

Committee: Planning Committee
Date: Thursday 16 April 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 - 27)

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

6. **Chairman's Announcements**

To receive communications from the Chairman.

Planning Applications

- | | | |
|-----|---|-------------------|
| 7. | Land adj to Vespasian Way, Chesterton (Pages 30 - 55) | 14/01899/F |
| 8. | 55-57 Park Road, Banbury OX16 0DH (Pages 56 - 63) | 14/01901/F |
| 9. | Easington Sports and Social Club (Pages 64 - 74) | 14/01911/F |
| 10. | Muddle Barn Farm, Colony Road, Sibford Gower (Pages 75 - 90) | 14/02157/F |
| 11. | Tesco, Pingle Drive, Bicester (Pages 91 - 126) | 15/00082/F |

Review and Monitoring Reports

12. **Decisions Subject to Various Requirements** (Pages 127 - 131)

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.

13. Appeals Progress Report (Pages 132 - 134)

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 8 April 2015

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 March 2015 at 4.00 pm

Present: Councillor Colin Clarke (Vice-Chairman, in the Chair)

Councillor Andrew Beere
Councillor Fred Blackwell
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Alastair Milne Home
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Barry Richards
Councillor Lawrie Stratford
Councillor Douglas Williamson

Substitute Members: Councillor D M Pickford (In place of Councillor Rose Stratford)
Councillor Barry Wood (In place of Councillor Trevor Stevens)

Apologies for absence: Councillor Rose Stratford
Councillor Matt Johnstone
Councillor Trevor Stevens

Officers: Jonathan Westerman, Development Services Manager
Bob Duxbury, Development Control Team Leader
Stuart Howden, Assistant Planning Officer
Bob Neville, Planning Officer
Ross Chambers, Solicitor
Aaron Hetherington, Team Leader Democratic and Elections

195 **Declarations of Interest**

Declarations were declared in the following agenda items:

7. Bicester Eco Town, Banbury Road, B4100.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and would leave the room for the duration of the meeting.

9. Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington.

Jonathan Westerman, Declaration, as he was previously employed by Rural Solutions Limited who acted on behalf of the agents for the application.

10. 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.

13. Easington Sports and Social Club, Addison 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.

15. Kelberg Trailers and Trucks Ltd., Northampton Road, Weston-on-the-Green.

Councillor David Hughes, Declaration, declared a non prejudicial interest as he was late arriving to the meeting.

16. 55 Churchill Road, Bicester.

Councillor Russell Hurle, Declaration, as the applicant was known to him.

18. Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington.

Jonathan Westerman, Declaration, as he was previously employed by Rural Solutions Limited who acted on behalf of the agents for the application.

19. Former Ambulance Station, Cope 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 Barry Wood, Declaration, as a member of executive and would leave the meeting for the duration of the item.

Councillor D M Pickford, Declaration, as a member of executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of executive and would leave the meeting for the duration of the item.

Councillor Michael Gibbard, Declaration, as a member of executive and would leave the meeting for the duration of the item.

Councillor Nigel Randall, Declaration, as a member on the Board of the Bill project and Cherwell Community Land Trust.

20. Hanwell Fields Community Centre, Rotary Way, 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 Barry Wood, Declaration, as a member of executive and would leave the meeting for the duration of the item.

Councillor D M Pickford, Declaration, as a member of executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of executive and would leave the meeting for the duration of the item.

Councillor Michael Gibbard, Declaration, as a member of executive and would leave the meeting for the duration of the item.

21. Bicester and Ploughley Sports Centre, Queens Avenue, Bicester, OX26 2NR.

Councillor Barry Wood, Declaration, as a member of executive and would leave the meeting for the duration of the item.

Councillor D M Pickford, Declaration, as a member of executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of executive and would leave the meeting for the duration of the item.

Councillor Michael Gibbard, Declaration, as a member of executive and would leave the meeting for the duration of the item.

22. 43 Churchill Road, Bicester, OX26 4UW.

Councillor Barry Wood, Declaration, as a member of executive and would leave the meeting for the duration of the item.

Councillor D M Pickford, Declaration, as a member of executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of executive and would leave the meeting for the duration of the item.

Councillor Michael Gibbard, Declaration, as a member of executive and would leave the meeting for the duration of the item.

196 **Requests to Address the Meeting**

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

197 **Urgent Business**

There were no items of urgent business.

198 **Minutes**

The Minutes of the meeting held on 19 February 2015 were agreed as a correct record and signed by the Chairman.

199 **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.

200 **Bicester Eco Town, Banbury Road, B4100**

The committee considered agenda item 14/01384/OUT for the 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.

Ian Painting, the applicant's agent, spoke in support of the application.

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

Resolved

That application 14/01384/OUT be approved subject to:

1. delegation of the negotiation of the S106 agreement to officers in accordance with the summary of the Heads of Terms (annex to the Minutes as set out in the Minute Book) and subsequent completion of S106 agreements

2. delegation of final changes to conditions to officers of the conditions (annex to the Minutes as set out in the Minute Book).

201 **Manor End House, Manor Road, Adderbury**

The Committee considered application 14/01454/F for the 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.

Pinder Hugjan, the applicant, spoke in support to the application.

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

Resolved

That application 14/01454/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, Flood Risk Assessment Report (dated December 2014), 14-006-02 Rev E, 14-006-03 Rev A.
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
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.

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.
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.
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.
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.
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.
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.
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.

12. Prior to commencement of development, a Construction Traffic Management Plan must be submitted for consideration and approval.
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.
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.
15. No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

202

Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington

The Committee considered application 14/01531/OUT an outline application for the demolition of existing bungalow and agricultural buildings and residential development of up to 95 dwellings including highway works, landscaping and public open space. The application was subject to an appeal against non-determination.

Councillor Simon Holland addressed the committee as Ward member.

David Pratt, Kirtlington Parish Council Chairman addressed the committee in objection

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

Resolved

That consideration of application 14/01531/OUT be refused,

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. 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.

203

Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington

The Committee considered application 14/02139/OUT for an outline application for the demolition of existing bungalow and agricultural buildings and residential development of up to 75 dwellings including highway works, landscaping and public open space.

Councillor Simon Holland addressed the committee as Ward member.

Councillor Helen Macbeth, Vice Chairman of Kirtlington Parish Council spoke in objection to the application.

James Podesta, the applicant, addressed the committee in support of the application.

Councillor Macnamara proposed that application 14/02139/OUT be refused. Councillor Kerford-Byrnes seconded the proposal.

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

Resolved

That application 14/02139/OUT be refused for the following reasons:

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 National Planning Policy Framework, 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 Policies ESD13 and ESD15 of the Submission

Cherwell Local Plan and Central Government advice within the National Planning Policy Framework.

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 and Policy INF1 of the Submission Local Plan and Central Government advice within the National Planning Policy Framework.

204 **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); 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 the agent's letter dated 22 December 2014.

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

Resolved

That application 14/01762/F be approved 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.
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 22 December 2014 and drawings numbered: 13_002_01 Rev. C, 13_002_02 and J251.
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.
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.

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.
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 31 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.
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.
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.
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.

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.

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.
12. No removal of hedgerows, trees or shrubs shall take place between the 1 March and 31 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.
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.
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.
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.
16. No external lights/floodlights shall be erected on the land without the prior express planning consent of the Local Planning Authority.

205

OS Parcel 6680 North of Hook Norton Primary School and South of Redland Farm, Sibford Road, Hook Norton

The Committee considered application 14/01825/OUT for an outline application for the erection of 54 dwellings, Landscape, Public Open Space and Associated Works.

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

Resolved

That application 14/01825/OUT be refused 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 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.

206

Land Formerly Part Of Old Ironstone At Apollo Office Park, Ironstone Lane, Wroxton

The Committee considered application 14/01898/F for the provision of 10 no. employment units (Classes B1, B2 & B8), car parking and associated landscaping (revised scheme following approval of 11/00473/F).

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

Resolved

That application 14/01898/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 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
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.
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.
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.
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.
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.
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.
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.

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.
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.
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.
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.
14. 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.
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.

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.

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.
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.
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 and 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.
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.

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.

207 **Easington Sports and Social Club, Addison Road, Banbury**

The Committee considered application 14/01911/F for the Installation of 6 floodlight columns and 16 1500mw lights.

Councillor Blackwell proposed that consideration of the application be deferred to allow further correspondence with the residents of Addison Road to make them fully aware of the proposed changes. Councillor Clarke seconded the proposal.

Resolved

That consideration of application 14/01911/F be deferred to allow further correspondence with the residents of Addison Road to make them fully aware of the proposed changes.

208 **Glebe Leisure Caravan Park, Glebe Court, Fringford**

The Committee considered application 14/01953/F for the erection of a permanent Warden's dwelling. The application was a re-submission of application 14/00698/F.

Ann Herring, the applicant, 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 14/01953/F be refused 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.

209

Kelberg Trailers and Trucks Ltd., Northampton Road, Weston-on-the-Green

The Committee considered application 14/02019/F for the extension to existing Workshop Including Enclosure of Vehicle Wash Bay.

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

Resolved

That application 14/02019/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 and drawings numbered: Design and Access Statement, Site Location Plan, 14/11/01 and 14/11/02.
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.
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
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.
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.
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.

55 Churchill Road, Bicester

The Committee considered application 14/02104/F for a side extension to create a new dwelling.

Simon Roe, the applicant, addressed the committee in support of the application.

Councillor Lawrie Stratford proposed that application 14/02104/F be refused. Councillor Reynolds seconded the proposed. The motion was voted on and duly lost.

Councillor Pickford proposed that application 14/02104/F be approved. Councillor Randall seconded the proposal.

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

Resolved

That application 14/02104/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 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
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 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.
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.
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.

211 **Land adj to Cotswold Country Club and South of Properties on Bunkers Hill, Kidlington**

The Committee considered application 15/02132/OUT for an outline application for the development of eight houses and access improvements.

Councillor Simon Holland addressed the committee as Ward member.

Mike Gilbert, agent and John Linforth, local resident, addressed the committee in support of the application.

Councillor Pickford proposed that application 15/02132/OUT be deferred to allow officers to consider how possible plans could be delivered. Councillor Hurle seconded the proposal.

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

Resolved

That application 15/02132/OUT be deferred to allow officers to consider how possible plans could be delivered.

212 **43 Churchill Road, Bicester, OX26 4UW**

The Committee considered application 15/00155/F for a single storey extension.

Councillor Lawrie Stratford proposed that application 15/00155/F be refused, the proposal was not seconded.

Councillor Pickford proposed that application 15/00155/F be approved. Councillor Randall seconded the proposal.

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

Resolved

That application 15/00155/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 and Drawing No's: P100, P103 and P105 submitted with the application and E-mail from the applicant's agent received on 3 March 2015.

213

Former Ambulance Station, Cope Road, Banbury

The Committee considered application 14/02149/CDC for the redevelopment of a 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.

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

Resolved

That application 14/02149/CDC 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, 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
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.
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.
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.

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.
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.
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.
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.
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.
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.

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.
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.
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.

214

Hanwell Fields Community Centre, Rotary Way, Banbury

The Committee considered application 15/00015/CLUE for the Certificate of Lawful Use Existing for a photovoltaic array installation on south west facing roof.

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

Resolved

That application 15/00015/CLUE be approved, subject to the following conditions:

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).

215 **Bicester and Ploughley Sports Centre, Queens Avenue, Bicester, OX26 2NR**

The Committee considered application 15/00021/CDC for the Material Amendment to 13/01598/CDC – Extension of the chimney flue by 600mm.

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

Resolved

That application 15/00021/CDC 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 No's: Bicester 003, Bicester 008, Bicester 013 and Bicester 014 submitted with the application.

216 **Franklins Yard, St Johns Street, Bicester**

The Committee considered application 15/00180/F for the variation of Conditions 2, 3, 15 and 18 of 14/00403/F

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

Resolved

That application 15/00180/F be approved 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.
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.

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.
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.
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.
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.
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.
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.

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.
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.
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.

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

217 **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.

218 **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.

The meeting ended at 9.45 pm

Chairman:

Date:

PLANNING COMMITTEE

16 April 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

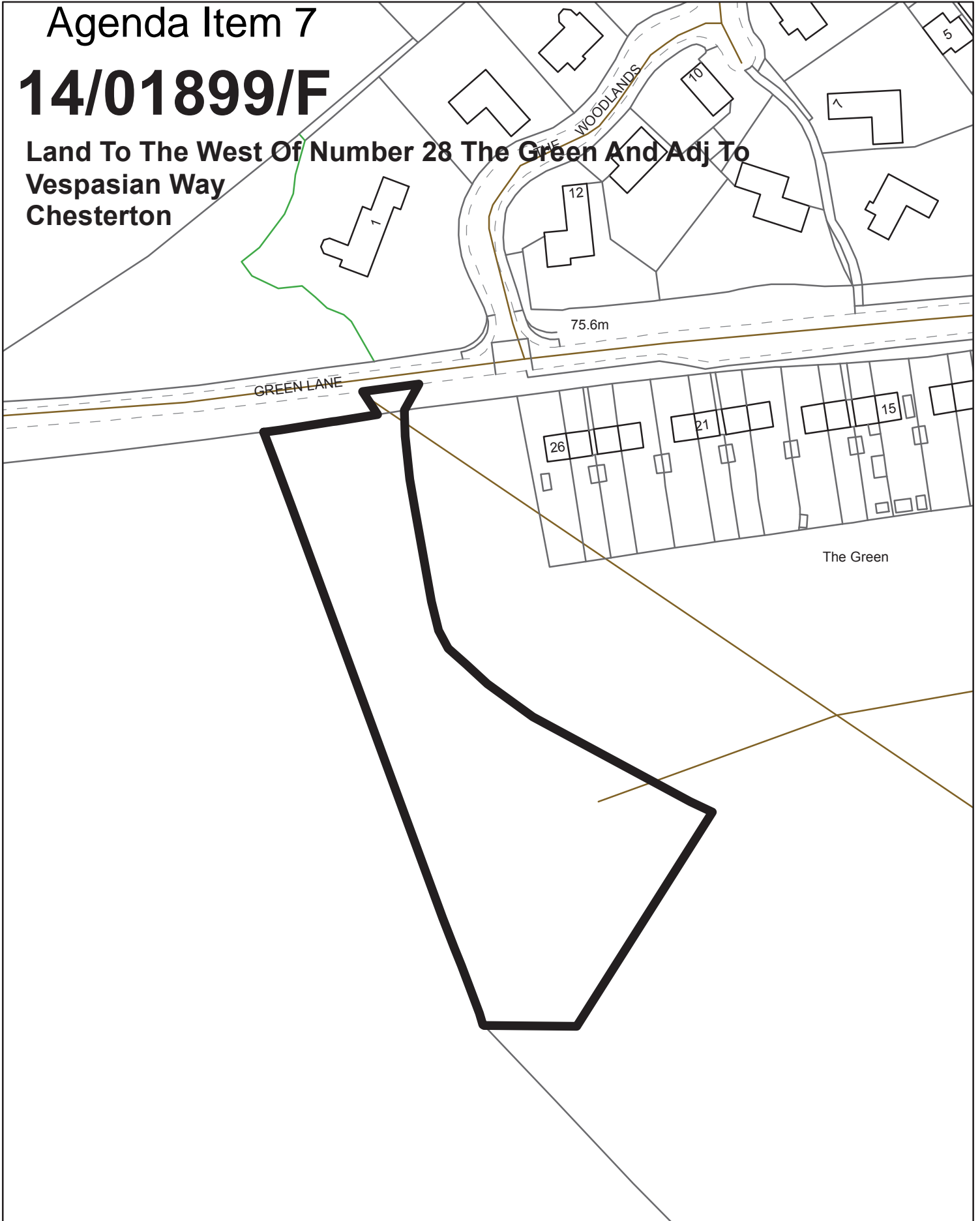
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision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

	Site	Application No.	Ward	Recommendation	Contact Officer
7	Land adj to Vespasian Way, Chesterton	14/01899/F	Ambrosden and Chesterton	Refusal	Bob Duxbury
8	55-57 Park Road, Banbury OX16 0DH	14/01901/F	Banbury Neithrop	Approval	Emily Shaw
9	Easington Sports and Social Club	14/01911/F	Banbury Easington	Approval	Aitchison Rafferty
10	Muddle Barn Farm, Colony Road, Sibford Gower	14/02157/F	Sibford	Refusal	Aitchison Rafferty
11	Tesco, Pingle Drive, Bicester	15/00082/F	Bicester Town	Approval	Roy Hammond

Agenda Item 7

14/01899/F

Land To The West Of Number 28 The Green And Adj To
Vespasian Way
Chesterton

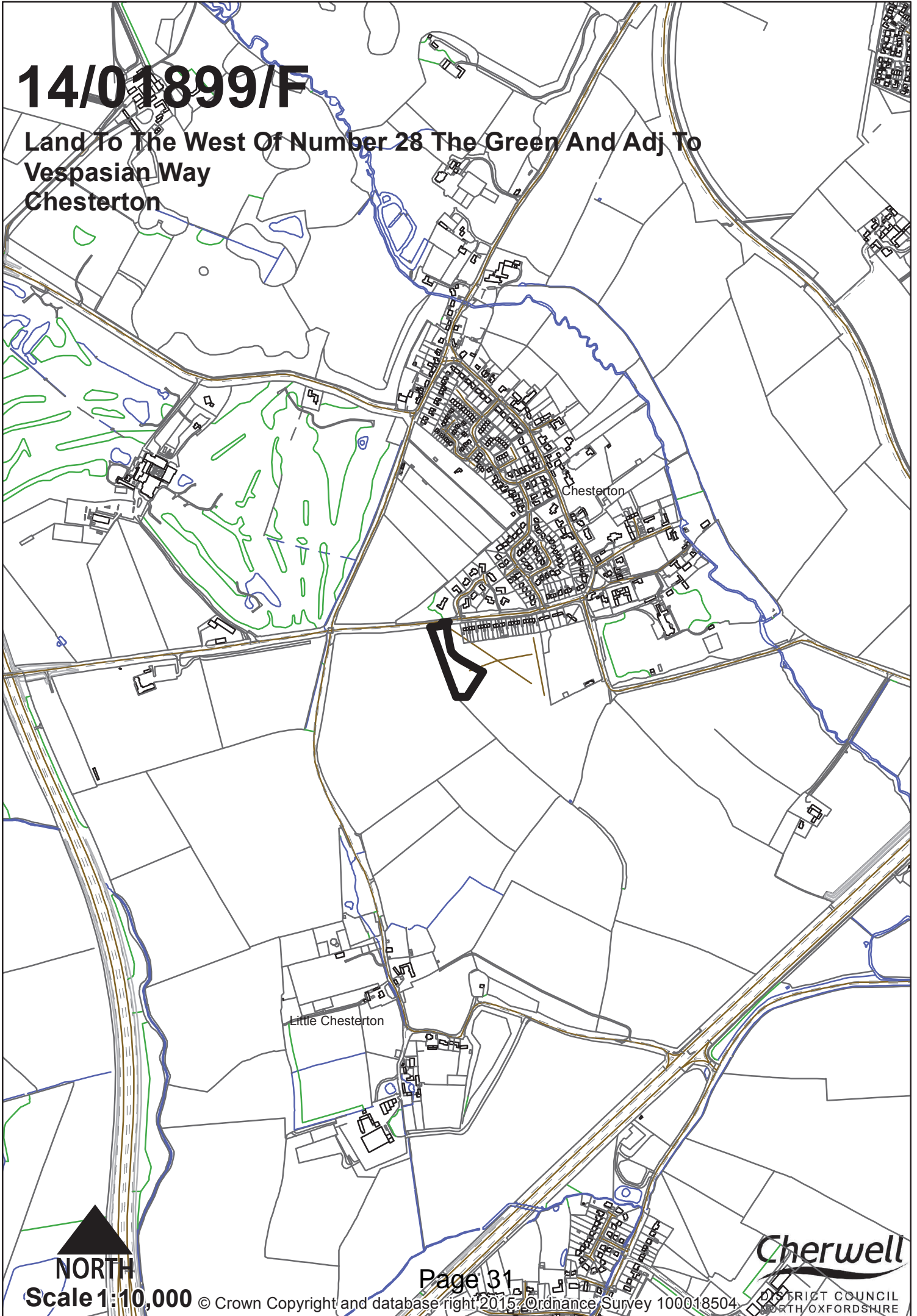


NORTH

Scale 1:1,250

14/01899/F

Land To The West Of Number 28 The Green And Adj To
Vespasian Way
Chesterton



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Site Address: Land adj to
Vespasian Way, Chesterton**

14/01899/F

Ward: Ambrosden and Chesterton **District Councillor:** Cllr. Andrew Fulljames

Case Officer: Bob Duxbury

Recommendation: Refusal

Applicant: Hill Residential

Application Description: Erection of 10 no. Dwellings with associated means of access, car parking and landscaping

Committee Referral: Major

Committee Date: 16 April 2015

1. Site Description and Proposed Development

- 1.1 The application site is situated to the south of Chesterton, off Green Lane that runs along its northern boundary. The site sits adjacent to an existing housing development, currently under construction, for 44 dwellings, and a village hall/sports pavilion. The site has an overall area of 0.66 hectares.
- 1.2 The proposal seeks consent for 10 dwellings, with an indication of 35% affordable housing. The site would be accessed via a new vehicular access that has been constructed to serve the existing development of 44 dwellings currently under construction.
- 1.3 The site is situated beyond the existing built-up limits of the village.
- 1.4 The application was deferred from the January meeting to address the fact that this land is due to be transferred to the Council under the terms of a previous legal agreement which indicated that it would be retained as informal open space.

