

Committee: Planning Committee

Date: Thursday 21 May 2015

Time: 4.00 pm

Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership: To be confirmed at the Annual Council meeting on Tuesday 19 May 2015

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 - 10)

To confirm as a correct record the Minutes of the meetings of the Committee held on 16 April 2015 and 19 May 2015 (to follow as meeting held after agenda publication).

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. **Land to Rear of Tangmere Close and Scampton Close, Skimmingdish Lane, Bicester** (Pages 13 - 55) **14/00697/F**
8. **Otmoor Lodge, Horton Hill, Horton cum Studley** (Pages 56 - 66) **14/01153/F**
9. **1 Hyde Grove, Bloxham** (Pages 67 - 75) **15/00263/F**
10. **Garage Block Adjacent 29 Westbeech Court, Banbury** (Pages 76 - 88) **15/00300/F**
11. **The Roebuck, Banbury Road, North Newington** (Pages 89 - 99) **15/00307/F**
12. **Land to west of Banbury Road Twyford** (Pages 100 - 120) **15/00317/OUT**
13. **Land adjacent to Shipton Road Shipton on Cherwell** (Pages 121 - 130) **15/00394/F**
14. **Bloxham Mill, Barford Road, Bloxham, Banbury** (Pages 131 - 143) **15/00418/F**

Review and Monitoring Reports

15. **Land west of Oxford Close and north of Corner Farm, Station Rd, Kirtlington - Application 14/01531/OUT** (Pages 144 - 148)

Report of Head of Development Management

Purpose of report

To advise the Planning Committee of changes to the Council's 5 year housing land supply position which occurred after it resolved that the Council would have refused planning permission for this application (which is the subject of an appeal against non-determination), and to seek a further resolution to amend the reasons planning permission would have been refused to take account of this change.

Recommendations

- 1.1 That the Planning Committee notes the policy implications of the changes to the Council's 5 year housing land supply position.
- 1.2 That the Planning Committee resolves to amend the reasons the Council would have refused planning permission for the application to those detailed at section 3 of this report.

16. Decisions Subject to Various Requirements (Pages 149 - 153)

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.

17. Appeals Progress Report (Pages 154 - 157)

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 Natasha Clark, Democratic and Elections
natasha.clark@cherwellandsouthnorthants.gov.uk, 01295 221589

Sue Smith
Chief Executive

Published on Wednesday 13 May 2015

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 16 April 2015 at 4.00 pm

Present: Councillor Rose Stratford (Chairman)
Councillor Colin Clarke (Vice-Chairman)

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

Apologies for absence: Councillor Trevor Stevens
Councillor Douglas Williamson

Officers: Jonathan Westerman, Development Services Manager
Emily Shaw, Senior Planning Officer
Nigel Bell, Team Leader - Planning / Deputy Monitoring Officer
Amy Jones, Legal Assistant
Natasha Clark, Team Leader, Democratic and Elections

219 **Declarations of Interest**

Members declared interests in the following agenda items:

8. 55-57 Park Road, Banbury OX16 0DH.

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 Richards, Declaration, as he lived in an adjacent property and would leave the meeting for the duration of the item.

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

9. Easington Sports and Social Club.

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

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

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

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

Councillor Colin Clarke, Declaration, as the Chairman of the Residents Association was known to him and he would leave the meeting for the duration of the item.

11. Tesco, Pingle Drive, Bicester.

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

220 **Requests to Address the Meeting**

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

221 **Urgent Business**

There were no items of urgent business.

222 **Minutes**

The Minutes of the meeting held on 19 March 2015 were agreed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 195 – Declarations of Interest

Delete all declarations under 22. 43 Churchill Road, Bicester, OX26 4UW

223 **Chairman's Announcements**

The Chairman made the following announcements:

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.
2. Planning training would be held on Thursday 21 May 2015 at 1.30pm. All Members were welcome to attend and in particular Planning Committee member should attend due to the requirement for Committee members to have received planning training prior to sitting on the Committee.

224

Land adj to Vespasian Way, Chesterton

The Committee considered application 14/01899/F for the erection of 10 no. Dwellings with associated means of access, car parking and landscaping at land adjacent to Vespasian Way, Chesterton for Hill Residential.

Simon Joyce, agent for the applicant, addressed the Committee in support of the application.

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

Resolved

That application 14/01899/F be refused for the following reasons:

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.

225

55-57 Park Road, Banbury OX16 0DH

The Committee considered application 14/01901/F for the 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 for Mr Mohammed Hanif.

Steve Kilsby, speaking on behalf of another neighbour, addressed the Committee in objection to the application.

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

Resolved

That application 14/01901/F be approved subject to the following conditions, an additional condition requiring boundary treatment and a further condition relating to limits on the number of children in the building at any one time, the exact wording of these additional conditions to be delegated to the Head of Development Management:

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:-

During British Summer Time (BST)
Monday-Friday – 13:00 to 15:00
Saturday – 13:00 to 15:00
Sunday and Public Holidays 13:00 to 15:00

During British Winter Time (GMT)
Monday-Friday – 12:00 to 14:00
Saturday – 12:00 to 14:00
Sunday and Public Holidays 12:00 to 14:00

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

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.

226 **Easington Sports and Social Club**

The Committee considered application 14/01911/F for the installation of 6 floodlight columns and 16 1500mw lights at Easington Sports and Social Club for Mr Richard Meadows (Easington Sports and Social Club).

Ron Sangster, Chairman of the Residents Association, addressed the Committee in objection to the application.

Paul Woodland, addressed the Committee on behalf of Easington Sports and Social club in support of the application

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

Resolved

That application 14/01911/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. 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 18.00 Sunday to Friday and 18.00 on Saturdays.
3. There shall be no floodlit training on the pitch and no more than 12 floodlit matches in any one season, with authority delegated to the Head of Development Management to amend the wording of this condition to ensure its robustness.
4. The lighting is to be installed in accordance with the submitted details and to be checked and certified by the installer.

227 **Muddle Barn Farm, Colony Road, Sibford Gower**

The Chairman advised the Committee that application 14/02157/F had been withdrawn from the planning process by applicant and would therefore not be considered at the meeting.

228 **Tesco, Pingle Drive, Bicester**

The Committee considered application 15/00082/F for the 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 at Tesco, Pingle Drive, Bicester for Bicester Nominees Ltd_ Bicester II Nominees Ltd c/o agent.

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

Resolved

That application 15/00082/F be approved, 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 requiring the preparation and implementation of an Employment and Skills Plan (the Plan), 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.
 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.
 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.
 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.
 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.

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.
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.
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.
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.
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.
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.
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.

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.
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.
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.
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.
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.
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.
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.

21. 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.
22. Except where stated in condition 25, 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).
23. Except where stated in condition 25, the development shall not be used for the retailing of food or other convenience goods including newspapers, magazines, confectionary nor as a newsagents or chemists selling pharmaceuticals or health products.
24. 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.
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.
27. Except where shown on the submitted drawings, no individual retail unit shall have a gross floor area of in excess of 450 sqm.
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.
29. The development hereby permitted shall be constructed to at least a BREEAM 'very good' standard.

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.

230 **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 5.20 pm

Chairman:

Date:

