a secondary access. Further, the Council has indicated the need to address the level differences between the existing level of the site and the carriageway in access design.

A review of the accident data presented in the TA shows that two serious accidents have occurred at the bends close to the proposed site access. This is a cause for concern as the proposed access is on the bends.

The emerging Local Plan and modifications identify Kirtlington as a service village not suitable for large scale development. The development of 75 dwelling units on a village of less than 1000 residents is clearly a large scale development. Although the site is identified in the emerging SHLAA as potentially developable, the document continues to state that the site contravenes existing planning policy.

Further, the TA has not demonstrated that consented developments within close proximity including the 1075 housing development and 15,000sq.m of employment at the former RAF Upper Heyford has been taken into account in the traffic calculations. Due to the reasons summarised above, the TA is not considered robust enough to determine the impact of the proposed development.

Kirtlington Parish Council wish to comment in respect of OCC's consultation response as follows:

We have now seen the Oxfordshire County Council's Response dated 10th February 2015 and available on the CDC website on 25th February 2015. We wish to respond to several points in this report.

Access:

We are surprised that Oxfordshire County Council (OCC) Highways, who previously thought there was not an appropriate level of forward visibility at the access, now suggests that an access in the same place as before (c.f. ref. no. 14/01531/OUT) has sufficient visibility ahead. We disagree strongly.

We draw attention to the report prepared by Peter Brett Associates dated 20th February, which provides an independent professional review of the Gladman TA Report. They conclude that the Gladman's TA Report is not considered robust enough to determine the impact of the proposed development. Furthermore their conclusion supports comments made by Kirtlington Parish Council (KPC) in their response dated 12th February about the access (Section 2a) and about traffic and road infrastructure (Section 3c iii), and to the many individual comments posted by villagers on the CDC website objecting to this development and referring to accidents.

Important details are:

- that just west of the access the visibility is obscured not just by a bend but also by a rise. Topography does not seem to have been considered by either Gladman or the OCC report. It is a very dangerous place for an access;
- that neither the Gladman nor the OCC report considers all the traffic from commuters expected along the routes through Kirtlington from all the other developments that now have planning permission, or are awaiting permission, from Bicester to Witney, from Banbury and northern villages to Oxford, including nearby at Chesterton, Heyford Park, Bletchington, etc.
- consideration is not given to the effect of increased traffic at dangerous road constrictions in Kirtlington;
- consideration is not given to queues already at local junctions at rush hours;
- about 1 km. west of the proposed access and on the other side of the blind rise referred to above, planning permission has been granted for a fruit farm with biomass boiler where constant heavy transport traffic is anticipated.
- serious accidents have been recorded.

Location:

Within the KPC response (12th February) it is argued why Kirtlington should not be

considered a Category A village, as such growth is shown to be unsustainable (see all the points under Section 3), and as review of category status is to be undertaken in the future in the second part of the Local Plan, the assumption of Category A status is untenable at this stage. What is more, the OCC report shows (last line of the Location paragraph) that Kirtlington is just one of 16 villages over which 96 dwellings should be directed: 96 divided by 16 is 6 dwellings.

The intention of the emerging Local Plan of Cherwell District Council, which has already progressed considerably, should be taken into account when assessing development applications. The intention is clear, limited rural growth, even in Category A villages, spread over several villages and over a period of time.

Property:

It is very important to note, under the heading, Property, the OCC report suggests the mix of house sizes on which their calculations are based, and yet the Gladman proposal (p.13, §3.2 of the *Residential Benefits: Socioeconomic Sustainability Statement*) shows 45 of the 49 dwellings for sale are to be of 4 and 5 bedrooms, i.e. considerably more bedrooms and population increase. This would affect all the OCC calculations (see below), and emphasizes still further the danger of the access (see above). In population terms the proportionate increase to a modest village is entirely unsuitable, and the location not well linked to the village will be disruptive of community relations. This is not conducive to a sustainable development.

Drainage and Sewerage:

Drainage and sewerage problems are already serious in Kirtlington. OCC request further information. A full plan for how and when these will be resolved, financed by whom, should be received by CDC before this outline planning is granted.

Ecology:

The full ecology report, referring to material that already exists, should be received by CDC before this outline planning is granted.

Public Rights of Way:

The improvements suggested might not be possible for one very small existing footpath, as it is constrained by neighbouring properties. The proposed development is cut off from easy access to the heart of the village. It will become a separated community.

Education:

The material in this section by OCC is contradictory. They agree the school is essentially at capacity. They agree that no physical extension of the existing school is feasible. One aspect of the outdated criteria for labelling Kirtlington category A was that it has a primary school. The OCC transport policy is that children should go to a primary school in their own village, but this OCC report admits that this would not be possible with the population increase of this development, but the area is considered (and please note above that OCC underestimated the size of houses and so potential population growth).

The secondary school issue would be huge if the requested further development at Woodstock goes ahead, as that would swamp Marlborough.

General:

Oliver Spratley, Asset Strategy Support Officer, concludes:

“The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of

this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.” So,

1. Please note that he uses the term “major development”; that is our point it is a major development and not a minor development, and thus unsuitable.
2. Because (see under Property above) the officer used the wrong numbers for mix of house sizes, there would be even greater population increase than suggested in the OCC report. This affects the impact on all the infrastructure systems, as well as increasing the danger at the access.
3. It is clear from different parts of the report that not all the Section 106 charges generated can in fact be invested locally “to protect existing levels of infrastructure for local residents”, e.g. there is no physical space to expand the school in the village, his reference to the bus service has serving Heyford Park as a priority (and Heyford Park already contributes to this), etc.

Therefore, local residents will be negatively impacted, and the amount of money will not cure this negative impact. The development cannot be considered sustainable.

Kirtlington Parish Council, therefore, asks the Case Officer to consider the above points in relation to the OCC Report.

Cherwell District Council Consultees

3.2 Planning Policy Officer:

The site is located at the south west entrance to Kirtlington Village. The site includes agricultural land and the Corner Farm that occupies the site. The Kirtlington Golf Club lies immediately to the west and south of the site with residential to the east and agricultural land to the north. The site is elevated above the adjacent golf course, the adjacent residential properties, and the adjacent A4095 with open views from the A4095 into the site.

This is a greenfield site outside the built-up limits of the village.

The saved policies of the adopted Cherwell Local Plan should be considered.

The main policies relevant to this proposals are:

Policy H13: The Category 1 Settlements

Kirtlington is a Category 1 Settlement where new residential development will be restricted to infilling, minor development comprising small groups of dwellings on sites within the built-up area of the settlement and conversions.

Policy H18: New dwellings in the countryside

Policy H18 sets out the criteria for allowing new dwellings in the countryside. It is intended to ensure that the countryside is protected from sporadic development.

Policy C7: Harm to the topography and character of the landscape

In preparing any detailed proposals, consideration should be given as to whether development would cause demonstrable harm to the topography and character of the landscape.

Policy C8: Sporadic development in the open countryside

Policy C8 applies to all new development proposals beyond the built-up limits of settlements. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury and Bicester.

Policy C9: Beyond the existing and planned limits of the towns of Banbury and Bicester

Policy C9 aims to limit the level of development elsewhere in order to protect the environment, character and agricultural resources of the rural areas.

Policy C13: Areas of High Landscape Value

Careful control of the scale and type of development will be required to protect the character of the Areas of High Landscape Value, and particular attention will need to be paid to siting and design.

NPPF

The paragraphs of the NPPF most pertinent to this application from a Local Plan perspective are:

Paragraph 17 sets out the core planning principles that should underpin plan-making and decision-taking, including that planning should:

- “Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Recognise the intrinsic character and beauty of the countryside
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.”

Paragraph 28 on Supporting a prosperous rural economy

Paragraphs 29, 30, 32 and 34-36 on Promoting sustainable transport

Paragraphs 47-50 and 55 on Delivering a wide choice of high quality homes

Paragraph 47 requires local planning authorities to “identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”

Paragraph 49 states that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

Paragraph 56, 57, 59-64 on Requiring good design.

Paragraph 109 on Conserving and enhancing the natural environment.

PPG The PPG states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It states that assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas.

The PPG provides guidance on understanding housing needs, rural housing, natural environment, and conserving and enhancing the historic environment.

Non-Statutory Cherwell Local Plan 2011

The Non-Statutory Local Plan should be considered. Whilst some policies within the Plan may remain to be material considerations, other strategic policies have in effect been superseded by those of the Submission Local Plan (January 2014) as proposed to be modified. The Planning Policy

Team should be contacted on 01295 227985 if advice is required on individual policies.

The main policies relevant to this proposal are:

Housing: Policy H15 The Category 1 Villages. Kirtlington is a Category 1 village where new development will be restricted to infilling, conversions, and minor development comprising small groups of dwellings on sites within the built-up area of the village.

Housing: Policy H19 New dwellings in the countryside

Transport: TR1 – TR4

Conserving and enhancing the environment: EN30 Sporadic development in the countryside, EN31 Beyond the existing and planned limits of the towns of Banbury and Bicester, and EN40 Conservation.

Submission Local Plan 2011-2031 (January 2014) as Proposed to be Modified (as at 6 February 2015)

A new Local Plan (Part 1) was submitted to the Secretary of State on 31 January 2014 for Examination. Following Hearings in June 2014, Proposed Modifications were submitted on 21 October 2014. Hearings continued from 9 December 2014 to 23 December 2014. The Inspector's report is expected in the Spring of 2015.

The site is not identified as a strategic housing site in the new Local Plan. The draft policies of most relevance (as proposed to modified) are:

Policy Villages 1: Kirtlington is identified as a Category A village where minor development, infilling and conversions will be permitted within the built-up limits of the village.

Policy Villages 2 has been revised by including a total housing requirement for the Category A villages which includes Kirtlington. A total of 750 homes will be delivered at Category A villages which includes Kidlington. Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.

Policy BSC1: District Wide Housing Distribution includes a table of completions, permissions, allocations and windfalls for the areas of Bicester, Banbury and Rest of District. The table shows that a total of 22,840 new homes will be provided by 31 March 2031.

Policy BSC3: Affordable Housing sets out the requirements for the provision of affordable housing. In rural settlements such as Kirtlington, all proposed developments that include 3 or more dwellings (gross), or which would be provided on sites suitable for 3 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site.

Policy BSC4: Housing Mix expects new residential development to provide a mix of homes to meet current and expected future requirements.

Policy ESD13: Local Landscape Protection and Enhancement expects developments to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.

Policy ESD16: The Character of the Built and Historic Environment requires new developments to complement and enhance the character of its context through sensitive siting, layout and high quality design.

Other Material Policy Considerations

Five year housing land supply

The Council does not presently have a five year housing land supply. The current published position is reported in the Housing Land Supply Update June 2014 which concluded that the district had a supply of 3.4 years for the period 2014-2019. This reflects the Oxfordshire SHMA 2014 figure of 1,140 dwellings per annum, currently considered to be the objectively assessed housing need for the district. The 3.4 years of supply includes a

requirement for an additional 20% buffer, taking into account the shortfall (2,314 homes) within the next five years. The calculations do not include new deliverable sites permitted since June 2014 and the land supply position will shortly be reviewed.

Strategic Housing Land Availability Assessment Update 2014 (SHLAA)

The SHLAA is a technical document and is a key element of the evidence base for the emerging Cherwell Local Plan. It will help the Council to identify specific sites that may be suitable for allocation for housing development. The SHLAA is to inform plan making and does not in itself determine whether a site should be allocated for housing development.

The site is included in the SHLAA Update 2014 (Aug 2014) with the site reference KR010. The site assessment concluded that *“This is considered to be a potentially developable site providing for about 75 dwellings on a narrower 2.5ha of land to the rear of Oxford Close”*. The SHLAA recognises that approximately 2.5ha of the site to the east is developable. This includes the area adjacent to Oxford Close and east of Corner Farm which could provide a linear pattern of development similar to the surrounding residential properties.

Overall Policy Observations

The proposal is for a smaller scale development than sought through the previous application (14/01531/OUT) which would have been out of scale to the rest of the village. The current proposal is more reflective of the conclusions of the SHLAA Update 2014 for site KR010 (an indicative assessment of potential). Detailed consideration of design and visual and landscape impact will, however, be required including the extent of the incursion into open countryside to the west.

At the present time, a five year supply of deliverable housing land cannot be demonstrated (under the requirements of the Oxfordshire SHMA 2014) and the emerging Local Plan does envisage some housing development being provided at Kirtlington.

It is noted that the level of affordable housing proposed accords with emerging policy (BSC3) and the needs for affordable housing is of course high.

In advance of the Local Plan Part 2 or a Neighbourhood Plan it will be necessary to consider the district’s current housing supply situation, to be mindful of emerging policy and the likely impact of proposed developments on a case by case basis.

- 3.3 **Urban Design and Conservation Officer:** this proposal attempts to address some of the issues raised in respect of the previous application (14/01531/OUT) by reducing the number of units proposed, and containing these to a reduced area of the site. While this is considered to be a positive move, the issue of development on this site in principle remains the same.

The site is located at a prominent approach to the southwest entrance to the village and is currently in agricultural use with the Corner Farm occupying the south west corner. The area is rural in character with Kirtlington Golf Club immediately adjacent to the site along the south and west boundaries. Open fields to the north and the rear gardens of a number of 20th Century bungalows to the east boundary, which currently comprise the built up limits of the village. Identified as a category A village in the Submission Local Plan, Kirtlington may accommodate minor development within the built up limits of the village. As an unallocated site beyond the built up limits of the village, the proposed scheme therefore contravenes current policy.

The NPPF sets out the importance of good design as a key aspect of sustainable

development, and considers that good design is indivisible from good planning. Paragraph 58 sets out that planning decisions should aim to ensure that developments:

1. Function well and add to overall quality of the area;
2. Establish a strong sense of place;
3. Optimise the potential of site and support local facilities;
4. Provide an appropriate mix of uses;
5. Respond to local character and history, and reflect the identity of local surroundings and materials;
6. Provide safe and accessible environments; and be
7. Visually attractive.

Paragraph 59-61 sets out that it is appropriate for planning decisions to seek to guide the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area. Planning decisions should also seek to promote or reinforce local distinctiveness and address the connections between people and places and seek the integration of new development into the natural, built and historic environment.

In accordance with paragraph 63 and 64 outstanding/innovative design that shows an appropriate response to its context shall be supported and development that fails to take the opportunities available for improving the character and quality of an area and the way it functions shall be refused.

Saved Policies from the Adopted Cherwell Local Plan:

Policy C27: Developments in villages are to respect the settlement pattern to protect and enhance the character of the village.

Policy C28: Relates to the layout, design and external appearance of new development to ensure an appropriate/ sympathetic response to its context.

Policy C30: Relates to the design of new residential development to ensure it is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

Cherwell Local Plan - Submission, January 2014

ESD16: 'The Character of the Built and Historic Environment' sets out the requirements to ensure that new development seeks to respect and enhance the historic environment and secure high quality urban design by respecting traditional development patterns and reflecting local distinctiveness.

Countryside Design Summary SPG (1998)

Although relatively outdated this document still provides a good baseline analysis of the character of Cherwell District; its countryside, its settlements, its buildings and the way in which they relate to one another. It is considered this document should be consulted in conjunction with the Kirtlington Conservation Area Appraisal as part of an analysis of local character.

The application is accompanied by a Design & Access Statement prepared by FPCR Environment and Design Ltd. I have undertaken a peer review of this document, but firstly set out the principle objections to the proposed development to provide the context for the design assessment.

Design Assessment

Advice was provided at pre-app (14/00149/preapp) on the original 95unit scheme by the Design and Conservation team recommending that we could not support the scheme based on the principle of development. While the number of units has been reduced from to 75 units, our objection remains due to:

1. The departure from the traditional settlement pattern,
2. Nature of back land development and,
3. Access, connectivity and integration.

The Countryside Design Summary SPG identifies the village of Kirtlington within the

Ploughley Limestone Plateau character area, while the site itself falls within Cherwell Valley character area. As the site provides a significant expansion of the village, it is appropriate to consider the site as also within the Ploughley Limestone Plateau character area. The document provides an analysis of the predominant characteristics of both the landscape and built environment identifying subsequent implications for new developments. Specific to this site, and also required by policy C27 and C28, new development should reinforce the existing street pattern, which creates the basic village form. In linear villages, development should strengthen the dominant street scene, limit back land development and should reflect the character of the locality in terms of the relationship between buildings, open space and roads.

With this guidance in mind, it is considered that the proposal does not represent a scheme that enhances the setting and distinctive character of the village. The principles applied to the site layout would provide an appropriate starting point for design if this was an infill site within one of the market towns. However given the scale and location of expansion clearly goes against the established settlement pattern, and lack of connectivity to the village core represents back land development.

Access, connectivity and integration remain a major concern. Despite the number of units being reduced, there is still only a single point of access for 75 houses, forming an additional, larger cul-de-sac to the existing 20th century development at Oxford Close. Policy ESD 16 (The character of the built and historic environment) of the submission local plan requires new development to be designed to integrate with existing streets and public spaces. The inward looking nature of the cul-de-sac adjacent to the site presents an awkward boundary, and prevents an appropriate level of interaction with the existing village. The Public Right of Way that runs along the eastern edge of the site is poorly maintained, and at the time of visiting the site was impassable at the northern access. Despite the overgrowth of vegetation the legibility of connection is very poor from both Hatch way, and within the site. As such it is considered that this route is not of appropriate scale or quality (particularly lack of natural surveillance) to suggest that the site is well integrated with the village core. It is more likely the case that this will be a cut through for residents who become aware of its existence, rather than a clear and desirable pedestrian connection to the village. Therefore with the consideration that the site will be served by a single access for vehicles and the majority of pedestrians enhances the isolated nature of this development and does not sufficiently integrate with the existing village.

Therefore the objection is maintained as it is felt that there are more sympathetic ways to extend this historic village, and that neither this location nor this framework is suitable additions to it.

Design and Access Statement:

The Design and Access Statement submitted covers only the high level aspects of masterplanning and contains less detail than we would expect for a scheme of this scope and scale.

While it is stated that the development will seek to take cues from the historic core, the DAS does not provide an appropriate level of analysis of the character of Kirtlington, particularly the historic core, and there is little explanation of how these would be distributed and applied across the scheme. Therefore it is felt that this does not set a clear vision for how future development can come forward.

Very little information is pulled out to summarise how the findings relate to the future urban form, architecture and public realm at Lince Lane. A set of parameter plans and defined character areas would be expected.