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 11 December 2014.

1 letter of support has been received. The following matters were raised and summarised below:-

- Additional affordable housing
- Development delay handover of the Community Centre

3. Consultations

3.1 Chesterton Parish Council:

- i) There is ongoing concern over the capacity of Green Lane/Akeman Street to absorb any more vehicular traffic. Green Lane is well used as a

route to the Bicester Golf and Country Club and is part of the “rat run” using Akeman Street and the B430 through Weston on the Green to the A34. Could OCC Highways install “driver activated speed signals” and appropriate traffic calming measures?

- ii) We recognise that an additional 10 homes means that there will be 54 homes built on site – this increases the homes increase in the village by 17% which is not insignificant.
- iii) An additional 10 homes will increase pressure on the Community Centre and Play Area. If planning permission is granted we would want the amended Section 106 agreement to include the installation of an improved floor to the Community Centre. Hill Residential are aware of our concerns over this issue. Also we would want a “safety fence” installed to protect the new Community Centre from footballs since the Community Centre is in the direct “line of fire”.

Cherwell District Council Consultees

- 3.2 **Housing Officer:** I have no objection to this full application to increase the density of homes within the original permission (12/00305/OUT).

There is a 35% affordable housing requirement, which equates to 4 units, although the applicant appears to have only designated 3 affordable units (plots 5, 6, 7).

There will need to be 3 rented and 1 shared ownership or other such low cost home ownership product to be agreed with the Council.

The location of the affordable housing is acceptable as well are the proposed unit types.

Should this application be awarded permission I would require that the RP taking on the affordable housing on the current permission scheme would take on these additional units as well in order to ensure management consistency across the whole development.

The affordable units will need to be built to HCA’s Design and Quality Standards and to meet the HQI requirements. 2 of the units will need to meet lifetime homes standards.

- 3.3 **Ecology Officer:** I have no objections to the above application on ecological grounds. The submitted survey gives sufficient information. There are a few ecological constraints largely the hedgerow and the likely presence of reptiles in some areas. I would suggest the following conditions therefore:

K19 Ecology: Compliance with Submitted Details

The development hereby approved shall be carried out strictly in accordance with the recommendations set out in Section 6.3 (points R4, R5, R6 and R7) of the Preliminary Ecological Assessment submitted with the application, which was prepared by Middlemarch Environmental dated November 2014.

Reason KR2

K21 Construction Environmental Management Statement for Biodiversity

Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Statement which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity in particular the retained hedgerows, 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 KR2

K17 Biodiversity Enhancement

Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing the 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 KR3

K23 Use of Native Species

All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason KR3

K5 Bats: Lighting

Prior to the commencement of the development hereby approved a lighting scheme will 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.

Reason KR1

- 3.4 **Refuse & Recycling Manager:** No mention of waste storage or collection this needs to be address before permission is granted. Section 106 contribution of £67.50 per property will also be required.

In response to this the Agent has made the following comment:

In reply I would say that all the houses have been designed with refuse and recycling in mind, and will accommodate refuse and recycling storage provision on-curtilage within their respective gardens. The main road through the site has been constructed within the previously approved scheme to accommodate a large refuse vehicle, and the proposed new development will form part of this refuse collection route. The proposed houses will utilise traditional refuse and recycling bins in line with the 'Cherwell District Council - Planning and Waste Management Design Advice', placed kerbside on collection day for ease of collection. Residents to plots 2 and 3 will wheel their refuse and recycling bins to the refuse collection point along their private road for collection. This is shown as a minor amendment on the proposed site layout plan (also attached).

Oxfordshire County Council Consultees

- 3.5 **Highways Liaison Officer:** No objection subject to conditions

Key issues

- The application site forms part of a previously submitted scheme which was permitted under planning application number 12/00305/OUT. This included 44 dwellings, currently under construction, with the application site left as green space.
- Access to the dwellings will be via the same access, approved under 12/00305/OUT, and subject to a S278 agreement DLM/45531, which includes extension of the 30mph limit in Green Lane and relocation of traffic calming.
- Pedestrian safety and access within the site – see detailed comments.
- Access for refuse and delivery vehicles – see detailed comments.
- Public transport through the village is poor and access to core public transport is also poor.
- The site is not in a sustainable location, and the developer should pursue opportunities to improve this.

Legal Agreement required to secure

A financial contribution will be sought for the improvement of cycle access to bus services at the new Park and Ride at Vendee Drive.

Conditions

Conditions relating to the site access and access road already agreed through Section 278, should be carried over from the previous planning application(s) mentioned above, and conditions 14-21 are recommended.

Informatives

Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for the new highway vehicular access under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk.

Detailed Comments:

Transport Statement

The Transport Statement demonstrates that the traffic impact of the development will be within acceptable limits, generating 4 vehicle departures in am peak hour, and 4 arrivals in pm peak hour.

The Transport Statement does not offer any travel planning initiatives, and OCC requires that new residents are provided with a Travel Information Pack as soon as they move in or before.

Public Transport

Chesterton does not possess a good bus service that would be attractive for journeys to work. However, there is a frequent inter-urban bus service between Bicester and Oxford operating along the A41/A34 at frequent intervals.

The current Chesterton bus service is supported financially by the County Council, and reduced future funding levels will result in a review and possible reduction of frequency. Although currently there are a few direct buses to Oxford in the peak hours, this situation cannot be relied upon to continue.

Bus service 25 currently links Chesterton village with Bicester Town Centre six times per day. In the other direction, buses serve various other villages before extending to Kidlington or Oxford. The combination of reduced funding by the Council and the probable effect of an expanded Upper Heyford requiring direct links with Bicester and with Oxford will almost certainly result in a reduction in current peak services at Chesterton. Future direct links from Chesterton village to Oxford by bus cannot be assumed.

Bus service s5 operates at least every 15 minutes between Bicester Town Centre and Oxford along the A41 and A34. Peak services are more frequent than this, and a supplementary S5 service also operates directly to Headington. It is probable that the effect of additional residential development in and around Bicester will result in even more bus services along this route.

Making this development accessible to the core public transport network is a huge challenge, but this could be achieved by creating a link suitable for cycling from the residential units to a bus stop on the Bicester-Oxford bus route.

A Park and Ride site is planned adjacent to the Vendee Drive roundabout, where buses on the Bicester-Oxford inter-urban service will call en route in both directions. The existing right of way between the Chesterton to Alchester road and Vendee Drive could be upgraded to be suitable for cyclists.

Sustainability

The location of the site is not considered particularly sustainable in strategic transport terms. The proposed footway connecting the site to the village is therefore considered a minimum essential provision.

The County Council expects that the developer will take further initiatives to improve the sustainability of this site. A contribution would be required towards the upgrading of the existing right of way between the Chesterton to Alchester Road and Vendee Drive enhancing pedestrian and cycle access to the new park and ride site. This is currently a grass strip alongside an arable field and would benefit from being upgraded to an all-weather surface. Landowner agreement would be required to widen the path and allow cyclists to use it.

Parking and access within the development

It is noted that there is no footway along the W side of the site access road. However, driveway accesses on both sides of the road should provide sufficient dropped kerbs to allow people to cross to the footway on the E side. Pedestrian visibility splays of 2m x 2m at each side of each driveway access should be provided (see condition D5).

There is no indication of arrangements for bin storage and collection, either hard standing for bins within the curtilages of properties fronting the access road, or for plots 2 & 3. Further information is required by the Highways Authority.

The shared driveway access to plots 2 and 3 appears only approx. 3m wide and approximately 26m in length, and appears to have no footway or passing places. Further drawings to be supplied and approved by the Highways

Authority showing how the safety of pedestrians would be protected. Consideration should be given to providing a safe crossing point for pedestrians emerging from this driveway.

I also have concerns about the size of the turning head available in the shared driveway for plots 2 and 3, given that at least some of the space in front of the double garages is likely to be taken up with residents' or visitors' cars. The Highways Authority requires swept path drawings showing how delivery and refuse vehicles would turn safely without damaging kerbs or planted areas. I note that no unallocated spaces are available for visitors' cars.

There is a parking bay adjacent to the LPG tanks, assumed to be for deliveries. Further information is required by the Highways Authority to indicate how this will be kept free of other parking at all times.

Drainage

Surface water drainage ties into the system of an existing granted application. The calculations support the suitability of the existing system being extended for the additional 10 properties and impermeable areas.

3.6 **Education:** Approval subject to the conditions

Key issues:

£44,475 Section 106 required for necessary expansion of permanent primary school capacity in the area. Chesterton CE Primary School is the catchment school for this development.

£69,116 Section 106 required towards the construction of a new secondary school to serve the Bicester area.

£2,300 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision in the area.

Legal Agreement required to secure:

£44,475 Section 106 developer contributions towards the expansion of permanent primary school capacity serving this area, by a total of 3.84 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.

£69,116 Section 106 developer contributions towards the construction of a new secondary school to serve the Bicester area by a total of 2.92 pupil places (including 0.44 sixth form places). This is based on Department for Education (DfE) advice for secondary school construction weighted for Oxfordshire and including an allowance for ICT and sprinklers at £23,670 per pupil place. This is index linked to 4th Quarter 2012 using PUBSEC Tender Price Index.

£2,300 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 0.08 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.

Conditions:

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.

Informatives:

None

Detailed Comments:

Primary: Chesterton CE (VA) Primary School could be affected by housing development both within the villages and in Bicester. The school has limited spare places, and is full in some year groups. Given that the draft Local Plan indicates likely future housing growth in Chesterton, expansion of the school would be an appropriate response to any increase in local population. The feasibility of such an expansion has not been assessed. Housing developers would be expected to contribute towards such expansion.

Secondary: Bicester secondary schools currently have spare capacity, but this will be filled as the higher numbers now in primary school feed through. The large scale housing development planned for the town will require new secondary school establishments, the nature of which will be determined following local consultation. All housing developments in the area would be expected to contribute towards the cost of these new establishments.

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.

3.7 Property: No objection subject to conditions

Key issues:

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:

- 0 x One Bed Dwellings
- 3 x Two Bed Dwellings
- 2 x Three Bed Dwellings
- 5 x Four Bed Dwellings

It is calculated that this development would generate a net increase of:

31.11 additional residents including:

1.95 resident/s aged 65+
20.41 residents aged 20+
3.37 resident/s ages 13-19
3.25 resident/s ages 0-4

Legal Agreement required to secure:

Library	£2,644.35
Central Library	£534.00
Waste Management	£1,991.04
Museum Resource Centre	£155.55
Adult Day Care	£2,145.00
Total*	£7,469.94

*Total to be Index-linked from 1st Quarter 2012 Using PUBSEC Tender Price Index

Administration & Monitoring £1,500.00

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

Conditions:

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. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission

Informatives:

Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems

Detailed Comments:

Library

This development is served by Bicester Library.

This provision is significantly under-size in relation to its catchment population and this development will therefore place additional pressures on the library service.

Costs for these improvements are based upon the costs of extending a library. The costs of extending a library is £2,370 per m² at 1st Quarter 2012 price base; this equates to £65 (£2,370 x 27.5 / 1,000) per resident.

This calculation is based on Oxfordshire County Council 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 (staff workroom, etc.), totalling 27.5 m² per 1,000 head of population.

The development proposal would also generate the need to increase the core book stock held by 2 volumes per additional resident. The price per volume is £10.00 at 1st Quarter 2012 price base; this equates to £20 per resident.

The contribution for the provision of library infrastructure and supplementary core book stock in respect of this application would therefore be based on the following formula:

$$\mathbf{£85 \times 31.11 \text{ (the forecast number of new residents)} = \mathbf{£2,644.35}}$$

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.

Remodelling of the library at 3rd Quarter 2013 base prices leaves a funding requirement still to be secured = £4.1 M 60% of this funding is collected from development in the Oxford area. The remainder 40% is spread across the four other Districts. 40% of 4.1M = £1,604,000.

Population across Oxfordshire outside of Oxford City District is forecast to grow by 93,529 to year 2026. £1,604,000 ÷ 93,529 people = £17.15 per person

$$\mathbf{£ 17.15 \times 31.11 \text{ (The forecast number of new residents)} \text{ or } \mathbf{£41.16 \text{ per dwelling} = \mathbf{£534}}$$

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.

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.

A new site serving 20,000 households costs in the region of £3,000,000 at 1st Quarter 2012 price base; this equates to £64 per resident.

The contribution for the provision of strategic waste management infrastructure in respect of this application would therefore be based on the following formula:

$$\mathbf{£64 \times 31.11 \text{ (the forecast number of new residents)} = \mathbf{£1,991.04}}$$

County Museum Resource Centre

Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the 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.

An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000 at 1st Quarter 2012 price base; this equates to £5 per person.

The contribution for the extension of the Museum Resource Centre in respect of this application would therefore be based on the following formula:

£5 x 31.11 (the forecast number of new residents) = £155.55

Social & Health Care - Day Care Facilities

This development is served by Bicester Day Centre and this development will place additional pressures on this adult day care facility. To meet the additional pressures on day care provision the County Council is looking to expend and improve the adult day care facility in Bicester Day Centre

Contributions are based upon a new Day Care centre offering 40 places per day (optimum) and open 5 days per week; leading to an equivalent costing of £11,000 per place at 1st Quarter 2012 price base (this in non-revenue). Based on current and predicted usage figures we estimate that 10% of the over 65 population use day care facilities. Therefore the cost per person aged 65 years or older is £1,100.

The contribution for the provision of adult day care infrastructure in respect of this application would therefore be based on the following formula:

£1,100 x 1.95 (the forecast number of new residents aged 65+) = £2,145.00

Administration

Oxfordshire County Council requires an administrative payment of £1500 for the purposes of administration and monitoring of the proposed S106 agreement, including elements relating to Education. The admin fee may increase depending on the value of any Transport related contributions.

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.

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.

- 3.8 **Recreation and Health:** There is a requirement for a contribution towards public art. The artwork commissioned could be either a stand-alone sculptural piece or a functional artwork. It will need to tie into the landscaping works for the site or it could be used to enhance the play area at the rear of the new village hall, by making a blacksmithed screen or panel to add interest.

Detail

Developers to determine preference for location and type of artwork. This can then be approved by CDC Arts development team who will undertake to procure it on behalf of the developers involving Chesterton Parish Councillors in the decision.

- 3.9 **Recreation and Health Improvement Officer:** Off-site contribution towards providing additional outdoor sports facilities at the Bicester Sports Village. Off-site contribution towards creating additional capacity at the Bicester and Ploughly Sports Centre.

Detail

Outdoor sports: 10 dwellings with a occupancy of 28.44 people x £416.41 = £11,843.

Indoor sports: 28.44 people x £302.31 = £8,598

- 3.10 **Community Development Officer:** As this development is under 50 dwellings our policies do not allow us to make a community requirement.

Other Consultees

- 3.11 **Thames Water**

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

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.

- 3.12 **Environment Agency:** This application is deemed to either have a low environmental risk or relate to conditions that were not recommended by the Environment Agency. Unfortunately, due to workload prioritisation we are unable to make an individual response to this application at this time.

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
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

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

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 H15	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 Banbury and Bicester
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:-

Policy Villages 1	Chesterton is identified as 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 ESD3	Sustainable construction. All new homes are expected to meet at least Code Level 4 of the Code for Sustainable Homes
Policy ESD7	Sustainable drainage. All development will be required to use SUDS for the management of surface water run-off
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
Policy BSC 10	Seeks to ensure that sufficient quantity and quality of open space, sport and recreation provision is secured

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
- Landscape impact
- Ecology
- Flooding and Drainage
- Transport Assessment and Access
- Delivery of the Site
- Planning Obligation
- Previous commitment to future use of this land

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 in question is not allocated for development in any adopted or draft plan forming part of the development plan, but it does however fall within the application site boundary of the outline planning permission granted on appeal for 44 houses in February 2013 (12/00305/OUT). Chesterton 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 notwithstanding the above permission. 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 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.
- 5.4 Quite clearly the development fails to comply with this policy and in doing so also potentially conflicts with the 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.
- 5.5 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.
- 5.6 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 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
- 5.7 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
- 5.8 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.
- 5.9 Whilst it is acknowledged that Chesterton 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 The Green, it is important to note that the Inspector concluded that Chesterton is a sustainable location. Furthermore, in an appeal at Bourne Lane, Hook Norton an Inspector 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 and that it was sustainable.

- 5.10 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 to short–medium distance views within the immediate vicinity of the site. The para 14 presumption in favour needs to be balanced against any significant harm to interests that are identified

Five Year Housing land Supply

- 5.11 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 site 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.
- 5.12 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.
- 5.13 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 be 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).
- 5.14 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).

- 5.15 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.
- 5.16 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.
- 5.17 A further Housing Land Supply Update was published in June 2014 It showed that the District then had 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 sought to ensure that any shortfall in delivery was made up within the five year period.

On 31 March 2015 the Council published its latest AMR and that shows that we now have a 5.1 year supply of housing land.

- 5.18 However, even given the Council's previous 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 even in those circumstances 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

- 5.19 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 Bicester and Banbury. 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.

- 5.20 Policy Villages 1 of the Plan designates Chesterton 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 Villages 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 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.
- 5.21 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.
- 5.22 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 NPPF 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. 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 relevance are identified and considered below.

Design & Layout

- 5.23 The application is a detailed scheme and so full plans and elevations of the proposed dwellings have been provided. The dwellings consist of 8 detached and a single pair of semi-detached properties. 8 of the dwellings (all but plots 2 and 3) would front onto the main access road that would serve the dwellings as well as the wider development of 44 dwellings. Plots 2 and 3 would sit further back from the road served by a private drive. All properties would sit back from the road, separated by front gardens, whilst plot 10 that also fronts onto Green Lane, would be set back from this road, in line with the adjacent plots on the adjoin larger development.

- 5.24 In terms of the design of the proposed dwellings, all would be two-storey, with a mixture of materials to include stone for those properties immediately adjacent to Green Lane (plots 9 and 10) and buff brick and red brick on the remaining plots. The roofs would be constructed from a mixture of grey and terracotta plain tiles.
- 5.25 The design of these properties seeks to sit comfortably and match those properties currently under development on the adjoining site. Indeed, both sites are owned by the same developer and so there will be an obvious correlation between the sites and ensure that they do not conflict with each other.
- 5.26 It is considered that the design details provided that the proposed development would fit with the context of the wider village. Some concern exists however about the non-frontage element of the layout

Landscape Impact

- 5.27 The application 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.
- 5.28 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.
- 5.29 The application site, like the adjoining land under development, is not within any locally or nationally designated landscapes. Indeed, the wider site was considered by the Planning Inspector in allowing the adjoining development for 44 dwellings and he commented that it would intrude into the village's landscape setting. He commented further that in most views the development would be seen in association with existing development, and be seen as a contiguous extension rather than as an isolated development. However it is plain that he bases this view on the fact that the scheme he was considering included substantial new tree/hedge planting and other landscaping which would soften the built development's appearance. The open nature of this application site, retained as informal open space, will have contributed to that opinion in our view.
- 5.30 The proposed dwellings would most likely be seen when approaching the village from the west and across open fields from the Little Chesterton Lane. Intermittent hedging and tree planting breaks up the views available. It should be noted that the new dwellings currently under construction would also be seen in a similar context and so the impact of the proposed dwellings would be of a similar scale, albeit further west from the village, but with less opportunity for a good landscaped edge. It is proposed to retain existing hedging along the western boundary of the site, which can be ensured by way

of a condition and this will continue to offer some protection of views when approaching the village, but this will be less good than the scheme allowed on appeal, and on balance is considered significant enough to justify a refusal of planning permission in the circumstances of the improved 5-year land supply position and the legal undertaking to provide this land as open space. It shares many of the deficiencies of a previous scheme for 63 houses dismissed at appeal in June 2011.

Ecology

- 5.31 The application is accompanied by an Ecological Assessment that confirms that the site is not within or adjacent to any statutory or non-statutory wildlife sites and that the proposed development would not cause any significant impacts to such sites.
- 5.32 The Ecological Assessment considers the potential impact on a number of species, including bats, badgers, hedgehogs, brown hare, birds, reptiles and amphibians.
- 5.33 In respect of all these species, none were found specifically on the site but within the proximity of the surrounding area. As such, it concludes that whilst there is unlikely to be any direct impact arising from the development, precautionary measures need to be taken during construction to monitor the situation further.
- 5.34 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.
- 5.35 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’.
- 5.36 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
- 5.37 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.
- 5.38 The Council's Ecologist has assessed the Ecological Assessment which has been submitted with the application and considers that it is appropriate in scale and depth. The Ecologist recommends 5 conditions to ensure that appropriate measures are put in place to ensure that protected species are adequately managed. 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. 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

- 5.39 No objections have been raised by the Environment Agency to the proposed development as the application site is not within a high risk area, being located within Flood Zone 1.