PLANNING COMMITTEE

21 May 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.

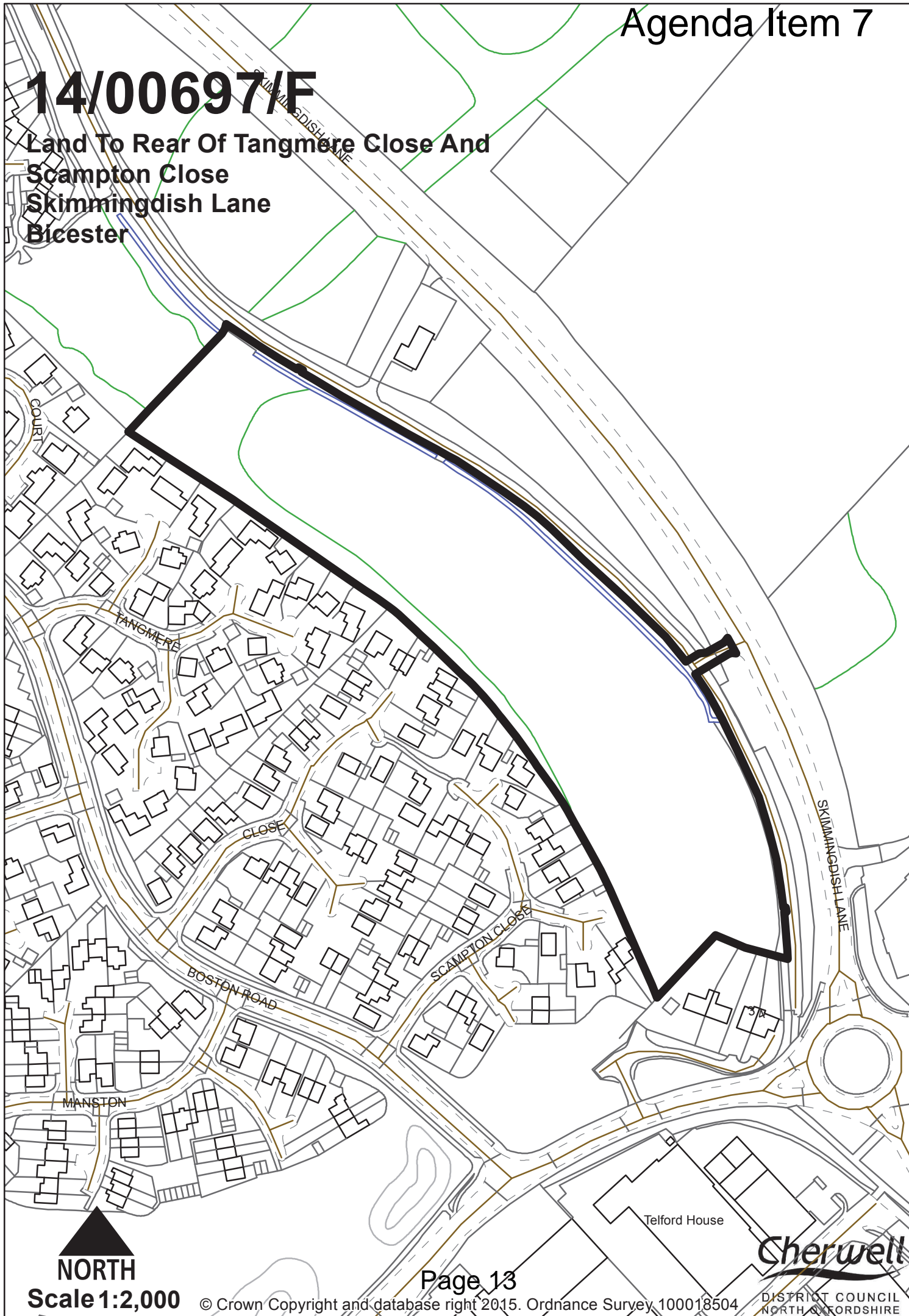
Background Papers

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 to Rear of Tangmere Close and Scampton Close, Skimmingdish Lane, Bicester	14/0069/F	Bicester East	Approval	Linda Griffiths
8	Otmoor Lodge, Horton Hill, Horton cum Studley	14/01153/F	Otmoor	Approval	Tracey Morrissey
9	1 Hyde Grove, Bloxham	15/00263/F	Bloxham and Bodicote	Approval	Rebekah Morgan
10	Garage Block Adjacent 29 Westbeech Court, Banbury	15/00300/F	Banbury Easington	Refusal	Aitchison Raffety
11	The Roebuck, Banbury Road, North Newington	15/00307/F	Sibford	Refusal	Aitchison Raffety
12	Land to west of Banbury Road Twyford	15/00317/OUT	Adderbury	Refusal	Alex Keen
13	Land adjacent to Shipton Road Shipton on Cherwell	15/00394/F	Kirtlington	Approval	Shona King
14	Bloxham Mill, Barford Road, Bloxham, Banbury	15/00418/F	Bloxham and Bodicote	Refusal	Aitchison Raffety

14/00697/F

**Land To Rear Of Tangmere Close And
Scampton Close
Skimmingdish Lane
Bicester**

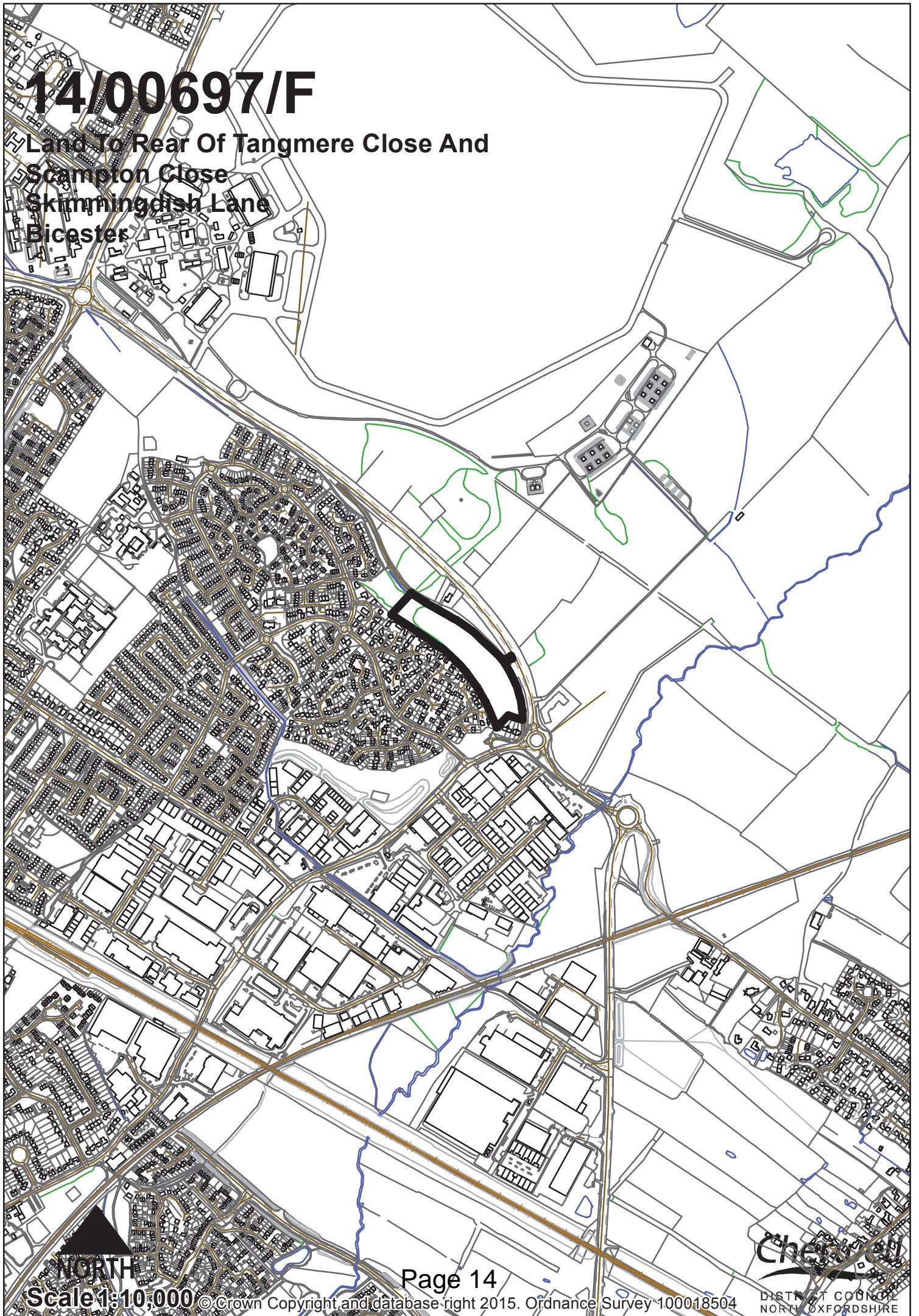


NORTH

Scale 1:2,000

14/00697/F

Land To Rear Of Tangmere Close And
Scampton Close
Skimmingdish Lane
Bicester



**Site Address: Land to Rear of Tangmere
Close and Scampton Close,
Skimmingdish Lane, Bicester**

14/00697/F

Ward: Bicester East

**District Councillors: Councillor Lawrie Stratford
and Councillor Rose Stratford**

Case Officer: Linda Griffiths

Recommendation: Approval

Applicant: Taylor Wimpey and Persimmon

Application Description: Residential development for 46 dwellings

Committee Referral: Major and Departure from Policy

1. Site Description and Proposed Development

- 1.1 The application site is located on the north-eastern edge of Bicester, situated between Skimmingdish Lane and the residential development off Boston Road. It is a long rectangular piece of open land which extends to approximately 2.51 hectares. A footpath/cycleway runs along the eastern boundary. A single point of vehicular access is proposed directly onto Skimmingdish Lane.
- 1.2 The original submission sought consent for 71 dwellings, but the scheme has since been revised and now proposes 46 dwellings with open space which links through to the existing open space to the north of the site. A mature hedgerow bounds the site along its eastern edge and a group of willow trees are situated in the north-western corner of the site close to the Boston Road open space.
- 1.3 The dwellings which are essentially 2 storey in height will be constructed on the western part of the site adjacent to the existing residential properties, and the open space runs along the eastern boundary and the existing footpath/cycleway. 30% of the dwellings will be affordable units.