Given the sites prominent location from the southern approach, and expansion beyond the built up limits of the village there are a number of sensitive edges which require specific design solutions.

The eastern edge presents a particularly difficult relationship with existing development which presents rear gardens to the site. Protecting the amenity of these residents, whilst appropriately addressing this edge requires further thought. The DAS does not provide an explanation or justification to a design approach for this edge or appropriately resolve the issue of private space being exposed to a newly developed public realm.

The north and west and south boundaries will require significant planting to provide a more robust vegetation buffer to screen sensitive views.

The frontage onto/ visible from Lince Lane will provide a new gateway to the Village, and must be designed to reflect this.

The LAP would benefit from being more centrally located.

Materials along the 'main street' reference brick and render. Render is not characteristic of the village and it is unclear from the analysis how this has come about. A high proportion of natural stone would be expected on such a prominent site.

Conclusion

It is acknowledged that the proposed scheme has sought to respond to the comments provided to the previous application for 95 units. The reduced number of units across a smaller portion of the site is a positive move. However the design for this site cannot be separated from the way that it sits within its setting. Therefore, while a number of principles that the scheme promotes would be appropriate in another setting, they are not appropriate here and it is still felt that the main objections to the principle of development on the site have not been overcome.

- 3.4 **Housing Officer:** The affordable housing statement ascribes the correct number of affordable homes, however, the unit types proposed do not fit with the current need at this time.

Although I had stated in my previous comments a 50/50 tenure split, because the number of affordable units has now reduced, I will require a 70/30 tenure split as per our normal requirements.

To clarify, the applicant has proposed too many 3 beds and too few smaller properties for affordable housing. An indicative mix which I suggest would be as follows:

Rent	Intermediate
12 x 2b4p houses	6 x 2b4p houses
6 x 3b5p houses	2x3b5p houses

Clustering numbers are supported. i.e. between 6 and 10 units. Again as noted by the applicant in their affordable housing statement, the affordable housing properties should be tenure blind as much as possible, while still delivering the standards that are prescribed by the HCA's Design and Quality Standards, including the necessary HQI requirements. 50% of the rented units should also conform to the lifetime homes Standards. The RP will need to be agreed with the council.

- 3.5 **Anti-Social Behaviour Manager:** Historically, shortly after the Kirtlington Golf Course opened, the then landowner, Mr East, complained to the Council that golf balls in play on the course were being hit over the boundary with his farm and were striking his buildings and landing on grazed pastures. Following an extensive investigation I understand that fencing was installed at key areas on the boundary between the two sites to protect Corner Farm and its land from stray balls. It would appear that this fencing has either fallen into disrepair or has been removed. It seems that reliance is now placed on planting and trees and shrubs to prevent golf balls straying. In order to ensure this arrangement is adequate and to identify the elements of the boundary which may require reinforcement or protection by way of planning condition I would

recommend that the applicant be asked to submit a specialist report prepared by an experienced golf course architect that appraises the boundary details within that context.

- 3.6 **Landscape Officer:** This site was the subject of a previous application for 95 dwellings. The number proposed has been reduced to 75 and the area to be developed reduced in size. This is still a large development in relation to the existing village.

The LVIA follows a logical format and is user friendly. The revised LVIA has been undertaken by a different practice but has used the same viewpoints so I have been able to directly compare the revised assessment with the comments I made on 29th September 2014. The reduction in scale of the development makes very little difference to the impact of that development in the landscape. The filtered views of dwellings in the SW of the corner of the site from VP's 5 and 6 are likely to be very slightly less, but the impact from these VP's overall is the same. My assessment differs very little from either the original LVIA or the LVIA accompanying this application.

Just to clarify the views from VP's 3 and 4. Both viewpoints are distance views of the site. In the overall panorama from the viewpoints looking towards the site any glimpse of the development would be in the context of a wide panorama of open countryside. The southern edge of the village of Kirtlington is already visible from this direction so the proposal would not be introducing new development into totally open countryside. New planting proposed on this boundary will screen any initial visibility within 10-15 years as is evidenced by Gossway Copse.

The conclusion of the LVIA is fair. There will be limited impact on the wider landscape. The site has a relatively small ZVI. Again, the greatest impact will be from the PROW at the rear of the dwellings backing onto the site, and views into the site from the proposed entrance.

The combined LEAP/LAP should be located centrally so that it is easily accessible and has adequate overlooking.

The D and A statement mentions increasing biodiversity by habitat creation. More detail will be needed about where and how this is to be done.

- 3.7 **Arboricultural Officer:** Previous comments regarding the protection and enhancement of the existing boundaries to the east and north of the site have been taken on board with adequate provision of buffer zones and rejuvenation of hedgerows. To ensure the longevity of these buffer zones (including the required buffer zone for the west boundary) it is essential that an access strip is provided to allow for maintenance and to ensure that the 'zones' remain independent from residential gardens.

The LEAP to the north-east of the site may be located too close to existing residential garden boundaries increasing the risk of nuisance and ASB issues. I would recommend that the LEAP is relocated further away back along the northern boundary. Any proposed tree planting within existing and proposed hedgerows should take into consideration the potential impact of shading that the trees may have upon residential gardens. The lack of open space within the interior, places increased emphasis on the requirement for highway verges of a suitable width for the purpose of street tree planting. Such planting will increase local amenity and wildlife habitat whilst softening and enhancing architectural features.

- 3.8 **Environmental protection Officer:** No comments received

3.9 **Ecology:** No comments received in respect of this application

Oxfordshire County Council Consultees

3.10 **Transport Officer:**

Access the amended plans overcome previous reasons for refusal. An appropriate level of visibility has been demonstrated at the access, including forward visibility from various points at and approaching the junction. Junction radii have been increased and any over-run by large vehicles will be minimal. Appropriate pedestrian provision is proposed and must link to the local network. The local speed limit will require extending out of the settlement.

Location

The Submission local Plan (January 2014) identifies Kirtlington as a 'Type A' village, representing a village with the highest level of sustainability. As a Type A village, Kirtlington is considered to be suitable for minor development '*typically but not exclusively for less than 10 dwellings*', infilling and conversions are permitted within built-up limits.

Policy Villages 2 of the Submission Local Plan identifies 16 villages where '*development of 10 dwellings or more will be directed*'. Kirtlington is one of 16 villages across which an allocated 96 dwellings would be directed.

Public Transport

There is currently an hourly weekday daytime bus service to Oxford with some additional journeys. There is negligible evening service and no Sunday service. An enhanced service would aim to provide at least two buses per hour to Oxford during journey to work times and to provide a longer operating day, to cover the range of likely journey to work times, plus a limited service on Sundays. The aim of collecting developer contributions is to achieve a commercially sustainable bus service between Upper Heyford and Oxford via Kirtlington.

The development is around 400 metres from the Oxford Arms and The Mount bus stops. The provision of a continuous footpath from the junction with Lince Lane, along the Northern side of the A4095 to connect with the existing footway is essential.

Bus stop provision in Kirtlington falls well below the quality level expected on a busy inter-urban route. New residents will expect to find modern bus stops on both sides of the road, complete with integral pole/flag and information case units. Some hard-standing areas will also be required to make buses accessible from the village footpath network.

Travel Plan

A framework travel plan has been submitted with this application, a further travel plan update would be required. In addition, a residential travel information pack should be produced to ensure that all residents are aware of the travel choices available to them at the outset.

Drainage

A full surface water drainage design including relevant calculations must be submitted and approved by the Lead Flood Authority (OCC) prior to any development commencing on site.

Public Rights of Way

The public right of way is well provided for in this application by the provision of a footpath statement. At present this is a rural path with no maintenance necessary. There is a desire to upgrade the surface as part of the development. Any upgrade of

the surface would be subject to agreement with the county council and specifically the Countryside Access Team. Future maintenance of the path of the upgraded will need to be secured. Any rights of way furniture, for example, stiles, will need to be upgraded to gates or where possible removed to leave a gap.

A number of planning conditions are recommended.

Legal Agreement to secure public transport contributions, travel plan monitoring and rights of way treatments and maintenance.

In respect of the concerns raised by Kirtlington Parish Council in respect of the above comments, the highway authority has been asked to comment further. A response is awaited.

3.11 **Education:**

Primary – Kirtlington CE (VA) Primary School is already operating close to capacity and would have difficulty in absorbing increased local population. The schools site area just meets minimum guidelines for the current number of pupils, and would be below the minimum guidelines for a larger school. It may not, therefore, be feasible for the school to expand, but a full assessment would be required. If the school cannot expand and there is local population growth, there would be an impact on other local schools, at which additional permanent capacity would be required. Any housing development in the area is therefore required to contribute towards expansion of primary school capacity in the area.

£291,519 Section 106 required for necessary expansion of permanent primary school capacity in the area.

Secondary – the area is served by The Marlborough CE School, which has a capacity of 1138 places for 11-19 year olds. The school is expected to fill as a result of rising pupil numbers from the existing population, and would need to expand to make local housing development acceptable in planning terms. Developer contributions are required towards the capital cost of this expansion.

£305,834 Section 106 required for necessary expansion of permanent secondary school capacity in the area.

Special – Across Oxfordshire 1.11% of pupils are taught in special schools and all housing developments are expected to contribute proportionately toward expansion of this provision.

£14,479 Section 106 required as a proportionate contribution to the expansion of Special Education Needs provision in the area.

- 3.12 **Archaeology:** The field evaluation requested on 14/01531/OUT has been undertaken and consisted of a geophysical survey and targeted trenched evaluation. The evaluation did not record any significant archaeological features on the site. A number of features were recorded which relate to former field boundaries and an undated track-way.

- 3.13 **Property:** The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure. The following housing development mix has been used

- 1 x one bed dwellings
- 21 x two bed dwellings
- 41 x three bed dwellings
- 11 x four bed dwellings

It is calculated that this development would generate a net increase of 201.77

residents including

- 14.94 residents aged 65+,
- 137.04 residents aged 20+
- 18.16 residents aged 13/19
- 22.66 Residents aged 0-4

Legal agreement required to secure

- Library, the development is served by Kidlington library which is significantly under-sized in relation to its catchment population £17,150.45
- Central Library, in Oxford requires remodelling to support service delivery that includes provision of library resources across the county £3,460.36
- Waste Management, to meet the additional pressures on the various Household Waste and Recycling Centre provision in Oxfordshire, enhancements to these centres are either already taking place or are planned, and, to this end, contributions are now required from developers towards their redesign and redevelopment £12,913.28
- Museum Resource Centre is the principal store for Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities. The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility £1,008.85
- Adult Day Care, the development is served by Oxford Options and this development will place additional pressures on this adult day care facility. To met the additional pressures on day care provision the County Council is looking to expand and improve the adult care facility in Oxford Options £16,434.00
- Administration and monitoring, this may increase depending on the value of any Transport related contribution £5,000

Other Consultees

3.14 **Thames Water:** comment as follows

Waste: Following an initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. A Grampian style condition is therefore suggested.

Water: recommends an informative is attached to any permission regarding pressure etc.

Supplementary comments: the receiving sewer may not have sufficient spare capacity to accommodate the calculated net foul flow increase from the proposed development. Thames Water request that an impact study be undertaken to ascertain with a greater degree of certainty, whether the proposed development will lead to overloading of the existing infrastructure, and, if required, recommend network upgrades.

3.15 **Environment Agency:** have not commented in respect of this application

4. **Relevant National and Local Policy and Guidance**

4.1 **Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

H18:	New dwellings in the countryside
C2:	Protected species
C5:	Creation of new habitats
C7:	Harm to the topography and character of the landscape
C8:	Sporadic development in the countryside
C13:	Area of high landscape value
C27:	Development in villages to respect historic settlement pattern
C28:	Layout, design and external appearance of new development
C30:	Design of new residential development
C33:	Protection of important gaps of undeveloped land
R12:	Public open space provision
ENV12:	Contaminated land
TR1:	Transportation funding

4.2 Other Material Policy and Guidance

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with regard to the following section:-

- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change and flooding
- 11: Conserving and enhancing the natural environment

National Planning Policy Guidance

Non-Statutory Cherwell Local Plan 2011. Whilst some policies within the plan may remain to be material considerations, other strategic policies have in effect been superseded by those in the Submission Local Plan (October 2014). The main relevant policies to consider are as follows:-

- Policy H15: Category 1 Settlements
- Policy H19: New dwellings in the open countryside
- Policy EN30: Sporadic development in the countryside
- Policy EN31: Beyond the existing and planned limits of Bicester and Banbury
- Policy EN34: appearance and character of the landscape

Cherwell Local Plan – Proposed Submission Local Plan (October 2012)

The Local Plan has been through public consultation and was submitted to the Secretary of State for Examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in the light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation from 22nd August to 3rd October 2014. Although the Plan does not have Development Plan status, it can be considered as a material planning consideration. The Examination convened and closed in December 2014 and the Inspector's report is likely to be published in Spring. The plan sets out the Council's strategy for the District to 2031.

The policies relevant to this proposal are:-

Policy Villages 1: Kirtlington is identified as a village where infilling, minor development and conversions will be permitted

Policy Villages 2: Distributing growth across rural areas

Policy Villages 4: meeting the need for open space, sport and recreation

Policy BSC3: Provision of affordable housing

Policy BSC4: Housing mix

Policy BSC10: Open space, outdoor sport and recreation provision

Policy BSC11: Open space, outdoor sport and recreation

Policy ESD3: Sustainable construction

Policy ESD7: Sustainable drainage

Policy ESD10: Protection and enhancement of biodiversity and the natural environment

Policy ESD13: Local landscape protection and enhancement

Policy ESD16: Character of the built and historic environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning policy and the Principle of Development
- Five Year Housing Land Supply
- Design and Access Statement and Master Plan
- Visual Amenity and Landscape Impact
- Ecology
- Flooding and Drainage
- Archaeology and Cultural heritage
- Transport Assessment and Access
- Adjacent golf Course
- Delivery of the Site
- Planning Obligation

Planning Policy and the Principle of Development

5.2 The Development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission, the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

5.3 The site in question is not allocated for development in any adopted or draft plan

forming part of the development plan. Kirtlington is designated as a Category 1 settlement in the adopted Cherwell Local Plan. Policy H13 of that plan states that new residential development within the village will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the settlement, or the conversion of non-residential buildings. The site is not within the built up limits of the village and is therefore in open countryside. Policy H18 of the adopted Cherwell Local Plan restricts new dwellings beyond the built up limits of settlements in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet an identified and specified housing need that cannot be met elsewhere. These policies are carried through in the Non-Statutory Cherwell Local Plan. The adopted Cherwell Local plan contains no specific allocation for this site and the proposal clearly does not comply with this policy criterion and therefore represents development beyond the existing built up limits of the village into open countryside. The proposal therefore, needs to be assessed against Policy H18 which limits residential development beyond the existing built up limits of settlements unless they are agricultural workers dwellings or affordable housing. Quite clearly the development proposed fails to comply with this policy and in doing so also potentially conflicts with Policy C8 which seeks to prevent sporadic development in the open countryside but also serves to restrict housing development.

- 5.4 The Council's Strategic Housing Land Availability Assessment Update 2014 (SHLAA) is a technical document and is a key element of the evidence base for the emerging Cherwell Local Plan and will help the Council to identify specific site that may be suitable for allocation for housing development. The SHLAA is to inform the plan making only, and does not in itself determine whether a site should be allocated for housing development.
- 5.5 The application site is identified in the 2014 update of the SHLAA as having potential for a development of up to 75 dwellings. The SHLAA also advises that the western extent of the development would need to be limited to avoid new development that is out of scale and character with the size and setting of the village and therefore a much reduced developable area would be needed, this being approximately 2.5ha of land to the eastern part of the site at the rear of Oxford Close. In view of the lower density housing in Oxford Close and the edge of village location, the SHLAA suggests that a density of 30dph, producing a yield of 75 dwellings on a reduced site area. It also goes on to say that highway safety will be an important issue, particularly as access would be off a bend in the main road. The application as submitted accords with the principles of the SHLAA in terms of the site area and density.

National Planning policy Framework

- 5.6 The NPPF is a material consideration in respect of the consideration of this proposal. Paragraph 49 of the NPPF states 'housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'.
- 5.7 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve a sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and planning principles which amongst other things require planning to:
- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
 - Proactively drive and support sustainable economic development
 - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- Support the transition to a low carbon future with a changing climate
- Encourage the effective use of land by re-using land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant developments on locations which are, or can be sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

5.8 The NPPF at paragraph 14 states 'At the heart of the National planning policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking'.....For decision taking this means

- Approved development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole, or

Specific policies in this framework indicate development should be restricted

5.9 The adopted Cherwell Local Plan 1996 is out of date in relation to the policies regarding the delivery of housing. The NPPF advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given). The Development Plan (the adopted Cherwell Local Plan) contains no up to date policies addressing the supply of housing and it is therefore necessary to assess the application in the context of the presumption in favour of sustainable development as required by the NPPF.

5.10 Whilst it is acknowledged that Kirtlington is one of the more sustainable villages, this does not necessarily mean that the proposal itself constitutes sustainable development. The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below.

5.11 In terms of the environmental dimension, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Whilst this is a green field site and its loss will cause harm to the character and appearance of the countryside, this would be limited in the main to short distance views within the immediate vicinity of the site, on the approach into the village from the south and from the public right of way which runs along the eastern boundary of the site adjacent to oxford Close. The development proposal also includes areas of open space, landscaping and additional tree and hedge planting.

5.12 In terms of the economic role, the NPPF states that the planning system should do everything it can to support sustainable economic growth. The development is likely to provide local jobs in the short term during construction, and in the long term provide economic benefit to local shops and businesses, both within the village of Kirtlington and the wider area. It should be noted however, that employment opportunities within the village and its immediate environs are very limited.

5.13 The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. A high quality built environment and accessibility to local services is required as part of this function. Objectors have

expressed concern that a lack of local infrastructure including health and education will put further pressure on local services and the lack of capacity within existing facilities, for example, the local primary school will make it difficult for future residents to integrate fully into the local community and result in out commuting for these essential services.

- 5.14 The NPPF however, does not change the statutory status of the development plan as being the starting point for decision making. Proposed development which conflicts with the Development Plan should be refused unless other material considerations indicate otherwise.