Transport

- 5.40 The application site would use an existing, consented access, which will serve the adjoining development of 44 dwellings and so in respect of the position and size of the access, it is considered to be appropriate.
- 5.41 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 urban areas of Banbury and Bicester, Chesterton has been assessed as being one of the districts more sustainable villages because of the range of services available. Having regard to this, emerging policy anticipates that villages will take some of the housing growth and that Chesterton is sufficiently sustainable to accommodate some new development. The Highway Authority has questioned the sustainability of Chesterton and the efforts made by the applicant to improve accessibility to the site. In doing so, the Highway Authority have made several recommendations, including upgrading the footpath between the Chesterton to Alchester Road and Vendee Drive. It is considered that these matters can be adequately addressed through the imposition of appropriate conditions and obligations.

Delivery of the Site

- 5.42 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 to

contribute to the shortage of housing would be a key factor weighing in favour of this proposal if the Council had not been able to recently announce that it had a 5 year supply. If permission was to be granted it would therefore be vital that this land is delivered within the 5 year period.

Planning Obligations

- 5.43 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.
- 5.44 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 used to secure these measures.
- 5.45 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
- 5.46 Having regard to the above, if permission were granted the Heads of Terms relating to the additional development would include the following:-

CDC Contributions

- 35% affordable housing
- Refuse and Recycling - £67.50 per property
- Outdoor sports - £11,843
- Indoor Sports - £8,598
- Public Art
- Monitoring fee - £1500

OCC Contributions

- £44,475 – Primary School Expansion in the area
- £69,116 – New Secondary School at Bicester
- £2,300 – Special Education Needs
- £2,644.35 –Library
- £534.00 – Central Library
- £1,991.04 – Waste Management
- £155.55 – Museum Resource Centre
- £2,145 – Adult Day Care
- £1,500 – Administration
- Improvement of cycle access to bus services at the new Park and Ride at Vendee Drive

Thames Valley Police - £6,285.65

Previous Planning agreement

- 5.47 A completed and executed Section 106 agreement was submitted at the Hearing into the previous appeal by the current applicant of this application. In that agreement an area of informal open space was to be provided on the western side of the appeal site, and that land shall be laid out in accordance with an agreed timetable and upon completion transferred to the Council or its nominee. The applicant makes no reference to this requirement in the application. Failure to provide this agreed facility will have the double impact of not providing sufficient open space for the previous scheme and results in less landscape buffer planting space being available resulting in that development being more prominent and harmful than envisaged by the appeal inspector

In response to this the applicants have commented that

I understand you are considering the implications for the loss of open space associated with the original approved scheme for 44 dwellings. This relates to the S106 payments secured for the maintenance of the open space under the consented scheme as well as the impact of the additional 10 dwellings on the landscape. I accept that on the first of these two points there would need to be a variation to the S106 associated with the 44 dwellings. Whilst the commuted sum for open space maintenance for this area (remembering there are other areas of open space and the enlarged pitches being retained) would be redundant, there would clearly be a significant new S106 package towards education, sport, cycle links etc. as well as affordable housing. Paragraph 5.48 (now 5.46) of the Committee Report sets this out in detail - in total it comes to around £160,000. My own view is that these are far more tangible benefits to the local community than the area of open space when considering the scheme in the round. I assume there would need to be a variation to the S106 associated with the consented scheme to address this point?

Engagement

- 5.48 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the officers have had regular contact with the applicant's agent. It is considered that the duty to be positive and proactive has been discharged

Conclusion

- 5.49 As the Council has recently been able to declare that it has more than a 5 year supply of housing land it has been possible to make a more searching assessment of the harm that this development could cause and to re-address the balancing exercise necessary with the current status of the Local Plans. It would result in housing development being more prominent on this village edge and in the view of your officers would cause harm to the character and appearance of the countryside and would have an increased impact upon the setting of the village, in comparison to the scheme approved on appeal. Furthermore this proposal would result in the failure of the applicants to be able to deliver the previously agreed informal open space. Such a change would separately require the consent of the Council to the legal agreement

Recommendation

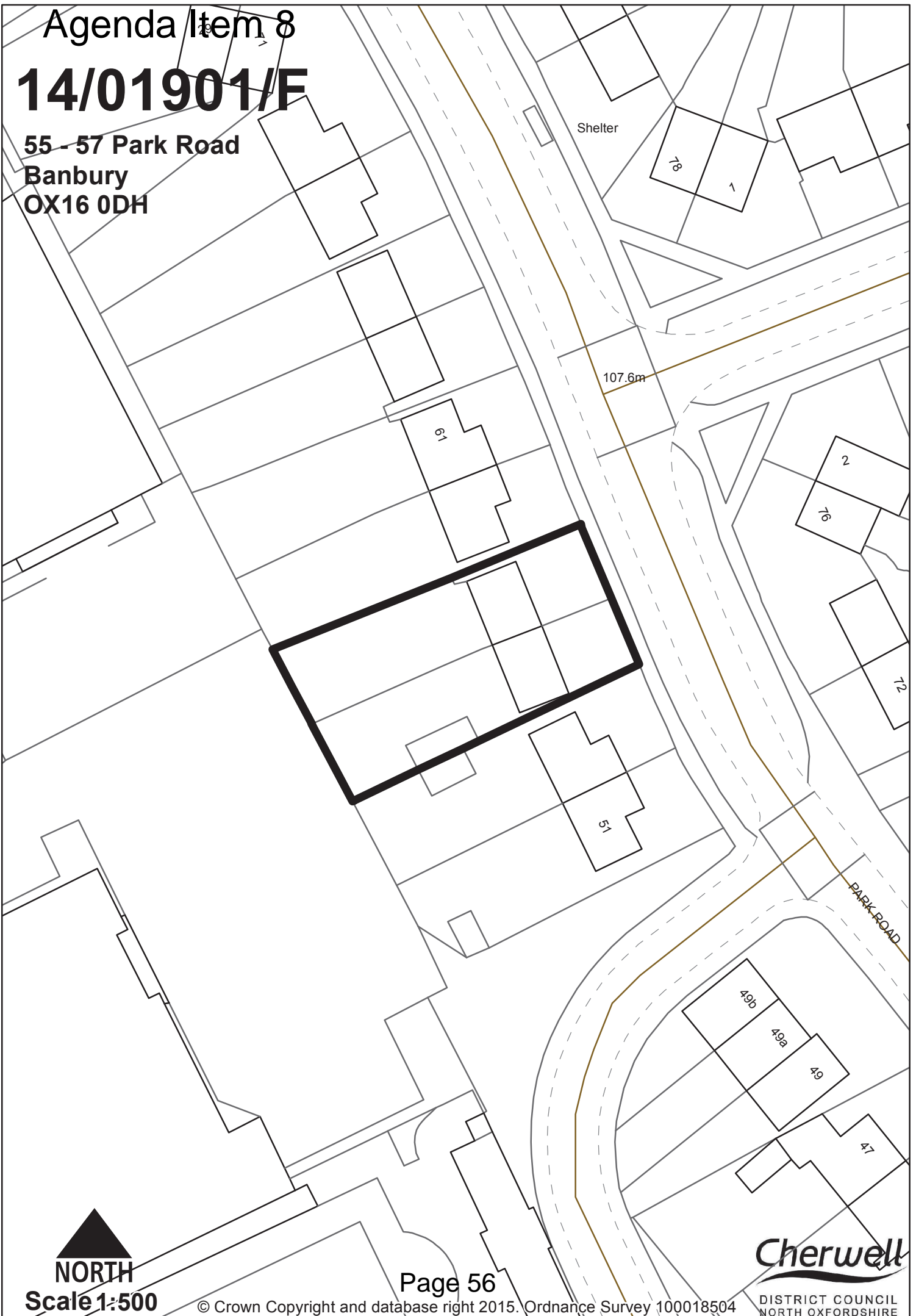
Refuse on the following grounds

1. The proposed development will be conspicuous from public vantage points to the west and will be detrimental to the character and appearance of the countryside And to the setting of the village and the land is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996, nor is the application site proposed for development as a strategic housing allocation in the Submission Local Plan December 2014. The proposal will have a greater impact on these matters than the scheme being built that was allowed at appeal (re non 12/00305/OUT) and represents a sporadic, unplanned, urban extension, encroaching into the open countryside which fails to maintain its rural character and appearance. The application is, therefore, contrary to Policies H18, C7 and C8 of the adopted Cherwell Local Plan, Policies ESD13, and ESD16 of the Submission Cherwell Local Plan June 2014 (as amended by modifications) and national policy contained in the National Planning Policy Framework.
2. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to the Policy R12 of the adopted Cherwell Local Plan, Policy INF1 of the Submission Cherwell Local Plan January 2014 and national policy contained within the National Planning Policy Framework.
3. Development in the manner proposed will curtail the opportunity for the developer to deliver the informal open space that it is obligated to provide in the terms of a legal agreement entered into by the applicant in respect of the adjacent site that is currently being built to the detriment of the character and appearance of that scheme and the quantum of open space that should be provided, contrary to Policy BSC10 of the submitted Cherwell Local Plan.

Agenda Item 8

14/01901/F

55 - 57 Park Road
Banbury
OX16 0DH



NORTH

Scale 1:500

14/01901/F

55 - 57 Park Road

**Banbury
OX16 0DH**

WEITHRO

NORTH

Scale 1:5,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Site Address: 55-57 Park Road, Banbury
OX16 0DH**

14/01901/F

Ward: Banbury Neithrop

District Councillor: Cllr Surinder Dheshi

Case Officer: Emily Shaw

Recommendation: Approval

Applicant: Mr Mohammed Hanif

Application Description: Change of use from domestic outbuilding to D1 Madrassa with prayer facilities at 57 Park Road. Proposed retention of existing classroom with the addition of prayer facilities and opening hours at 55 Park Road.

Committee Referral:

Member Request

Committee Date:

16 April

1. Site Description and Proposed Development

- 1.1 55-57 Park Road are a pair of two storey semi-detached dwellings located within a modern estate layout to the west of the town centre of Banbury. To the west/rear of the site is the Woodgreen Leisure Centre complex, the car park of which immediately abuts the rear of 55/57 Park Road.
- 1.2 The site comprises one pair of two-storey semi-detached properties which are currently occupied as residential properties. Number 55 has planning history relating to the use of one room in the building for the education of up to 12 children between the hours of 16:00 and 17:00 on Mondays to Fridays only. Each property comprises hard-standing to the front currently used for the parking of private motor vehicles. The rear of the two properties is also laid to hard standing. A large single storey outbuilding is sited to the rear of 55 and 57 Park Road.
- 1.3 This application seeks planning permission for the change of use of the single storey building to the rear from ancillary residential use to use as D1, Madrassa with prayer facilities to be used between 11am and 1pm everyday. The application also seeks the retention of the existing classroom facility at number 55 with the addition of prayer facilities and extension to hours of use at 55 Park Road. The hours of use for the classroom inside the dwelling is proposed between 16:30 and 18:30 everyday.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment was 12 February 2015. No correspondence third party responses have been received as a result of this consultation process.

3. Consultations

- 3.1 Banbury Town Council: No Objections - but has some concerns over traffic & pedestrian movement.

Councillor Surinder Dheshi: Raised concerns about this application for the following reasons:- residents of the area are concerned about the current use of the site and parking cars in and around the site which is impacting on highway safety. The site is on a busy and well used bus route. There is a purpose built Mosque only 20mins in Merton Street and has recently been extended and has sufficient car parking.

Oxfordshire County Council Consultees

- 3.7 Highways Liaison Officer: No objection to the proposal
The proposal seeks the change of use of an existing outbuilding into a D1 Madrassa with prayer facilities, furthermore, the proposed retention of an existing classroom with the addition of prayer facilities and opening hours at no.55 Park Road.

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

It is my opinion that the vehicle movements associated with the proposal does not present "severe harm" as required in the recent Government guidelines in the Nation Planning Policy Framework to warrant a recommendation for refusal on highways grounds.

After reviewing the supplied plans and documentation, the Highway Authority has No Objection to the proposal on the basis of Highway Safety.

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

Submission 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 and are not replicated by saved Development Plan Policies:

- Policy PSD1: Presumption in favour of Sustainable Development
BSC12: Indoor sport, recreation and community facilities
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 of the proposed change of use
- Highway safety

Relevant Planning History

5.2 **55 Park Road relevant Planning History:**

98/01799/F – Change of use from residential dwelling to use for supplementary education of up to 12 no. children. Approved. Condition 2 – personal to Mr Mumtaz Ahmed and condition 3 – between 16:00 and 17:00 Monday to Friday.

05/00189/F – Part retrospective. Erection of outbuilding in rear garden for ancillary use of school. Approved. Condition 2 – Max 12 children between 16:00 and 17:00 Monday to Friday.

57 Park Road relevant Planning History:

13/01865/CLUP – single storey outbuilding. Approved.

14/00685/F – change flat roof to pitched roof. Approved.

5.3 The erection of a single storey outbuilding to the rear of 55 and 57 has been considered and approved as part of 05/00189/F for a building at 55 Park Road and 13/01865/CLUP and 14/00685/F for a building at 57 Park Road. Therefore the principle of a building for residential use in this location has been established.

The current outbuilding is now being used as one single building across the rear of both 55 and 57. The current use of the building is as a single building for D1 Madrassa with prayer facilities at 55 and 57 Park Road. This use does not benefit from planning permission and this application seeks to regularise this use.

5.4 Previous planning history in 1998 as set out above considered and approved the change of use of part of the dwelling at 55 Park Road to a for the education of up to 12 children between 16:00 and 17:00 Monday to Friday.

The current pending application seeks to retain this existing classroom use within 55 Park Road and in addition seeks to introduce a prayer facility into the classroom within 55 Park Road and to extend the hours the use can take place.

Principle of the proposed change of use

5.12 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. It goes on to say that where the development plan is absent, silent or 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 if specific policies in the Framework indicate that development should be restricted (e.g. Green Belt, AONB's, SSSI's etc).

5.13 There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

Policy PSD1 contained within the Submission Local Plan 2013 echoes the NPPF's requirements for 'sustainable development' and where there are no policies relevant to the application, LPA's should grant permission, subject to the caveats set out in paragraph 5.3 above.

- 5.14 The NPPF promotes sustainable transport and at paragraph 34, states that decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In this case, the site is situated within the built up area of Banbury and close to the Town Centre. The site benefits from good footway and cycle provision, with good connections to the wider town pedestrian and cycle network. The site is also located close to a bus stop, on a local bus route, operating regularly and within walking distance of the town centre and other options for sustainable transport options such as the train. The site is therefore considered to be in a sustainable location, in terms of its accessibility to public transport and proximity to the town centre.
- 5.16 Paragraph 6 of the Framework sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a community by improving the conditions in which people live, work, travel and take leisure.
- 5.17 The building which is proposed to be used for a D1 use as a Madrassa with prayer facilities is located close to Banbury Town centre and has good transport links by a variety of sustainable modes of transport. The proposed use is therefore considered to be a sustainable form of development in accordance with the National Planning Policy Statement and policies PSD1 and BSC12 of the Submission Cherwell Local Plan.

Impact on residential amenity

- 5.18 The proposed use of the building to the rear could accommodate 40 people at any one time and the proposal is for its use between 11am and 1pm every day. There is already a lawful within part of the outbuilding for the education of up to 12 children between 16:00 and 17:00. The extent of the proposed would in my opinion cause some noise and disturbance generated by the arrival and departure of people to and from the site. However, the proposed use is to take place between the hours of 11am and 1pm every day. The use of the building for two hours per day would generate activity at the site in the form of people arriving at the site in motor vehicles, on foot and by other modes of transport and access to the building to the rear which would lead to some external disturbance and noise generation within the vicinity of the site. The prayer use will take place within the building and therefore the period of time affected by disturbance and noise from people arriving at the site will be a short period of time until the people enter the building. It is considered that the period of use and type of use of the outbuilding would not give rise to an adverse impact on the residential amenity of neighbouring residential properties.
- 5.19 The education and prayer use within number 55 Park Road could accommodate up to 20 people between 16:30 and 18:30 every day. There is already a lawful use within number 55 for the education of up to 12 children between 17:00 and 18:00. The use within number 55 would generate activity at the site caused by the arrival and departure of people to and from the site. The use of the building for 2 hours during the afternoon every day would not be considered to significantly increase noise and disturbance in addition to the existing use at the site and would not be considered to

adversely affect the residential amenity of neighbouring occupiers.

Impact on the Visual amenities of the area

- 5.20 This application is considering the change of use of an existing building to the rear of 55 and 57 Park Road, Banbury. The single storey building benefits from planning permission for use in relation to 55 Park Road for education of children and for use ancillary to the dwelling at 57 Park Road.

The proposal includes a new porch entrance on the building and a ramped access to the east elevation. The alterations to the external appearance of the building would be located to the rear of the existing two storey dwelling. From Park Road a restricted view of the southern end of the building and the ramped access can be visible. The building is not visible as a prominent feature within the street scene and is therefore considered to have a minor impact on the visual amenities of the locality.

Highway Safety

- 5.20 The proposal includes 6 on site car parking spaces to the front of the dwellings for the proposed use. The Local Highway Authority have raised no objection to the proposal and state that, given the characteristics of the carriageway, vehicular traffic and speeds are likely to be low within the vicinity of the site. The use is located in a sustainable location with opportunity for users to access a range of modes of transport, such as walking, cycling, public transport, which will reduce the number of trips to the site by motor vehicles. Furthermore, users are likely to travel short distances from within the local community which can be taken on foot. The use will not generate levels of traffic that would adversely affect highway safety in this location.

Engagement

- 5.17 With regard to the duty set out in paragraphs 186 and 187 of the Framework, contact was made with the agent/applicant during the course of the application to discuss issues and agree amendments leading to an acceptable scheme. It is considered that the duty to be positive and proactive has been discharged through discussions had with the applicant/agent during the course of the application.

Conclusion

- 5.19 The proposed use is considered to be a sustainable form of development which will provide a community facility within Banbury and will not cause adverse harm on the residential amenity of neighbouring occupiers, to the visual amenities of the area, or on highway safety, the use is therefore in accordance with Government Guidance within the National Planning Policy Framework, policies PSD1, BSC12 and ESD16 of the Submission Cherwell Local Plan and policies C28 and C30 of the adopted Cherwell Local Plan.