Members may recall that consideration of this application was deferred at the meeting in February following representations on behalf of Albion land who are looking to bring forward the land opposite which is allocated for employment purposes in the Submission Local Plan (Bicester 11).

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and a notice in the local press.

21 letters have been received. The following issues were raised and are summarised as follows. The correspondence can be read in full on the application file.

- Site is within original flood plain
- Risk of surface water flooding with knock on effects to local properties
- Traffic
- Survey of traffic movements has probably not taken into account vast amount that use the ring road between 7-9am and 4-7 pm.
- Queuing in the Launton Road to get into Skimmingdish Lane as vehicles queue at the roundabout on the Buckingham Road cannot gain access to the

roundabout due to volume of traffic coming into Bicester on the A4421 during these busy periods

- Access too close to the roundabout and on a blind bend
- Road very busy at peak times and with 71 dwellings being built at least an additional 140 vehicle movements in and out
- This stretch of road is unlit which will not help
- Cycle/ pedestrian lane will be dissected by the access road what safeguards will be included to ensure the safety of others
- Once care home has been completed this will add to the traffic along Launton Road
- Concerns about entry and exit to the new site via Skimmingdish Lane
- Three storey properties higher than existing properties in Tangmere Close, Benson Close and Scampton Close
- Town houses out of keeping with the surrounding area and impact on local residents privacy
- The land in question is a thriving habitat for animals, birds and plants.
- Green areas across Bicester are becoming more and more threatened with construction, feel strongly this area should be maintained as a green space.

- Has sufficient consideration been given to how this will affect the local community- the catchment primary school Glory Farm is already well over subscribed and with no plans for additional secondary school the problem will increase.
- Development seems to be isolated from the current populous with little opportunity for integration into the local community
- Three footpaths/rights of way cross the land, what provision has been made to keep these
- The plans show a building just next to our perimeter fence. Would like confirmation on the planned usage for this, plans should be revised to allow more space between our property and the building
- Appears from the plans that there is a pathway running along the existing perimeter fencing behind the new properties. Concerns that this will become an unsightly area (closed off with high fencing) that tends to attract litter and anti –social behaviour
- Density does not mirror the existing estate that it is to blend in with
- Scope in the plans to extend access to this estate through Scampton Close and this would cause a significant increase in traffic to roads that were not designed for it
- Development amounts to infill

- Nuisance from noise and pollution caused by construction
- Concerned land has been boarded up and cleared in advance of planning permission being given
- Loss of light
- When Launton Meadows development was carried out the proposed site was going to be an allotment site /recreation land
- Previous local plan shows this as a linear park

- Fence that has been erected has already had a detrimental effect on local wildlife. Land has previously been used by the local community for dog walking and a safe play area for children Would this land not be better suited as linear park and allotments as once proposed
- Increase in insurance premiums due to increased flooding
- With Kingsmere and new Eco development, Bicester already has a large amount of new houses being built
 - Loss of value of house
 - Loss of view

- Compensation for properties affected by the loss of privacy
- What is in the separation between the new properties and the current properties, it looks like trees on the website
- Benefits of encouraging people to take part in regular exercise to improve personal health and reduce future NHS costs should be taken into account before approving changes to a well-used amenity

Following the receipt of a revised scheme for 46 dwellings, a further 18 letters have been received. The concerns raised are generally as above. The letters can be read in full on the application file.

The above includes:-

an objection submitted on behalf of Albion Land who are intending to bring forward the land opposite for development, which is allocated in the Submission Local plan for employment purposes (Bicester 11). The concerns are summarised as follows:-

1. The proposal have not taken account of the highway implications of developing the Bicester 11 allocation, which is presently the subject of pre-application discussions
2. The proposals will materially prejudice the ability to access the Bicester 11 site.

An objection on behalf of the CPRE as follows

- Not allocated for development in any part of the existing or emerging Plan
- Cherwell does not need this stray 49 dwellings to meet its housing targets for Bicester, nor indeed for the District as a whole, which, though extraordinarily high, are fully catered for elsewhere in the draft Local plan
- Though the detailed comments from the Statutory Agencies are dubious about the proposed development, they somewhat bizarrely do not seem to have the courage of their convictions when coming to a conclusion. For example, Thames Water and the Environment Agency note that the site is in a flood area and has issues with sewage disposal, water pressure and water run-off. Similarly natural England state that the area in question should benefit from enhanced green infrastructure provision for flood risk, provision of accessible green space, climate change adaption and biodiversity enhancement. In short building on this land will contravene Natural England's recommendations and this needs to be clearly stated.
- For Bicester to achieve credible Garden Town/Eco-town status, it is vital that the remaining few areas of natural space are saved. To allow development on the land would negatively affect the original concept of the area being part of the linear park forming a vital wildlife corridor. As Bicester expands to meet its housing targets, this will become even more vital to retain. The ecological value of the site is markedly undervalued.
- From a traffic point of view, the idea of having one entry and exit point that cuts across both, the cycleway and footway, plus the already busy Skimmingdish Lane ring-road on a blind bend is clearly devoid of sense.
- Both the layout and design is poor and cobbled together in haste without care, confirming the view that this is a merely speculative application designed to exploit Cherwell's vulnerability as regards the planning system just at a time when it's about to put its long worked on local plan to bed.
- The application should be refused

The Oxfordshire Badger Group:-

1. This development would negatively affect the original concept of this area as part of a linear park forming a vital wildlife corridor for badgers and other species that use the site in an increasingly built up area.
2. It is in a flood plain and the land under threat constitutes wet meadowland

which is a biodiversity action plan habitat and deserves protection. Only 2% of such ecology is left in the entire UK.

3. To build on this land reduces the green space for Bicester residents. When 15,000 houses are added to the town the traffic along Skimmingdish Lane will increase markedly. There may well be a need to build a dual-carriageway along this ring-road and it would be likely that the land nearest the road will be sacrificed for this purpose. Thus the land in this application needs protecting from development and retained as a green, open space for the benefit of all.
4. With the large number of houses in the 'emerging' Local Plan, CDC can afford to refuse these 46 houses. For Bicester to have credible 'Garden Town/Eco-Town' status, its remaining few areas of natural space must be saved. Survival of our natural animals such as badgers, bats and birds, as well as meadowland is becoming economically important and should not be disregarded.
5. Our Wildlife Trusts show that the preservation of wild spaces has real value (Ref BBOWT's conference speech 2014). Natural England state in their submission that the area in question should benefit from enhanced Green Infrastructure provision for; improved flood-risk management; provision of accessible green space; climate change adaptation; biodiversity enhancement. Just retaining the hedge is hardly adequate compensation. Building on this land will, therefore, contravene NE's recommendation.
6. The whole tone of the ecological report commissioned by the developer places little value on biodiversity and the protection of wildlife corridors and habitats. There has been no assessment of the wider badger population and how vulnerable they could be. Indeed, the report claims: 'that our native fauna and protected species like badgers are of negligible or only 'local' value'.

3. Consultations

- 3.1 **Bicester Town Council:** object to this application. Concerns of the size of the development on a previously designated wetland habitat. Bicester Town Council also has concerns of building on a classified flood plain.

In respect of the revised submission, the Town Council maintain their objection above.