Five Year Housing Land Supply

- 5.15 Section 6 of the NPPF 'delivering a wide choice of high quality homes' requires local planning authorities to significantly boost the supply of housing by identifying key sites within the local plan to meet the delivery of housing within the plan period and identify and update annually a 5 year supply of deliverable sites within the District.
- 5.16 Paragraph 031 Reference ID: 3-030-20140306 of the Planning Practice Guidance – Housing and Economic Development Needs Assessments states that the NPPF sets out that, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Therefore, local planning authorities should have an identified five-year supply at all points during the plan period. Housing requirement figures in up-to-date adopted local plans should all be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted local plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.
- 5.17 Where evidence in local plans has become outdated and policies in the emerging plans are not yet capable of carrying sufficient weight, information provided in the latest assessment of housing needs should be considered, but, the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government should be used as a starting point, but the weight given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example, because of past events that affect the projection are unlikely to occur again or because of market signals) or moderated against relevant constraints (for example, environmental or infrastructure).
- 5.18 On 28 May 2014, the Council published a Housing Land Supply update which showed that there was a five year housing land supply based on the Submission Local Plan requirement of 670 homes per annum from 2006 to 2031. The examination of the Local Plan began on 3 June 2014. On that day, and the following day, June 4 2014, the Local Plan's housing requirements were discussed in the context of the Oxfordshire Housing Market Assessment (SHMA) 2014, published on 16 April 2014 (after the submission of the Local Plan in January 2014).
- 5.19 The Oxfordshire Strategic Marketing Assessment (SHMA) 2014 was commissioned by West Oxfordshire District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and Cherwell District council and provides an objective assessment of housing need. It concludes that Cherwell has a need for between 1,090 and 1,190 dwellings per annum. 1,140 dwellings per annum are identified as the mid-point figure within that range.

- 5.20 The Planning Inspector appointed to examine the Local Plan made clear his view that the SHMA document provided an objective assessment of housing need in accordance with the NPPF and suspended the Examination to provide the opportunity for the council to propose 'Main Modifications' to the Plan in the light of the higher level of need identified. The 1,140 per annum SHMA figure represents an objective assessment of need (not itself the housing requirement for Cherwell) and will need to be tested having regard to constraints and the process of Strategic Environmental Assessment/Sustainability Appraisal. However, the existing 670 dwellings per annum housing requirement of the Submission Local Plan (January 2014) should no longer be relied upon for the purpose of calculating the five year housing land supply.
- 5.21 A further Housing Land Supply Update (June 2014) was approved by the Lead member for Planning. It shows that the District now has a 3.4 year housing land supply which includes an additional 20% requirement as required by the NPPF where there has been persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made up within the five year period. The District does not therefore have a 5 year housing land supply and as a result, the NPPF advises in paragraph 14 that planning permission should be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole'. Since June, the council has resolved to grant planning permission for a number of housing proposals throughout the district, thereby improving the above mentioned position, although a shortfall of housing land supply still exists. A revised Housing Land Supply update will be published in March 2015.
- 5.22 However, notwithstanding the Council's Housing Land Supply position, it should be noted that the NPPF does not indicate that in the absence of a five year supply that permission for housing would automatically be granted for sites outside of any settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits.
- Submission Cherwell Local Plan**
- 5.23 The Submission Cherwell Local Plan is not adopted and therefore carries limited weight, but does set out the Council's proposed strategic approach to development within the District to 2031, with the majority of new development being directed to the urban areas of Banbury and Bicester. The Plan does, however, recognise that some development will have to be permitted in rural villages in order to meet the needs of the rural population.
- 5.24 Policy Villages 1 of the Plan designates Kirtlington as a Category A Village, and, therefore, one of the district's most sustainable, based on criteria such as population, size, range of services and facilities and access to public transport. Policy 2 Villages seeks to distribute the amount of growth that can be expected within these villages, although how the numbers will be distributed is not specified as precise allocations within each village would be set out in the neighbourhoods Development Plan Document, based on evidence presented in the SHLAA. This document is to be prepared following the adoption of the Submission Local Plan. As part of the 'Main Modifications' to the Submission Local Plan following the need to identify further housing in order to achieve the District's assessed housing need and maintain a five year housing land supply. Policy Villages 2 has been revised by including Kidlington as a Category A Village and increasing the number of homes to 750.
- 5.25 It is evident from the above that the proposed development is contrary to policies within the adopted Cherwell Local Plan and is not allocated for development within the Submission Cherwell local Plan. As previously expressed however, the adopted Cherwell Local Plan is out of date in terms of allocating land for new housing

development, and the Submission Cherwell Local Plan currently carries limited weight in the consideration of new development proposals. As such a refusal based on these grounds alone is unlikely to be defensible at appeal and has to be weighed against other material considerations, one of these being the need to provide a five year housing land supply.

- 5.26 However, notwithstanding the Council's Housing land Supply position as stated above, the proposal would give rise to conflict with a number of policies in the adopted Cherwell Local Plan and the submission Local Plan. Paragraph 14 of the Framework makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It does not however indicate that an absence of a five year land supply means that permission should automatically be granted for sites outside settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the Development Plan and the Framework highlights the importance of the plan led system as a whole. The identified issues of acknowledged importance are identified and considered below.

Prematurity to the Submission Local plan and the Mid-Cherwell Neighbourhood Plan

- 5.27 Kirtlington is one of twelve parishes participating in the preparation of the Mid-Cherwell Neighbourhood Plan. This Plan has yet to be finalised and submitted to the District Council. Previous appeal decisions and Central Government advice have made it clear that the Neighbourhood Plan must be in general conformity with the strategic policies of the Local Plan and until such time that the Local Plan is adopted and the Neighbourhood Plan developed in line with the DPD, and the council has a five year housing land supply, this carries very little weight.
- 5.28 A more recent appeal however, was dismissed by the Secretary of State, despite the fact that the authority did not have a five year housing land supply. In that case however, the neighbourhood plan had been submitted as part of the development plan. In respect of Kirtlington, the plan has yet to be submitted to the council and therefore can for the moment carry only limited weight.

Design and Access Statement and Master Plan

- 5.29 A Design and Access Statement has been submitted with the application which seeks to set out the framework for the proposed development of the site. An indicative Master Plan has been submitted which indicates the areas of housing, proposed access routes, play space and areas of public open space and landscaping. The Design and Access Statement however still lacks detail and does not fully justify why the site has been identified, why it is suitable for the development proposed and how the concept of the indicative layout has evolved in respect of the character of Kirtlington Village and the site's opportunities and constraints and covers only the high level aspects of master planning and contains less detail than we would expect for a scheme of this scope and scale.
- 5.30 While it is stated in the Design and Access Statement that the development will seek to take cues from the historic core, it is considered that the level of analysis of the character of Kirtlington, particularly the historic core, is minimal, and there is little

explanation of how these would be applied across the scheme, therefore it does not set a clear vision for how future development can come forward. Furthermore, very little information is pulled out to summarise how the findings relate to the future form, character, architecture and public realm at the entrance into the development adjacent to Lince Lane. A set of parameter plans and defined character areas would normally be expected.

- 5.31 Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that ‘good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.32 The NPPF advises at paragraph 58 that planning policies and decisions should aim to ensure that developments achieve a number of results including the establishment of a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and that developments should respond to the local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 60 advises that whilst particular styles or tastes should not be discouraged, it is proper to seek to promote or reinforce local distinctiveness.
- 5.33 Paragraph 61 states: ‘although visual appearance and the architecture of individual buildings and are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’.
- 5.34 Paragraph 63 states ‘In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’.
- 5.35 Paragraph 65 states: ‘Local Planning Authorities should not refuse planning permission for buildings or infrastructure which promote high level of sustainability because of concerns about compatibility with an existing townscape, if those concerns have been mitigated by good design, (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposals economic, social and environmental benefits).
- 5.36 The adopted Cherwell Local Plan also contains established Policy C28 which 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 choice of materials, are sympathetic to the character of the urban or rural context of that development’. Policy C30 states that ‘design control will be exercised to ensure.....(i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and, (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority.
- 5.37 Having regard to the above comments and advice, it is intended to seek amendments to the submitted Design and Access Statement to address the issues raised and to ensure that any development on the site is of a high quality which has been informed and inspired by local vernacular. Members will be further updated in this respect at the meeting.
- 5.38 In respect of the previous application for 95 dwellings on the larger site, one of the main concerns was the context in which the development sat. Kirtlington is a well

contained settlement with a strong linear pattern following the original route of Portway, with village greens located at junctions with other historic routes and bound on the east side by Kirtlington Park, an important Grade 1 Listed Historic Parkland. The village has seen some 21st Century infill development and some 20th Century development, the bulk of which is located adjacent to the application site in long linear form. It is considered that any development on this site should reinforce the existing street pattern, which creates the basic village form. In linear villages such as Kirtlington, development should strengthen the dominant street scene, limit back land development and reflect the character of the locality in terms of the relationship between buildings, open space and roads.

- 5.39 The Countryside Design Summary SPG identifies the village of Kirtlington within the Ploughley Limestone Plateau character area, while the site itself falls within Cherwell Valley character area. As the site provides a significant expansion of the village, it is appropriate to consider the site as also within the Ploughley Limestone character area. The Countryside Design Summary SPG provides an analysis of the predominant characteristics of both the landscape and built environment identifying subsequent implications for new developments. Specific to this site, new development should reinforce the existing street pattern, which creates the basic village form.
- 5.40 This revised proposal now seeks consent for the erection of 75 dwellings on a smaller site of 2.5 hectares along the eastern extent of the land. The settlement pattern of a village can be as important to its character as the buildings. Policy C27 of the adopted Cherwell Local plan states that development proposals in villages will be expected to respect their historic settlement pattern and Policy ESD16 (the character of the built environment) of the Submission Local Plan requires new development to be designed to integrate with existing streets and public spaces. Policies C28 and C30 of the adopted Cherwell Local Plan also go on to state that all new development should be sympathetic to the character of the urban or rural context of the development, development in areas of high landscape value will be required to be of a high standard of design and that new housing development must be compatible with the appearance, character, layout, scale and density of existing dwellings in the locality.
- 5.41 Paragraph 14 of the NPPF requires that, in the absence of a five year housing land supply that, consideration is given to whether the harm caused by the development 'significantly and demonstrably outweighs the benefits'. It is considered that this revised application, which now seeks consent for the erection of 75 dwellings on a reduced area of site of 2.5 hectares along the eastern part of the site, is on balance acceptable. The comments of the Council's Urban Design Officer are noted, however, as stated above, the harm as required by the NPPF must be carefully considered against the benefits of the development. The development indicated better reflects the traditional settlement pattern for Kirtlington in terms of its more linear form, and landscaping and screening along the western boundary of the built development will provide further screening from the more distant views of the site from the public rights of way. In terms of the built form, amendments are sought to the Design and Access Statement to ensure that the development better reflects local vernacular and traditional settlement pattern in terms of layout, scale and materials. Members will be updated at the meeting in this respect.
- 5.42 This revised proposal is also more reflective of the site identified in the SHLAA Update 2014 (ref KR010) which indicates that this site has development potential for up to 75 dwellings. It is considered that the site now identified in this proposal, could provide a linear pattern of development similar to the surrounding residential properties.
- 5.43 In terms of connectivity with the remainder of the village. This has not been raised as

an issue by the Highway Authority, and new footpath links are to be provided along Lince Lane/Oxford Road to link with the existing footpath network and improvements are proposed to the existing Public Right of Way along the eastern boundary of the site which links through to the remainder of the village at the Oxford Close junction. It is considered, on balance, in respect of this development for 75 dwellings on a reduced area of the site, that, a refusal based on a lack of connectivity and integration with the remainder of the village cannot be justified.

Visual Amenity and Landscape Impact

- 5.44 The application site quite clearly lies beyond the existing built up limits of Kirtlington in an area of open countryside which is identified as being of High landscape Value (Saved Policy C13 of the Adopted Cherwell local Plan). Policies C7 and C8 of the adopted Cherwell Local Plan also seek to protect the landscape, preventing sporadic development that would cause harm to the topography and character of the landscape and the explanatory text states that tight control should be exercised over all development proposals in the countryside if the character is to be retained and enhanced. Careful control of the scale and type of development is necessary to protect the character of these designated areas. Policy EN34 of the Non-Statutory Cherwell Local Plan seeks to conserve and enhance the character and appearance of the landscape although the formal designation relating to the Area of High Landscape Value has been removed. This does not mean however that landscape quality is no longer important. The landscape significance of these areas is carried through in the Submission Local Plan through Policy ESD 13 which seeks to conserve and enhance the distinctive and highly valued local character of the entire district. The NPPF also advises that the open countryside should be protected for its own sake.
- 5.45 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscaped areas will be judged. Distinctions should be made between the hierarchy of internal, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and contribution to they make to wider ecological works.
- 5.46 Paragraph 115 of the NPPF advises that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status protection in relation to landscape and scenic beauty. The application site does not lie in any nationally designated landscape, such as a National Park or AONB but it does lie within an area designated locally within the adopted Cherwell Local Plan as an 'Area of High landscape Value'. There are no tree preservation Orders on or adjacent to the site.
- 5.47 The application is accompanied by a Landscape and Visual Impact Appraisal which has been prepared by FPCR Environment and Design Ltd on behalf of the applicant and has been prepared based upon the 'Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3)' published by the Landscape Institute and the Institute of Environmental Management and Assessment 2013.
- 5.48 In terms of the submitted Landscape and Visual Impacts Appraisal, the study area for the assessment of visual effects was determined through a combination of desk study and field survey with visibility of the site explored using a series of key viewpoints from nearby settlements and residential properties, public rights of way, recreational areas and the road network. Details of the viewpoints taken can be read in more detail in the LIA as submitted.
- 5.49 The report concludes that the site has a relatively small 'Zone of Visual Influence' due to the local built development, topography and tree cover within and around the site.

The existing boundary vegetation visually contains the site and screens the majority of views from potential receptors to the west and south of the site. New planting and proposed areas of open space to the site boundaries will define the southern, western and northern boundaries which would further enhance the screening effects.

- 5.50 The report states that in terms of residential receptors, these are restricted to properties located directly adjacent to the site boundaries along the Oxford Close and Oxford Road. It considers that the retention of existing vegetation and the proposed boundary planting to the site boundaries would help soften the visual impact of the new development with strategically located areas of public open space to allow for built development to be set back to the eastern boundary. It therefore assesses the effects on visual amenity to be Moderate/Adverse.
- 5.51 In terms of the Public Right of Way 270/10/30, users would have views of the eastern edge of the development. The landscape treatment of this right of way includes setting it within a green buffer corridor which will include tree and hedgerow planting, with the housing set back and fronting this area to provide natural surveillance. It considers the effects on users to be Major/Moderate Adverse. There would also be some views across to the development from the south.
- 5.52 The report concludes by stating, *'it is assessed that the site's landscape character has the ability in which to absorb development of the scale and type proposed, and as presented by the master Plan, without causing any long term unacceptable landscape and visual harm. The Proposed Development of well-designed locally distinct new homes and attractive streets and green space would be appropriate within this landscape context and effects as a result of the proposed development would not give rise to any unacceptable landscape and visual harm'*.
- 5.53 The Landscape and Visual Impact Appraisal has been assessed by the Council's Landscape Officer who considers that the conclusion of the LVIA is fair and there will be limited impact on the wider landscape, stating that the site has a relatively small 'zone of influence' and the greatest impact will be from the Public Right of Way at the rear of the dwellings backing onto the site, and views into the site from the proposed entrance. In respect of viewpoints 3 and 4 of the Landscape Visual Impact Appraisal, as these are distance views of the site, in the overall panorama from the viewpoints looking towards the site, any glimpse of the development would be in the context of a wide panorama of open countryside. The southern edge of the village of Kirtlington is already visible from this direction, and the Landscape Officer having assessed the proposal considers that it would not be introducing new development into totally open countryside and new planting proposed on this boundary will screen any initial visibility within 10-15 years as it evidenced by Gossway Copse.
- 5.54 It is accepted that the development proposed by virtue of its nature, being development of a green field site beyond the existing built up limits of the village into open countryside will result in localised harm within the immediate vicinity of the site, and the introduction of houses, access roads and associated domestic paraphernalia would have an urbanising effect. However, the wider visibility of the site within the wider area is restricted by intervening vegetation and long distance views and topography.
- 5.55 Having regard to the above, whilst it is considered that the development proposed will cause harm to the visual amenities of the immediate locality, the harm being identified as Major/Adverse, it is considered unlikely to adversely impact on the Area of High Landscape Value and cause sufficient harm to the setting of the village from the wider open countryside. To justify a refusal based on visual and landscape impact and Policy C7 of the adopted Cherwell Local Plan and the advice within the NPPF on landscape impact and harm to the open countryside cannot therefore be justified in respect of this proposal.

- 5.56 An arboricultural assessment has also been submitted as part of the application documents which has been assessed by the Council's arboricultural Officer who has not raised any objections to the proposal. There are no trees within the centre of the site itself, as tree and hedgerows are confined to the peripheries. There will therefore be no significant tree loss to facilitate the development.