6. Recommendation

Approval, subject to:

the following conditions:

1. The operation hours of the prayer premises located within the building to the rear of 55 and 57 Park Road shall be restricted to the following times:-

Monday-Friday – 11:00 to 13:00

Saturday – 11:00 to 13:00

Sunday and Public Holidays 11:00 to 13:00

Reason: In order to safeguard the amenities of the area and to comply with Policies C31 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

2. The operation hours of the class room/prayer facility on the ground floor on 55 Park Road shall be restricted to the following times:

Monday – Friday – 16:30 to 18:30

Saturday – 16:30 to 18:30

Sunday – 16:30 to 18:30

Reason: In order to safeguard the amenities of the area and to comply with Policies C31 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

3. The outbuilding to the rear of number 55 and 57 shall be used only for the purpose of a Madrassa with prayer facilities and for no other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policies C28 and C31 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

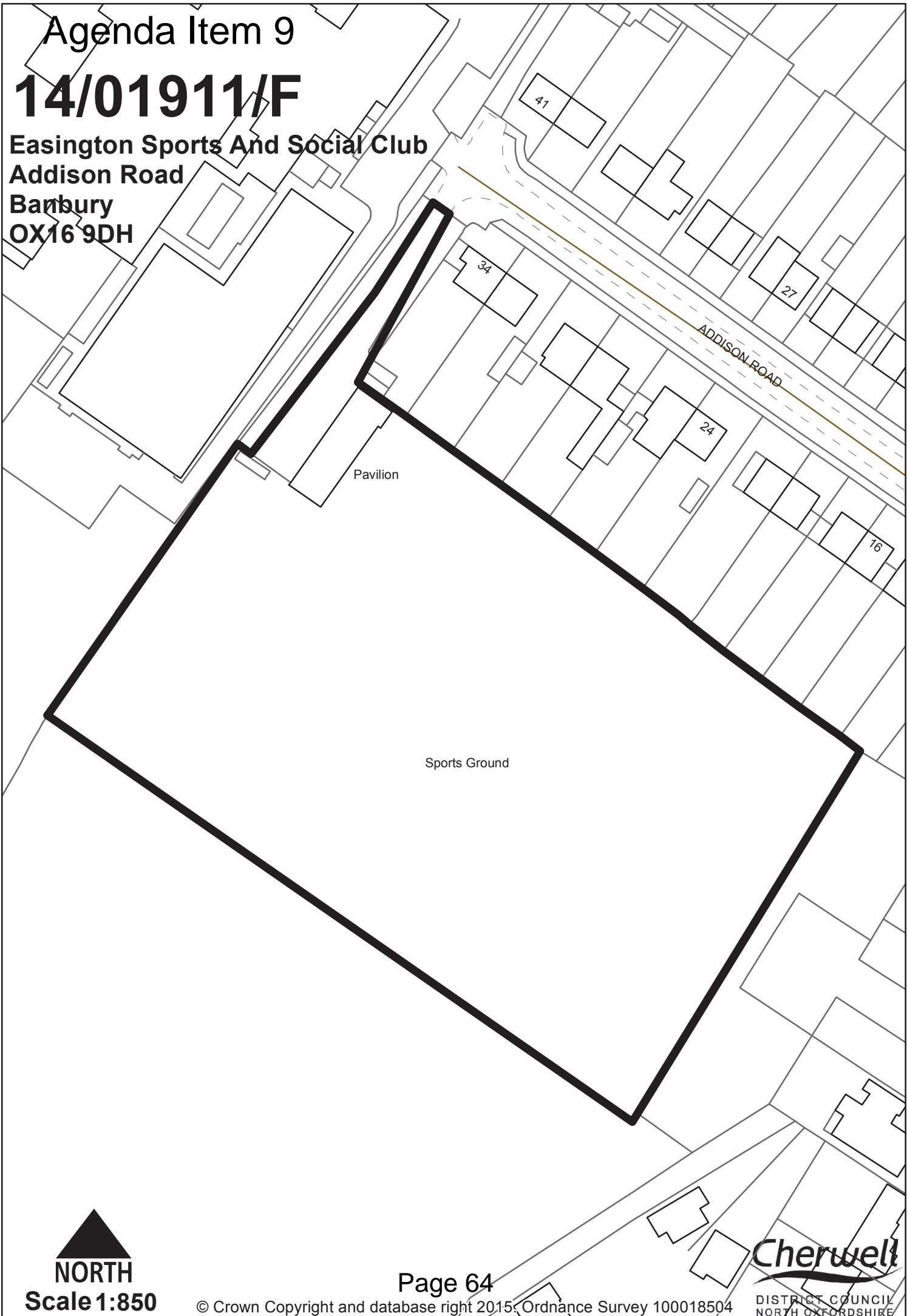
STATEMENT OF ENGAGEMENT

With regard to the duty set out in paragraphs 186 and 187 of the Framework, contact was made with the agent/applicant during the course of the application to discuss issues and agree amendments leading to an acceptable scheme. It is considered that the duty to be positive and proactive has been discharged through discussions had with the applicant/agent during the course of the application.

Agenda Item 9

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

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Site: Easington Sports and Social Club 14/01911/F

Ward: Banbury Easington

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: 16 April 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.
- 1.4 Members will recall that this application was deferred at the last meeting to enable the local residents to be better informed about the substance of the application.

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.
- 2.10 A letter was sent by the Addison Road residents group to all Members of the Committee before the last meeting and this was included in the written update to the last meeting as well.

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.

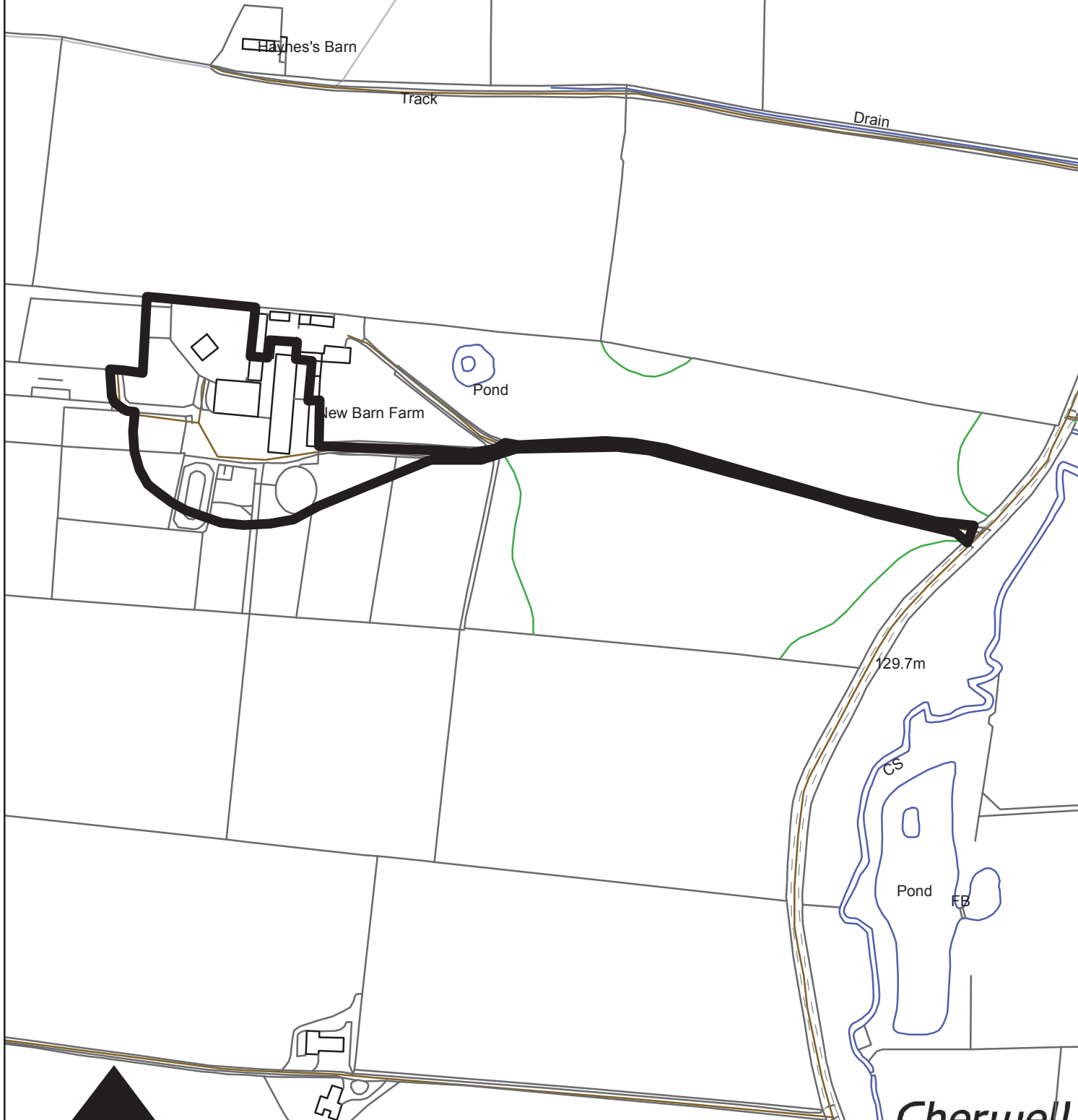
Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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.

14/02157/F

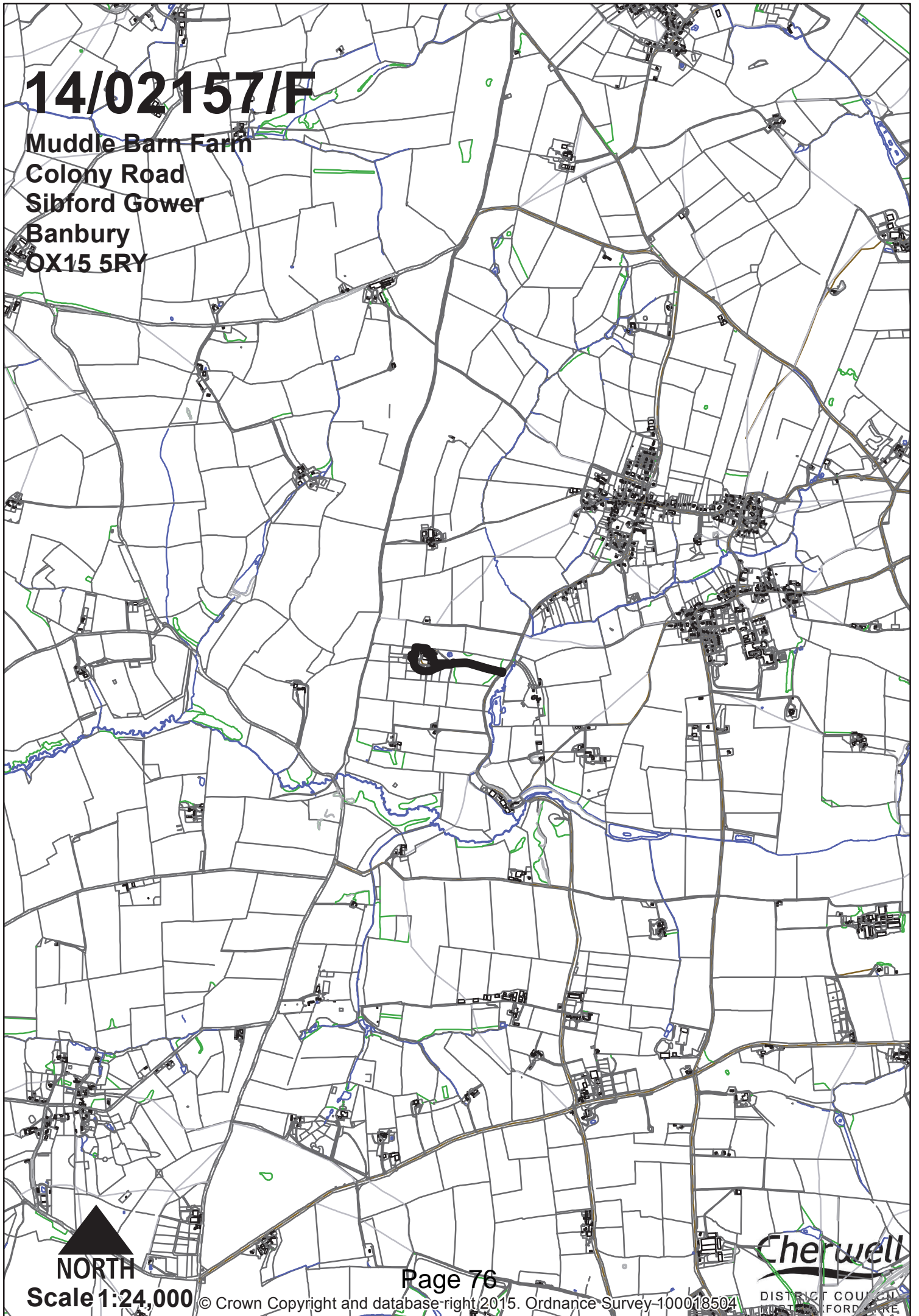
Muddle Barn Farm
Colony Road
Sibford Gower
Banbury
OX15 5RY



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Cherwell

DISTRICT COUNCIL
SIBFORD GOWER

**Site Address: Muddle Barn Farm
Colony Road, Sibford Gower**

**14/02157/F
Sibford Gower**

Ward: Sibford Gower

District Councillor:

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Mr & Mrs G Besterman

Application Description: Demolition of existing dwelling and a range of large scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping.

Committee Referral: Major

Committee Date:

1. Site Description and Proposed Development

- 1.1 The application site is located approximately 1km to the south west of Sibford Gower. Access to the land is taken off Colony Road, along a long access track which serves the application site and also New Barn Farm which is a residential property immediately adjacent. The site lies on a high area of ground which provides extensive views out to the south, west and east. Views to the north are more limited by the landform as it continues to rise slightly in this direction away from the site.
- 1.2 The application property comprises a range of buildings. A single residential property is located on the north eastern part of the site, surrounded by the established residential curtilage. To the south west lies a range of agricultural buildings which were last in use for equestrian purposes, evidenced by the presence of stables and also the three external exercise areas within the ownership of the property.
- 1.3 The application proposes the demolition of the existing dwelling and most of the associated equestrian buildings and structures, although the stable building which runs along the boundary with New Barn Farm is to be retained. The proposal then sees the replacement of these with a substantial residential dwelling located to the south of the existing house and south west of the main range of buildings. The main aspect of the new property would be to the south east over the extensive lawned area which is also proposed. To the rear of the new dwelling runs a range of outbuilding which then returns in a south eastern direction, creating a courtyard to the rear of the house. This range of outbuildings provides ancillary space associated with the main house, garaging, studio/office accommodation and further two bedroom property. The range provides accommodation across the ground floor, but with first floor accommodation within the wing furthest from the main house.
- 1.4 The new house is designed with a Georgian appearance, constructed from natural stone it incorporates accommodation across three floors. The ancillary wings to the rear would be constructed in red brickwork and the roof of the whole development in natural slate. The garden to the property would wrap

around the main house, giving an extensive curtilage to the south east around to the north of the dwelling.

- 1.5 The driveway which serves the existing property will be re-routed taking it further to the south of the exiting route, away from the boundary with New Barn Farm.

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 04 February 2015.

Two letters have been received in support of the proposals. The following matters were raised as summarised below:-

The existing house and associated buildings are unsightly and their replacement with a sympathetically designed stone house will be more in keeping with the area.

One letter of objection has been received which supported the comments made by Sibford Gower Parish Council. The existing dwelling had an agricultural tie and would not have been granted planning permission for any reason other than for agricultural use. It seems the previous owner failed to abide by the agricultural use which has resulted in a change of planning by the current owner to equestrian use.

3. Consultations

- 3.1 **Sibford Gower Parish Council:** objects to the application on the following grounds:

The use of the buildings and land is as farmland/livery stabling. This presumably is the permitted use. Despite the CLUE certificate does the change to residential use as a family home require further specific planning consent.

The current collection of buildings are of no architectural merit. In support of the application it may be argued that the development would represent an aesthetic improvement.

The development is adjacent to New barn Farm and would appear to dominate it and represent overdevelopment of the specific site.

Despite their utilitarian nature the present buildings are low and well shielded, they make little impact on the surrounding landscape. The replacement dwelling, five times the size of the original with an additional separate dwelling which is itself approximately the same size as the original dwelling.

The Design and Access Statement makes much of the fact the development would be placed at a lower level on the site, with the height of the new dwelling the same as the old. This does not alter the fact that the ground to roof elevation of the new building is approximately one third greater than the old, and the size of the building is much greater than the original.

The proposed development is situated on high land with magnificent views in every direction. These views extend as far as the Sibfords to the North, Hook Norton to the East, the Rollright Stones, Whichford Wood and Oatley Hill to the South and Broadway Tower to the East. It will be prominently visible across a wide area.

The overall bulk and increased height will create an unacceptable impact on the immediate vicinity, dominating the valley. Whatever the planting proposed the building will stick out like a sore thumb across a landscape characterised by traditional and modest farm buildings. The planting will further change the character of the valley in the summer, with no effect in the winter. This impact can be demonstrated by nearby properties. New barn farm is very visible in the valley from surrounding hill paths. The new house will be in the same position and approximately three times the size. The proposal is comparable in size with Gauthern's Barn on the other side of the valley, but at least partially hidden from many angles due to the bend in the valley.

The proposal will replace an undistinguished chalet bungalow with a mock Georgian mansion. This may be appropriate for the deep Cotswolds, but is completely out of keeping with the traditional vernacular architecture of the Banbury ironstone area, and in particular of the Sib valley. The new proposal will permanently alter the landscape.

NPPF paragraphs 59-60 do not permit prescription in style but does suggest concentrating on overall scale, density, massing, height, landscape, layout in relation to neighbouring buildings and the local area more generally, and states that it is proper to seek to promote or reinforce local distinctiveness.

Local Plan H17 permits replacement of a dwelling outside the limits of an existing settlement provided that 'the proposed replacement is similar in scale and within the same curtilage'. This proposal is of a quite different scale, and is five times the floor area of the original dwelling. The claim that this can be mitigated by invoking permitted development guidelines seems irrelevant, a still leaves a shortfall of over 1000 sq feet.

Local Plan C30 requires compatibility with appearance, character, layout, scale and density of existing dwellings in the vicinity. This has not been demonstrated in relation to New barn farm.

Local Plan C13 Areas of High Landscape value. The valley in which the property stands is designated as an AHLV. This does not affect permitted development rights but it must be asked whether the development is compatible with the aim of the Council to conserve or enhance the environment in these areas.

Emerging Policy ESD 16 requires justification in terms of complimenting and enhancing the context and an explanation of the design rationale. This has not been provided/

This proposal represents inappropriate development in an AHLV, contrary especially to policy H17.

3.4 Severn Trent Water

Raises no objections to the proposals

Cherwell District Council Consultees

3.5 Landscape Officer:

I mostly agree with the results in the landscape and visual effects in the LVIA and cannot justify a refusal on landscape and visual grounds. However, the receptor location 6 should be weighted higher than *low* because of the magnitude of change is quite noticeable for walker receptors where experience of the view is probably anticipated because it is hidden by the hill and woodland as one approaches northwards on Traitor's Ford Road. I would therefore score the sensitivity as **high**, magnitude of change is **medium**. The combined effect is therefore adjusted to **Substantial**. Also the inclusion of College Barn Farm in the middle distance will contribute to a combined cumulative effect of buildings within the visual envelope. A reduction in the building's scale from this aspect should be considered in order to reduce the combined effect to a **medium** result.

I am not too concerned about the architectural style of building materials proposed other than to mention that the development's scale could inadvertently convey a building of power and authority where one did not previously exist. With this adjustment and the fact that the LVIA conclusion admits that the.....' *visual effect assessment of the development proposals on views have a severe to negligible*' effect. This is because of the perceived detrimental effect on visual receptors at year 1, and in order to justify the development the landscape mitigation measures will in time integrate the development into the landscape. In this regard the LVIA has failed to address the timescales in which vegetative screening will be achieved. I think that this is crucial in respect of the growth rates of nursery stock and how the exposed site may be a detriment to the advanced nursery stock (as a general rule smaller nursery stock tend to establish better and quicker than advanced). It is essential to consider the maintenance of the planting to achieve successful establishment (replacements if needed) and growth. This issue must be addressed under a landscape maintenance condition.

For the owners, views of attractive landscape to the southwest are going to be important. Fortunately for the owners receptor experiences of the façade from publically accessible locations at long and middle distances in the west and south west are going to be limited due to intervening topography and structural vegetation: the SW façade can be exposed.

The localised visual effects of receptors on receptor locations VP1B and VP 2B are an important factor: combined effects are substantial for both 1B and 2B. The existing field boundary hedgerow and hedge trees within the applicant's ownership are to be retained as the foundation for further structure planting mitigation. It is important to retain this boundary hedgerow with a minimum maintenance height, say 3 m and therefore subject to a hedgerow retention condition. A BS 5837 survey of the structural vegetation within an influencing

distance of construction on the northern boundary. Root protection zones are to be identified and the extent of protective fencing to be included.

The relocation of the main drive to the south of the 4 prominent oak trees is welcomed. I would recommend that the new drive is built before demolition and construction work commences in order to avoid the root plates of these valuable amenity and screen trees. An arboricultural method statement should address the nature of the work to the land beneath these trees. An indication of the root protection zones, the compaction alleviation measures, due to the existing use of the track is to be addressed under the AMS.

3.6 Ecology Officer

The survey submitted with the application is satisfactory and I agree with its conclusions. I recommend the following conditions:

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 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 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 KR1

The development hereby approved shall be carried out strictly in accordance with the recommendations set out in Sections 4.4 'Bats' of the extended phase 1 survey assessment and Bat Survey Report submitted with the application, which was prepared by Wild Service Ecology Consultancy dated July 2014.

Reason KR2

Prior to the commencement of the development hereby approved, full details of a scheme for the location of two bat roosting tubes or similar bat provision and at least two swallow nesting opportunities within the new building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building these provisions shall be installed on the site in accordance with the approved details.

Reason KR3

All species used in the planting proposals associated with the development shall be native species of UK provenance.

Oxfordshire County Council Consultees

3.6 Highways Liaison Officer:

Recommendation:

No objection subject to conditions

Conditions:

D1 Access: Specification/Improvements/Widened

Prior to the construction of the dwelling hereby approved, the existing means of access between the land and the highway shall be improved with the existing geometry, formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

Reason DR1

D12 Road Construction, Surface and Layout

Prior to the commencement of the development hereby approved, full specification details of the access drive including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwelling the development shall be constructed in accordance with the approved details.