- 3.2 **Ward Member Councillor James Porter for Bicester Town Council :** objects on the grounds of (in summary)

- increased flooding as a result of the development will impact not only on the development but on the surrounding established resident properties and further downstream in Langford which is already subject to significant flooding.
- Bio Diversity- this is a significant natural 'wet land 'habitat' sustaining a wide bio- diversity.
It provides a rich flora and fauna supporting complete food chains. At best the application pays cursory attention to the bio diversity of the area and offers no proposals to sustain this. Part of the land was originally designated for open space and allotments. Subsequently, it was designated as part of a linear park along side of the ring road to Bucknell Road to five wild life corridors. As Bicester grows its importance as a wildlife corridor and green lung will continue to increase.
- Vehicle Access- the proposed single access off Skimmingdish Lane is too close to the roundabout at the junction with Skimmingdish Lane with Launton road and is on a blind curve. Skimmingdish lane has a 50mph speed limit.
- The proposed access will have limited sight lines for both those trying to turn in or out of the new access road, further aggravating the road as an accident

black spot. There have been several serious accidents and at least 1 fatality on this section of road.

- The impact of the development of Bicester 11 must also be properly and robustly addressed
- Cycle and pedestrian access – the proposed access to the development cuts across a long established and very well used cycle and pedestrian route running alongside Skimmingdish Lane. The proposed access poses a real and present danger to walkers, cyclists and wheel chair users.
- Local character- Three storey town houses are inappropriate in this setting. The density provides little safe garden or recreational green space. Inadequate consideration and provision for the needs of young people and teenagers limiting the opportunities for ‘homes for life’ Storage and movement needs of a three bin recycling regime have not been adequately addressed.
- Traffic survey – a proper full scale verified traffic survey should be undertaken. That carried out for 15 minutes between 2pm and 2.15pm on a weekday, the results are so shallow and immaterial to be completely unrepresentative and unreliable and should therefore be completely discounted. There should be a comprehensive and robust traffic assessment that takes into consideration the cumulative effect of current and proposed developments that is allied to the strategic modelling (LTP4) being undertaken by the highway authority.
- A full scale verified traffic survey should be undertaken to identify the impact on vehicle traffic and on the sustainability of cycling and walking
- Contamination – part of the site could be contaminated land. Full mitigation required.
- Disappointing to note the limited consultation with local residents

Cherwell District Council Consultees

- 3.3 **Planning Policy Officer:** The site is allocated for recreation use in the Adopted Cherwell Local Plan 1996. Located on the edge of Bicester, one of the most sustainable settlements in the District, there is potential for good accessibility to services and facilities. A proposed extension to Bicester Airfield Local Wildlife Site abuts the site which is also close to the RAF Bicester Conservation Area.

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

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

Policy C7: landscape Conservation – consideration should be given as to whether development would cause demonstrable harm to the topography and character of the landscape

Policy R1: Allocation of land for recreation use – sites identified on the proposals map for recreation use will be reserved for that purpose. Proposals that conflict with this use will be resisted

Policy H5: Affordable housing

Policy C1: protection of sites of nature conservation value

Policy C23: retention of features contributing to character or appearance of a conservation area

Policy C28: Layout, design and external appearance of new development

NPPF – the most relevant are:

Paragraphs 11 to 14 – presumption in favour of Sustainable Development

Paragraph 17 core planning principle: Planning should encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production)

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

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

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

Paragraph 69 – planning policies and decisions, in turn, should aim to achieve places which promote: safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas

Paragraphs 70, 73, 75 – access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities

Paragraph 109 on conserving and enhancing the natural environment

Paragraph 114 – local planning authorities should set out a strategic approach in their local plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure

Section 12 on conserving and enhancing the historic environment

NPPG – open space, sports and recreation facilities, public rights of way and local green space – open space should be taken into account in planning for new development

Non - Statutory Cherwell Local Plan 2011 should be considered. Whilst some policies within the Plan may remain to be material considerations, other strategic policies have in effect been superseded by those of the Submission Local Plan (January 2014).

Policy H1a: Location of new housing

Policy EN16 Development on Greenfield land

Policy EN17: Development on Contaminated Land

Policies EN22 – EN24 Nature conservation, protection of sites and species

Policy EN30 - sporadic development in the countryside

Policy EN31 - beyond the existing and planned limits of the towns of Banbury and Bicester

Policy EN34 - conserve and enhance the character and appearance of the landscape

Policies EN39 and EN40 – development should preserve the setting of listed buildings and preserve or enhance the character or appearance of a designated conservation area

Policy R3 – the council will seek to establish a series of open spaces in Bicester linked by public footways/cycleways with the intention of creating a circular route through the town

Policy TR8 – development that would prejudice pedestrian and cycle circulation or route provision will not be permitted

Submission Local Plan 2006-2031

Policy BSC1 - district wide housing distribution

Policy BSC2 – effective and efficient use of land

Policy BSC3 – affordable housing

BSC4 – housing mix

BSC10 – open space, outdoor sport and recreation provision

Policy SLE4 – improved transport and connections – support a modal shift and more sustainable locations

Table 8 – local standards of provision – outdoor recreation

Policy BSC11 – local standards of provision – outdoor recreation: development proposals will be required to contribute towards the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance

Policy ESD10 – protection and enhancement of biodiversity and the natural environment: in considering proposals a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources and by creating new resources

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 ESD15 – green boundaries to growth: proposals for development on the edge of the built up area must be carefully designed and landscaped to soften the built edge of the development and assimilate it into the landscape by providing green infrastructure that will positively contribute to the rural setting of the towns

Policy ESD16 – the character of the built and historic environment should be protected

Policy ESD18 – green infrastructure: proposals should maximise the opportunity to maintain and extend green infrastructure links to form a multi-functional network of open space, providing opportunities for walking and cycling and connecting the towns to the urban fringe and wider countryside beyond

Policy Bicester 7 – as part of the measures to address current and future deficiencies in open space, sport and recreation provision in the town we will seek to establish an urban edge park around the outskirts of the town, by protecting the existing network of green spaces and securing new open space and linear route provision linked with public footpaths/cycleways, to create a circular route with connections to the town centre and the countryside beyond

Other material considerations

Five Year Housing Land Supply

The latest published position on the district's housing land supply is the Housing Land Supply Update June 2014. This reflects the Oxfordshire SHMA 2014 midpoint figure of 1140 dwellings per annum, currently considered to be the objectively assessed housing need for the district. The Update indicates that the five year supply of deliverable sites for 2014-2019 is 3.4 years. This includes a requirement for an additional 20% buffer, taking into account the shortfall (2314 homes) within the next five years. The projection for 2015-2020 is 3.4 years supply.

Strategic Housing land Availability Assessment

The 2013 SHLAA lists the application site (ref B1057) as a rejected site, noting that the site is allocated in the Non-Statutory Local Plan for recreation and therefore residential development contravenes planning policy. It also notes that there is a proposed Local Wildlife site immediately north of the site which further supports the site use for recreation and that there would be a negative impact on the landscape setting of Bicester which will require further investigation.

The SHLAA comments: 'currently site is unsuitable, but if required by the Council it could be suitable and available subject to detail design and an acceptance of development outside the built up area and loss of part of a site from proposed recreational use. The site is considered developable subject to loss of recreation land being acceptable to the Council. Any proposal will have to balance the scale of development with the proposal to increase recreational land in this area'.

Overall Policy observations

The 2011 Open Space Update identifies a shortfall within Bicester East Ward of parks and gardens, allotments and provision for children and young people and a wider shortfall of open space across Bicester, Submission Local Plan policies seek to address this. The Submission Plan does not allocate the site because it is not strategic in nature.

It is important that development here safeguards, and does not undermine the attractiveness of the existing cycle and pedestrian path that runs alongside the site.

While the potential role of the site in contributing towards housing supply is acknowledged, open recreational use of the site remains necessary to meet present and future policy requirements, for example Bicester Policy 7, ESD18 and BSC11. To achieve this and a scheme that respects this edge of town location, the proposed extension to the Local Wildlife Site, the pedestrian and cycle path and nearby Conservation Area, only part of the site is considered developable. The remaining area should provide green infrastructure/open space as part of/alongside any scheme.

Policy Recommendation

The site is proposed for recreational use in Cherwell's Adopted Local Plan. Given the shortfall of open space provision in Bicester, any scheme would need to address or integrate the potential loss of the proposed space. Provision of high quality open space/green infrastructure on site would be necessary to meet policy requirements and it is considered this could be achieved through partial development of the site.

Updated note

Since the above comments have been received, the Council has issued a revised AMR which was published on 31 March 2015. The AMR now concludes that the district has a 5.1 year supply of deliverable sites for the five year period 2015-2020 (commencing on 1 April 2015).