Ecology

- 5.57 The application is accompanied by an Ecological Appraisal prepared by FPCR Environment and Design Ltd on behalf of the applicant, and includes the results of an Extended Phase 1 and subsequent protected species surveys (badger, bat and great-crested newt surveys). The report states that the site is dominated by species-poor semi-improved grassland currently utilised as pasture bound by hedgerows and fences. Additional habitats present include tree standards and scattered scrub.
- 5.58 The site was surveyed on 23rd April 2014 following the Extended Phase 1 survey technique as recommended by Natural England. This involved a systematic walk over of the site by an experienced ecologist to classify the broad habitat types and to particularly identify any habitats of principal importance for the conservation of biodiversity as listed within Section 41 of the Natural Environment and Rural Communities Act 2006 (NERC 2006). Given the nature of habitats within and surrounding the site, particular consideration was given to the potential presence of bats and amphibians, for which further protected species surveys were completed. A badger survey was also completed.
- 5.59 The findings of the survey state that no great crested newts were recorded within the site or the pond within the golf course to the west. A single pond to the southeast of the site could not be accessed to be surveyed, however, the presence of great crested newt within the pond or onsite is considered unlikely. No evidence of bat roosting was found on site, but bat activity across the site was generally unexceptional with one barbastelle bat pass and activity from common pipistrelle, soprano pipistrelle, brown long-eared and noctule bats also recorded. Mitigation measures will need to ensure that the hedgerows remain unlit to ensure there is no significant effect on commuting and foraging corridors for these species.
- 5.60 A bat survey report of buildings on the site was undertaken by FPCR on behalf of the applicants. External aspects of the buildings were examined to determine any potential access points and roost sites on 23rd April 2014. Structural features with the potential for use by roosting bats were recorded and suitable access points, such as small gaps under eaves/soffit boards, raised or missing tiles and gaps at gable ends were sought. The interior of the buildings including any roof voids, were also visually assessed for evidence of bat activity and/or potential to be used for bats on the above date. Following the completion of external and internal building assessments, nocturnal surveys were undertaken to determine the presence of bats in the buildings. These surveys were undertaken on 6th June and 9th July 2014 at dawn when weather conditions were suitable.
- 5.61 The results of the above surveys revealed that in building 1, four suspected brown long-eared *Plecotus auritus* bat droppings were recorded in the roof void but these were considered to be several years old. Buildings 2, 3, 4, 5 and 6 were considered to offer no/negligible potential for roosting bats due to the lack of roosting opportunities. Therefore, nocturnal presence/absence surveys were not undertaken.
- 5.62 In terms of Non-Statutory Designated Sites, Kirtlington Park Local Wildlife Site and Conservation Target Area and Lower Valley Conservation Target Area are located 390m east and 300m west respectively. The appraisal however, due to the distance buffers between the site and the development area, does not consider that these offer

a constraint to the development as it is unlikely that the development would have a detrimental impact.

- 5.63 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures’.
- 5.64 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and:
- 5.65 ‘Local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a ‘competent authority’ in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the member States to prohibit the deterioration or destruction of their breeding sites or resting places’.
- 5.66 Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under regulation 53 of the conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-
1. Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
 2. There is a satisfactory alternative
 3. Is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 5.67 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 5.68 The Council's Ecologist has not yet responded in respect of this application, but having assessed the Ecological Appraisal in respect of the previous application for 95 dwellings on the larger site, (14/01531/OUT) raised no objections and advised that in general the ecological enhancements recommended should result in a net gain to biodiversity if carried out appropriately. A number of conditions were recommended, including the provision of integrated swift and bat boxes.
- 5.69 Consequently, having regard to the above, it is considered that Article 12 (1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on the site will continue, and will be safeguarded, notwithstanding the proposed development. It is therefore considered that the proposal accords with the advice of the NPPF and Policies C2 and C5 of the adopted Cherwell Local Plan and Policy ESD 10 of the Submission Cherwell Local Plan.

Flooding and Drainage

- 5.70 A Flood Risk Assessment has been submitted as part of the application which demonstrates that the site is not at risk of flooding. The site lies outside any fluvial flood risk areas, being located within Flood Zone 1. The report has determined that the site is at low risk from all forms of flooding. The report has determined that the site is at low risk from all forms of flooding. The surface water drainage strategy is to control the surface water discharge from the development prior to discharge into the existing manhole which conveys water to a drainage ditch along Lince Lane, as proved by the results of a CCTV survey. Attenuation volumes will be retained in a detention basin which is indicated in the southern part of the site. The report advises that permeable paving is not suitable for this site as infiltration tests reveal infiltration is too slow. Rainwater run-off from roofs and hard paved areas will be directed through the prevention measures and then via a new Thames Water adopted gravity network within the highways to an on-site detention basin. This will account for the additional surface water run-off generated by the site and prevent increased discharge to the downstream watercourses for the extreme events.
- 5.71 The Environment Agency have yet to comment in respect of this application, but on the previous submission for 95 units, they raised no objection subject to the imposition of a condition requiring the submission of a surface water drainage scheme for the site based on the FRA and Surface Water Drainage Strategy submitted with the application.

Archaeology and Cultural Heritage

- 5.72 The site is located in an area of archaeological potential 650m south of Akeman Street, the roman road from Alcester to Cirencester (PRN 8921). Another possible prehistoric trackway and minor Roman road, the Portway, has been recorded 500m north of this site (PRN 8962). The projected course of the Portway passes 130m east of this proposed site. Roman settlement has been recorded 240m south east of the proposal area during an archaeological excavation which was recorded a Roman stone building and stone lined well along with a c2nd or 3rd field system (PRN 16989). Two Saxon sunken featured buildings were also recorded along with a third possible Saxon building along with a quantity of Neolithic pottery. Evidence of further Roman settlement evidence was recorded 170m east of the proposed site during an excavation which recorded a Roman pit (PRN 28269) along with a Saxon ditch and medieval features. Roman burials have been recorded 500m north of the site (PRN 1762) and numerous Roman coins have been found in the area.
- 5.73 Medieval remains have been found in a number of locations within the settlement itself. A series of earthworks have been recorded immediately south east of the application area which have been interpreted as a possible deserted medieval village (PRN 13284).
- 5.74 Section 12 of the NPPF – Conserving and Enhancing the Historic Environment sets out the planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance.
- 5.75 Paragraph 128 states that: ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset’s importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage

assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and , where necessary, a field evaluation’.

- 5.76 Paragraph 129 states: ‘Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid, or minimise conflict between the heritage asset’s conservation and any aspect of the proposed’.
- 5.77 Paragraph 131 in respect of the consideration of planning applications states that local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and
 - The desirability of new development making a positive contribution to local character and distinctiveness
- 5.78 Paragraph 132 states: ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting’.
- 5.79 The NPPF at paragraphs 133 and 134 go on to say that where a development will lead to substantial harm it should be refused, or where it will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
- 5.80 The County Archaeologist assessed the initial submission in respect of the earlier application (14/01531/OUT), and raised an objection on the grounds that as the site is located in an area of archaeological potential, the results of an archaeological field evaluation would need to be submitted as part of the application in order that the potential impact of this development on any surviving archaeological features could be assessed. The applicants were advised of this and Oxford Archaeology was commissioned by CgMS to undertake an archaeological evaluation of the site. The archaeological work was carried out from 17th to 19th December 2014 and a Geophysical Survey Report produced by Stratascan dated December 2014 and an Archaeological Evaluation Report produced by Oxford Archaeology dated January 2015 were received by the Local Planning Authority on 27th January 2015. The revised Archaeological Desk Based Assessment Report dated February 1015 was received on 6th February 2015.
- 5.81 The County Archaeologist has confirmed that as the surveys and report did not identify any significant archaeological remains or features on the site, that no objections are now raised to the development on archaeological grounds. The proposed development therefore will not adversely affect the site in terms of its archaeological importance and the development is therefore considered to be in accordance with the above mentioned advice within the NPPF.
- 5.82 The application proposal has also been assessed in terms of its impact upon the adjacent heritage asset, the Kirtlington Conservation Area. It is considered that due to the distance between the site and the Conservation area boundary that the development proposed will not adversely affect the setting of the adjacent Conservation Area. There are no listed buildings within immediate proximity of the site. The development in that respect is therefore in accordance with the advice within

the NPPF and Policy C18 of the adopted Cherwell Local Plan.

Transport Assessment and Access

- 5.83 The application has been submitted with a Transport Assessment and Travel Plan prepared by Stirling/Maynard transportation Consultants on behalf of the applicants. A single vehicular access into the site is proposed from the A4095 at the eastern end of the site from Lince Lane, a single carriageway road which in the vicinity of the site is approximately 6.5m wide. On the approach into the village from the south, the road is subject to a 50mph speed limit which reduces to 30mph at the entrance into the village. There is no footway immediately along the site frontage, but one starts approximately 60metres east of the site on the same side of the road and runs up into the village.
- 5.84 Access to the site is proposed via a priority junction on Lince Lane together with a right turn facility into the site on the outside of the bend in the middle of the site frontage. Following a speed survey, it is proposed that vision splays of 2.5m x 43m are appropriate for the development, although splays in excess of this can be achieved. A footpath link is proposed from the site access to the existing footpath on Oxford Road.
- 5.85 The highway authority in respect of the previous application for 95 dwellings (14/01531/OUT) raised objections on the grounds that the proposal as submitted lacked detail with regard to the geometry and visibility available at the vehicular access and therefore failed to demonstrate the proposed access would operate safely. The submitted plans did not include tracking diagrams for large vehicles, for example, refuse trucks turning to or from the site and requested further plans be submitted to demonstrate that such manoeuvres would not involve running over the opposite side of the carriageway or turning lane.
- 5.86 The revised plans submitted as part of this application, indicate that vision splays of 2.4 x 90m is available in both directions. For vehicles travelling eastbound towards the access 134m visibility is available and westbound towards the access a 68m forward visibility is available. In respect of vehicles in the right turn lane waiting to turn right into the site the plans indicate that 84m forwards visibility is available to the off side lane and 103m to the near side lane.
- 5.87 In terms of accessibility, the Transport Assessment considers that the whole of Kirtlington village is within cycling distance of the site, together with other surrounding villages and the fringes of Woodstock and Kidlington, bringing a further range of facilities within cycling distance of the site. This statement however, appears to make no assessment of the terrain, type of roads/lanes, many of these roads are not lit and are essentially narrow country lanes which are unlikely to be attractive to cyclists, particularly during the winter months.
- 5.88 The Transport Assessment also states that the bus routes into the village offer a regular service from early morning until early evening Monday to Saturday providing opportunities for travel to Bicester, Oxford and Kidlington. In addition there is a later bus back from Oxford on Saturday evening although there is no service on Sundays. However, these buses are only every 2 hours to Kidlington for the majority of the day.
- 5.89 The revised submission and Transport Assessment provided as part of this application have been assessed by the Highway Authority who now raise no objections and consider that an appropriate level of visibility has been demonstrated at the access, including forward visibility from various points at and approaching the junction. Junction radii have been increased and any over-run by large vehicles will be minimal. Appropriate pedestrian provision is proposed and must link to the local network. The highway authority will require the speed limit to be extended out of the

settlement.

- 5.90 Kirtlington Parish Council has raised a number of concerns in respect of a number of consultation responses, including that from the highway authority. These comments have been passed to the highway authority and a further response is awaited.

Adjacent Golf Course

- 5.91 The site lies to the east of the Kirtlington Golf Course and one of the Tees which is situated close to the boundary with the application site. The possible issue of the safety of the application site arising from the proximity of the Kirtlington golf course on the boundary of the site was raised with the applicants during the consideration of the previous submission for 95 dwellings. This issue was also highlighted in a letter submitted on behalf of the owners of the golf course drawing attention to the historic position relating to their site and the application site and the objections raised by the landowner and farmer Mr East regarding golf balls which were being hit onto the land causing damage to buildings and potential hazard to cattle. Following these complaints, fencing was erected by the Golf Club owners together with planting along the boundary in question to prevent the escape of golf balls from their site onto the land which now forms the basis of this application. The letter goes on to say that the physical fencing was removed some 3 years ago as the planted screen was considered sufficient to prevent the escape of golf balls from the site.
- 5.92 The Council's Anti-Social Behaviour manager advised that the use of planting to create a barrier must be considered a temporary solution to the problem as with time the trees and shrubs could deteriorate and become less effective. He therefore requested that the applicant's be required to submit a specialists report prepared by a golf course architect appraising the current arrangements for boundary protection and recommendations as to what would be required in the long term to protect the proposed dwellings and their inhabitants.
- 5.93 The applicants responded stating that whilst the safety concerns from stray golf balls from Kirtlington golf course were acknowledged, on balance they did not consider this to be a major '*planning issue*' relevant to the decision or a significant concern to be weighed in the planning balance. They also went on to say that the fact that the application site is close to a golf course may be seen as a positive visual landscape feature and as a responsible developer point out the significant existing landscaping on the golf course and the equally significant buffer on the western boundary of the site and the layout which is sensitive to the proximity of the golf course and does allow this significant offset in consideration of potential future residents of the scheme. They further state that it is their understanding that large nets (which were previously in place) are no longer acceptable mitigation as they are deemed to be intrusive landscape features and it is therefore difficult to consider what further mitigation is either achievable or appropriate.
- 5.94 In respect of a recent appeal decision on land to the west of Warwick Road (application number 13/00656/OUT), the Inspector considered a similar issue with respect to a residential development and its relationship with the adjacent golf driving range and 9 hole golf course. In respect of that appeal, the appellants had commissioned a survey to assess the impact of the golf club on the proposed development and vice versa. The Inspector agreed that this issue required consideration because it is necessary to ensure the safety of future occupiers of the proposed development. Whilst that report acknowledged that a significant number of golf balls were currently being hit out of the driving range into part of the site, since the application was for up to 300 dwellings, the Inspector considered that permission could not be refused for the entire development even if it was found at reserved matters stage that a part could not be safely built.

- 5.95 In the case of this particular application, whilst it is unfortunate that the applicants are not willing to commission a survey and report as requested, it is considered that as the developable area has been reduced and all built development has been moved some distance from this boundary that this is less of an issue now. It is considered that any potential conflict can be dealt with by condition, requiring the provision of a landscaped buffer along this boundary.

Delivery of the Site

- 5.96 Part of the justification for the submission of this application is based on the District's housing land supply shortage. The potential of this development is to contribute to the shortage of housing is a key factor weighing in favour of this proposal. It is therefore vital that this land is delivered within the 5 year period.
- 5.97 As with other residential applications submitted for consideration on this basis, it is considered that if planning permission is granted, a shorter implementation period should be imposed which will help to ensure that the development contributes to the five year housing land supply. The application has been submitted by Gladmans who would look to market the site upon the receipt of a planning permission and cite the new development on the Barford Road at Bloxham which has been successfully marketed as an example.

Planning Obligation

- 5.98 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. The draft Supplementary planning Document (SPD) relating to the requirements was considered by the Council's Executive in May 2011 and was approved as interim guidance for development control purposes.
- 5.99 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/services. Obligations are the mechanism to secure these measures.
- 5.100 In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:
- Necessary to make development acceptable in planning terms
 - Directly related to the development, and:
 - Fairly and reasonably related in kind and scale to the development
- 5.101 Having regard to the above, the Heads of Terms relating to the additional development would include the following:-

CDC Contributions

- Affordable housing – 35%
- Refuse and recycling - £67.50 per dwelling
- Off-site sports – details awaited
- Indoor sports – details awaited
- Play areas, combined LAP/LEAP on site and £122,889.10 commuted maintenance sum
- Community halls – to be determined as dependant on the size of dwellings
- Attenuation areas - £14.91 m2
- Hedgerow maintenance - £35.78 m2

- Public open space, 4122.75m2 on site with maintenance cost of £25.07 m2
- Monitoring Fee £3,000

OCC Contributions

- Travel Plan monitoring fee £1240
- Improvement of bus stops at Oxford Arms and The Mount £10,000
- Enhancement of bus service (route number 25A) £1,000 per dwelling
- Treatment and maintenance of the public right of way
- Primary education - £291,519
- Secondary education - £305,834
- Special education needs - £14,479
- Local library - £17,150.45
- Central library - £3,460.36
- Waste management - £12,913.28
- Museum resource centre - £1,008.85
- Adult day care - £16,434.00
- Administration and monitoring - £5,000

Engagement

- 5.102 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.103 Given that the adopted Cherwell Local Plan housing policies are out of date and the emerging housing policies can only be given limited weight, and the council cannot demonstrate a five year housing land supply, paragraphs 14 and 49 of the Framework are engaged. Paragraph 14 makes it clear that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 5.104 The development of this site is contrary to the Adopted Development Plan policies. However, the Council does not currently have any up to date adopted policies to ensure the future delivery of housing and there remains a shortfall in housing land supply. In this case, it is the benefit of seeking to meet the housing land supply and the provision of affordable housing that weigh heavily in the balance. Whilst taking into account the high level of local objection to the development, it is considered, on balance, that having regard to the above, and the Council's shortfall in a five year housing land supply, that there are no significant harmful effects from the proposal that would justify recommending the application for refusal at this time and the application should therefore be approved.

6. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined above, with delegation to officers to negotiate its final content
- b) A satisfactory Design and Access Statement and parameters plan

- c) Comments from OCC in respect of the concerns raised by Kirtlington Parish Council
- d) Comments from the Environment Agency
- e) the following conditions:

- 1. 1.No development shall commence until full details of the layout, scale, appearance and landscaping, (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the town and country Planning (General Development procedure) Order 2010 (as amended)

- 2. In the case of the reserved matters, application for approval shall be made not later than the expiration of 12 months beginning with the date of this permission
Reason As above

- 3. The development to which this permission relates shall be begun not later than the expiration of 12 months from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved
Reason: As above

- 4. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents (to be inserted)
Reason For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance within the NPPF

- 5. Prior to the commencement of the development hereby approved, the buildings and structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site.
Reason: BR6

- 6. The proposed development shall not exceed a height of 8.5m measured externally from the approved finished floor levels
Reason: To ensure the development is in scale and harmony with its surroundings and to comply with Policy C38 of the adopted Cherwell Local Plan and Government guidance within the NPPF

- 7. That not less than 50% of the dwellings shall be constructed in natural limestone under a natural slate roof. The distribution of these dwellings across the site shall be agreed as part of the reserved matters submission.
Reason; To ensure that the development is constructed and finished in materials which are in harmony with traditional building materials used in the village and to comply with Policy C28 of the adopted Cherwell Local Plan and government guidance within the NPPF

- 8. Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.
Reason To ensure sufficient access to water in the event of a fire in

accordance with Government guidance within the NPPF

9. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed

Reason

10. Prior to the commencement of any development on the site, the proposed access, hereby approved, between the land and the highway shall be formed, laid out and constructed in accordance with the approved plans, strictly in accordance with Oxfordshire County Council's specification and guidance.

Reason: In the interests of highway safety and to comply with Government guidance within the NPPF

11. Prior to the first use of the access hereby approved, the existing access onto the A4095 shall be permanently stopped up and shall not be used by any vehicular traffic whatsoever.

Reason: as above

12. Prior to the commencement of the development, a Construction Environment management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved CEMP.

Reason In the interests of highway safety and to protect the amenities of the occupiers of adjacent residents during the construction of the development and to comply with Policy ENV1 of the adopted Cherwell Local plan and Government guidance within the NPPF.

13. No development shall commence until details for the provision of 10 incorporated bat roosts (of the type Schwegler 1FR, Ibstock or similar) have been submitted to and approved in writing by the Local Planning Authority. Details shall include the type of bat roosts to be used and their proposed locations within new dwellings. The approved works shall be implemented in full before the development is first brought into use.