Reason DR2

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

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H17	Replacement dwellings
H18	New dwellings in the Countryside
C8	Landscape conservation
C13	Area of High Landscape Value
C28	Layout, design and external appearance of new development
C30	Design 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 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:-

ESD 13 Local Landscape Protection and Enhancement

ESD 16 The character of the built environment and historic environment

5. Appraisal

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

- Principle of Development
- Planning History
- Landscape Impact
- Impact on Neighbouring Amenity

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. Policy H17 of the adopted Local Plan provides guidance on the replacement of dwellings in the countryside as an exception to the normal restrictions which exist in such areas. It does however relate specifically to "*statutorily unfit or substandard dwellings*". The existing house on the site was constructed following the granting of planning permission in 1985 and there is no suggestion in the submission documents that it is unfit. The policy relates to "*one-for-one*" replacement of dwellings which indicates a limit on their size would be enforced.
- 5.4 The supporting text to the policy indicates that its role is one of protection of the countryside and natural environment from encroachment that would harm its character and appearance. It is clearly aimed at seeking to avoid more conspicuous dwellings in the landscape and it is relevant to understand the purpose of the policy in understanding its relevance. The emerging Local Plan does not contain an equivalent policy and indicates a change in position by the Council on this matter. Whilst the Local Plan has yet to be adopted and carries only limited weight, it does indicate a direction of travel for policies in the District and is a material consideration in assessing planning applications.
- 5.5 The NPPF sets out the presumption in favour of sustainable development as the golden thread which runs through all aspects of planning. Paragraph 55 deals with isolated houses in the countryside and indicates that such proposals should be restricted except in special circumstances. It provides a list of some of the examples *where a new house could be justified but this* is not intended to be exhaustive and the overall approach to the policy is to seek the protection of the countryside from encroachment. These include including agricultural dwellings, re-use of redundant buildings, or securing the optimum viable use of a heritage asset. Paragraph 55 also permits dwellings of exceptional quality or innovative design in the open countryside. The applicant has not sought to rely on this as part of the justification for the proposals. I consider therefore that the application is in conflict with paragraph 55.
- 5.6 The applicant has highlighted a number of other examples in the District where replacement or extensions to existing dwellings have been permitted, similarly in breach of policy H17. It is evident that the proposed development due to its size compared to the existing dwelling does not comply with policy H17 and there is consequently conflict with the development plan as a result. However it is necessary to have regard to the reasons for this policy and its aims and also look at the harm caused through the policy breach. In this instance the key issue in my view is the impact of any proposed replacement dwelling on the landscape and visual character of the locality. This is the position which has been adopted by the Council in similar circumstances and is an appropriate response to the adopted and emerging planning policy.
- 5.7 The application does include two units of accommodation, the second smaller one is located within the range of outbuildings, and provides a two bedroom residence. There is no specific reference to the use of this accommodation

within the submission documents which support the application. It is assumed that the intention would be for use by staff or members of the family although this is unclear. The creation of a second residential unit within the site would conflict with policy H17 and also paragraph 55 of the NPPF which both seek to limit new dwellings in the countryside.

- 5.8 Conditions can in principle be used to control the occupation of accommodation and I have considered the potential for this in my analysis. Whilst part of the range of outbuildings proposed, the second unit of accommodating is wholly independent and has been designed with its aspect away from the main residence and its associated outdoor spaces. I am concerned that such a unit would create a second dwelling in the countryside which conflicts with the general approach of restraint of recognised planning policies. It is relatively remote from the main house and in my view provides for a separate dwelling which is not necessarily linked to this.
- 5.9 The issue of the impact of the proposed development on the local area is discussed below. The applicant's agent has however sought to justify the scale of development partly by reference to the use of permitted development rights which exist for the existing dwelling on the site. The assessment which is made is based on using an area of the site significantly beyond the established garden of the property as its curtilage. This is based on the redline area which was submitted as part of the Certificate of Lawful Use application 14/01100/CLUE). The red line area does not in my assessment identify the residential curtilage and the application related solely to the compliance with a condition attached to the original planning permission for the dwelling (CHN/600/85). The condition in question was an agricultural tie which had not been complied with for a period in excess of 10 years. This established an unrestricted residential use for the dwelling. The red line area identified incorporates a number of buildings on the site, beyond the garden and which no evidence is provided to suggest these were part of the residential curtilage of the dwelling. The Certificate of Lawfulness application did not establish the residential curtilage as the red line area. The garden to the dwelling is well defined on site and there is in my view a clear area where permitted development rights would apply.
- 5.10 The assessment of permitted development rights undertaken as part of the application requires development well beyond the established residential curtilage of the existing dwelling. I do not therefore consider this to be a correct representation of the level of development that could be carried out without the benefit of planning permission. The actual level would be far less and the size and scale of the resultant extended property would be consequently reduced. Whilst the potential for use of permitted development rights is a material consideration, its relevance must be seen in context. The application is for a specific development that is markedly different and which involves substantial demolition of existing buildings and replacement with a substantial dwelling and associated outbuildings. It is these proposals which are to be assessed and the potential use of permitted development rights in such a context has not been shown to be a viable alternative. In view of my assessment as to the actual extent of alterations which could be carried out without planning permission I give this matter little weight in the overall planning balance.

Landscape Impact and Design

- 5.11 Design remains a key aspect of national planning policy and is highlighted in paragraph 56 of the NPPF which states;

“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.”

- 5.12 The NPPF does however make it clear that the imposition of architectural styles and tastes should not stifle innovation in design, but reinforcing local distinctiveness is appropriate. It is against this national policy which the application should be judged along with policies C28 and C30 of the Local Plan which remain relevant and up to date elements of the development plan.
- 5.13 The new dwelling has been stated as being designed with a Georgian appearance and is a substantial 10.1 metres in height and with a stated floor area of 965 sq m including out buildings and garaging. The proposals would include the demolition of buildings with a floor area of 1245 sq m and there is therefore a reduction in built floorspace with the development as proposed of approximately 23%. The new dwelling would be significantly taller than the existing range of buildings which comprise modern agricultural style structures and the modest existing dwelling. The position of the new property has been chosen in order to keep the overall maximum ridge height equal to that of the existing residential property on the site. This is achieved through positioning the new house at a lower elevation within the site.
- 5.14 In terms of the design of the new property it is accepted that as an individual property it has been designed to a high quality with careful use of detailing and use of materials which are appropriate for the area. However the NPPF at paragraph 60 highlights the importance of local distinctiveness in the design process. Substantial Georgian properties are not a traditional form of building within the north Oxfordshire countryside. The local area exhibits a very strong local vernacular building style and whilst it is accepted that new development should slavishly follow historic forms of building, it is important for new developments to provide a high quality of design which responds to and reinforces local distinctiveness. In this case although the design in isolation is of a high standard the choice of a Georgian design presents a pastiche which is not justified through any established characteristics of the local area. It similarly does not represent an innovative form of design. It would in my assessment appear out of keeping and inappropriate for this location and fails to meet the requirements of the NPPF and policies C28 and C30 of the Local Plan.
- 5.15 The application site lies on a hill with views of the existing group of buildings visible within the landscape from a variety of public viewpoints. These include the roads to the south and south east of the site (including Traitors Ford Lane) as well as the public footpath network in the area.
- 5.16 Close distance views will be available from footpaths 348/2 and 348/7 which run to the north of the application site. The landform and existing boundary planting will filter views of the house, which given its position lower on the southern slope of the hill will further reduce visual impacts. The upper parts of

the new dwelling would be clearly visible, even following the maturing planting planned as part of the development. Footpath 347/2 also extends to the eastern side of the valley, providing views across to the site. The new dwelling would be clearly visible within these views. Existing landscaping and the lower level of the existing buildings limits the visual impact of these on the wider area and New Barn Farm is also well screened.

- 5.17 The road which runs to the south of the site past Leys Farm and Traitors ford Lane also provide clear public views over towards the application site. The existing buildings are visible from these locations. The new house would appear readily visible from these locations. Although these views are over a relatively large distance, the new house would be readily apparent given the open aspect which the design provides as well as its overall scale and height.
- 5.18 Views are available across the landscape from the north on the edge of Sibford Gower and footpath 348/7. From these locations New Barn Farm provides a screen to the application site and views would be limited to the upper parts of the roof and seen in context of existing built development. I do not consider there to be any significant visual impact from this direction.
- 5.19 It is recognised that visibility of development is not a reason to refuse planning permission. It is necessary to consider the impact that any particular proposal would have on the visual appearance and character of a particular area in reaching a conclusion on an individual proposal. In addition it is necessary to consider the benefits that would be delivered through the removal of the modern structures on the site which it is accepted are not visually attractive, although they are typical for such a rural location.
- 5.20 The site does fall within an Area of High Landscape Value. Under policy C13 of the local plan this remains a relevant designation to which weight is attached. It recognises the quality of the landscape within the wider area and seeks to conserve this and prevent harmful development. This approach is consistent with paragraph 109 of the NPPF and the environmental strand to sustainability within paragraph 7 of the document. The designation of an Area of High Landscape Value is a recognition of its quality and sensitivity to development.
- 5.21 The scale and massing of the new dwelling together with its design which would in my view draw attention to the development would be readily visible within the landscape. The application is accompanied by an LVIA, however it is considered that this does not fully reflect the impact of the new dwelling and places significant weight on the removal of the existing buildings, and replacement with a "*finely designed*" dwelling. This assessment does not take account of whether the design is appropriate to the area and as a consequence places considerable weight incorrectly on the positive benefits of the proposal. In contrast it is considered that the new dwelling would appear as a visible addition to the landscape, occupying an elevated location with views from a number of public vantage points from a number of directions. The dwelling would appear out of character with the area, which has a very strong local vernacular tradition.
- 5.22 The height and scale of the dwelling would result in a prominent form of development which would detract significantly from the visual appearance of the area. The reduction in floor area of approximately 23% is not in itself

sufficient to justify the development, particularly given the relative far more limited impact that the existing buildings have on the landscape, and their much lower height and elevation. The site lies within an attractive area of countryside designated as an Area of high Landscape Value, where it is particularly important to secure a high quality, sensitive design for new developments. It is considered for the reasons set out that the proposals in their current form fail to respect their setting and would result in significant harm to the visual character of the landscape. The proposals would therefore conflict with policies C8, C13, C28 and C30 of the Local Plan.

Impact on Neighbouring Amenity

- 5.23 New Barn Farm is an established residential property which shares the main access drive with the application site. The property is located to the north east of the group of buildings within the application site. There is an unusual relationship between the two properties in that the boundary runs through some of the buildings. Others belonging to New barn Farm lie directly on the boundary, this refers to the stone barns to the south east of the main house. The new outbuildings are a minimum of 27 metres from the closest point to the buildings at New Barn Farm, with the main new dwelling a minimum of 55 metres away. These distances are significant and the main element of New barn Farm is further beyond these. Over such distances I do not consider there to be any issues regarding overlooking or overbearing on New Barn Farm.
- 5.24 In reaching these conclusions it is recognised that the new dwelling will be 10.1 metres in height with windows facing towards new barn Farm which will change the relationship of the site to the adjoining property. I do however consider that removal of a large proportion of the existing buildings which themselves lie close to New barn Farm and also the realignment of the access driveway away from the garden to the property represent material benefits to which weight should be attributed when considering this issue. I therefore consider that the development would accord with policy C30 in respect of the protection of amenity and privacy of the existing property.

Ecology

- 5.25 The application is accompanied by an extended phase 1 survey and assessment and bat survey. The Council's ecologist has examined this document who has agreed with its conclusions and recommendations which are summarised as follows;

Habitat – Priority habitat hedgerows are unlikely to be affected. Retention of hedgerows, filling gaps within hedgerows and tree protection measures along the northern boundary are recommended.

Reptiles – The site has very limited potential habitat for reptiles, which are small and unlikely to be affected by development. The site is itself isolated from suitable reptile habitat and there are no issues with reptiles therefore.

Great Crested Newts and Amphibians – The pond on the adjoining land is not affected and the site is largely hardstanding short/bare habitat. There are no

records of great crested newts within 1km and on balance they are not a consideration.

Bats – Old droppings were found in the existing house, although it seems that it is no longer used for roosting. The other buildings have negligible potential for roosting. It is recommended that the house is demolished between May and August with the roof and soffits removed by hand tools and all works overseen by an ecologist. Lighting should be controlled within any new development and none to be installed over hedgerows and trees. Bat roosting places to be installed in the structure of the new building.

Badgers – There was no evidence of badgers on site although one hole was found to the west of the site which does provide potential foraging habitat. As a precaution steps should be taken during construction to avoid trapping badgers and a watching brief maintained on the hole to the west and not to infill this without undertaking a badger survey.

Birds – The buildings, garden and hedgerows provide nesting habitat for birds. Swallows were found in building 1. All works affecting buildings should be done outside of the bird nesting season and compensation measures provided as part of the development.

Engagement

- 5.26 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

- 5.27 The proposal does not follow the restrictions set out in policy H17, however it is recognised that there is no replacement for this policy in the emerging Local Plan and such an approach is not supported by the NPPF. The supporting text to the policy confirms the reasoning behind the policy is one of protection of the natural environment from encroachment. The key issue therefore to consider in respect of policy H17 is the impact of the development on the landscape.

6. Recommendation

Refusal, for the following reason:

1. The proposed dwelling by reason of its size, scale, design and location would appear as a visually prominent and discordant feature within the landscape which would significantly detract from the visual amenity and character of the attractive landscape in which it is located contrary to policies C8, C13, C28 and C30 of the Cherwell Local plan, policies ESD13 and ESD16 of the Submission Local Plan and Government Guidance contained within the National Planning Policy Framework.

2. The proposal for the replacement of a single dwelling with two residential units within the site represents an intensification of residential use in an isolated rural location which conflicts with policy H17 of the Cherwell Local Plan and paragraph 55 of the National Planning Policy Framework.

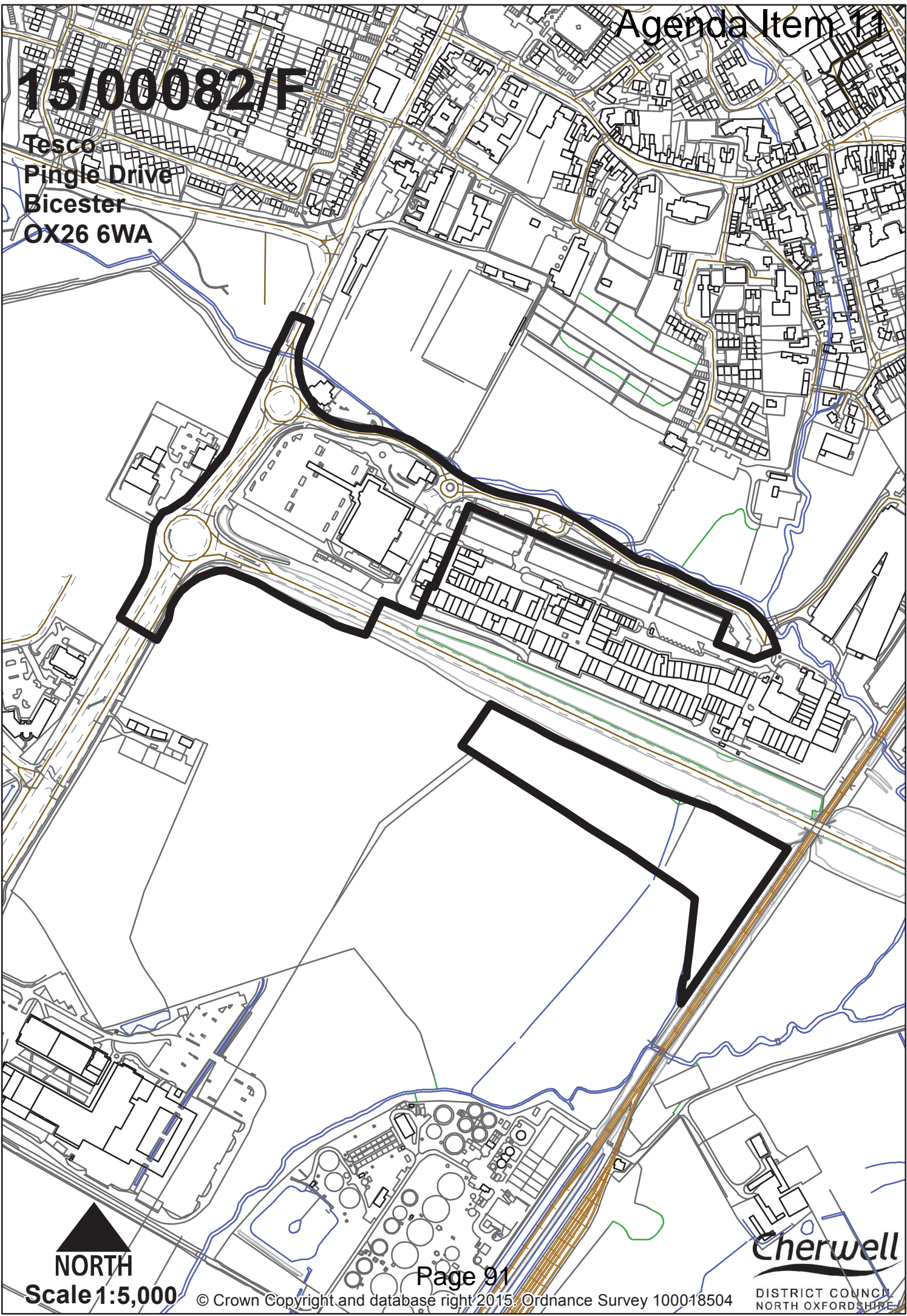
3. The design of the proposed dwelling is unrelated to the architectural characteristics found within the locality and fails to enhance local distinctiveness. It fails to represent good design and therefore represents an inappropriate form of development within the open countryside contrary to policies C28 and C30 of the Cherwell Local Plan and paragraphs 56 and 60 of 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.

15/00082/F

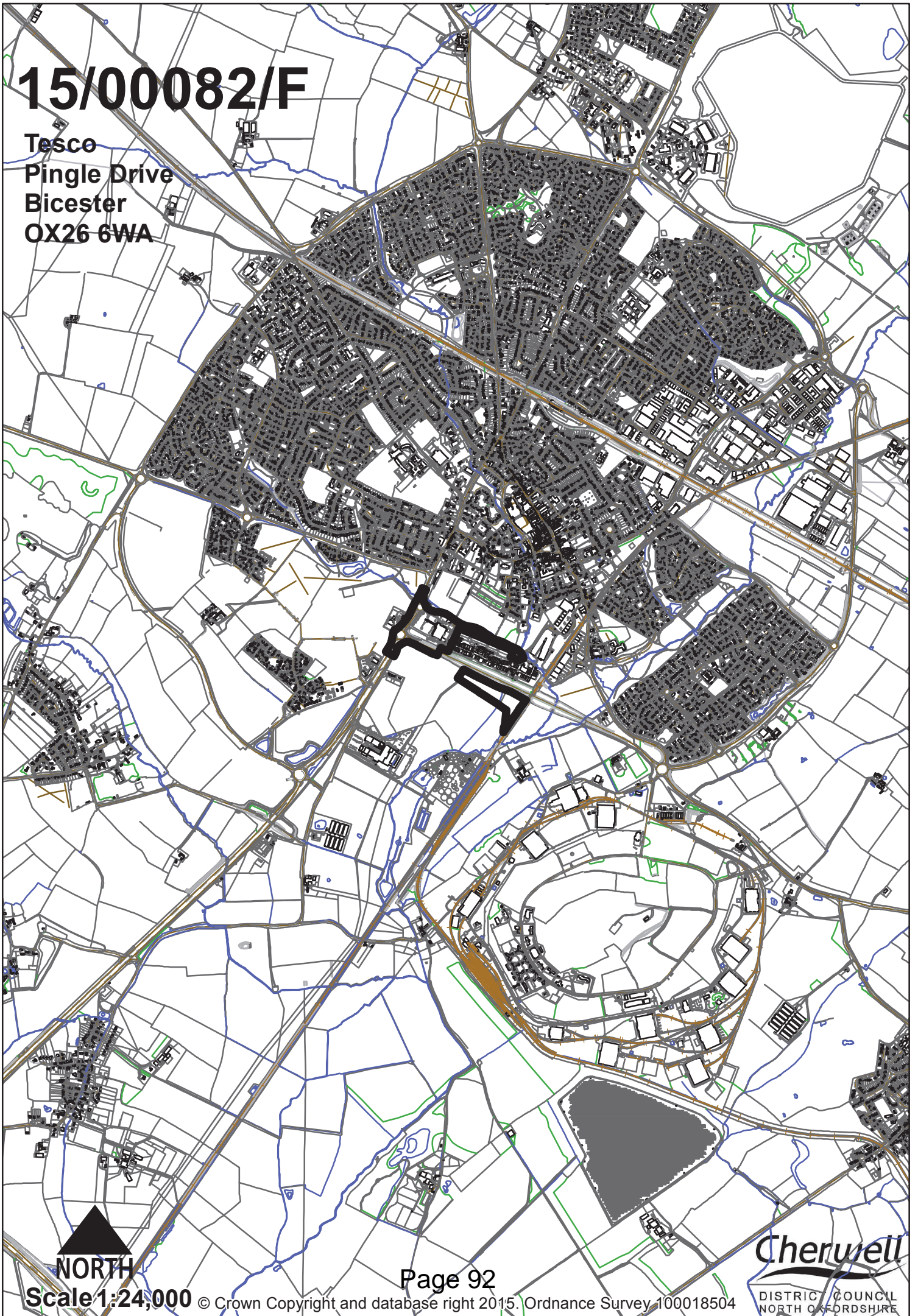
Tesco
Pingle Drive
Bicester
OX26 6WA



NORTH
Scale 1:5,000

15/00082/F

Tesco
Pingle Drive
Bicester
OX26 6WA



Scale 1:24,000

Tesco, Pingle Drive, Bicester

15/00082/F

Ward: Bicester Town

District Councillor: Cllr Mrs D Edwards
and D M Pickford

Case Officer: Roy Hammond

Recommendation: Approval

Applicant: Bicester Nominees Ltd_Bicester II Nominees Ltd c/o agent

Application Description: Demolition of existing Tesco food store, petrol filling station and part of existing Bicester Village retail outlet centre to provide new Class A floorspace, car parking and associated landscaping and highway works.