3.4 Design and Conservation Officer:

Site Opportunities and Constraints Plan – as part of the design and Access Statement an opportunities and constraints plan was provided which sets out the basic design principles that should be used to develop the site design and layout. It is unfortunate that some of these elements have not been appropriately translated into the detail design and layout proposals.

- Importance of landmarks/focal buildings in key locations
- Appropriate frontage to provide a setting to Skimmingdish Lane
- Making connections, where possible to the existing residential area and Skimmingdish Lane
- Retention of existing landscape features
- Appropriate buffer to existing residential development

Development Framework/concepts

A number of diagrams have been provided within the Design and Access Statement. These seem to be retrofitting rather than guiding the layout plan and raise a number of issues. There are a number of improvements which could be made to the block plan.

- While some basic principles to the framework are correct, these have not been considered in detail and in relation to the site context. I agree with the basic principle of providing frontage to Skimmingdish lane and backing onto existing development, however the next level of detail has been poorly considered
- There is little thought for the way that the development will relate to the urban form of the existing residential development and a more logical layout would be established if this was considered in the north south links.
- There is no clear public realm strategy/landscape strategy that provides the setting for the development
- There is no rationale for the massing and form. The majority of development is 2 storeys, though this seems to jump to 2.5 in odd places
- There is no indication of landmark/focal buildings being used to help structure the development
- There is no rationale for how building material should be used across the site. The proposals appear very ad hoc and unstructured which contributes to the poor character of the layout and design
- The boundaries to the north west of the site are not defined and it is not clear what the relationship is with this edge of the site
- Very limited connections are shown onto the pedestrian/cycle path
- The concentration of affordable housing at the edges of the scheme in large clusters is unlikely to be acceptable

Layout Plan

The layout plan does not appear to have been designed and considered in three dimensions. There has been little attempt at composing an interesting series of streets and spaces to promote a high quality place and public realm. This development will provide an important frontage onto Skimmingdish Lane and a high quality approach is expected

- There has been little consideration as to how dwellings fit together to form an attractive street scene. This is an important location, with frontage onto Skimmingdish Lane that will set the scene for this busy junction
- Likewise the approach to car parking has been focussed purely on the

provision of spaces and there has been little consideration as to how the parking layout contributes to the character of the streets and public realm

- The configuration of housing types and form across the layout does not appear to have been appropriately considered. Consideration of ridge eaves lines is important
- Overall a wider mix of housing is expected addressing the housing mix to positively incorporate more terraces and semi-detached properties would help address some of the design issues

Building Form and Fenestration

Considerable work is required to consider the type and layout of house types throughout the scheme, but in general comment as follows:

- Hipped roofs are not appropriate, a simple ridged profile should be used
- Overall fenestration is poor, in principle, upper storey windows should be smaller than lower storey windows
- Details on the drawings are unclear
- Gable details are often poorly considered, the combination of their width and shallow pitch makes them awkward
- Barge/fascia boards should not be used, clipped eaves
- Stone should be coursed rubble detail as would be found traditionally in the area
- Projecting porches and integral garage details appear awkward and detract from the character of the area. Integral garages should be subservient to the main property. The form and detail of dormers is awkward and these elements do not fit comfortably on the dwellings.

To conclude, the proposal has had little design and layout consideration, and as it stands should be refused on the grounds of poor design.

In respect of the latest revised submission, it is acknowledged that the layout shows significant improvement from the original submission. In terms of house types, PA25 – elevation would benefit from removing the ground floor w/c window. Ashton-G PB30-G, Crofton-G PB33G (style 1, 2 and 3), Stanton-PB51 (style 1 and 2) – dormers on these types all appear over-sized and very heavy. Would benefit from reduced scale, with dormer windows being smaller than first floor windows. The Design and Access addendum references white eaves and gable boarding. It should be noted that fascia and barge boards are not acceptable. Clipped eaves are required. Likewise, imitation timber lintels are referenced, these should be real timber of appropriate proportions.

- 3.5 **Housing Officer:** Has no objection. There is a 30% affordable housing requirement with a 70/30 tenure split between affordable rent and shared ownership or other low cost home ownership product to be agreed. The affordable homes should be built to the HCA's design and quality standards including meeting the necessary HQI compliant standards. 50% of the rented homes should meet Lifetime Homes Standards. Generally the proposed location of the affordable homes needs amending as the bulk of the properties are located to the south of the site and do not seem integrated into the wider scheme. Although CDC's clustering position of affordable homes does allow up to 15 units together there is still the requirement that the affordable homes should represent a more integrated approach than is evident in the layout plans.

Although the applicant has done a fair proposal for the affordable housing types, it is recommended that an alteration is made in line with the following

Rent

4x1b2pM (separate entrances)

7x2b4pH

3x3b5pH

1x4b6pH

Shared Ownership

5x2b4pH

1x3b5pH

It is also recommended that an improvement is made to the parking layout for the affordable units. The design proposed does create an obvious visual clue as to the tenure of the particular properties when we are trying to achieve as much as possible tenure blindness on the scheme. Greater in curtilage parking would create a better visual impact, greater resident ownership of the parking spaces and less potential for management issues in the future. Failing this a breakup of the spaces with landscaping or other means would be beneficial. Would also advocate a greater number of smaller properties in the private element of the scheme in order to cater for more first time buyers and those on lower incomes.

Following the submission of a revised scheme for 46 units:-

- The quantum of affordable housing is consistent with the policy requirement of 30%, 14 dwellings
- The location of the affordable housing is acceptable as well as the unit types proposed
- The layout of unit types and space standards are consistent with those expected. The unit types appear to meet Lifetime Homes requirements
- The RP which takes on the affordable housing will need to be discussed and agreed with the council

3.6 **Anti-Social Behaviour Manager:** It would appear that no road traffic noise assessment has been undertaken in respect of the potential impact road traffic noise from Skimmingdish Lane may have on the development. Noise mitigation measures were shown to be required at two dwellings built on the roundabout itself. The assessment needs to be carried out and the applicants need to demonstrate that the appropriate noise targets contained within BS8233:2014 can be met. Any shortfall can be addressed by way of condition requiring uprated glazing/fencing and or ventilation as necessary. Due to the proximity of existing dwellings a robust Construction Environmental Management Plan will be needed to address hours of working, construction noise control, dust control, phasing, site infrastructure, staff parking and compound locations.

3.7 **Landscape Officer:** in determining visual amenity for residents overlooking the site from the south west residential areas, is concerned about the overall detrimental residential experience of the development from first storey, ground floor windows and garden aspects. There is limited space for tree planning on this boundary, especially when proposed southwest-facing gardens are a constraining factor because it is going to be difficult to enforce replacement tree planting if residents decide to remove trees due to lack of light to gardens and windows. Suggests that the trees are planted at the ends of private roads, at least two metres from the SW boundary and well away from building foundations. This will ensure that the trees are prominent at the end of the street and owners will think twice about removing them. Small to medium trees will be appropriate.

A minimum play activity area of 400 square metres is required for the LEAP. The location is problematic, because it is located in front of the highway access and due to the bend in the road is not an appropriate 'traffic calming measure' It will be risky to put the LEAP in this position. The layout must be revised to minimise this risk. The LEAP should be re-located at the north western end where it will connect better with the existing Public Open Space with desire lines through. In order to facilitate easier access through CDC owned land the developer is recommended to make financial

contributions towards improving the footpath access through existing POS, linking Sunderland Drive with POS/LEAP of the development, especially as the desire line route will be used more often because of the increased number of residents. The developer is to install a demountable bollard to restrict vehicle access between the two sites. The POS, will, in effect, create a transitional landscaped zone between the built edge and CDC owned POS.

The site requires at least two LAPs. In reality, there is insufficient space to cater for two LAPs. A POS should accommodate a LAP and LEAP. A combined LAP and LEAP (separate areas) would be appropriate.

The hedgerow on the north eastern site boundary must be retained/protected for the purposes of mitigating the visual impact of the development on walker/cycle receptors on the adjacent pedestrian route.

Detailed landscape proposals are required.

Comments made in respect of revised layout plan-

The Landscape buffer on the southern boundary needs to be clarified. Too much dense vegetation will cause problems of shading and possible structural damage. This landscape buffer is not POS and the land will be conveyed to residents, who may or may not maintain the vegetation in the appropriate way. Tree groupings (with clear stems) at the end of roads will provide some relief from the visual impact on adjacent residencies.