Reason To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance within the NPPF

14. No development shall commence until details for the provision of 10 incorporated swift nest boxes (of the type Schwegler or similar) and 10 internal or external nest boxes for other bird species have been submitted to and approved in writing by the Local Planning Authority. Details shall include the type of nest boxes to be used and their proposed locations within new dwellings/on trees. The approved works shall be implemented in full before the development is first occupied.

Reason: as above

15. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a Reptile Method Statement, detailing how the site will be cleared to avoid harm to reptiles, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the scheme shall be carried out in accordance with the approved details.

Reason: To ensure the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance within the NPPF

16. Prior to the demolition of the buildings on the site, the findings of an updated bat survey shall be submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate mitigation strategy if necessary. Thereafter any mitigation scheme shall be carried out in accordance with the approved details.

Reason as above

17. Prior to the first occupation of any of the dwellings on the site, a final certificate certifying that the dwellings in question achieve Zero Carbon development shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

18. Prior to the commencement of the development hereby approved, 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. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates, the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed on accordance with the Water Authorities Associations current edition 'Sewers for Adoption'

Reason: To ensure the satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance within the NPPF

Planning Notes

1. Thames Water
2. High standard of design
3. No obstruction of footpath
4. Biodiversity/protected species
5. Bats
6. Nesting birds

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

14/02149/CDC

Former Ambulance Station
Cope Road
Banbury
OX16 2EY

ED & Ward Bdy



Ambulance
Station

101.2m



NORTH
Scale 1:250

14/02149/CDC

Former Ambulance Station
Cope Road
Banbury
OX16 2EY



BANBURY

Cherwell



Scale 1:5,000

Page 350

© Crown Copyright and database right 2015. Ordnance Survey 100018504

DISTRICT OF NORTH OXFORDSHIRE

Site Address: Former Ambulance Station Cope Road Banbury

14/02149/CDC

Ward: Banbury Easington

District Councillor: Fred Blackwell, Kieron Mallon
and Nigel Morris

Case Officer: Bob Neville

Recommendation: Approval subject to conditions

Applicant: 'Build!' - Cherwell District Council

Application Description: Redevelopment of former Banbury ambulance station site to provide 6 dwellings of shared accommodation including 2 self-contained units for staff and all associated parking and amenity space

Committee Referral: CDC Application

Committee Date: 19/03/2015

1. Site Description and Proposed Development

- 1.1 The land to which this application relates is the site of the former Ambulance Station adjacent the Fire Station at the junction of Cope Road and Foundry Street northwest of Banbury Town Centre.
- 1.2 In terms of site constraints, the site is not within a conservation area; however there is a grade II listed building (Orchard House) some 55m south of the site. 6 no. Lime trees located along the western boundary of the site are protected by a Tree Preservation Order Ref. TPO 5/2005. There are records of Swifts (a Notable Species) within the vicinity of the site. A Public Right of Way (PRoW) (Restricted Byway) ref. 120/97 runs down Foundry Street along the western boundary of the site. The site is within an area identified as being on potentially contaminated land. A Special Site of Scientific Interest (SSSI) (Neithrop Fields Cutting) lies some 1.3km north-west of the site. There are no other site constraints relevant to planning and this application.
- 1.3 The application seeks permission for the re-development of the former Ambulance Station site to provide 6 dwellings of shared accommodation including 2 self-contained units for staff. The proposed occupants are identified within the Design and Access Statement as being people linked with training and work experience associated Build programme but that units could equally be let to young professionals or occupational groups. The scheme proposes the demolition of offices at the western end of the Fire Station and a shared plant room (dealt with under a separate application for demolition ref. 14/01036/DEM and largely carried out at the time of preparation of this report) and the erection of a row of four 2-storey units with rooms in the roofspace along the frontage of the site with Cope Road and a further two 2-storey units with rooms in the roofspace set back within the plot. The proposal also includes associated permeable parking area, bin and cycle storage and amenity space. The walls of the buildings are to be constructed of multi-red facing brick, with elements of render, under a natural slate roof covering.
- 1.4 The application has been brought forward following pre-application discussions involving several key stakeholders; including both internal and external consultees. The scheme has evolved significantly as a result of these discussions; with various scales, building forms and proposed layouts having been discussed. This has resulted in the scheme that is now presented for determination.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press advert. The final date for comment was the 19.02.2015. One email, welcoming the suggested biodiversity enhancements, has been received as a result of this process.

3. Consultations

3.1 Banbury Town Council - No objections

3.2 Cherwell District Council Internal Consultee:

Urban Design Officer - No objections

Private Sector Housing Officer - No objections

Anti-Social Behaviour Manager - No comments received

Environmental Protection Officer - No objections subject to conditions. I recommend conditions are applied to this application which require additional consideration of arsenic concentrations within the detailed remedial proposals, a detailed remediation scheme is submitted and a report demonstrating the scheme has been undertaken and the site is safe for its proposed end use with regard to land contamination.

I've reviewed the BRD Phase 1 Geo-Environmental Desk Study (reference BRD2038-OR1-A, dated September 2014) and the Geo-environmental site investigation (reference BRD2038-OR2-B, dated January 2015). It is noted that the underlying geology of the site isn't one which is associated with elevated concentrations of naturally occurring arsenic and the soils on site with elevated arsenic concentrations are within made ground. Therefore the risk assessment and recommend the use of the ironstone normal background concentration screening criteria of 220 mg/kg is not accepted for this site, particularly with the proximity to the foundry and the elevated lead concentrations.

The outline remedial proposals i.e. a clean cover depth within this report are adequate to address the potential risk, however the risk from arsenic will require reconsideration and inclusion in the remedial proposals.

More detailed remedial proposals will be required in due course to demonstrate the proposed cover layer depth when the source of the topsoil is known and samples of these soils also, and the proposals for the next stage of investigation, are acceptable. Given the source of the topsoil may not be known yet, I don't recommend requiring the detailed remedial proposals before the development starts (as the outline strategy is acceptable, albeit it requires consideration of arsenic as a contamination source too) but this should be provided as soon as this information is available. The verification of the remedial works will be required prior to occupation.

I recommend applying the following conditions to ensure the developers works to ensure a safe development, are documented and submitted to us through development control:

1. Land Contamination: Remediation Scheme

When the proposed imported clean cover material is identified and prior to occupation, an assessment of the risk from arsenic and scheme of remediation to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

2. Land Contamination: Carry out Remediation

The development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 1. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

3. Land Contamination not Previously Found

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

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Arboricultural Officer - There are 6 protected Lime trees on site which are to be retained. I understand that a tree survey was carried out on the site by Sylva Consultancy but it does not appear to be available to view on Iclipse. The work proposed should not have a significant impact on the trees. Some ground works are proposed under the crown spread of the trees. This should be carried out by hand and should not involve any ground excavations within the root protection zones of the trees. An arboricultural method statement should be submitted to provide details of a tree protection plan and a methodology for working within the root protection zones of the protected trees.

Building Control - No objections

Ecologist - I have no objections on ecological grounds. The trees are being retained and there is unlikely to be any significant impacts on protected species or habitats. I welcome the addition of biodiversity enhancements within each dwelling in the form of bat boxes and bird boxes. I would however concur with the comments made by Chris Mason and request that boxes suitable for swifts are used and that advice is sought from Swift Conservation as to the best siting of these to ensure the benefits to biodiversity in the area is maximised.

Waste and Recycling Manager - No comments received

3.3 Oxfordshire County Council Consultees:

Highways Liaison Officer - No objections subject to conditions

Rights of Way Officer - No comments to make on this application

Drainage - No comments received

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 1996 (Saved Policies)

C28: Layout, design and external appearance of new development

C30: Design of new residential development

ENV12: Development on contaminated land

4.2 Other Material Policy and Guidance

National Planning Policy Framework (NPPF) - March 2012

Planning Practice Guidance (PPG)

Submission Local Plan (SLP) - October 2014

Submission Local Plan (October 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed in December 2014 and the Inspectors report is likely to be published in March 2015. The Plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case:

ESD 16: The Character of the built and historic environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle
- Neighbour and visual amenity
- Highway safety
- Potential land contamination
- Impact on protected trees

Relevant Planning History

5.2 05/01869/OUT - Outline - 2 no. Two storey detached houses with double garages (approved)

14/01036/DEM - Demolition of ambulance garage (approved)

Principle

5.3 The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

5.4 The NPPF positively encourages sustainable development. Paragraph 17 states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant development in

locations which are or can be made sustainable. Paragraph 111 states that Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed.

- 5.5 The site is within the built up limits of Banbury where the principle of new development may be considered acceptable, but having regard to other policies in the development plan, such as Saved Policies C28 and C30. Saved Policies C28 and C30 of the Adopted Cherwell Local Plan seek standards of layout, design and external appearance, including the choice of external finish materials that are sympathetic to the character of the context of the development. Also that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity, and that provides standards of amenity and privacy acceptable to the local planning authority.
- 5.6 Whilst there are various elements to sustainable development, it is clear that the proposal is considered to be sustainable in so far as it proposes new dwellings on a previously developed site, in a relatively sustainable location, being within walking distance of shops and forms of public transport. In this respect it is considered that the NPPF and the adopted and emerging policies are consistent and the proposal complies with the relevant policies and guidance.

Highway Safety

- 5.7 The Highways Authority considers the proposal to be acceptable in terms of highway safety; subject to conditions requiring full specification details, including drainage and construction of the parking and manoeuvring area, at the site, being submitted and approved and that the access is created in accordance with Highways Authority specifications. I see no reason not to agree with this opinion.
- 5.8 The site is within a 5 minute walk of the town centre and the town's bus and train stations it is considered a relatively sustainable location that has the potential to promote the use of other forms of transport away from the use of private car. On balance, given the sustainable location, the limited amount of parking associated with the proposal is considered acceptable in this instance and on balance it is considered that there would be no significant impact on highway safety as a result of the proposals.

Neighbour and Visual Amenity

- 5.9 The Government attaches great importance to the design of the built environment within the National Planning Policy framework (NPPF). Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.10 Saved Policies C28 and C30 of the Adopted Cherwell Local Plan seek standards of layout, design and external appearance, including the choice of external finish materials, which are sympathetic to the character of the context of the development. Further, extensions to dwellings should be compatible with the scale of the existing dwelling, its curtilage, the character of the street scene and should not be visually intrusive.
- 5.11 The scale and the design of the proposed buildings has developed through the course of pre-application discussions and the determination of the application. Design inspiration has been taken from styles and materials seen in the locality and the development looks to provide a transition between the three storey buildings along Foundry Street down to the two storey dwellings along Cope Road.
- 5.12 The materials to be used in the construction of the dwellings are detailed on the application form and within the Design and Access Statement to be multi-red brick,

render and slate. Whilst it is expected that materials will match those in use on buildings within the vicinity it is considered appropriate to condition that samples of materials are submitted and approved prior to the commencement of the development; to ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality.

- 5.13 On balance it is considered that the proposals, subject to the proposed conditions in relation to materials, would not significantly detrimentally impact on the character of the street-scene or be visually intrusive and would therefore comply with the provisions and aims of Policies C28 and C30 of the ACLP.
- 5.14 Given the context of the site, scale of development and its relationship with surrounding properties it is considered that there will no unacceptable impacts on neighbour amenity in terms of loss of light, loss of privacy or overshadowing, as a result of the development and is therefore acceptable in this respect.

Potential Land Contamination

- 5.15 Records indicate that the site is on an area of potentially contaminated land, largely associated with a historic use (foundry works) south of the site. The Council's Environmental Protection Officer raises no objections to the proposals subject to proposed conditions relating to the identification and mitigation of any contamination found during the construction phase. It is considered that subject to the proposed conditions being implemented that the development would accord with the provisions and aims of Policy ENV12 of the ACLP and is acceptable in this regard.

Impact on Protected Trees

- 5.16 6 no. Lime trees located along the western boundary of the site are protected by a Tree Preservation Order Ref. TPO 5/2005 and are considered to be of high amenity value. The Council's Arboricultural Officer raises no concerns subject to the retained trees being protected and that construction is carried out in accordance with an Arboricultural Method Statement (AMS). It is considered to be appropriate to apply the proposed conditions to any such permission to ensure that the Lime Trees are protected at all time during the construction phase of the development and that it is carried out in a method that causes no harm to the immediate or long-term future of the trees.

Other Matters

- 5.17 The NPPF advocates a net gain in biodiversity wherever possible. The extended phase one habitat survey, submitted in support of the application makes recommendations in relation bird and bat mitigation measures which should be incorporated into the completed development. In relation specifically to birds, Swifts have been identified in the area and are protected. The Council's Ecologist proposes a condition that swift boxes be incorporated into the new buildings; it considered appropriate to attach such a condition to any such permission in the aim of effecting biodiversity gains at the site.
- 5.18 Whilst no formal comments have been received from the Council's Waste and Recycling Manger it is considered that suitable provision has been made to accommodate waste and recycling at the site and is sufficiently detailed within the supporting information. The bins are clearly accessible and although not under cover it is considered that the positioning of the bins is not visually intrusive and would not be to the detriment of either occupant or neighbouring amenity.

Engagement

- 5.19 With regard to the duty set out in paragraphs 186 and 187 of the Framework, an on-going dialogue has been maintained by Council officers looking to address problems

or issues that have arisen during the course of both the pre-application discussions and the current applications. Although the application has gone beyond its eight-week determination period, it is considered that the duty to be positive and proactive has been discharged through the interaction between parties in bringing forward a scheme that could be considered acceptable to the Authority.

Conclusion

- 5.20 It is considered that the proposal assessed within this application is an acceptable form of development that causes no significant harm to neighbour amenity or highway safety; the design and scale is sympathetic to the character of the context of the site and provides standards of amenity which are considered acceptable. As such, it is considered to comply with the above mentioned policies and is recommended for approval as set out below.

6. Recommendation - Approval subject to the following conditions

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

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

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, Phase 1 Geo-environmental Desk Study dated 05/09/2014, Extended Phase 1 Habitat Survey dated 21st July 2014 and drawings numbered: C23-PL-01B, C23-PL-02B, C23-PL-03A, C23-PL-04B, C23-PL-05A and C23-PL-06B

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

3. Prior to the commencement of the development hereby approved, samples of the brick to be used in the construction of the external walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, samples of the tile to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, details of the external render, including type, texture and colour finish shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the render shall be finished and maintained in accordance with the approved scheme.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Adopted Cherwell Local Plan and Government

guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, 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. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Prior to the construction of the dwellings hereby approved, the proposed means of access between the land and the highway shall be improved to geometry as plans submitted, formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

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

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

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

9. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the decision.

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

10. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing

landscape and to comply with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, a mitigation strategy for swifts, which shall include details of the location and design of alternative nest sites to be provided, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the commencement of the development, the alternative nesting sites shall be provided in accordance with the approved document.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. When the proposed imported clean cover material is identified and prior to occupation, an assessment of the risk from arsenic and scheme of remediation to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. The development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 12 A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on

someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

2. With reference to condition 7, the guidance referred to is available at <http://www.oxfordshire.gov.uk/cms/content/dropped-kerbs>
3. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), an on-going dialogue has been maintained by Council officers looking to address problems or issues that have arisen during the course of both the pre-application discussions and the current applications. Although the application has gone beyond its eight-week determination period, it is considered that the duty to be positive and proactive has been discharged through the interaction between parties in bringing forward a scheme that could be considered acceptable to the Authority.

15/00015/CLUE

Hanwell Fields Community Centre
Rotary Way
Banbury
OX16 1ER

Hanwell

Arms

(PH)

El Sub Sta

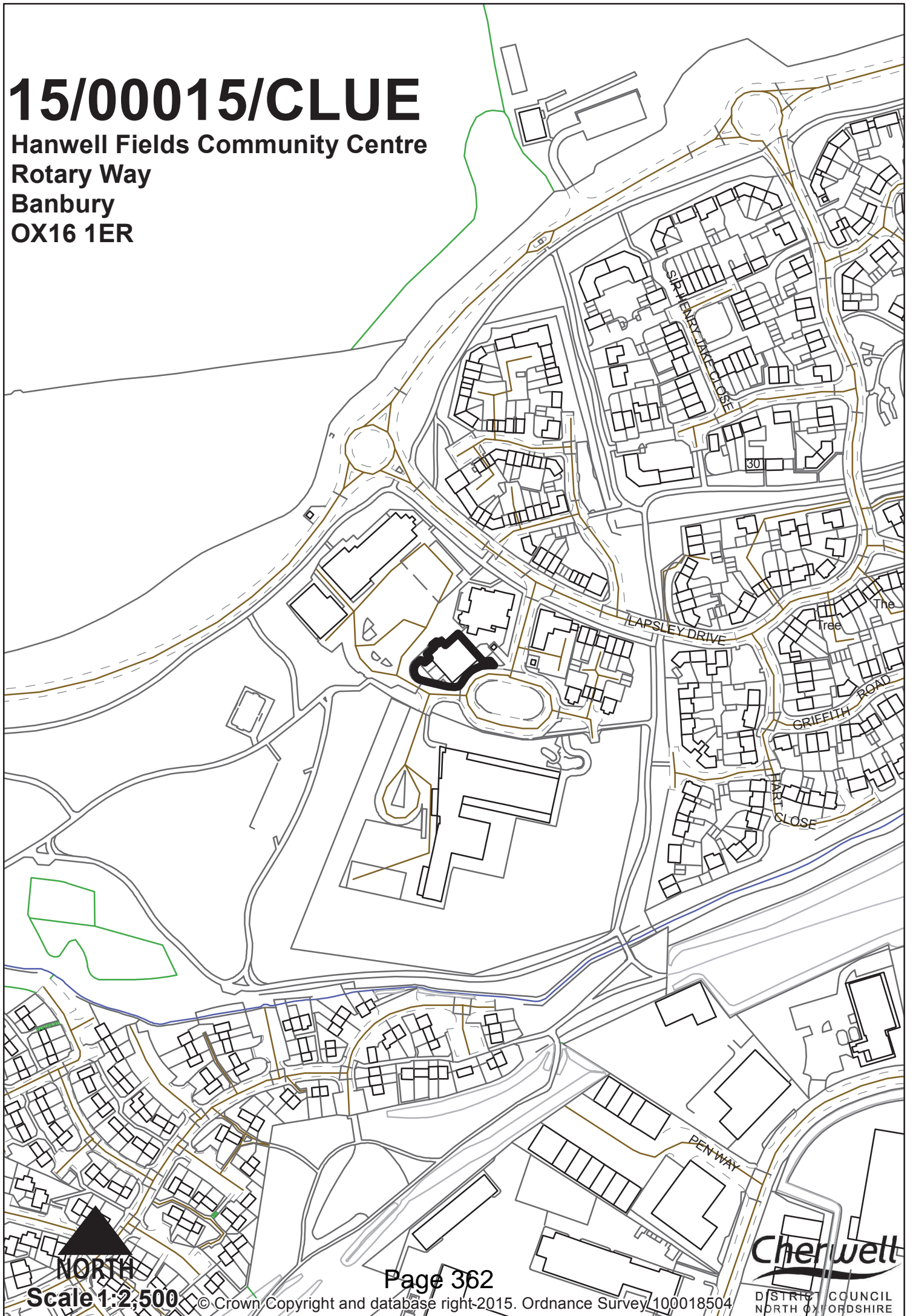
Community Centre



NORTH
Scale 1:250

15/00015/CLUE

Hanwell Fields Community Centre
Rotary Way
Banbury
OX16 1ER



NORTH

Scale 1:2,500

Hanwell Fields Community Centre, Rotary Way, Banbury

15/00015/CLUE

Ward: Banbury Hardwick

District Councillor/s: Cllrs
Donaldson, Ilott and Turner

Case Officer: Laura Bailey

Recommendation: Approval

Applicant: Cherwell District Council

Application Description: Certificate of Lawful Use Existing for a photovoltaic array installation on south west facing roof

Committee Referral: Council owned land

Committee Date: 19 March 2015

1. Site Description, Background and Proposed Development

- 1.1 The Hanwell Fields Community Centre is situated north west of the Rotary Way roundabout, adjacent to 'The Hanwell Arms' public house and the car parking serving a number of local shops to the north west. Hanwell Fields Community School is situated across the road to the south of the site. There are no relevant site constraints.
- 1.2 This application seeks a Certificate of Lawfulness (existing) for the installation of solar panels on the south west facing roof.