Committee Referral: Major application

1. Site Description and Proposed Development

- 1.1 This 10.32 hectare site is located 1.5km southwest of Bicester town centre adjoining the western boundary of the Bicester Village retail outlet centre. The central section of the site currently accommodates a Tesco foodstore, petrol filling station and associated car parking. The site also includes Pingle Drive which runs along the northern boundary of the existing Tesco and Bicester Village sites and part of Oxford Road (A4030) and the A41 which run along the western and southern sides of the existing Tesco site.
- 1.2 Adjacent land uses include a public house and an area of recreation land comprising several sports pitches to the north beyond which lies Bicester town centre. Bicester Village lies to the east and former agricultural land extends south from the A41, although this land is now in the early stage of development for the replacement Tesco superstore. There is a small slither of unused land between the Tesco site and the A41 Aylesbury Road. To the west is a service area which has a petrol filling station and fast food outlet with associated parking, beyond which is the Kingsmere residential development. Vehicular access to the existing Tesco and Bicester Village sites is taken from a roundabout off Pingle Drive into the north western corner of the site. There is also a public footpath which skirts the south, west and northern part of the site.
- 1.3 Planning permission was granted in July 2014 under Council reference 12/01209/F for an extension to Bicester Village of the same floor area as currently proposed and involving the demolition of the existing Tesco food store and petrol filling station. The principal difference between the approved scheme and that currently proposed is the inclusion within the application of an area of land along the southern boundary which will enable an increase in proposed car parking spaces from 372 to 519. Further changes include reconfiguration of the retail units, changes to the elevation treatment and inclusion within the application site area of the attenuation pond works on the south side of the A41 (on the new business park site).
- 1.4 It is important to note that there is no proposed change to the approved increase in comparison retail floor area – this will remain at 5,191 sqm (GIA). (including up to 550 sqm cafes/restaurants) The works would form an extension to the existing outlet centre continuing the same design and general theme of a central walkway with units either side, requiring some demolition and reconstruction of the western end of Bicester Village. 28 No. additional units

are proposed of varying sizes generally from 80 to 120 sq.m. GIA including 3 No. additional flagship stores of up to 740 sqm GIA. To put the scale of the development in context, the existing total provision of Bicester Village is currently 21,755 sqm gross floorspace and the additional floorspace amounts to a 23.8% enlargement to Bicester Village but no increase in the GIA of retail floorspace on the Tesco site.

1.5 This application includes extensive on site and off site highway improvement works consisting of the following:

- Pingle Drive/Bicester Village junction – alterations to the existing configuration of the Pingle Drive Roundabout to provide a traffic signal controlled junction. From the south of the roundabout (into the site), drawing 3P76040-SK-26 shows the introduction of two right turn lanes through the existing island of the roundabout, which then lead to two inbound lanes along Pingle Drive. For southbound traffic movements, two ahead lanes are proposed. From the North a left turn lane into Pingle Drive is to be provided. Pingle Drive itself is to be modified in order to provide two inbound lanes. A right turn lane serving traffic heading to the north towards the town centre is to be provided, as well as two separate left turn lanes for traffic heading south.

Pedestrian and cycle crossing facilities are to be provided over the Pingle Drive arm of the junction to link up to the existing crossing facilities and highway network.

- Esso Roundabout – alterations to the existing roundabout are to include the creation of two new east bound lanes through the centre of the roundabout to cater for the A41. Both the northbound, southbound and westbound arms of the junction are to be signalised with only the access to the petrol station being kept as a give-way arrangement.

With regards to the northbound approach to the junction, this is to include two ahead lanes for traffic travelling towards Bicester, with three ahead lanes being provided at the stop line for southbound traffic. Traffic from the east is to be provided with two right turn lanes, together with a dedicated left turn lane.

- Bicester Business Park Junction – Due to the proximity of the approved traffic signal junctions, it is proposed that these are to be linked together.
- Internal highway improvements works – include two specific lanes for inbound and outbound traffic from the junction of Oxford Road, as well as a new internal three arm roundabout (approx 180m into site) to be located in place of the existing Tesco mini roundabout. This new roundabout will provide access to the western side of the Bicester Village retail outlet centre, where additional car parking (372 spaces) will be located. The two inbound traffic lanes continue along Pingle Drive up to the internal junction that serves the existing multi-storey car park. With regards to outbound traffic, it is proposed that the remaining single lane exit lane is retained up to the proposed new roundabout. After the roundabout the outbound traffic lanes increase to two lanes, then to three (2 left turns and one right turn lane) at the proposed traffic signal controlled junction on the Oxford Road.

The existing internal pedestrian and cycle routes are to be retained as part of the proposed works, with a new pedestrian route being provided to the south of Pingle Drive connecting them up to each other. The existing bus turnaround facility is to be retained with some minor alterations.

- 1.6 Given that the site is already developed there are no particular planning constraints save to note the proximity of the public footpath, that the site is of 'medium' interest in terms of archaeology and within flood risk zones 2 and 3. The boundary to the Conservation Area closest to the site is at the far side of Pingle fields at the cemetery and there are no listed buildings in proximity.
- 1.7 This application is inherently connected to the planning permission for a new store of 8,231 sqm (application 12/01193/F refers) as to enable the delivery of the Bicester Village extension.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notices placed at the site frontage (western) and on the footpath between the Tesco and Bicester Village on 29 January 2015. The final date for comment on this application was 19 February 2015. At the time of the original application, the applicants also undertook their own publicity through the local press and public exhibitions, the details and comments on which are available online.
- 2.2 31 representations have been received objecting to the proposal. Full details are available electronically via the Council's website but the following is a summary of the concerns that were raised:
 - the submitted transport plans are flawed and out of date
 - concerned about the traffic congestion and resulting disruption, inconvenience and danger to public safety
 - there should be no expansion until highway improvements have been undertaken
 - the road changes planned and number of spaces proposed will not be sufficient to handle peak flow, such as Bank Holidays and Black Friday type events
 - no information is included within the application to support the assertion that the development is economically sustainable
 - on-going profit from the development should be returned for the benefit of the local community and environment
 - CO2 emissions generated by vehicles attracted to the site would be inconsistent with the objectives of the NPPF of protecting and enhancing the natural environment and moving toward a low carbon economy

3. Consultations

- 3.1 Bicester Town Council: No objection to this application but would stress that it is important that all the conditions attached to the previous planning application 12/01209/F are still in place for this one.

Cherwell District Council Consultees

3.2 **Head of Strategic Planning and the Economy** (Planning Policy): No comments received.

3.3 **Urban Design Officer:** Comments have been provided on the layout and design as follows:

I have reviewed the current proposal for Bicester Village phase 4 extension. The application forms an amended version of the 12/01209/F permission extending Bicester Village to the west across the existing Tesco site. Comments were provided by the Design and Conservation Team Leader on the previous application and it is considered that these comments still apply to the currently proposed scheme.

There are however a couple of differences with this proposal that I would provide additional comment on. Firstly relates to the additional land shown within the red line to the south of the site, and the potential to utilise this to ensure clear and convenient access to the future Tesco site to the south of Banbury Road. The Design and Access statement makes reference to gradient issues preventing this from being used to allow a much quicker and more convenient pedestrian access reflecting the existing relationship between the two sites. It would be useful to see how this has been explored fully to provide adequate justification for its omission.

Secondly with the reconfiguration of the site, pedestrian routes across the car park have been connected to off-site paths adjacent to the main vehicle routes but it is unclear how these relate to formal crossing opportunities? It is important that this is considered as part of the reconfiguration of the road system in this area so that pedestrian movement is not prejudiced.

Thirdly the form and configuration of the units along the east-west mall presents a much longer stretch of blank-frontage by way of service yard screening to the public realm and car parking than the previous submission. In particular the end unit on the north section has a significantly reduced presence to Oxford Road and the car park area. While it is acknowledged that these units need to be serviced, it is felt that the previous application handled this better by providing visual relief to the expanse of walling/ screening. It is felt that more should be done to explore bringing more active frontage to this area, or following a similar approach to the previous application to break up the blank elevation.

3.4 **Head of Safer Communities, Urban & Rural Services** (Landscape Architect):
As discussed, the proposed highway scheme and associated roundabouts and central reservations provide an opportunity to create a high end landscape scheme befitting the importance of Bicester Village and the 'gateway to Bicester. A scheme with a wow factor for the benefit the 2 million plus visitors to Bicester Village. To this end an improved scheme is required to be presented in a format, either hand drawn eye level and birds eye views or photoshopped images to help us understand clearly the design.

The traffic island/ traffic flow system that will replace the existing A41 traffic island, will benefit from a distinctive landscape that reflects the cultural mix of Bicester Village visitors, and climate change. I am able to discuss the design

proposal with the landscape architect to try to ensure that the appropriate design is achieved.

The trees, the landscape hard and soft element should be reflected in the wide central verge to provide visual continuity and contribute towards local urban highway/landscape/distinctiveness of the 'the gateway' corridor.

Car Park and User Experience

The car park's huge expanse of macadam should be mitigated with the appropriate level of Trees and shrub planting. A diverse range of tree and shrub species is necessary for this high end scheme, reflecting biodiversity, climate change and high amenity. Note the importance of trees that have longevity.

The arrival circulation experience of site users (passengers, drivers and pedestrians) is important. In this regard a wider pedestrian east/west and north/south 'concourses' will be necessary with distinctive hard landscaping, lighting and planting. The concourse width is to be increased to 5 m in accordance with the pedestrian crossing width.

The currently proposed borders on either side of the concourse are too narrow for the anticipated enhanced tree scheme planting scheme. I recommend a minimum width of 3 m.

For the parking area to the north in order to improve diversity and interest the number of ubiquitous *Pyrus calleryana* 'Chanticleer' must be changed by incorporating a diverse range of trees of appropriate to a larger car park. The objective is to mitigate the visually boring expanse of macadam with a range of tree species to make the area extremely attractive. Please note that we are able to converse with the landscape architect to achieve the desired effect.

The trees proposed are semi-mature sizes, at 35 -40 cm and 40 – 45 cm which have very heavy root balls/containers at 400 kg and 800 kg respectively. Because of the combined weight of the rootball/container, the tree stem, the canopy and wind force, the tree will compact soil beneath it, resulting in soil compaction, poor drainage and aeration to the roots. As a result the tree will show signs of stress and eventual death. In order to stabilisation the tree and prevent the aforementioned problems I recommend that the tree is laid on a 200 mm depth of free draining MOT typ2 (20mm, no-fines), with a geotextile membrane between the roots and the free draining material to prevent contamination by topsoil.

The Broxhup tree grill is not appropriate for the eventual size of the tree stems because the hole in the grill is too small. The void below the grill attracts litter and weeds grow the grill, which tend to look unsightly. Continuous application of herbicides through the grill is not good for future tree health. A resin-bonded, free draining aggregate surface is more suitable where this material will can be removed around the stem. A protective raised kerb edge is necessary to ensure that minimal salt deposits harm the roots.

Structural tree pits systems are necessary to ensure the adjacent paving to trees remain supported and secure from structural damage by tree roots. To this effect root deflectors should be incorporated into the design of the tree pits. An accurate tree pit drawing is required where the rootball or container diameter is indicated.

The trees are supplied as semi mature stock which requires the appropriate standard of maintenance to ensure their survival and establishment. These are very expensive trees and replacement planting is going to be costly. Smaller stock would establish more successfully with the appropriate tree pit design and aftercare/maintenance.

It is therefore important to include a landscape management plan for the soft landscape.

On the landscape proposals all proposed species-specific tree canopies are to be drawn at the project size at 25 years in order to enable us to determine if enough space is allocated.

Parking

There does not appear to be adequate provision for family bay with only two bays. I suggest that 11 spaces are made available opposite the disabled bays, and 12 family bays opposite unit 144. However I agree that this must be in accordance with the planning requirements. Where tree pits occur the parking bays should be made wider to avoid damage to trees, if parking bay number thresholds allow this.

3.5 **Head of Safer Communities, Urban & Rural Services (Arboriculture):**

Access Routes:

The planting of the *Carpinus betulus* 'Frans Fontaine' within the central reservations is welcomed however, rather than planting in groups of four the trees should be evenly spaced along the reservations at approximately 10 - 15.0m. This would provide a more rhythmic, aesthetic feature to compliment the vehicular highway whilst still capable of assisting with traffic calming measures without obscuring vehicular sight-lines.

Perimeter Planting:

The tree species selected for the perimeter planting are acceptable however, it should be noted that any tree planted within 2.0m of an above ground feature such as curbing, footpath or vehicular highway or below ground feature such as services should have root barriers incorporated into each planting pit. Planting pits with root barriers must be shown on all engineering / services drawings as a below ground constraint.

Parking Bays:

To increase biodiversity, biosecurity, age diversification and to assist in reducing the 'urban heat island effect' within the car parking area, I would recommend that the proposed planting percentages of *Pyrus calleryana* 'Chanticleer' are reduced by approximately 50% with a percentage inclusion of tree species such as *Platanus x hispanica*, *Tilia mongolica*, *Acer campestre* 'Queen Elizabeth', *Ginkgo biloba* (male variety). Providing such tree species are installed within planting pits suitable for hard surface areas, they should not only be able to withstand the hard surface environment and achieve the above listed objectives but will also provide long-term valuable shade to shoppers.

The above mix of tree species should be used in group fashion in a formal, uniform style throughout the car parking areas. All trees planted within car park 'hard surface' area must be planted within structured cell planting pits

and in accordance with BS8545:2014 '*Trees: from nursery to Independence in the Landscape*' and '*Trees in Hard Landscapes: A Guide for delivery*'

Car Parking area:

The 30 No *Carpinus betulus fastigiata* proposed for the pedestrian crossing/access points should be substituted for CB Frans Fontaine which have a more narrow crown upon maturity than the 'Fastigiata' which tends to spread into a wide, ascending crown of approximately 7.0 – 10.0m unless regularly pruned.

Pedestrian zone:

The selection of *Sorbus aria lutescens* is acceptable. The three trees will need to be planted within structured cell planting pits (see below).

Planting Pits (Soft Landscape Areas. DN 601):

No further comments.

Planting Pits (Hard Surface Areas. DN 602):

For additional protection from vehicular damage, the planting pits should be constructed with a raised curbed edging. The proposed use of tree grilles can sometimes lead to bark damage if not monitored and maintained and maintenance issues can arise from the use of pea gravel. Therefore I would recommend that the grilles and gravel be substituted for an arboresin surfacing which will have less of an impact on the tree and maintenance requirements but will still accommodate the proposed lighting scheme. Additional protection from vehicle damage may be provided in the form of tree cages.

The proposed use of urban tree soil within the planting pits is more suitable for pedestrian areas rather than vehicular where a greater level of weight distribution and potential compaction is expected. Planting pits within parking bay areas etc should be constructed with a 'structured cell' type approach with the planting pit itself excavated to accommodate a suitable volume of soil capable of supporting the tree into maturity. Irrigation and aeration systems must be incorporated into the design.

All structured cell planting pits must be shown on all engineering/service drawings as a below ground constraint.

3.6 Head of Safer Communities, Urban & Rural Services (Ecology):

Whilst I appreciate this is largely an urbanised development with substantial hard standing and that the buildings to be demolished are less likely to support bats or other wildlife there is a relatively large area of shrubs, rough grassland and trees to the South of the site which is shown as being removed within the plans but has not been accounted for by an ecological assessment.

This area may be valuable for wildlife being relatively undisturbed. There is the possibility of reptiles and nesting birds - protected under Wildlife and Countryside Act 1981, bats using any mature trees etc.. (European Protected Species) even badger setts (licence needed to disturb). It is possible therefore that licences, method statements for avoidance of harm, timing restrictions, lighting restrictions etc.. may be needed to proceed.

It is unlikely that there is anything there that could not be mitigated for with careful planning however currently I could find no plans for mitigation of the loss of any habitat and if we do not know what is present we cannot say if its loss needs mitigation elsewhere on site. This area forms part of a wildlife corridor stretching along the road in the vicinity of several areas of BAP habitat, a stream supporting a European protected species (Otter) and other water bodies.

In my opinion an ecological assessment needs to be carried out as soon as possible to rule out any ecological constraints. Ideally we should have this information up front before plans are approved in case mitigation is needed on site. Any method statements, supervision or mitigation that may be needed should be conditioned which we can't do without the information.

In addition the strip of trees shown as being retained will need sensitive lighting as this is likely to form a foraging and commuting corridor for any bats in the area.

In addition I see there is not yet any proposals for the inclusion of biodiversity enhancements within the plans (these may be to follow later). In line with NPPF recommendations and our obligations under the NERC Act we should be looking for a net gain for biodiversity from developments and certainly no net loss wherever possible. There are planting proposals which will have some biodiversity benefit although these are largely amenity. I would hope for the inclusion of some habitat boxes in new buildings to provide opportunities for bats where appropriate and birds such as swifts which are found nesting locally as well as some areas of green space managed primarily for wildlife.

In the absence of information up front I would suggest the following conditions therefore or similar wording:

Ecological assessment

Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance a Phase 1 ecological survey and any accompanying recommended species surveys shall be carried out on site to best practice guidelines, the results of which along with all plans and details for mitigation requirements, method statements, plan amendments and licence requirements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development and all associated works shall be carried out in accordance with the approved details.

K17 Biodiversity Enhancement

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 to include measures within the built environment 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 KR3

K21 Construction Environmental Management Plans (CEMP) for Biodiversity

Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity,

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 KR2

K12 Nesting Birds: No Works Between March and August Unless Agreed

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 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.

3.7 **Head of Public Protection & Development Management** (Anti-Social Behaviour Manager): No comments received.

3.8 **Head of Economic Development:** No comments received.

Oxfordshire County Council Consultees

3.9 **OCC Overall View:**

The emerging Cherwell Local Plan broadly supports the expansion of Bicester Village where complementary to improving the town centre (para B.31 bullet 7).

This application is essentially a resubmission of application 12/01209/F (permitted 29/07/14) with a revised layout, additional parking and the inclusion of a strip of land which was previously under third party control.

Should planning permission be granted it is recommended that the conditions and obligations imposed upon planning permission 12/01209/F are applied to any new consent. In addition, OCC would encourage the provision and maintenance of a Changing Places Toilet within the Bicester Village complex to enable severely disabled people to visit the site. It is also recommended that a condition requiring the preparation and implementation of an Employment & Skills Plan is imposed.

3.10 **OCC Highways:**

No objection subject to conditions

Key issues:

Similar to previous application 12/01209/F

Legal Agreement required to secure:

S106 as Application 12/01209/F Agreement BI 82 Signed 28/7/2014

Conditions:

As 12/01209/F

Detailed Comments:

This proposal is considered a resubmission of application 12/01209/F with the inclusion of a strip of land which was previously under third party control. Except for additional parking that has been proposed the scale and type of the proposed development and the design of the agreed highway improvements have been permitted and secured through planning application 12/01209/F. The additional parking has the potential to increase car trip attraction but the County Council accepts this would be acceptable in this case.

Should planning permission be granted the conditions and obligations imposed upon the existing permission (12/01209/F) are recommended.

Please note the following with regard to diversion of the adjacent footpath:

Any diversion of the public footpath onto proposed new public footways will need to take place before the works become publicly maintained highway (as it is not possible to divert a public footpath onto existing highway). Alternatively as the proposed highway works will 'replace' the existing footpath and therefore enable pedestrians to reach the same destinations, the public footpath could be extinguished.

OCC Financial Contributions & Legal Agreements:

OCC Property:

No objection subject to conditions

Changing places Toilet:

If this application is given permission OCC would encourage the provision and maintenance of a Changing Places Toilet within the Bicester Village complex to enable severely disabled people to visit the site.

Justification:

In accordance with Cherwell Local Plan 1996 Saved Policy C32 (improving access to new development for disabled people), a specialist toilet and changing facility will enable people with profound and multiple learning disabilities, their carers, assistants and families to visit Bicester Village.