A wider green buffer between the residencies on the southern boundaries and the units is necessary to ensure visual impact of units is reduced on the residencies, especially where the distances between homes is quite close. If the 'Entrance Green' near the highway entrance was relocated near this boundary with units fronting onto it then this would be more acceptable.

There are 3, possibly 4 properties on the southern boundary where the development will have an increased visual impact. I recommend the adjacent units are located further away from the boundary to mitigate this problem

The build line is very close to the CDC – owned POS to the northern end of the development. I would prefer transitional open space area into this POS with footpaths linking through. The application site was publically accessible from this area, but when closing off this link the existing POS will be too enclosed and will not comply with 'Secured By Design' principles

The LAP to be located away from the pumping station (incompatible land use) should be combined with the LEAP in order for young children to have play equipment (the latest informal Executive decision)

The indicative LEAP does not appear to be wide enough to accommodate the appropriate size of play equipment.

The pumping station location requires the removal of structural vegetation, maple and blackthorn exposing it to the footpath cycleway from the footpath/cycleway. It will require structural planting to screen it from this thoroughfare.

Following the receipt of the latest revised plans relating to the 46 dwellings, the Landscape officer comments further as follows:-

- Informal open space, welcome the reduced number and as a result the connectivity between CDC's informal open space immediately north west and the proposed informal open space is good. Connectivity could be improved by the provision of a macadam path link
- Tree species diversity proposed should be improved
- With the reduced housing density there is more space available for larger gardens to allow for the planting of trees of appropriate size and species that do not over-shade or reduce light levels to rear windows but also provide amenity impact mitigation for residences in Tangmere and Scampton Close I would prefer to see smaller ornamental trees for the rear gardens rather than the native species proposed.
- At the end of the access roads to the garages, the boundaries do require landscaping to mitigate views from adjacent residencies, however ownership

and maintenance responsibility for these areas must be confirmed. Garage footings must be protected.

- The LAPs should be located opposite units 32 and 33, and 13 and 14, centred on the cycle/footway across the adjacent site, allowing the play areas to be surveyed from adjacent footways

Having regard to the above, a number of conditions are recommended.

3.8 **Arboricultural Officer** comments as follows:

Agrees with the findings and tree categories stated within the accompanying arboricultural report provided by Tyler Grange.

The proposed access road provides a level of protection and a buffer zone for the valuable belt of trees identified within the arboricultural report as G10.

The design provides no satisfactory integration between the proposed site and the existing Duxford Close Public Open Space area.

The close proximity of the proposed plots to the boundaries of the existing dwellings in Tangmere Close will lead to increasing nuisance issues between residents. The desire for privacy will be addressed through inappropriate planting raising encroachment issues and reducing natural light levels into the 'living areas' of existing dwellings and the gardens of proposed plots.

The design shows indicative tree planting particularly along the south-west boundary. As expected, no species have been identified and no potential shadow constraints have been estimated however, despite these omissions it is clear from the drawings themselves that planting along this boundary will lead to potential neighbouring conflicts and reduce the 'feeling of space' which existing residents currently experience. A more suitable, less oppressive approach would be to create a buffer zone between existing and proposed dwellings. This buffer could be provided by either an additional access road and an associated verge or additionally the creation of POS.

I do not feel that the current design takes full consideration of the existing and adjacent constraints.

Comments made in respect of the revised layout:

The landscape buffer has no means of access for maintenance. Still have concerns regarding the close proximity of proposed plots to existing plots and the visual impact and the reduction of views that such plots will have upon existing occupants.

A greater clearance from proposed plots to existing dwellings is required and there would appear to be scope for this by relocating the LAP, LEAP and Green to an area adjacent to the buffer zone. This would require relocating the position and aspect of certain proposed plots to facilitate space and the provision of natural surveillance across such features.

There appears to be no integration between the proposed plots to the north of the site and the existing Duxford Close open space area.

- 3.9 **Ecology Officer:** Overall the site of is local ecological value. Common lizards are present in low numbers, badgers (and most likely bats) use the site for foraging and hedgehogs and nesting birds may also be present. Given this, various precautionary mitigation measures will be required to ensure no harm comes to any of these species. Section 7 of the February 2014 ecological assessment report by Tyler Grange suggests that the mitigation and enhancement strategies are controlled by the production of a CEMP (to avoid impacts during the construction phase) and EcMP (to detail habitat creation and management). This is acceptable, given that no European protected species are likely to be impacted, two conditions are recommended to be attached to any consent.

- 3.10 **Waste and Recycling Manager:** No objections to the developer's proposals for

waste and recycling storage. More guidance is available in the Council's Waste and Recycling guidance. A section 106 contribution of £67.50 per property will be required.

Oxfordshire County Council Consultees

3.11 Transport

Transport Assessment: There are a number of safety and design issues that require further information to be submitted for assessment. Until this information is submitted for consideration, the Local Highway Authority objects to the planning application.

In respect of the proposed access arrangement(s), there are concerns with the lack of detail shown on how vehicle movements will interact with users of the existing shared footway and cycleway - especially with vehicles turning left into site where forward visibility will be limited

Junction analyses demonstrate that there will be operational issues at a number of junctions, and in particular at:

- Bucknell Rd/ Howes Lane
- A4421/Bicester Rd
- A4421/Launton Rd

Contributions towards the Bicester Transport Strategy will therefore be required, and this is acknowledged in the TA. A key part of the transport strategy is improvements to the peripheral route including the junctions mentioned above and a new link road".

The layout issues identified are

Some of the parking areas appear tight and are not practical i.e.

plots 20, 21, 26, 27, 38, 39, 50, 61, 63, 68 etc.

Refuse tracking plan on figure 10a shows a refuse vehicle driving over numerous areas within the development site.

No internal vision splays shown i.e. on accesses, access onto shared footway/cycleway and individual access points.

No indicative adoption plan

Parking levels appear acceptable. However the location of the majority of the visitor parking is away from higher density areas which are more likely to have on-street parking problems.

There appears to be no pedestrian connectivity between the development site and the adjacent residential area, which negates the quoted walking distances to bus stops and other facilities. A new pair of bus stops is therefore required on Launton Road immediately south of the Skimmingdish Lane roundabout.

OCC's Network Management Team have raised some issues with the submitted Construction Traffic Management Plan further discussions will be required.

Following the receipt of amended plans and the reduction in the number of units to 46, revised comments have been received as follows:-

- The amended Transport Assessment (undated) indicates that the revised proposals comprise a maximum of 50 residential units, with 46 included on the site layout plan (141103/SL) and planning application. A development of 46 units would normally fall below the threshold for a Transport Statement and Travel plan Statement. However, it is noted that there are existing capacity issues at local junctions on the highway network and therefore the scope of the assessment provided is considered appropriate for this site.
- The initial TDC response in June 2014 indicated that a 'scaled drawing' was required to confirm visibility splays could be achieved. Figure 09A in the Transport Assessment is of poor print quality and has no scale. It indicates that visibility splays of 2.4m x 160m are to be provided in both directions along Skimmingdish Lane from the proposed access point. However, without a

scaled drawing to assess or a speed survey, we are unable to confirm if such an arrangement is acceptable.