2. Application Publicity

- 2.1 There is no duty on the Local Planning Authority to publicise Certificate of Lawfulness applications. However, the Town Council have been consulted on the application as have the Council's Legal Team.

3. Consultations

- 3.1 **Bicester Town Council:** No comments received.

Cherwell District Council Consultees

- 3.2 **Council's Solicitor:** No comments received.

Oxfordshire County Council Consultees

- 3.4 None.

Other Consultees

- 3.5 None

4. Relevant Planning History

- 4.1 95/01117/OUT (PER) Residential development, new link road, landscaping, ancillary development and new primary school site, (as amended by additional masterplan received 15/05/96 and link road plans received 27/03/97).
- 4.2 05/00809/REM (PER) Reserved Matters to Outline 95/01117/OUT: Mixed Use Local Centre comprising of up to 7 No. A1, A2 and A5 units, public house, community centre, 39 No. 1 and 2 bed flats, land identified for possible future doctors surgery, landscaping and parking. Including temporary construction access (as amended by plans received 30/06/05, 01.08.05, 24.10.05 and 11.11.05).
- 4.3 Neither the enabling outline planning permission nor reserved matters applications contain any relevant restrictive conditions withdrawing permitted development rights for the installation of solar PV.

5. Appraisal

- 5.1 Section 191 of the Town and Country Planning Act allows for an application to be made to the Local Planning Authority to ascertain whether an existing use of buildings or other land is lawful. If the Local Planning Authority are provided with information satisfying them of the lawfulness of a current use at the time of the application they shall issue a certificate to that effect. S.191(2) states "For the purposes of this Act uses and operations are lawful at any time if— (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force."
- 5.2 The Town and County Planning (General Permitted Development) Order 1995, as amended (2012 – SI 2012 749), at Part 43 to Schedule 2 sets out permitted development rights for solar panels, ground and water source heat pumps, and flues forming part of biomass and combined heat and power systems installed on non-domestic premises, subject to certain limitations and criteria
- 5.3 These permitted development rights can only be implemented in accordance with certain limitations and criteria, which are as follows:
 - Panels should be sited, so far as is practicable, to minimise the effect on the external appearance of the building and the amenity of the area.
 - When no longer needed for micro-generation panels should be removed as soon as reasonably practicable.
 - Solar panels installed on a wall or a pitched roof should project no more than 200mm from the wall surface or roof slope.
 - Where panels are installed on a flat roof the highest part of the equipment should not be more than one metre above the highest part of the roof (excluding the chimney).
 - Equipment mounted on a roof must not be within one metre of the external edge of the roof.

- Equipment mounted on a wall must not be within one metre of a junction of that wall with another wall or with the roof of the building.
- The panels must not be installed on a listed building or on a building that is within the grounds of a listed building.
- The panels must not be installed on a site designated as a scheduled monument.
- If the building is on designated land* the equipment must not be installed on a wall or a roof slope which fronts a highway.

**Designated land includes national parks and the Broads, Areas of Outstanding Natural Beauty, conservation areas and World Heritage Site.*

- 5.4 It is considered that the installation of the solar panels meets the criteria set out above and therefore is considered lawful.
- 5.5 This assessment and the subsequent certificate are not based upon an assessment of the application against the development plan or other material considerations; it is based solely upon a judgement of the evidence presented against the requirements of Section 191 of the principal Act.

Engagement

- 5.6 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of this submission.

Conclusion

- 5.7 Based on the assessment above, it is recommended that the certificate be granted.

6. Recommendation – Grant

FIRST SCHEDULE

Installation of a photovoltaic array on the south west facing roof slope

SECOND SCHEDULE

Hanwell Fields Community Centre, Rotary Way, Banbury. OX16 1ER

THIRD SCHEDULE

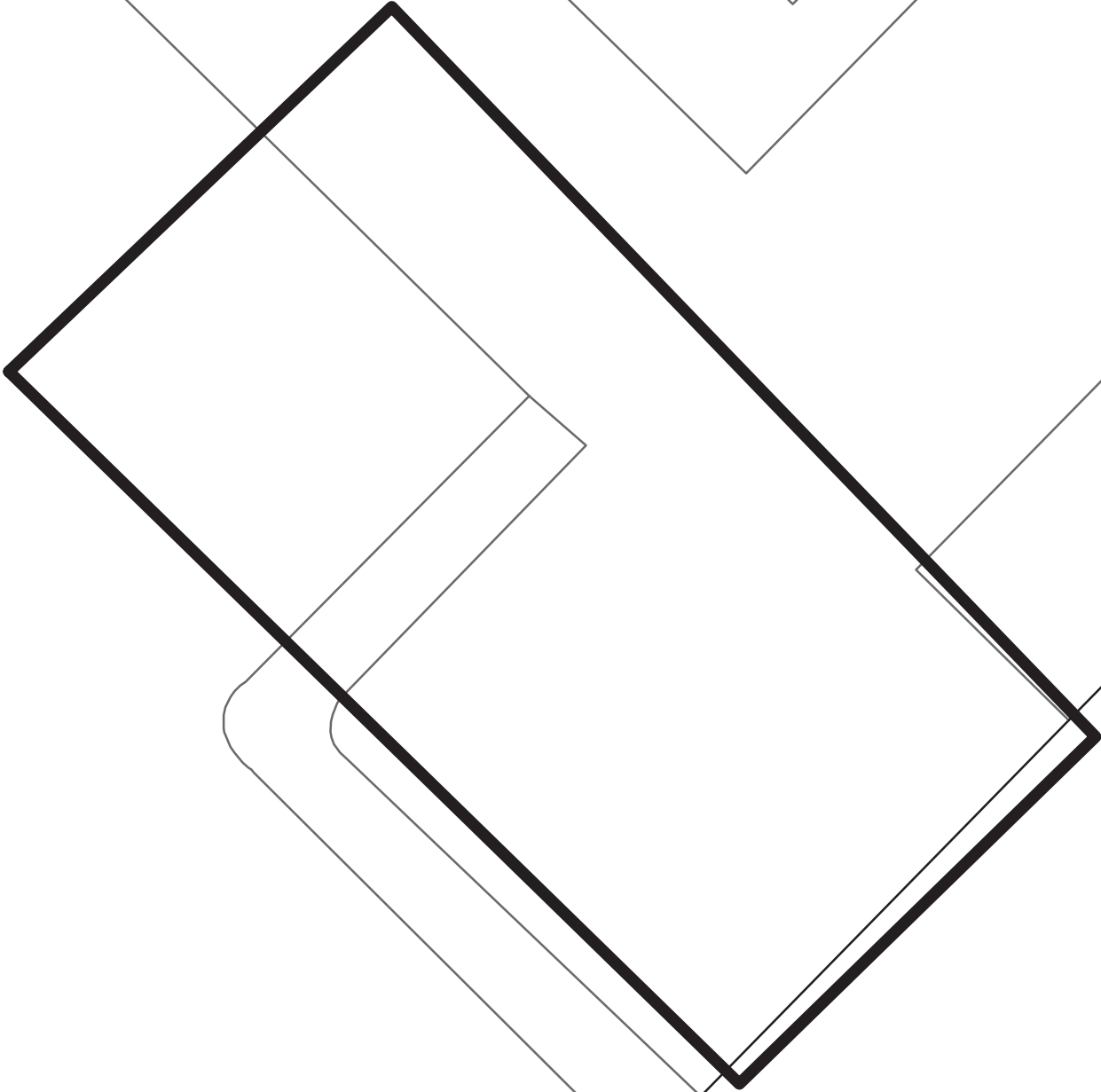
Having regard to the information submitted by the applicant, the planning application records and information held by the Local Planning Authority, the Local Planning Authority is satisfied that the works described in the first schedule benefit from a deemed grant of planning permission pursuant to Part 43, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way through the efficient and timely determination of the application.

15/00021/CDC

Bicester And Ploughley Sports Centre
Queens Avenue
Bicester
OX26 2NR



NORTH
Scale 1:100

Bicester Community College

15/00021/CDC

Bicester And Ploughley Sports Centre
Queens Avenue
Bicester
OX26 2NR

Path

GP
ED & Ward Bdy

Games Courts

Sub Sta

Tank

Sports Centre

College

CR



Scale 1:1,250

**Bicester and Ploughley Sports Centre,
Queens Avenue,
Bicester,
OX26 2NR**

15/00021/CDC

Ward: Bicester West

District Councillor: Cllr Bolster, Hurle, Sibley

Recommendation: Approval

Applicant: Cherwell District Council

Application Description: Material Amendment to 13/01598/CDC – Extension of the chimney flue by 600mm

Committee Referral: CDC application

Committee Date: 19.03.2015

1. Site Description and Proposed Development

- 1.1 Bicester and Ploughley Sports Centre is centrally sited and is adjacent to Bicester Community College, St Mary's Catholic Primary School, Brookside Primary School and associated playing fields. The Sports Centre is accessed off a road some 200 metres from the main entrance off Queens Avenue on its north east side. This vehicular access road is also a public footpath. The sports centre is constructed from brick and steel cladding.
- 1.2 The application follows a previous approval for the construction of a biomass boiler house and fuel silo (see 13/01598/CDC). The purpose of this is to provide the sports centre with green renewable energy. The applicant has submitted a revised application for the biomass boiler house and silo, which shows a minor alteration to the height of the chimney flue. The chimney flue is proposed to be 0.6 metre higher than the chimney flue which has been approved.
- 1.3 The building is not listed and no listed buildings are in close proximity to the site. The site is not within a Conservation Area. A Public Footpath (FP 129/1) runs to the south of the site.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 19th February 2015. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Bicester Town Council: No objections but would ask that chimney height rules are checked prior to permission being given.

Cherwell District Council Consultees

- 3.2 Anti-Social Behaviour Manager: No objections.
- 3.3 Scientific Officer: *"I have no objections to the above application. I understand that an increase in chimney height is proposed in order to improve dispersion of pollutants and resolve issues with poor dispersion".*

Oxfordshire County Council Consultees

3.4 Highways Liaison Officer: No objections.

Other Consultees

3.5 None.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- C28: Layout, design and external appearance of new development
- C31: Development compatibility within residential areas
- ENV1: Pollution levels from a new development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance (2014)

Submission Cherwell Local Plan (January 2014)

Submission Local Plan (October 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed in December 2014 and the Inspectors report is likely to be published in Spring 2015.

The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

ESD16: The Character of the Built and Historic Environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History;
- Changes to the Plans.

Relevant Planning History

5.2 The principle of the development including the biomass boiler house and fuel silo has been established by the approval of 13/01598/CDC. The recommendation report for this previous application includes a full assessment of the merits of the scheme and

therefore does not need to be repeated here. The only alteration to the scheme is the increase of the chimney flue by 0.6 metre therefore the principle and merits of the scheme remain the same. The issues of highway safety and impact upon neighbour amenity in terms of overdomination and loss of light has been considered and the assessment has not changed by the submission of this application.

Changes to the Plans

- 5.3 Whilst the chimney flue would be visible from the public domain of the highway, Officers consider that the proposal would have a negligible visual impact given the minor nature of the amendment. Officers therefore consider that the amended scheme would not cause detrimental harm to the visual amenities of the locality.
- 5.4 The Cherwell District Council Scientific Officer has no objections to the amended scheme and is of the opinion that the higher chimney would improve dispersion of pollutants and would resolve issues with poor dispersion. For this reason and the fact that the proposal would be some 125 from the nearest properties it is considered that the amended proposal is would not cause adverse health impacts or detrimental harm in terms of pollution to the neighbouring properties.
- 5.5 It is considered the change made to the chimney is acceptable and the proposal continues to comply with Saved Policies C28, C31 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Engagement

- 5.6 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the approval of development that accords with sustainable development principles as set out in the NPPF.

Conclusion

- 5.7 As has been discussed, the proposal is considered to continue to comply with the policies outlined in section 4 of this report and will cause limited additional harm. The proposal is recommended for approval and planning permission should be granted subject to appropriate conditions.

6. Recommendation

Approval, subject to the following conditions:

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

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

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application Forms, Site Plan and Drawing No's: Bicester 003, Bicester 008, Bicester 013 and Bicester 014 submitted with the application.

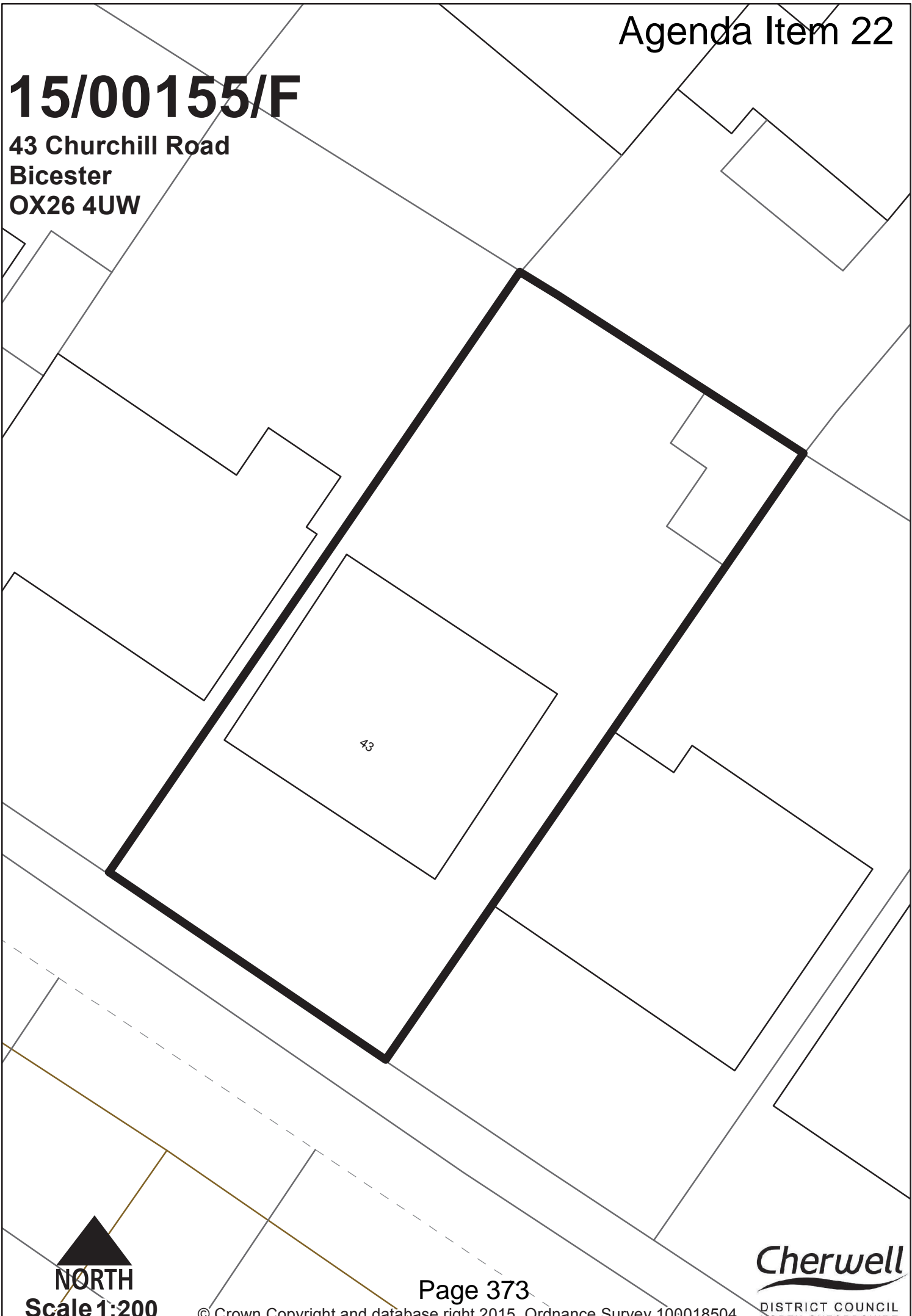
Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

15/00155/F

43 Churchill Road
Bicester
OX26 4UW



43



Scale 1:200

15/00155/F

43 Churchill Road
Bicester
OX26 4UW

Pond




NORTH

Scale 1:2,500

Page 374

© Crown Copyright and database right 2015. Ordnance Survey 100018504

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**43 Churchill Road,
Bicester,
OX26 4UW**

15/00155/F

Ward: Bicester East Ward

District Councillors: Cllrs L and R Stratford

Recommendation: Approval

Applicant: Mr Peter Harrison

Application Description: Single storey rear extension

Committee Referral: Called in by Member **Committee Date:** 19.03.2015

1. Site Description and Proposed Development

- 1.1 The site is located within the built limits of Bicester in a predominantly residential area, with a mixture of single storey bungalows on either side of the site and on Anson Way, to the rear of the site, and two storey, detached accommodation further along Churchill Road. Access to the site is taken directly from Churchill Road. The existing property is a single storey, red brick, detached bungalow with a upvc conservatory and detached garage/outbuilding at the rear. A low red brick wall bounds the front of the property with the highway, with concrete block work walls and trellis detailing along the rear boundaries of the site.
- 1.2 Planning permission is sought for a loft extension with an associated dormer to the rear of the dwelling along with a single storey extension to the rear of the dwelling. The dormer is proposed to be flat roofed and would span most of the rear slope of the existing roof. The dormer is proposed to be constructed from brick to match the existing dwelling. The proposed single storey extension is proposed to protrude from the rear wall of the dwelling by approximately 5.5 metres. The extension is proposed to be a width of 7.8 metres. The single storey extension is also proposed to be attached to the rear elevation of the dormer and would have a ridge height of approximately 4.7 metres, whilst having a similar eaves height to the existing dwelling. The extension is proposed to be constructed from materials to match the existing dwelling.
- 1.3 The building is not listed and no listed buildings are in close proximity to the site. The site is not within a Conservation Area and there are no other relevant site constraints.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter. The final date for comment was the 4th March 2015. Four letters have been received from neighbouring residents objecting to the application. The following issues were raised:
 - The introduction of a two storey building amongst bungalows is inappropriate to the character of the area;
 - Overdevelopment;
 - Too large;

- Overlooking/loss of privacy;
- It will set a precedent;
- The applicants are not applying for a single storey extension;
- These additional rooms cannot be accommodated as a result of the development;
- The deeds of the house state that the dwelling can only be single storey;
- Loss of view.