OCC Economy and Skills:

No objection subject to conditions

Key issues:

The level of employment generated on this strategic development site will require the developers to prepare and implement an Employment & Skills Plan

Conditions:

The developers will be required to prepare and implement, with local agencies and providers, an Employment & Skills Plan (ESP) that will ensure,

as far as possible, that local people have access to training (including apprenticeships) and employment opportunities available at the construction and end user phases of this proposed development.

Detailed Comments:

Recent policy initiatives relating to skills development are contained in:

- The Oxfordshire City Deal
- Oxfordshire European Structural Investment Fund (ESIF) Strategy
- Strategic Economic Plan

The recently launched Oxfordshire Skills Strategy has five strategic priorities:

SP1: To meet the needs of local employers through a more integrated and responsive approach to education and training: developed in partnership with our provider network, to encourage more training provision in priority sectors - both current and projected - to meet the needs of employers or to train future entrepreneurs, particularly in science, technology, engineering and mathematics (STEM).

SP2: Creating the 'skills continuum' to support young people through their learning journey: the ambition is to develop integrated, seamless services that support young people through school and on into training, further education, employment or business, where they understand the full breadth of career options, including local demand, and the training path to succeed in that career.

SP3: Up-skilling and improving the chances of young people and adults marginalised or disadvantaged from work, based on moving them closer to the labour market.

SP4: To increase the number of apprenticeship opportunities, particularly those offered by small to medium sized businesses.

SP5: To explore how we can better retain graduates within Oxfordshire to meet the demand for the higher level skills our businesses need.

Employment and skills planning justification:

A better, appropriately skilled local workforce can provide a pool of talent to both developers and end occupiers. This will reduce the need to import skills, and in doing so reduce congestion and unsustainable travel to work modes, reduce carbon emissions and the pressure on the local housing infrastructure.

Seeking skills and training planning obligations or conditions to maximise the potential of the existing population to compete for the jobs being created, whether during the construction phase or end user phase, through improving their skills levels, is necessary to ensure that future development is economically and socially sustainable, and that barriers to employment for those marginalised from the workforce are removed.

Developers often identify projected training and employment outcomes as part of the justification for development. It is important therefore that the impacts of economic development are mitigated and the economic benefits of

new development in terms of improved local skills and employment outcomes are realised.

Not only is it clear that skills levels are a key determinant of a sustainable local economy, but they also have an impact on employment opportunities and thus an individual's economic prosperity. Up-skilling the area's labour force will be key to maintaining economic competitiveness.. Securing obligations for skills development and employment of local people will be necessary to enhance social inclusion by reducing the potential for economic and social disparity, another key policy driver at the local level.

3.11 OCC Travel Choices:

No comments received.

3.12 OCC Rights of Way:

No comments received.

3.13 OCC Drainage:

No objection subject to conditions

Key issues:

No final surface water drainage design has been submitted.

Conditions:

All surface water drainage design with full calculations needs to be submitted and approved by the Lead Flood Authority (Oxfordshire County Council) prior to the development commencing on site.

3.14 OCC Arboriculture:

No comments received.

3.15 OCC Electrical Services:

No comments received.

Other Consultees

3.16 Environment Agency:

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on the this basis for the following reasons:

The FRA submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore provide a suitable basis for assessment to be made on the flood risks arising from the proposed development. In particular the FRA fails to provide details of how surface water will be safely managed on site, specifically providing the surface water discharge rate from the proposed development.

You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will

not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection. The FRA states in section 7 that the Hydrobrake flow control system within the main site outfall will not be altered and discharge rates will be no worse than existing. However, we need details of this previously agreed rate of discharge to be in a position to recommend a condition.

3.17 Highways Agency:

No objection.

3.18 Thames Water:

No objections regarding matters of waste, surface water drainage or water infrastructure. The points raised can be dealt with by planning notes detailed in the recommendation

3.19 Oxford City Council:

No comments received.

3.20 Police Architectural Liaison Officer:

No comments received.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

EMP1: Employment generating development

S25: Retail development

TR1: Transportation Funding

C28: Design, layout etc standards

ENV12: Contaminated Land

4.2 Other Material Policy and Guidance

National Planning Policy Framework

National Planning Practice Guidance

Submission Cherwell Local Plan (January 2014)

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 (August 2014) to meet the Objectively Assessed Need were subject to public consultation and the examination reconvened in December 2014 with the Inspector's decision anticipated in spring 2015. Although this plan does not have Development Plan status, it can be considered as a

material planning consideration. 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 policy:

SLE2: Securing Dynamic Town Centres

ESD1: Mitigating and Adapting to Climate Change

ESD3: Sustainable Construction

ESD6: Sustainable Flood Risk Management

ESD7: Sustainable Drainage Systems (SuDS)

ESD8: Water Resources

ESD16: The Character of the Built Environment

The site is annotated as 'Existing retail' in the proposals map for Bicester for which there is currently no specific policy.

Bicester Masterplan - Consultation Draft (August 2012)

This document has been produced alongside the Council's Development Plan Documents at the same time as the publication of the Local Plan identifying the future needs of the town over the next 20 to 30 years. It builds on the vision set out in the Eco Bicester One Shared Vision document produced in December 2010.

The site falls within the Speciality Retail Quarter of the identified Town Centre Action Area. It is an area where change could take place building upon the internationally successful Bicester Village. To be addressed: traffic congestion at peak times, improved traffic management signage and a new park and ride facility with better links to the railway station.

Also at the west side of the site nearest the roundabouts, an area of public open space is proposed to be identified together with tree and landscape planting.

Retail Study by CBRE – Final Draft Report October 2012

This independent study is the evidence required to support the policies in the emerging Local Plan helping to inform the overall strategy for retail and town centre development.

Bicester town centre is identified as being a healthy centre which is well patronised. It has a broad range of convenience and comparison retail floorspace which will be complemented by the Sainsbury's superstore which is under construction and due to open next year. However, some visitors to the centre are disappointed with the range of shops and it is certainly the case that the centre lacks many of the national multiples identified by GOAD albeit overall representation of national multiple retailers is good.

The centre has a good quality environment which many visitors cite as one of the things they like about it. Completion of the Sainsbury's scheme will help to improve the environment.

Notably, though not unexpectedly given its smaller size, many people also shop in other centres, most notably Banbury, Milton Keynes and Oxford. This is to be expected given their wider retail offer.

With particular reference to Bicester Village, it is concluded that it is a vital and viable centre which fills a niche in the market for high-end designer

clothing and provides Cherwell with a successful tourist attraction. It serves a wide catchment, well beyond Cherwell District.

A quantitative need (or 'capacity') has been identified for additional A1 retail floorspace within the district as a whole and over the plan period. It is anticipated that Banbury offers the greatest opportunity to accommodate new floorspace and that that town would benefit from a town centre foodstore. Some comparison good floorspace should be directed to Bicester town centre but recommend a review once the Sainsbury's store has opened and trading patterns have settled.

With regard to the Bicester town centre's relationship to Bicester Village, it is clear that the two are different shopping destinations serving very different markets. The physical separation between them is such that it is likely to be difficult to encourage shoppers at the outlet centre to visit the town centre as part of linked trips. There is, however, an opportunity for the Council to promote the town centre in marketing material and/or possibly reroute the bus from the railway station so that shoppers can also visit the town centre.

Bicester Village secures only 0.5% of its expenditure on comparison goods from residents in the study area. Even in the zone in which it's located it secures only 0.9% of comparison expenditure available from residents in that zone. This reflects its unique role as a national/international retail destination. There is little benefit in seeking its expansion to serve Cherwell residents as it clearly serves a very limited role for them at present, although there may be a case for an expansion to serve a wider market.

With regard to how retail and other town centre uses contribute to the economic growth of the district, there can be new job opportunities and spin-off benefits.

5. Appraisal

Background

- 5.1 Bicester Village is one of nine 'villages' operated by Value Retail throughout Europe and a leading designer outlet centre in the UK. The first phase of 63 units at Bicester Village opened in 1995. The last significant phase (phase 3) opened in September 2008 and there are now over 130 units with a total of circa 21,755 sqm gross floorspace including a 2,950 sqm allowance for Class A3 café/ restaurant use.
- 5.2 The existing retailers at Bicester Village comprise a mix of world leading international and British brands in high end retail fashion and luxuries (designer brands). There are also three restaurants, two cafes and a number of small kiosks and a Tourist Information Centre. There is parking available for 1,838 cars.
- 5.3 Bicester Village can be accessed by car and there is also a coach service which travels from London twice a day. A bus service runs to and from Oxford and there are three trains an hour from Birmingham and London to Bicester North with a dedicated shuttle bus financed by Bicester Village meeting all trains. Bicester Town station is a 5 minute walk across the car park.

- 5.4 Planning permission was granted in July 2014 under Council reference 12/01209/F for an extension to Bicester Village of the same floor area as currently proposed and involving the demolition of the existing Tesco food store and petrol filling station. The principal difference between the approved scheme and that currently proposed is the inclusion within the application of an area of land along the southern boundary which will enable an increase in proposed car parking spaces from 372 to 519. Further changes include reconfiguration of the retail units, changes to the elevation treatment and inclusion within the application site area of the attenuation pond works on the south side of the A41 (on the new business park site).

Relevant Planning History

5.5 Bicester Village site

CHS.305/93 – Approval for the development to form factory outlet shopping centre comprising retail and ancillary floorspace, provision for access, servicing, parking and landscaping.

96/00620/F – Approval for the provision of seven additional shop units, an extension to café and a day care centre with crèche together with relocation and enlargement of children's play area and provision for access, parking, servicing and landscaping.

98/01201/OUT – Approval for the provision of additional units, bus layover and stopping facilities and children's play area, together with service areas, parking and landscaping.

99/00867/OUT – Approval of toilets, baby change and cleaner room.

99/02249/REM – Approval of reserve matters (98/01201/OUT and 99/00867/OUT) for the provision of additional units, bus layover and stopping facilities and children's play area together with service areas, parking, landscaping and provision of toilets.

05/02131/F – Approval of retail development decked car parking and associated works.

12/00233/F – Approval for the variation of condition 10 of 05/02131/F to allow the Class A3 use of any approved building within Bicester Village to be increased from 2,500 sqm to 2,950 sqm.

12/00292/F – Approval for change of use of land for coach and car parking including alterations to the internal road layout and extension of a single storey storage/staff building to be used for coach drivers.

12/01374/F – Application pending for the erection of a two storey side extension to unit 82/83 (Carluccio's restaurant).

14/00451/F - Erection of a part two storey and part three storey extension to provide Class B1 offices, together with the enlargement and reconfiguration of Class A1 factory outlet retail floorspace.

5.6 Application site

CHS.445/85 – Application for the erection of a superstore of about 48,000 sq ft, petrol filling station and three retail warehouses totalling 97,500 sq ft and associated car parking and access was allowed by the Secretary of State in August 1988. The store opened in 1991.

CHS.88/89 – Consent granted for the foodstore.

99/02090/F- Refusal of extension to foodstore to provide additional sales area, bulk storage and car parking with ancillary highway works.

00/02412/F – Appeal allowed for an extension (1895 sqm) to the foodstore.

08/00950/F – Application refused for an extension to the retail store, erection of decked parking and reconfiguration of the petrol filling station

12/01209/F – Approval for demolition of existing Tesco foodstore, petrol filling station and part of the existing Bicester Village retail outlet centre to provide an extension to comprise 5,181 sqm (gross internal area) of new Class A floorspace, 372 car parking spaces and associated landscaping and highway works. Approved 28 July 2014.

Issues Arising

- 5.7 In normal circumstances consideration would be given to the loss of the Tesco foodstore facility but planning permission has been secured to relocate the Tesco foodstore to the adjacent business park site on the south side of the A41. (application 12/01193/F refers – approved 12th November 2013).
- 5.8 The key issues identified for consideration of this application, consistent with the consideration of the original application are considered to be as follows:
- Policy Context
 - Principle
 - Sequential Test and Retail Impact
 - Transport Impact
 - Sustainability
 - Layout, Design and Landscaping
 - Public Footpath Impact
 - Flood Risk/Drainage
 - Contaminated Land
 - Archaeology
 - Section 106 requirements

Policy Context

- 5.9 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications for development must be determined in accordance the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF).
- 5.10 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 building a strong, competitive economy, ensuring the vitality of town centres, promoting sustainable transport, requiring good design, promoting healthy communities, meeting the challenge of flooding and conserving and enhancing the natural environment. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

- 5.11 The NPPF advises that where the development plan is absent, silent or relevant policies are out of date, in order to reflect the thrust of the guidance for a *presumption in favour of sustainable development*, planning permission should be granted unless *significant* harm can be identified.
- 5.12 It is further advised that a sequential test should be applied to planning applications for main town centre uses such as retail. Only if suitable sites are not available should out of centre sites be considered and preference should be given to accessible sites that are well connected to the town centre. Also impact assessments are required for developments over 2,500 sqm. Where an application fails to satisfy the sequential test or is likely to have *significant adverse impact*, then it should be refused.
- 5.13 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and is *indivisible from good planning*. Whilst no attempt should be made to impose architectural styles or tastes it is proper to seek to promote or reinforce local distinctiveness. It is also relevant to address the connections between people and places and the integration of new development into the natural, built and historic environment. Rights of way and accesses should be protected and enhanced.
- 5.14 At a local level, Policy EMP1 of the adopted Cherwell Local Plan states that employment generating development will be permitted on identified sites but this is not one of those. Although intended for more rural locations Policy S25 seeks to resist all new proposals for retail development unless they accord with Policies S26 (relating to small scale retail outlets which are generally ancillary); S27 (garden centres) or S28 (local shops) which this application does not. The only other adopted local plan policies relevant to the site are non-site specific seeking to promote good design, transportation funding and consideration of the contaminated land issue.
- 5.15 The emerging local plan (Proposed Submission Cherwell Local Plan August 2012) shows the site as an existing retail site with no specific policy attached. Policy SLE2 states that retail will be directed toward Bicester town centre. Where retail is sought outside of Bicester Town Centre there should be a proven need (as identified by the Council's Retail Study), it should be sequentially tested and it should reduce the need to travel by private car and be genuinely accessible and well served by a choice of means of transport especially public transport, walking and cycling as well as by car. It should also be demonstrated that there would not be significant adverse impact on the viability of urban and existing local centres. Remaining policies largely concentrate on seeking a sustainable form of development through other disciplines including through, for example, drainage systems, flood management and design.

Principle

- 5.16 The site is within the built up limits of the town and not allocated for any proposed use in the development plan. Policy EMP1 seeks to direct employment generating development to the sites shown (of which this is not one). In retail policy terms, as the site is not within an established town centre, it would conflict with adopted policy S25 (though this generally relates to rural locations) but this states that new proposals for retail development will '*generally be resisted*'. It would seem logical to assess which retail developments should and should not be resisted by determining the level of harm that would be caused, by for example assessing the level of retail impact on the town centre. Nevertheless, consistent with the conclusion reach at the time of the previous application, it is considered that development at this site for the use proposed would be a departure from the development plan. Although it is noted that the principle of this development has been established with the extant planning permission, and this proposal simply seeks to include, for the most part, additional car parking. As dictated by statute and further supported by government guidance, planning permission must be determined in accordance with the development plan *unless material considerations indicate otherwise*.
- 5.17 The overall principle of retail floorspace being located at this site has been established since the Tesco, a mainly convenience goods store, was built and opened in 1991. Although noted as being a tourist destination and major employer, Bicester Village is a retail use.
- 5.18 The site is shown as an existing retail site in the Submission draft Cherwell Local Plan (SCLP) and within the Speciality Retail Quarter of the identified Town Centre Action Area in the Bicester Masterplan. In order to encourage significant employment growth, the SCLP states that we will encourage to promote and expand Bicester Village *where complementary to improving the Town Centre*. This caveat is in place because the site is essentially an out of centre location.
- 5.19 Proposed policy SLE2 of the SCLP relates to securing dynamic town centres. The policy advocates the sequential approach to retail development consistent with NPPF. Policy SLE2 provides that when considering out of centre proposals preference should be given to accessible sites that are well connected to the town centre. Applications for out of centre sites should be supported by a retail impact assessment. Whilst policy SLE2 is of limited weight at this time, the objectives and method are consistent with the NPPF. It should also be noted that the retail study undertaken by CBRE in support of the Proposed Submission of the Cherwell Local Plan recommends that the future needs of the district should best be met in Banbury. However, it does also recognise the unique nature of Bicester Village and that it serves a very different market to that of the town centre.

Sequential Test and Retail Impact

- 5.20 It is important to note that the principle of the extension to Bicester Village has been established by the extant planning permission. Retail impact was considered, and independently assessed as part of that process and was found to be acceptable. This application does not propose any increase on the comparison retail floor space (GIA) already consented.
- 5.21 The application is supported by a Retail Impact report which also includes an assessment of how the site has been sequentially tested. The findings of the

Retail Impact assessment do not differ significantly from the findings on the report submitted at the time of the last application. The original report was independently critiqued by planning consultants on the Council's behalf as part of the application process. Given that there is no proposed increase in comparison retail floor area, that planning permission was granted as recently as July 2014, and that there has been little change in retail circumstances (acknowledging that the Bure Place development has now been completed) or policy frameworks in the intervening period, further independent assessment of the retail impact was not considered necessary.

- 5.22 It is estimated that less than 10% of the proposal's turnover will be drawn from the Oxford catchment with the remainder coming from further afield including from overseas. The catchment is agreed to be very wide and this is borne out by Cherwell's own work indicating that Bicester Village has a very low market share from in and around the Cherwell District.
- 5.23 It is concluded that impacts in general on the neighbouring centres including Oxford City, Banbury and Bicester town centres would be negligible overall. Bicester town centre is not vulnerable and this is accepted by the retail study. It is recognised that Bicester Village has a substantially different retail offer.
- 5.24 In retail impact terms, provided the offer currently being provided by Bicester Village remains the same, then the impact of the new proposal on established centres will not be significant.
- 5.25 With regard to the appropriateness of the site, again, as Bicester Village is a unique brand the need for the development is particularly site specific. Bicester Village is already established so the desire to expand is locationally specific. The type of retailer looking to locate at Bicester Village would not consider taking space in any nearby town centre. This sequential approach is unusual when considering retail applications but it is the view taken by most professionals in this field that Bicester Village is unique so again, provided the permission is tied to the particular users characteristic of Bicester Village then it is considered that the sequential test has been satisfactorily applied.
- 5.26 To conclude the principle of the development is established and consistent with the conclusions reached at the time of the original application it has been determined that the site is an out of centre site but there are no others that are sequentially preferable. Further, the proposed development would not have a significant adverse impact on a town centre/s. However, these conclusions cannot be reached without assurance that the proposed retail offer will be the same as that currently provided by Bicester Village. This is accepted by the applicant and can be appropriately conditioned.

Transport Impact

- 5.27 The application site is adjacent the western boundary of the existing Bicester Village retail outlet centre with vehicle access off the A41, the B4030 (Oxford Road) and Pingle Drive (private road).
- 5.28 The concerns raised by a significant number of local residents highlighting the traffic issues and resulting disruption, inconvenience and impact on highway safety are acknowledged.

5.29 Significant off-site and on-site highway improvement works were approved at the time of the original application to mitigate/accommodate this planning application as well as the approved Tesco foodstore (12/01193/F). The highway improvement works are also proposed to ease the recognised transport issues along the A41 corridor and the localised traffic problems affecting the residents of Bicester. The current application proposes identical works which are summarised in Section 1 at the beginning of this report. The works are programmed as follows:

- The works to the Esso roundabout to be completed prior to the opening of the new Tesco store.
- The works on the A41, the new Bicester Village entrance and Pingle Drive to be commenced with four months of the existing Tesco store closing on site and completed within eight months from commencement.
- All highway works to be completed prior to the opening of any units within the proposed Bicester Village Extension.

5.30 It remains the case that the proposed off site and on site highway works are significant and will provide a strategic improvement to the highway network.

5.31 The County Council's overview at the time of the original application was that the proposed highway works would provide a number of highway safety and transport benefits along the A41 and Oxford Road corridor, which would help address the known traffic problems associated with the Bicester Village retail outlet centre and Tesco. The County Council noted that the off-site works can be effectively provided by legal agreement/s. The County Council notes that the additional parking proposed has the potential to increase car trip attraction but Council accepts this would be acceptable in this case.

5.32 Consistent with the conclusion reached at the time of the original application, it is considered that the highway works would improve the existing highway issues, but the solution being offered by the applicant, alongside the Tesco proposal, would assist in mitigating existing traffic issues which are predominantly caused by these two uses.

Sustainability

5.33 The NPPF guides that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF identifies three dimensions to sustainable development being economic, social and environmental.

5.34 The proximity of Bicester Town station is noted and the site is actually not that far from the town centre and is quite walkable being 10 minutes away using the existing footpath routes north/south across Pingle Fields, the station route through the car park or along Kings End/Queens Avenue. However, it is argued that these routes lack clarity so could and should be improved. The provided bus connection to Bicester North station also contributes significantly to the increased sustainability of this site.