- The site layout plan 1141103/SL shows existing trees to the left of the proposed junction which appear to be within the visibility splay, although it is noted that the TA indicates that only existing vegetation will need cutting back to achieve adequate splays.
- It is noted that paragraph 8.3 of the TA indicates that a separate A1 to scale access drawing will accompany the application documents. A scale plan should be provided showing visibility splays and location of existing trees/vegetation which is intended will be retained to demonstrate adequate visibilities can be achieved (Highway safety – further information required)
- The north-western edge of the development is within 250m walking route (not straight line) of the Duxford Close stops on Sunderland Drive, whilst the south-eastern edge of the development is within 250m walking distance (not straight line) to the Scampton Close bus stops on Boston Road. The maximum walking distance from a dwelling in the middle of the development would be around 450 metres. Whilst these distances are not excessive, the development lacks clear pedestrian connectivity with adjacent areas, and thus walking routes could be perceived as indirect and less convenient than using a motorised vehicle.
- Whilst the developer describes bus services to this part of Bicester as reasonable, further development of the local Bicester urban and inter-urban bus network is urgently required to establish the bus as a credible option for journeys to work and for other purposes. Hence, this development will be required to contribute to the cost of funding this improvement of bus services in the Launton Road/Skimmingdish Lane area.
- The developer proposes the provision of new bus shelters at stops in Sunderland Drive and at the Scampton Road stop. The Oxford-bound stop at Sunderland Drive already has a shelter. There could be difficulties at Scampton Road, as a consequence of previous correspondence with a frontage in this location. It is preferable for the developer to contribute to the cost of procuring additional bus-vehicles to increase the frequency of bus services to destinations to the north-east and east of Bicester.
- In terms of walking and cycling the Transport Assessment is very positive – the walking and cycling distances to key infrastructure demonstrate the sustainability of this location. Features such as the cycleway taking priority over the road and cycle parking at the houses are all positives for this development. The proposal to provide links through the development to existing pedestrian and cycle infrastructure, particularly a link to the north western boundary to Sunderland Drive (and therefore Tesco Express and primary school) is welcomed.
- It is good to see the Transport Assessment for this site making reference to the Eco-Bicester One Shared Vision principles and having a good awareness of local mode share targets.
- The TA makes reference to BicITLUS – the transport and land strategy for the town from a few years ago; it would have been good to see more current reference to the area transport strategy within the Local Transport Plan (LTP3), but as the strategy has not changed fundamentally over the years this has not caused a problem in the assessments carried out.
- The LTP3 transport strategy sets out 3 key aims for the town, which in short are:
 - BIC1 – to improve access and connections between key employment and residential sites and the strategic transport system
 - BIC2 – to work with strategic partners to develop the town's walking, cycling and bus networks
 - BIC3 – to investigate ways to increase people's awareness of the travel

choices available in Bicester

- In terms of links to the strategic transport network, the TA in paragraph 4.2.8 states that 'the M40, accessible via Bucknell Road, described above, lies to the west of Bicester in providing a link to London...' although there is a rural link to the M40 via Bucknell, the primary connection is to the south via the A41 and Junction 9 and the secondary connection is to the north via the B4100 to Junction 10.
- The TA mentions that the developer's consultant came in to OCC in June 2012 and also refers to work carried out last year. Since then work has been undertaken for the Cherwell Local Plan Modifications Examination which was held in December last year. The developments figures in paragraph 9.4 of the TA need updating, particularly as they exclude South East Bicester and the employment site at North East Bicester, on the opposite side of Skimmingdish Lane to this development.
- The Saturn model has now been rebased to 2012 and has been run with the Main Modifications included. The assessments included here find the main problems to be at the Bucknell Road/Howes lane junction which is acknowledged as a critical junction for the town. The North West Bicester development is coming forward with a scheme to resolve this issue. We should be seeking contributions from all development towards this, but with the rules on pooling contributions imminently coming into play, there would be little purpose in seeking a contribution for less than fifty houses on the other side of town.
- However, the more recent modelling work has shown up significant issues for Skimmingdish lane and its junctions, such that the County Council is considering a duelling scheme as part of LTP4 and Bicester master Plan work. There are some initial costings for this work and the county Council should seek a contribution in line with the scale of impact of this development towards these future works. Clearly this could impact on the design of the access; if we were able to offer advice that would help to reduce any unnecessary future works at the junction then this will be done, but otherwise any changes will have to be picked up by the County Council when the future scheme is approved and implemented.
- The TA should have shown awareness of the East West Rail project and its impact on the rail offer for the town, this would add to the positives so its exclusion from this assessment does not cause a problem.
- The proposed level of car parking falls within the maximum set out for the Cherwell Urban Areas in the OCC 'Parking Standards for New Residential Developments'. A total of 7 unallocated spaces are proposed from a maximum calculated allowance of 16. If visitor parking demand exceeds provision, potential exists for on-street parking outside of designated spaces. This could block access by refuse lorries, emergency vehicles and HGVs making domestic deliveries.

- 3.12 **Public Transport Comments:** The walking distance to the proposed new bus stops on Launton Road is around 600 metres away. This distance is more than the guideline distance for walking to bus stops from new developments, however, there would appear to be no credible alternative. Buses do not use Skimmingdish Lane, nor would they serve this development directly.
- A contribution of £10,000 (index linked to May 2014 prices) towards bus stop infrastructure towards on the Launton Road (including a shelter and a pair of pole/flag/information case units with hard standing area) is required.
- The nearby Glory Farm housing estate is currently served by buses s5 from Langford and Launton to Bicester Town Centre and Oxford. There is currently no evening or Sunday bus service beyond Boston Road. Therefore a contribution of £1,000 (at May 2014 prices) per dwelling is required towards enhancing this service.

- 3.13 **Travel Plan Comments** : A travel plan has been submitted for 14/00697/F however it is to be updated to meet the current/more appropriate requirements for a travel plan statement.

The OCC guidance, Transport for New Developments: Transport Assessments and Travel Plans (March 2014) requires that any developments over 10 houses provides a travel information pack for each household.

- 3.14 **Drainage Officer**: A full drainage plan including full calculations will be required by the Lead Flood Authority and will need to be approved prior to the development commencing on site. The developer will need to be aware of the requirements of the Flood and Water Management Act 2010 when finalising their drainage plan submission.

Transport Financial Contribution and Legal Agreements:

A general transport contribution is also to be sought by the Local Planning Authority in line with Cherwell District Council's Planning Obligation Draft Supplementary Planning Document (Chapter 19, page 65) i.e. £442 per 1 bed unit, £638 per 2 bed unit, £994 per 3 bed unit and £1,366 per 4+ bed unit. Using the housing mix quoted, the general transport contribution is:

£638 (2 bed unit) x 8 = £5,104

£994 (3 bed unit) x 29 = £28,826

£1,366 (4+ bed unit) x 13 = £17,758

(21 further units are proposed to be affordable which are not normally charged for in line with CDC's draft SPD, page 5 paragraph 1.10).

General transport contribution required is £51,688 (index linked at May 2014 prices).

Public Transport Service contribution = £1,000 per dwelling (index linked at May 2014 prices) towards the cost of enhancing bus services to the Launton Road/Skimmingdish lane area of Bicester. 71 units proposed x £1,000 = £71,000 (index linked at May 2014 prices) required.

Public Transport Infrastructure contribution = £10,000 (index linked to May 2014 prices) towards bus stop infrastructure towards on the Launton Road (including a shelter and a pair of pole/flag/information case units with hard standing area) is required.

The access works will be subject to a Section 278 Agreement between the developer/applicant and OCC. In addition to this legal agreement(s) a bond will be required to cover the construction costs of the any works as well as there being a supervision fee of 9% and potential commuted sums.

Following the revised submission for 46 units, the objection from the highway authority was maintained on the grounds that further information is required to demonstrate adequate visibility splays can be achieved, and Figure 10b is missing and should be provided to demonstrate vehicle tracking in the southern section of the site. (these comments can be read in full on the application file).

Following further discussions between the applicants agent and the Highway authority, it is confirmed that drawing no 4809-TA01 demonstrates that the required visibility splays can be achieved in accordance with OCC Technical Support Data Guidance (subject to the removal of vegetation and replacement fencing as indicated). The electricity pole will need to be relocated if it falls within the visibility splay. We are satisfied that Figure 10b shows that there is adequate provision for refuse vehicles to manoeuvre on site. The Transport development Control objection is therefore removed and we now have no objection subject to the conditions set out in our initial TDC response.

- 3.15 **Archaeology**: The site is located in an area of archaeological potential as highlighted by a desk based assessment submitted with this application. An archaeological field

evaluation has been undertaken on the site which recorded a number of archaeological features surviving on parts of the site. The features, consisting of a series of ditches and pits, are thought to be the remnants of an earlier field system. Although no dating evidence was recovered from these features they were sealed by the subsoil and therefore thought to be of archaeological interest. This development will encounter further aspects of these features.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction.