3.

Consultations

3.1 Bicester Town Council: Object to this application on the following grounds:

“This is a further application to the previous three applications. All set out raising the roof to accommodate a second storey. The Town Council has consistently endorsed local residents objections to the creation of a second floor on this bungalow because it is overdevelopment; because of its impact on surrounding properties and local residents; because it is not in keeping with the local landscape and the street scene and because it would set a precedent.

In particular, we are concerned by the extent of the permitted development which in effect adds a second storey to the bungalow and then extends this second storey extension into the so called single storey extension. The vaulted kitchen ceiling is one step away from a conversion into a second floor. It is clear from the diagrams that the roof is to be raised and it is clear that the proposal is much larger than any of the previous applications. This is not a single storey rear extension.

We continue to strongly object to any proposal that turns this bungalow into essentially a 2 storey building.”

3.2 Bicester Town Councillor Porter: Objects to this application. “This is a further application to the previous 3 applications. All set out raising the roof to accommodate a second storey. I continue to support local residents' objections to the creation of a second floor on this bungalow because it is over development; because of its impact on surrounding properties and local residents; because it is not in keeping with the local landscape and street scene and because it would set precedent. In particular, I am worried by what the developer is pro porting to be permitted development. In reality it amounts to the adding a second storey to the bungalow and then extends this second story into the so called single storey extension. The vaulted kitchen ceiling is one step away for conversion into a second floor. It is clear from the diagrams that the roof is to be raised and it clear is that the proposal is much larger than any of the previous applications. This is not a single storey rear extension. Conditions on the deeds of all the bungalows in this row are not to be converted into 2 storey buildings which is what essentially this application does.”

Cherwell District Council Consultees

3.3 None.

Oxfordshire County Council Consultees

3.4 None.

Other Consultees

3.5 None.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

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

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Cherwell Local Plan (January 2014)

Submission Local Plan (October 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed in December 2014 and the Inspectors report is likely to be published in Spring 2015.

The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

ESD16: The Character of the Built and Historic Environment

5. Appraisal

5.1 The applicant's agent has noted on the drawings submitted alongside the application that the proposed dormer on the rear elevation of the dwelling is permitted development. Officers are in agreement with the agent on this matter and it is considered that the proposed dormer element on its own would constitute permitted development under Schedule 2, Part 1, Class B of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO). Furthermore, the rooflights proposed to the front of the dwelling are considered to be permitted development under Schedule 2, Part 1, Class C of the GPDO. That said, planning consent is required for the rear extension element. The key issues for consideration in this application are:

- Relevant Planning History;

- Visual Amenities;
- Residential Amenities;
- Highway Safety;
- Other Matters.

Relevant Planning History

- 5.2 13/01361/F - Planning permission was refused to raise the roof of the dwelling by 1.7 metres, insert three pitched dormers on the front elevation and erect a single and two storey rear extension. It was considered that the proposal would cause detrimental harm to the amenities of 15 Anson Way to the rear of the site in terms of overdomination. Furthermore, it was considered that the proposal would cause adverse harm to the visual amenities of the locality.
- 5.3 14/00043/F - Planning permission was refused to raise the roof of the dwelling by 1.7 metres, insert three pitched dormers on the front elevation and erect a two storey rear extension. It was considered that the proposal would cause detrimental harm to the visual amenities of the locality. The applicant appealed this decision and the appeal was dismissed. The Inspector concluded that the proposal would have an adverse impact upon the character and appearance of the area.

Visual Amenities

- 5.4 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 5.5 Saved Policies C28 and C30 of the adopted Cherwell Local Plan exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing dwelling. Proposals to extend an existing dwelling should be compatible with the scale of the existing dwelling, its curtilage and the character of the streetscene.
- 5.6 Views of the property from the public domain are principally from the Churchill Road, Keble Road and to a lesser extent, from Anson Way to the rear of the site. Previous applications at the site also included an increase in the ridge height of the existing dwelling, but the ridge height of the dwelling in this application is to remain as it is. The increase in ridge height was considered a major issue in the previous applications as such an extension would have appeared prominently in the streetscene, interrupting the unobtrusive, single storey rhythm of this part of the road.
- 5.7 Whilst the attachment of the extension to the dormers is considered to be of poor design, Officers are of the opinion that views of the proposed dormer together with the extension would not be highly visible from the public domain of the highway. From Churchill Road, the clearest views of the proposed extension and dormer would be gained where the highway runs to the south east of the property, but the existing dwellings on Churchill Road would mainly screen the proposed development. In addition, Officers hold the view that the proposal would not be highly visible from the Anson Way as dwellings on Anson Way would contribute in

screening the proposed extension and dormer from the highway. Furthermore, the locality is also considered to be one which is not sensitive to change and there are no buildings of any special architectural merit within the immediate vicinity.

5.8

Third parties have noted that the proposal would result in the overdevelopment of the site. However, Officers consider that there would be adequate amenity space and sufficient off-street parking for 43 Churchill Road.

5.9

Thus, for the reasons above it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality, in accordance with saved Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Residential Amenities

5.10

Third parties have raised concerns in relation to the two storey element of this proposal and stated that it would cause adverse harm to neighbouring properties (notably those on Anson Way) in terms of overlooking and loss of privacy. Whilst such dormers would allow for new elements of overlooking it should be noted that the applicant could construct the proposed dormers separately under permitted development. Officers are therefore of the opinion that it would be unreasonable to refuse the loft extension/rear dormer element of the application on the grounds that it would cause detrimental harm to the amenity of neighbouring properties in terms of overlooking and loss of privacy. As the extension to the rear is only single storey, it is considered that the views gained from the proposed extension would not be significantly different from those already gained within the rear garden of No.43. Thus, the single storey extension element of the proposal is also considered to prevent detrimental harm to neighbouring properties in terms of overlooking and loss of privacy.

5.11

Regarding No.45 Churchill Road, the nearest rear facing window of this next door neighbouring property does not serve a habitable room (store) and the proposed extension would not, in the opinion of officers, unduly affect this nearest rear facing window. Furthermore, there is a wall of approximately 1.8 metres between the properties and the proposed extension would pitch away from this neighbouring property. No.45 has no side windows which face the application site. It is considered that the proposal would not cause adverse harm to No.45 in terms of over domination and loss of light.

5.12

Whilst the main body of the dwelling of No.41 Churchill Road is set in a similar line to the dwelling at No.43, this next door neighbouring dwelling has a rear extension element which runs close to the boundary shared with No.43. This rear extension accommodates a kitchen and three windows serve this room (each elevation has a window). Officers are of the opinion that the proposed extension element would restrict light from entering the side window facing the site, but a wall of approximately 1.7 metres between these properties already restricts some light from entering this window. Furthermore, this room is served by two other windows and the proposed extension would not breach the informal 60 degree line as taken from the rear facing window within the extension to No.41. There are no other side windows within No.41 which face the site. It is therefore considered that the proposal would not cause adverse harm to No.41 in terms of overdomination and loss of light.

- 5.13 The property closest to the rear of the site is No.15 Anson Way, which is a modest bungalow, with a rear conservatory and limited rear garden space. However, given that the proposed extension would be approximately 4.7 metres in height and beyond 16 metres away from the rear wall of this neighbouring property it is considered that the proposal would not cause adverse harm to No.15 in terms of overdomination and loss of light.

Highway Safety

- 5.14 The parking retained on site is considered to be commensurate for a dwelling of this scale in this location. For the above reasons above it is considered that the proposed development would not cause detrimental harm regarding highway safety, in accordance with Government guidance contained within the National Planning Policy Framework.

Other Matters

- 5.15 Third parties have noted that the proposed rear extension element will be used as a two storey extension. However, the plans display a single storey extension and this is what is being assessed. Given the dimensions of the proposed rear extension, Officers consider that a first floor within this extension this would be very difficult to achieve. If the applicant would like to raise the roof of this extension, this would require planning permission.
- 5.16 Third parties have raised concerns that the proposal would set a precedent for similar development. This concern relates to the issue of bungalows within the locality having a second storey. However, if a loft is converted in compliance with the GPDO, the Local Planning Authority has no control to enforce such a matter. In relation to the matter of precedent, each case is assessed on its own merits.
- 5.17 Third parties have also noted the following:
- the proposal would result in a loss of view from private property;
 - the deeds of the house state that the dwelling can only be of single storey;
 - the proposed loft extension would not be able to accommodate the rooms which are highlighted on the plans.

However these matters highlighted above are not a material planning consideration in this case.

Engagement

- 5.18 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.19 The proposal is considered to be of a design, scale and style that is sympathetic to

the context of the development. The proposal is also considered not to have an adverse impact on the neighbour amenity or highway safety and is therefore compliant with the policies outlined in section 4 of this report. Overall, the proposal is considered to have no significant adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

6. Recommendation

Approval, subject to the following conditions:

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

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

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application Forms and Drawing No's: P100, P103 and P105 submitted with the application and E-mail from the applicant's agent received on 3rd March 2015.

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

PLANNING NOTES

- 1 Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

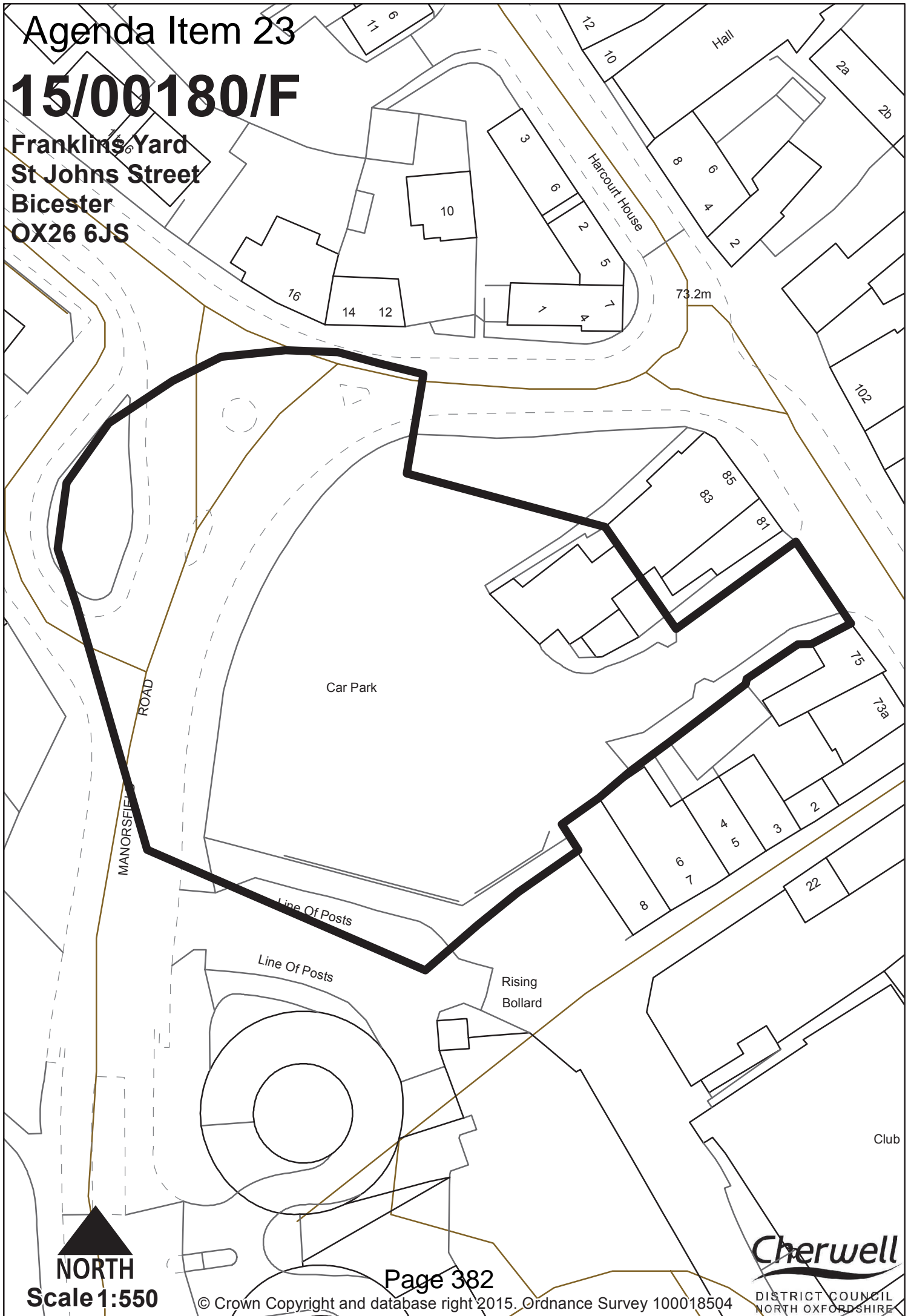
STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

Agenda Item 23

15/00180/F

Franklin's Yard
St Johns Street
Bicester
OX26 6JS



NORTH
Scale 1:550

15/00180/F

Franklins Yard
St Johns Street
Bicester
OX26 6JS

BICESTER




NORTH

Scale 1:5,000

Page 383

© Crown Copyright and database right 2015, Ordnance Survey 100018504


DISTRICT COUNCIL
NORTH OXFORDSHIRE

Franklins Yard, St Johns Street, Bicester

15/00180/F

Ward: Bicester Town **District Councillor:** Cllr D Pickford and Cllr D Edwards

Case Officer: Laura Bailey **Recommendation:** Approval

Applicant: Morgan Sindall Plc

Application Description: Variation of Conditions 2, 3, 15 and 18 of 14/00403/F

Committee Referral: Major application **Committee Date:** 19 March 2015

1. Site Description, Background and Proposed Development

- 1.1 The site is located within Bicester town centre and forms one of the later phases of the redevelopment scheme. It lies between Manorsfield Road, St. John's Street and Sheep Street. The site was previously used as town centre car parking, but included some buildings at the rear of 81-85 Sheep Street which are already approved for demolition. Vehicular access to the site is currently off Sheep Street between nos. 75 and 81.
- 1.2 Although within the town centre, the northern boundary of the site faces mostly residential properties typically 2-3 storeys in height and are a mix of bungalows, detached and attached properties and residential blocks. The River Bure lies to the west of the site beyond Manorsfield Road. Two storey housing at Hunts Close lie further west with more of a set back from the edge of Manorsfield Road with some intervening landscaping.
- 1.3 Full planning permission was granted in December 2014 for the erection of a five storey building comprising the Council's Bicester Link Point accommodation, Oxfordshire County Council library, two units for occupation within Class A1, A3, A4 and/or A5 retail or food and drink uses, Class A2/B1 financial and professional services/office accommodation, Class B1 offices, hotel and servicing. The footprint of the building occupies a sizable portion of the site as it fronts onto Manorsfield Road and the new Pioneer Square. The existing access is retained for the proposed service yard.
- 1.4 The whole site extends to 0.251ha and a small part of the northern section lies within the Bicester Conservation Area including the outbuildings at the rear of 81-85 Sheep Street, the land included within the service area for the new building and properties within Wesley Lane. The building situated immediately adjacent to the access at 75 Sheep Street is Grade II listed. The site is further constrained by being of medium interest archaeologically and potentially contaminated. The site is not within a flood risk area.
- 1.5 This application seeks consent to vary condition two of the full planning permission, which relates to the approved plans, to enable a revised site location plan to replace the approved site location plan and a revised service yard access plan to replace the approved plan. The revised drawings include proposed changes to the vehicular access to enable the erection of an extension to the neighbouring property at 83 Sheep Street.

- 1.6 The proposal also seeks to vary the wording of conditions 3 (external lighting), 15 (air conditioning, extract ventilation and refrigeration systems) and 18 (Secured by Design). All of these conditions require approval of details prior to the commencement of development, although the Council's contractors (Morgan Sindall Plc) are working to an extremely tight project timetable, which has prevented the details required by these conditions to be prepared. The revised wording for conditions 3, 15 and 18 therefore change the requirement for the submission and approval of details to 'prior to first occupation / use'.
- 1.7 Applications for the remaining pre-commencement conditions have been submitted and are pending consideration.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 5th March 2015. No comments have been received.

3. Consultations

- 3.1 **Bicester Town Council:** No objection. Comment that the precise nature of the variation was not included in application pack & request that this is provided in future.

Cherwell District Council Consultees

- 3.2 **Anti Social Behaviour Manager:** No comment received.
- 3.3 **Tree Officer:** The amended scheme for the entrance off Sheep Street now provides insufficient space for the tree planting as originally agreed and therefore it will not be possible to undertake the agreed landscaping scheme

Oxfordshire County Council Consultees

- 3.4 Highways: No comment received. Written update to be given at meeting.