5.35 In an economic, social and environmental sense, the site can also be described as sustainable because it is an established retail location within the built-up

area. Bicester Village is a valued employer in the town and the application is a means to ensuring economic growth in this retail sector. This has a knock on impact on the social aspects and is obviously subject to safeguards with regard to, for example, retail impact on the town centre/s, confirmation that the contamination of the site can be managed, the matter of archaeology are resolved etc. Such detailed matters are addressed elsewhere in this report.

- 5.36 Sustainability also comes in other forms, and measures have been incorporated into the proposed development to maximise its credentials in that regard. The design and materials, some of which are recycled, used in the construction of the proposal aim to achieve a BREEAM 'very good' rating though this cannot be confirmed that this will actually be achieved at this stage as it often relates to the very detailed aspects of the design linked to the Building Regulations.
- 5.37 Given the characteristics of the site and that this is a proposed extension to an existing operation onto a retail site, it has been determined that there would be no significant environmental effects that would constitute the proposal being an EIA development. In any event the issues arising are all addressed under separate disciplines as outlined in the report.
- 5.38 In conclusion, consistent with the findings of the original appraisal, the proposal is sustainable from a social, environmental and economic perspective.

Layout, Design and Landscaping

- 5.39 The layout of the proposed Bicester Village extension follows the existing format established by the previous phases, with the new mall terminating at the western end with flagship stores providing a gateway to the development. The continuation of the existing mall design seems quite logical and it appears to be a format which works well and is of an acceptable appearance with a mixture of low level eaves buildings and gable buildings. There is no architectural variety between the phases and once complete Bicester Village would look as one single development.
- 5.40 The flagship units are at the end of the site and these are taller buildings compared to the other units which are generally one or two storeys. That said, at no point are these flagship units taller than any other building at Bicester Village and they will not be taller than the existing Tesco.
- 5.41 The layout of the servicing is also very similar to that of the original. As at present service vehicles are directed along the main Pingle Drive up to the eastern end of the site and then take a westerly path serving the rear of the units on the northern side before then serving the rear of the southern units. The treatment of the service areas at the rear of the units is therefore important as they will have so much public view and presence close to the entrance to the site. The proposal does not show any different design treatment to that of the existing site using landscaped fencing and sectioned brick walls with brick piers and timber gates along the service area boundaries.
- 5.42 The Council's Urban Design Officer has raised concerns that the revised proposal presents a significant stretch of blank-frontage by way of service yard screening when view from the public realm to the south. The Urban Design Office comments in particular that the new flag ship unit on the northern section of the building has a significantly reduced presence to the Oxford Road and

parking area. The approved scheme extends a section of the rear aspect of the northern building out to the service yard boundary; this has the effect of breaking up the long run of service yard wall and creates some interest when view from the north. In addition to the comments of the Urban Design Officer, there is also a lost opportunity, with the layout as currently proposed, to create a focal point when approaching from the first (reconfigured) entrance off Pingle Drive. At the time of writing this report, the concerns of the Urban Design Officer have been raised with the applicant and a response is awaited. The outcome can be reported verbally at Committee.

- 5.43 The applicant is encouraged to address the issue, in order to improve sense of place and legibility, but should they choose to continue as proposed, acknowledging the challenge that a change would present to servicing the units, it is considered that it would be difficult to sustain a reason for refusal on these grounds.
- 5.44 The landscaping proposal throughout the site has not met with an objection from the landscape architects though improvements are sought to ensure the effective softening of the more stark boundary treatments such as the service areas and also the expanse of the car park. Being a gateway site there are opportunities to exploit and further improve the appearance of this part of Bicester with soft landscaping. It is recommended that these detailed aspects can be effectively dealt with by condition though revised layouts continue to be considered with regard to the particular treatment of the far west side of the site boundary adjacent to the A41.
- 5.45 It has been the desire of the Council to create a convenient pedestrian link in the interests of permeability between the extended Bicester Village site and the food store site across the A41. The third party land and level changes at the southern boundary have been an obstacle to achieving this link which was not pursued further at the time of the original application. The third party land has now been acquired by the applicant and at the time of writing this report, they have been asked to reconsider the footpath link. It is however acknowledged that the level changes at the southern boundary, as referred to by the applicant, likely present a continued obstacle to achieving a link that does not attract a disproportionate cost.
- 5.46 The Council's Urban Design Officer also raises concerns in respect of permeability across the proposed car park and how pedestrian links relate to off-site pedestrian movement including crossings. Further clarification on the rationale for pedestrian movement has been sought from the applicant and will be reported on at Committee.

Public Footpath Impact

- 5.47 Whilst not promoted by the submitted literature within the application there is a public footpath which skirts the western boundary of the site (shown as a cycle route in the submission). This is a vital route, not only because it is a formal public footpath route but also because it's the only one that links to development beyond the site to the south. It is for this reason that it is considered that the opportunity presented by this application should be exploited to ensure that what is currently a simple pavement to a feature that would ensure that pedestrians feel safe adjacent to a very busy and noisy road and can also enjoy the walk.

Flood Risk/Drainage

5.48 The application is supported by a Flood Risk Assessment (FRA). The Environment Agency has objected and recommends refusal on the grounds that the FRA does not set out how surface water will be safely managed on site, specifically that it does not provide the surface water discharge rate from the proposed development. The applicant is aware of this objection and has lodged revised information, which at the time of writing the report, is being considered by the Environment Agency.

Contaminated Land

5.49 Issues in respect of contaminated land, including potential contamination associated with the petrol filling station can be adequately dealt with by conditions of consent, consistent with the approach taken with the original application.

Archaeology

5.50 The site is of medium interest with regards archaeology and the development of this site presents an opportunity to explore the site in more detail and recover finds where appropriate. No work has been undertaken in this regard to date and it is considered that the matter can be dealt with by standard condition/s.

Section 106 requirements

5.51 The NPPF guides that LPA's should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. The NPPF further guides that planning obligations should only be sought where they meet all of the following test:

- 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.

5.52 The current planning permission is subject a Section 106 planning obligation. The applicant has confirmed that the agree to enter into a further agreement to fund the following:

- the design and planning application costs for the Park and Ride
- the construction of the Park and Ride, subject to obtaining planning permission for Bicester Village Phase 4 and agreeing heads of terms with Oxfordshire CC for the necessary land agreement
- provision of a footpath link from Priory Lane through their car park to Bicester Town station, together with appropriate signage.
- following the opening of the new town centre scheme BV will:
 - (i) produce and distribute a new Bicester Town destination publication featuring the town's history and culture, independent retail traders, leisure facilities and restaurants
 - (ii) provide £20,000 pa for 3 years to sponsor strategic events in the Town Centre to support Bicester as a destination for shoppers; and
 - (iii) Provide a dedicated area within the BV tourist information centre which will specifically promote Bicester Town Centre.

The matters that the applicant has agreed to fund are consistent with the terms of the existing planning obligation.

5.53 The Local Highway Authority has assessed the mitigation proposals submitted by Royal HaskoningDHV (on behalf of Bicester Village) and is satisfied that the proposals are adequate to mitigate the impact of the proposed developments. It is considered that the scale of mitigation is required and the scheme does meet the CIL tests / NPPF guidance in the following way:

(a) “necessary to make the development acceptable in planning terms” – in highway terms the proposed development would be deemed unacceptable if there was no proposal to improve the highway access as the existing businesses attract extraordinary levels of trade at certain times of the year, as evidenced by the comments received from local residents, and it would not be acceptable for a further expansion to add to the problems.

(b) “directly related to the development” – the proposed highway scheme would resolve existing problems and is also necessary to enable access to the proposed development and is therefore directly related to the development. The Local Highway Authority does not have plans to improve the situation, therefore at times of high trading the development simply could not be accessed without a suitable mitigation scheme.

(c) “fairly and reasonably related in scale and kind to the development” – given the severe nature of the problems on specific days in each year, and resulting impact on amenity and highway safety, a substantial change to the highway network needs to be proposed.

5.54 Highways

It is recognised the proposed extension to the Bicester Village retail outlet centre will have an impact upon the local highway network outside the normal week peak times; therefore the Local Highway Authority would normally seek a Transport Contribution via a Section 106 agreement. Such a contribution would be towards sustainable highway infrastructure and services within Bicester, as part of the Transport Strategy for the town. However, as the proposed off site highway works are considered acceptable and will provide a strategic improvement to the highway network, it is not considered appropriate to request a general transport contribution from this planning application.

5.55 Public Art

Officers are awaiting the applicant’s confirmation that they are willing to make an appropriate legal approach to deliver a public art contribution up to a value of £95,000, which is considered appropriate. The gateway nature of the proposed development is considered sufficient in scale and significance to warrant a piece of public art to be provided. It is accepted also that this gateway artwork could be complemented by works to improve the public realm with perhaps some bespoke street furniture or signage to improve legibility of links with the town centre.

Other Matters

5.56 The County Council has encouraged the inclusion of a Changing Places Toilet. This facility would enable severely disabled people to visit Bicester Village. At

the time of writing the report, the applicant has been asked to consider the inclusion of such a facility. The outcome of discussions will be reported verbally at Planning Committee.

- 5.57 The County Council has recommended that a condition be imposed should permission be granted requiring the preparation and implementation of an Employment and Skills Plan (the Plan). The purpose of the plan is to ensure that local people have access to training (including apprenticeships) and employment opportunities available at the construction and end user phases of this proposed development. The Plan should be prepared in liaison with local agencies and providers. The justification for the Plan arises out of the recently launched Oxfordshire Skills Strategy.
- 5.58 It is considered that a condition requiring the consent holder to work with other agencies and providers (not known at this stage) and requiring implementation would in all likelihood impose requirements which rely too heavily on the cooperation and agreement of third parties, including potential employers and in this respect such a condition would not meet the reasonableness test. Moreover, it would seem that there is only a tenuous link between the objectives of the Plan and the development applied for and planning generally. A condition may therefore not meet the relevancy tests. The objectives of providing training and employment opportunities would be more effectively achieved through relevant legislation, initiatives and the work of more relevant agencies. It would however be appropriate to include an informative/note on any permission to encourage the consent holder to prepare and implement a Plan.

Conclusion

- 5.59 The principle of the extension to the Bicester Village site is established by the extant planning permission. This is a revised proposal which mainly seeks to include additional to increase parking provision.
- 5.60 This application for retail development outside of the town centre does not comply with the development plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Where the development plan is absent, silent or out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The material considerations have been identified and assessed as far as they are relevant to the site, policy and proposal.
- 5.61 This application represents a 24% increase in gross floorspace additional retail to the existing Bicester Village, a high value factory outlet retail destination. It is to be sited on a site which is currently in retail use but outside the town centre. The retail impact studies, critiques and assessments predict no significant harmful or adverse effects on the town centre/s in proximity and that there is considered to be no sequentially better site. Improvements will be made to the highway network and the scheme aims to improve its connectivity to the town centre. The design, layout and landscaping are acceptable though improvements to the western footpath will continue to be sought to promote the best quality pedestrian experience possible. Further detailed matters of archaeology and land contamination can be adequately dealt with by condition.

5.62 It is considered that, given the principle has been established and there are no material change in circumstances, in terms of policy or other considerations, the proposed changes are acceptable and consent should be granted. This should be subject to the conditions listed below and the satisfactory completion of a section 106 agreement.

6. Recommendation

Approval, subject to:

- (i) referral to the Secretary of State (Department for Communities and Local Government) as a departure;
- (ii) completion of a satisfactory section 106 agreement relating to matters of public art and as listed in paragraph 5.57 above, and bringing forward those matters previously agreed re highways/transport matters

(iii) the following conditions:

1. SC1.4 Time (4 years)
2. Except where otherwise stipulated by conditions attached to this permission the development shall be carried out strictly in accordance with the following plans and documents: the application form and submitted reports and documentation and drawing numbers 09/068/P-01B, P-02C, P-03A, P-04.1B, P-04.2A, P-04.3A, P-05A, P-06B, P-07B, P-08B, P-09A, P-10A, P-11A, P-12B, P-13A, P-14A, P-15A, P-16A, P-17A, P-18A, P-19A, HED.979.100(a), 101(B), 102(A), 103(A), 104(A), 105, 107, 601, 602, 603, 604, 3P7640/RH1, RH2, RH3, RH4, RH5, RH6, RH7, RH8, SK-26, SK-27, SK-28, SK-29 and SK30.

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

3. That the external walls and roof(s) of the buildings shall be constructed in accordance with a schedule of materials and finishes, samples and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason – To ensure the satisfactory appearance of the completed development and to comply with the guidance contained in the National Planning Policy Framework and Policy C28 of the adopted Cherwell Local Plan.

4. That a plan showing the details of the finished floor levels of the proposed buildings in relation to existing ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details.

Reason – To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with the guidance contained in the National Planning Policy Framework and Policy C28 of the adopted Cherwell Local Plan.

5. That prior to the first occupation of the proposed development the proposed access works between the land and the highway shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken.

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

6. That the proposed vision splays shall be formed, laid out and constructed in accordance with detailed plans which shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the proposed development and that the land and vegetation within the splays shall not be raised or allowed to grow above a maximum height of 0.6 metres above carriageway level.

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

7. That prior to the first occupation of the proposed development all the identified off-site highway and landscaping works shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken.

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

8. The parking, manoeuvring and servicing areas for the development shall be provided in accordance with the submitted site layout plan (P-04) hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking, manoeuvring and servicing of vehicles at all times.

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

9. No development shall commence on site for the development until the whole of the Sustainable Drainage Systems (SUDS) details are submitted to and approved in writing by the Local Planning Authority in consultation with Oxfordshire County Council.

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

10. Notwithstanding the drawings submitted, no development shall commence on site for the development until further details are submitted to and approved in writing by the Local Planning Authority in consultation with Oxfordshire County Council for a new alignment for Bicester Footpath number 6.

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

11. No development shall commence on site for the development 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 construction and a 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.

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

12. Prior to the first occupation of the development covered cycle parking facilities shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

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

13. Notwithstanding the details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

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 the guidance contained in the National Planning Policy Framework and Policy C28 of the adopted Cherwell Local Plan.

14. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

15. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the

arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

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 Government guidance in the National Planning Policy Framework Policy C28 of the adopted Cherwell Local Plan.

16. The development hereby permitted shall be carried out in accordance with the recommendations set out in Report No. WB02669/R2 by Clarkebond (UK) Ltd dated June 2012 unless otherwise agreed 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 in the National Planning Policy Framework.

17. If contamination is found by undertaking the work carried out under condition 16, 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, CLR11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason – 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 in the National Planning Policy Framework.

18. If remedial works have been identified in condition 17, the remedial works shall be carried out in accordance with the scheme approved under condition 17. the development shall not be occupied until a verification report (or validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

Reason – 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 in the National Planning Policy Framework.

19. No development shall take place on the site until the applicant(s), or their agents or successors in title, has arranged an archaeological watching brief to

be maintained during the course of building operations or construction works on the site. The watching brief shall be carried out in accordance with a written specification and by a professional archaeological organisation, details of which 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.

Reason - To safeguard the inspection and recording of matters of archaeological and historic importance on the site, to comply with Government guidance in the National Planning Policy Framework.

20. Development shall not begin until a surface water drainage scheme for the site, based on the principles included in the Flood Risk Assessment Ref WB02669 June 2012 has been submitted to and approved in writing by the local planning authority. The scheme shall include upgrading the storage pond, control structure and pipe work and there shall be no increase in discharge rates or volumes of surface water runoff. Thereafter, the scheme shall be implemented in accordance with the approved details before the development is completed.

Reason – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to comply with Government guidance contained in the National Planning Policy Framework.

21. No development shall take place until a scheme for the provision and management of an eight metre wide buffer zone alongside the *Pingle Brook* is submitted to and agreed in writing by 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 of any proposed planting scheme (for example, native species) and 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. 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.

Reason – To prevent the development, which encroaches on watercourses, from having a potentially severe impact on ecological value and to comply with Government guidance contained within the National Planning Policy Framework.

22. No infiltration of surface water drainage into the ground in the area of the former petrol filling stations permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval 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.

23. Except where stated in condition 26, the retailing units shall only be used for the purposes of providing a factory outlet shopping centre for high end designer fashion and homewares only and for no other purpose within Class A1 of the Town and Country (Use Classes) Order 1987 (as amended).

Reason – To ensure that the factory outlet centre remains as such and does not trade as a normal A1 retail destination which would be inappropriate and may have an adverse impact on the vitality and viability of nearby town centres which would be contrary to Government guidance in the National Planning Policy Framework.

24. Except where stated in condition 26, the development shall not be used for the retailing of food or other convenience goods including newspapers, magazines, confectionery nor as a newsagents or chemists selling pharmaceuticals or health products.

Reason – To ensure that the factory outlet centre remains as such and does not trade as a normal A1 retail destination which would be inappropriate and may have an adverse impact on the vitality and viability of nearby town centres which would be contrary to Government guidance in the National Planning Policy Framework.

25. The development hereby permitted shall not be occupied by retailers who predominantly sell any of the following category of goods: furniture hardware, garden products, dispensed optical goods, books, CDs, DVDs, videos, electrical goods, computers and software, mobile phones, toys, pets and pet accessories and arts and crafts products.

Reason – To ensure that the factory outlet centre remains as such and does not trade as a normal A1 retail destination which would be inappropriate and may have an adverse impact on the vitality and viability of nearby town centres which would be contrary to Government guidance in the National Planning Policy Framework.

26. Any class A3 café/restaurant use of the approved buildings shall not at any time cause the overall gross floorspace for such uses within the existing and proposed factory outlet shopping centre as a whole to exceed the maximum of 3,500 sq metres.

Reason – To ensure that the factory outlet centre remains as such and does not trade as a normal A1 retail destination which would be inappropriate and may have an adverse impact on the vitality and viability of nearby town centres contrary to Government guidance contained within the National Planning Policy Framework.

27. Except where shown on the submitted drawings, no individual retail unit shall have a gross floor area of in excess of 450 sqm.

Reason – To ensure that the factory outlet centre remains as such and does not trade as a normal A1 retail destination which would be inappropriate and

may have an adverse impact on the vitality and viability of nearby town centres which would be contrary to guidance contained within the National Planning Policy Framework.

28. 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.

29. The development hereby permitted shall be constructed to at least a BREEAM 'very good' standard.

Reason – To ensure energy and resource efficiency practices are incorporated into the development in accordance with Government guidance contained in the National Planning Policy Framework.

Planning Notes:

1. Q1 Legal Agreement
2. No development shall take place across any public footpath/right of way unless and until it has been legally stopped up or diverted.
3. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. This is necessary to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
4. Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team on 020 8507 4890 or email wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
5. 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.

6. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk
7. The groundwater report has assessed groundwater quality from two wells. However it did not measure groundwater quality in the area of the former petrol filling station.
The groundwater beneath the petrol filling station was subject to in situ remedial works for leaks from 2004 to 2010 and the works are summarised in a series of reports by Arcadis. While the Environment Agency accepted the decommissioning of the treatment plant it should be noted that remedial targets were not reached at all the monitoring points. This means that residual contamination is likely to remain in and around the tanks and pipe work.
The Environment Agency will require that tanks are removed and any contamination dealt with now that the tanks are more accessible.
8. The developer is encouraged to prepare and implement, with local agencies and providers, an Employment & Skills Plan (ESP) that will provide a framework for local people to gain access to training (including apprenticeships) and employment opportunities available at the construction and end user phases of this proposed development.

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

The Council, as the local planning authority, has determined this application in accordance with the development plan, unless material considerations indicate otherwise. The development is considered to be acceptable on its planning merits as the proposal (with the controls exercisable by condition and legal agreement) will not cause harm to the vitality and viability of any nearby town centre/s. The proposal represents a sustainable development with no demonstrable harm to highway safety, land contamination, archaeology, flood risk or drainage. As such the proposal is in accordance with Government guidance contained within the National Planning Policy Framework and saved Policies TR1, C28 and ENV12 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

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.

Cherwell District Council

Planning Committee

16 April 2015

Decisions Subject to Various Requirements - Progress Report
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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 – completion of agreement expected early April
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	Land N of Hanwell Fields, Banbury

(30.10.14)	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:

Kate Crussell, Service Accountant, 01327 322188,
Kate.Crussell@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

Agenda Item 13

Cherwell District Council

Planning Committee

16 April 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 **15/00017/F Lodge Farm 7 Heathfield Cottages Heathfield, Kirtlington** – appeal by Mr and Mrs Beadle against the refusal of planning permission for a Two storey detached building for garages and home office - Written reps
- 14/01087/F Railway Farm, Station Approach, Hook Norton** appeal by D J Stanton against the refusal of planning permission for the demolition of existing farm buildings and erection of new build industrial building with associated vehicle yard and car parking Informal Hearing

Forthcoming Public Inquiries and Hearings between 16 April 2015 and 21 May 2015

- 2.2 None

Results

Inspectors appointed by the Secretary of State have:

- 2.3 None received

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:

Paul Sutton, Head of Finance and Procurement, 0300 003 0106,
paul.sutton@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