Other Consultees

- 3.5 None

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies) (ACLP)
C28: Layout, design and external appearance of new development
ENV1: Environmental protection

4.2 Other Material Considerations - Policy and Guidance

- National Planning Policy Framework
- Planning Practice Guidance

Submission Cherwell Local Plan (October 2014) (SLP)

Submission Local Plan (SLP) has been through public consultation and was submitted to the Secretary of State for examination in October 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed in December 2014. The Inspectors report is due Spring 2015.

The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

ESD16: Character of the Built and Historic Environment

5. Appraisal

- 5.1 The key issue for consideration in this application is the impact upon the variation in the site plan/access yard plan and the variation to the wording of the aforementioned conditions, requiring the submission and approval of details prior to first occupation / use. All other material planning considerations were previously considered under 14/00403/F (available via the Council's website on Public Access).

Relevant Planning History

- 5.2 07/00422/F – Application approved on 3.09.09 for the town centre development with conditions and a legal agreement. This was an EIA development.
- 5.3 09/01686/F – Application approved on 29.01.10 for the variation of conditions 2, 3, 27 & 56 of 07/00422/F with conditions and a legal agreement. This application related to enabling works to alter the position of Town Brook.
- 5.4 11/01178/F – Application approved on 26.10.11 for the variation of condition 34 of 07/00422/F with conditions. This application related to service vehicle access times.
- 5.5 13/00138/F – Application approved on 29.05.13 to vary condition 36 of 11/01178/F to extend the use of Units A1 and A2 from A1 retail to include all A1 to A5 retail uses. Further conditions were attached.
- 5.6 14/00403/F – Full planning permission granted for the erection of a five storey building comprising community and town centre uses together with servicing and alterations to the vehicle access.

- 5.7 15/00016/DISC – This relates to the discharge of conditions 4 (refuse), 5 (hard/soft landscaping), 7 (biodiversity), 13 (Construction Traffic Management Plan) and 16 (Public Art) of 14/00403/F. This application was received on the 16th January. The consultation period ends on the 19th February 2015. This application expires on the 13th March 2015.
- 5.8 15/00028/DISC – This relates to the discharge of conditions 11 and 12 (surface water disposal and drainage strategy, respectively). The consultation period expires on the 9th March 2015. This application expires on the 20th March 2015.
- 5.9 15/00044/DISC – This relates to the discharge of condition 8 (contamination). The application expires on the 26th March 2015.

Appraisal

- 5.10 The principle of the development has already been established as acceptable through the approval of the core application (14/00403/F refers), granted on the 31st December 2014. The application is seeking only minor amendments to the layout around the access onto Sheep Street and the timing for the submission and approval of details for three other aspects, as outlined above. The NPPF directs that planning conditions should only be imposed where they are:
- necessary,
 - relevant to planning and to the development to be permitted,
 - enforceable,
 - precise and
 - reasonable in all other respects.
- 5.11 Dealing with each proposed variation in turn;

Variation to condition 2

- 5.12 The proposed variation to condition 2 seeks to revise the existing site location plan (09/059/P-003B) to 09-059-003C. It also seeks to revise the existing service yard access plan (09-059/P-304B) to 09-059/P-304C. The changes amount to a slight re-configuration vehicular access onto Sheep Street, which results in a slight reduction in width of the access opening into the site. The re-configuration is required as the land adjacent to no. 83 Sheep Street is to be sold on and developed, by virtue of an extension to 83 Sheep Street. Planning permission for this extension is yet to be sought. The boundary adjacent to 83 Sheep Street (denoted as a green line on drawing no. P-304 C) will comprise a 1.8m high, close boarded fence, pending the implementation of an extension to no. 83.
- 5.13 The drawing also shows the loss of two street trees either side of the access point. This loss is unfortunate, but the reduction in the area of paving adjacent to the access has reduced to such a level that the provision of suitable street trees with appropriately sized planting pits is now not possible.
- 5.14 Given the minor change, it is likely that the LHA will confirm they are satisfied with the reconfiguration of the access.

Variation to condition 3

5.15 Condition 3 currently reads as follows:

Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5.16 As noted above, the details required to discharge this condition have not yet been prepared due to time constraints resulting from the demanding project timetable. The applicants therefore intend to submit these details for approval prior to the first occupation of any part of the development. The reason for the imposition of the condition is to ensure the satisfactory appearance of the completed development. In my view, the provision of this information prior to implementation will still give the Local Planning Authority sufficient control over the final appearance of the completed development. The wording will therefore be amended as follows:

Prior to the first occupation of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Variation to condition 15

5.17 Condition 15 currently reads as follows:

Prior to the commencement of the development hereby approved, full design and operational details of the method of the air conditioning, extract ventilation and refrigeration systems shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the building, the systems shall be installed, brought into use and retained and maintained in accordance with the approved details.

Reason - To ensure and retain the satisfactory appearance of the completed development, in order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Policies C28 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5.18 Again, the variation sought relates to the timing of the submission of details. The reason for the imposition of the condition relates to ensuring the satisfactory appearance of the completed development and to minimise the risk

of nuisance arising from smells. However, in my view, the provision of this information prior to implementation will still give the Local Planning Authority sufficient control over the final appearance of the completed development and will still allow control over emissions, as details must be approved before first use. The wording will therefore be amended as follows:

Prior to the first use of the development hereby approved, full design and operational details of the method of the air conditioning, extract ventilation and refrigeration systems shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the building, the systems shall be installed, brought into use and retained and maintained in accordance with the approved details.

Reason - To ensure and retain the satisfactory appearance of the completed development, in order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Policies C28 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Variation to condition 18

5.19 Condition 18 currently reads as follows:

No development shall commence until details of the measures to be incorporated into the development to demonstrate how "Secured by Design" (SBD) accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority, unless agreed otherwise. The development shall be carried out in accordance with the approved details, and shall not be occupied until confirmation has been sent in writing to the Local Planning Authority the SBD accreditation has been received, unless agreed otherwise.

Reason - To reduce crime and to accord with Government guidance contained within the National Planning Policy Framework.

5.20 This condition was imposed at the request of the Police Architectural Liaison Officer, in order to 'design in' security features across the site, such as accepted and tested windows, doors and locks, access control strategies and CCTV.

5.21 Although it is not ideal to delay the submission and approval of these details until occupation as the development will have progressed significantly, it is considered that the principle policy aim of reducing crime can still be achieved by requiring proof of accreditation prior to first occupation. The applicants have already been encouraged to engage with the Police Architectural Liaison Officer, to assist with the preparation of a submission to achieve accreditation as soon as possible. The wording will therefore be amended as follows:

Prior to the first occupation of the development hereby approved, details of the measures to be incorporated into the development to demonstrate how "Secured by Design" (SBD) accreditation will be achieved will be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing. The development shall be carried out in accordance with the

approved details, and shall not be occupied until confirmation has been sent in writing to the Local Planning Authority the SBD accreditation has been received, unless otherwise agreed in writing.

Reason - To reduce crime and to accord with Government guidance contained within the National Planning Policy Framework.

Other matters

5.22 The original permission was issued alongside a Unilateral Undertaking (UU) between Cherwell District Council and Oxfordshire County Council, concerning a financial contribution of £10,000 towards a central Bicester parking strategy and to investigate and promote on-street parking controls within the area. Oxfordshire County Council has confirmed that the payment has now been received and the undertaking executed. Both Council's Solicitors are happy to agree in writing that the original UU takes effect as if it applied to either the original application (14/00403/F refers) or this subsequent application. A formal linking agreement is therefore not necessary.

5.23 Since the drafting of this report, the contractors have commenced work on site. The site has been cleared and the ground broken. Clearly, these works have been undertaken in breach of the conditions attached to the core planning consent, which require details to be discharged prior to the commencement of development. The applicants and their agents have been made aware that these works are undertaken at their own risk and have been advised to cease activity on site until all of the relevant conditions have been discharged.

Engagement

5.24 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through discussions with the applicant throughout the application process.

Conclusion

5.25 Based on the assessment above, the application is recommended for approval in line with the details below.

6. Recommendation

Approval, subject to the following conditions;

1 That the development to which this permission relates shall be begun not later than 31 December 2017 being the date of the expiration of 14/00403/F.

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

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

following plans and documents: Drawing nos. P-001 and P-303A (proposed materials) received with the application and nos. 003C, 100B, 101B, 102B, 103B, 104B, 105B, 200B, 201B, 300B, 301B, 302B and 304C received on 12th November 2014 and the amended Mayer Brown drawings LSHBICESTER.1/05 Rev B & TCRBICESTER2.2/04 Rev M.

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

3 *Prior to the first occupation of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.*

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4 Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5 Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and

shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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

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

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8 Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the local planning authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

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

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

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

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

Reason - To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters in accordance with Policy ENV7 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

9 No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters in accordance with Policy ENV7 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

10 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason - To ensure that any unexpected contamination encountered during development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water in accordance with Policy ENV7 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

11 The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason - To ensure that any unexpected contamination encountered during development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water in accordance with Policy ENV7 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

12 Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, detailing all on and off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon

the community in accordance with Government guidance contained within the National Planning Policy Framework.

13 Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CTMP.

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

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

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

15 *Prior to the first use of the development hereby approved, full design and operational details of the method of the air conditioning, extract ventilation and refrigeration systems shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the building, the systems shall be installed, brought into use and retained and maintained in accordance with the approved details.*

Reason - To ensure and retain the satisfactory appearance of the completed development, in order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Policies C28 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16 That prior to the commencement of the development, the provision of a suitable scheme of public art shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed prior to the occupation of the development and thereafter retained in accordance with the approved details.

Reason - In the interests of public amenity and in accordance with Government guidance contained within the National Planning Policy Framework.

17 No external lights shall be erected on the land without the prior express consent of the Local Planning Authority.

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

18 *Prior to the first occupation of the development hereby approved, details of the measures to be incorporated into the development to demonstrate how*

"Secured by Design" (SBD) accreditation will be achieved will be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing. The development shall be carried out in accordance with the approved details, and shall not be occupied until confirmation has been sent in writing to the Local Planning Authority the SBD accreditation has been received, unless otherwise agreed in writing.

Reason - To reduce crime and to accord with Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. Your attention is drawn to the content of the letter from 2 No. letters from Thames Water both dated 11 April 2013 in respect of the application, a copy of which can be found via the Council's website www.cherwell-dc.gov.uk
2. Your attention is drawn to the content of the letter from Oxfordshire County Council as Highways Authority dated 2nd May 2013 in respect of the original application, a copy of which can be found via the Council's website www.cherwell-dc.gov.uk
3. Thames Water recommended the following informative be attached to the previous planning permission: Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
4. Legal agreement
5. Archaeology
6. Construction Sites

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way through dialogue with the applicants and their agents during the application process.

Agenda Item 24

Cherwell District Council

Planning Committee

19 March 2015

Decisions Subject to Various Requirements - Progress Report
--

Report of Head of Development Management

This report is public

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.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

The following applications remain outstanding for the reasons stated:

10/00640/F (re-affirmed 24.5.12)	Former USAF housing South of Camp Road, Upper Heyford Subject to legal agreement concerning on and off site infrastructure and affordable housing. May be withdrawn following completion of negotiations on 10/01642/OUT
--	---

13/00330/OUT (6.3.14)	81-89 Cassington Road Yarnton Subject to legal agreement
13/00433/OUT (11.7.13)	Land at Whitelands Farm, Middleton Stoney Road, Bicester Subject to legal agreement concerning on-site and off-site infrastructure
13/00444/OUT (11.7.13)	Land west of Edinburgh Way, Banbury Subject to legal agreement concerning on-site and off-site infrastructure
13/00847/OUT (7.8.14)	Phase 2 SW Bicester Subject to legal agreement re infrastructure contributions
13/01372/CDC (6.2.14 and 24.4.14)	Land rear of Methodist Church, The Fairway, Banbury Subject to legal agreement re affordable housing
13/01601/OUT (6.2.14) and (7.8.14)	Land adj. Spiceball Park Road, Banbury Revised proposal received late May 2014 – reconsultation and return to Committee) Subject to reference to Sec. of State and legal agreement re off-site infrastructure contributions following discussions with OCC re highways and parking
13/01796/OUT (6.3.14)	Land N of Oak View, Weston on the Green Subject to legal agreement
13/01811/OUT	Land at Dow Street, Heyford Park, Upper Heyford Subject to legal agreement with CDC/OCC

14/01207/OUT (2.10.14)	KM22, SW3 Bicester, Middleton Stoney Rd. Bicester Subject to legal agreement for affordable housing, and on-site provision and off-site infrastructure contributions
14/00066/OUT (30.10.14)	Land N of Hanwell Fields, Banbury Subject to legal agreement for affordable housing, and on-site provision and off-site infrastructure contributions
14/00962/OUT (27.11.14)	Land S of High Rock, Hook Norton Rd. Sibford Ferris Subject to legal agreement to secure the affordable housing
14/01482/OUT (27.11.14)	Banbury AAT Academy, Ruskin Road , Banbury Subject to legal agreement tying in previous agreement to this permission
14/10205/Hybrid (18.12.14)	Springfield Farm, Ambrosden Subject to legal agreement to tie in previous agreement
14/01743/F (18.12.14)	Land E of Deene Close, Adderbury Subject to legal agreement re of-site infrastructure
14/01737/OUT (19.2.15)	The Paddocks, Chesterton Subject to legal agreement to secure infrastructure contributions and affordable housing
14/01482/OUT (27.11.14)	Banbury AAT Academy, Ruskin Road , Banbury Subject to legal agreement tying in previous agreement to this permission
14/01843/OUT (19.2.15)	Land W of Great Bourton Subject to legal agreement to secure infrastructure contributions and affordable housing

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

The following alternative options have been identified and rejected for the reasons as set out below

Option 1: To accept the position statement

Option 2: Not to accept the position statement. This is not recommended as the report is submitted to Members information only

5.0 Implications

Financial and Resource Implications

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: Nicola Jackson, Corporate Finance Manager, 01295 221731 Nicola.Jackson@cherwellandsouthnorthants.gov.uk

Legal Implications

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 / Deputy Monitoring Officer, 01295 221687, nigel.bell@cherwellandsouthnorthants.gov.uk

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 / Deputy Monitoring Officer, 01295 221687, nigel.bell@cherwellandsouthnorthants.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 bob.duxbury@cherwell-dc.gov.uk

Cherwell District Council

Planning Committee

19 March 2015

Appeals Progress Report

Report of Head of Development Management

This report is public

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.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **14/01853/LB – 1 Building 29, The Parade, Caversfield, Bicester-** appeal by Mrs Marion Mason-Curtis against the refusal of listed building consent for the installation of a cat flap – Householder Written Reps

14/01548/F – Part of OS parcel 9077 south of Old Wharf adjacent and North of Aynho Road, Adderbury – appeal by Mr Michael Hawkins against the refusal of planning permission for Proposed barn/stables – Written Reps

14/00067/F – Orchard Way, The Paddock, Heyford Road, Somerton – appeal by Mr D Berlouis against the refusal of planning permission for the conversion of existing building into a self-contained dwelling with associated Highway Safety Access improvement works- re-submission of 13/00894/F- Written Reps

14/00016/F – Land to rear of Blenheim Cottage, Millers Lane Hornton - appeal by Mrs Barbara Gadd against the refusal of planning permission for the demolition of existing commercial office and stable block and construction of a detached dwelling with garage – Written Reps

14/01848/F- 4 Axtell Close Kidlington – appeal by Ms Juliana Duka against the refusal of planning permission for a single storey garden room and (retrospective) boundary fence – Householder Written Reps

Forthcoming Public Inquiries and Hearings between 19 March 2015 and 16 April 2015

- 2.2 **Inquiry on Tuesday 31 March 2015 at 10.00am in the River Cherwell Room at Bodicote House, White Post Road, Bodicote** to conclude the consideration of the appeal by Gladman developments Ltd against the refusal of application 14/00844/OUT for Proposed residential development of up to 54 units with landscaping, public open space and associated works at Land at Sibford Road, Hook Norton.

Results

Inspectors appointed by the Secretary of State have:

- 2.3 **Issued a split decision in relation to the appeal by Mr & Mrs Barnes against the refusal of application 14/01247/F - Dismissed the appeal in relation to the erection of a porch and allowed the appeal for the removal of an existing single storey link extension to be replaced with a 1 ½ - storey family kitchen extension. Works to the fenestration on the single storey wing SW facing at South Barn Wigginton Banbury (Delegated)-** In the Inspector's view, the proposed 1 ½ extension and the works to the fenestration of the single storey wing would not cause adverse harm to the character and appearance of the property. The proposed porch as an overly domestic feature would cause harm to the character and appearance of the property.

Dismissed the appeal by Mr Christopher Teuton against the refusal of application 14/00358/OUT for an OUTLINE application for residential development consisting of a 1.5 storey bungalow with integral garage at Land adjacent to the Firs Cottage Upper Campsfield Road Woodstock (Delegated)- The Inspector commented " I consider that although this is an undeveloped site within a line of houses, nevertheless its designation as Green Belt does assist in safeguarding the countryside from encroachment and its current appearance, free from built form, is not significantly incongruous in relation to the neighbouring properties." The Inspector went onto conclude that the proposal would harm the openness of the Green Belt and did not consider that the benefit of providing an additional dwelling outweighs the harm to the Green Belt and the unsustainable nature of the location.

Dismissed the appeal by Mr Peter Chaundy against the refusal of application 14/01525/F for a first floor rear extension at 32 Sycamore Road, Launton (Delegated)- In the Inspector's view, due to its height, siting and rear protrusion the first floor level addition would be an overbearing and very dominant element when viewed from the conservatory of No. 30 and from the nearest ground floor rear-facing room, both of which would be severely enclosed by the proposal. The proposal would result in a significant loss of outlook resulting in an unacceptable effect on the living conditions of the occupiers of No. 30 Sycamore Road.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

5.0 Implications

Financial and Resource Implications

5.1 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:

Nicola Jackson, Corporate Finance Manager, 01295 221731

nicola.jackson@cherwellandsouthnorthants.gov.uk

Legal Implications

5.2 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, 01295 221687,

nigel.bell@cherwellandsouthnorthants.gov.uk

Risk Management

5.3 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, 01295 221687,

nigel.bell@cherwellandsouthnorthants.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

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