- 3.16 **Education:** No objections subject to a legal agreement to secure contributions towards education provision.
Primary – Glory Farm Primary School is reliant on temporary accommodation to accommodate an admission number of 60, and developer contributions would be sought towards the cost of replacing this with permanent buildings. Demand for Bicester primary places has risen rapidly in recent years. A strategic approach to expanding primary school capacity across the town is required to meet the demands of the local population and housing growth. This will include new schools and further expansions of existing schools. Housing developments will be expected to contribute towards this expansion of capacity, even where it is not provided at the nearest school to the development.
Secondary – Bicester secondary schools currently have spare capacity, but this will be filled as the higher numbers now in primary schools 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 taught in special schools and all housing developments are expected to contribute proportionately toward expansion of this provision.
- 3.17 **Property:** The eastern edge of the proposed site appears to encroach into highway owned by the county.
No objection subject to the applicants entering into a legal agreement to secure contributions towards library, waste management, museum resource, integrated youth support service, adult learning, wellbeing day care and administration and monitoring fees.
Fire & Rescue Service require the provision of hydrants in accordance with the requirements of the Fire & Rescue Service and recommend that new dwellings should be constructed with sprinkler systems
- 3.18 **Ecology:** Advise that the District Council should seek the advice of their own in-house ecologist
- 3.19 **Local Member views:** concerned that this particular stretch of land is even being considered for housing development. I was Headteacher of Glory Farm School when Scampton Close, Benson Close and Tangmere Close were planned. I remember distinctly that planners were clear that this piece of land should be a green buffer between these closes and Skimmingdish Lane. Over time this has certainly become the established position and has meant that the developed town is not crowded up against what is now a section of 'ring road'.
Should the development be proposed for approval I would be exceedingly concerned about allowing a vehicle access point for seventy-one households onto what is currently a very busy road, and due to get even busier as the town grows!

Other Consultees

- 3.20 **Natural England:** raise no objection, based on the information provided. Natural England advises the Council that the proposal is unlikely to result in significant impacts on statutory designated sites or landscapes. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

Protected Species NE's standing advice should be considered against the proposal which is a material consideration in the determination of applications.

Green Infrastructure – the proposed development is within an area that Natural England considers could benefit from enhanced Green Infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

Local Sites – If the proposal is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity Enhancements – this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant if it is minded to grant permission. This is in accordance with Paragraph 118 of the NPPF. Additionally we would draw your attention to Section 40 and Section 40 (3) of the NERC Act.

Local Landscape – the proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available and policies protecting landscape character in your local plan or development framework.

- 3.21 **Environment Agency:** do not intend to make a bespoke response to the proposed development as the site lies in Flood Zone 1 (low probability) and is between 1 and 5 hectares and advise that for the development to be acceptable in flood risk terms regard should be had to their standing advice regarding Surface Water flooding. The key points for developments in Flood Zone 1 are:

- Surface water run-off should not increase flood risk to the development or third parties. This should be done using Sustainable Drainage Systems (SuDS) to attenuate to at least pre-development run-off rates and volumes or where possible achieving betterment in the surface water run-off regime.
- An allowance for climate change needs to be incorporated, which means adding an extra amount to peak rainfall (20% for commercial development, 30% for residential). See Table 5 of Technical Guidance for NPPF.
- The residual risk of flooding needs to be addressed should any drainage features fail or if they are subjected to an extreme flood event. Overland flow routes should not put people and property at unacceptable risk. This could

include measures to manage residual risk such as raising ground or floor levels where appropriate.

- 3.22 **Thames Water:** no objections subject to conditions and informatives to be attached to any grant of planning permission. Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. In addition, Thames water 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 development.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H5:	Affordable Housing
TR1:	Transportation Funding
R1:	Allocation of land for recreation use
R12:	Public open space provision
C9:	Beyond the existing and planned limits of Banbury and Bicester
C28:	Layout, design and external appearance of new development
C30:	Design of new residential development
ENV12:	Contaminated land

4.2 Other Material Policy and Guidance

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

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

National Planning Policy Guidance

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

- Policy H1a: Location of new housing
- Policy EN16: Development on greenfield land
- Policy EN17: Development on contaminated land

Policies EN22, EN23 and EN34: Nature conservation, protection of sites and species

Policy EN30: Sporadic development in the countryside

Policy EN31: Beyond the existing and planned limits of Banbury and Bicester

Policy R3: The council will seek to establish a series of open spaces in Bicester linked by public footways/cycleways

Policy TR8: Development that would prejudice pedestrian and cycle circulation or route provision will not be permitted

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

The Local Plan has been through public consultation and was submitted to the Secretary of State for Examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in the light of the higher level of housing need identified through the Oxfordshire Strategic Housing market assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation from 22nd August to 3rd October 2014. Although the plan does not have Development Plan status, it can be considered as a material planning consideration. The Examination convened and closed in December 2014 and the Inspector's report is anticipated in Spring 2015. The plan sets out the Council's strategy for the District to 2031.

The policies relevant to this proposal are:-

Policy BSC1: District wide housing distribution

Policy BSC2: Effective and efficient use of land

Policy BSC3: Affordable housing

Policy BSC4: Housing mix

Policy BSC10: Open space, outdoor sport and recreation provision

Policy SLE4: Improved transport and connections

Policy BSC11: Outdoor recreation provision

Policy ESD10: Protection and enhancement of biodiversity

Policy ESD13: Local landscape protection and enhancement

Policy ESD15: Green boundaries to growth

Policy ESD16: Character of the built and historic environment

Policy ESD18: Green infrastructure

Policy Bicester 7: provision of an urban edge park

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
- Layout and Design
- Landscape Impact
- Ecology
- Flooding and Drainage
- Transport Assessment and Access
- Delivery of the Site
- Planning Obligation

Planning Policy and the Principle of Development

5.2 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning

Act 1990 provides that in dealing with applications for planning permission, the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made in 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 residential development in any adopted or draft plan forming part of the development plan, but is allocated for recreation purposes in the adopted Cherwell Local Plan under Policy R1. This allocation is also carried through in the Non-Statutory Cherwell local plan under Policy R3. One of the District Council's aspirations is to maximise the current recreation and open space provision in and around Bicester by increasing their accessibility and linking them to a network of public footpath/cycleways. These footpath/cycle routes will also seek to link employment and residential areas, existing and proposed railway stations and major recreation areas within the town. The site in question forms part of this aspiration and as specified above, is partly allocated within the adopted Cherwell Local Plan under Policy R1 for recreation purposes and is also further identified in part for recreation purposes within the Non-Statutory Cherwell Local Plan under Policy R3. The principle of the development of this site for residential purposes would be contrary to those policies and therefore the Development Plan. It is understood that it is the council's intention that this area will continue to be allocated for recreation purposes within the Local Neighbourhoods Development Plan Document and within the Bicester Master Plan. The site was also until it was more recently enclosed by hoarding by the applicants, used on an informal basis in conjunction with the adjacent land by local residents for dog walking etc.
- 5.4 The Council's Strategic Housing Land Availability Assessment Update 2014 (SHLAA) is a technical document and is a key element of the evidence base for the emerging Cherwell local Plan and will help the council to identify specific sites that may be suitable for allocation for housing development. The SHLAA is to inform the plan making only, and does not in itself determine whether a site should be allocated for housing development.
- 5.5 The application site is identified in the 2014 update of the SHLAA as having potential for a development of up to 54 dwellings (reference BI057). The SHLAA also advises that in principle, the site would be suitable for residential development but would result in the loss of an area of greenfield land which is well located strategically for contributing to town wide green infrastructure and linking to other areas of green space. The release of the site for housing would only be appropriate if a significant contribution could be secured to town wide green infrastructure which includes a linear green link focused on the existing footpath/cycleway to the north of the site. Proposals on the site should consider combining housing with a larger area of open space that will contribute to the strategic green infrastructure. The SHLAA suggests a density of 45 dwellings per hectare over approximately half of the site (1.2ha).

National Planning Policy Framework

- 5.6 The NPPF is a material consideration in respect of the consideration of this proposal. Paragraph 49 of the NPPF states 'housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites'.
- 5.7 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve a sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong vibrant and healthy

communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which amongst other things require planning to:

- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- Proactively drive and support sustainable economic development
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Support the transition to a low carbon future in a changing climate
- Encourage the effective use of land by re-using land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which are, or can be sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

5.8 The NPPF at paragraph 14 states 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking'.....For decision taking this means

- Approved development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole, or
- Specific policies in this Framework indicate development should be restricted

5.9 The Adopted Cherwell Local Plan 1996 is out of date in relation to the policies regarding the delivery of housing. The NPPF advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given). The Development Plan (adopted Cherwell Local Plan) contains no up to date policies addressing the supply of housing and it is therefore necessary to assess the application in the context of the presumption in favour of sustainable development as required by the NPPF.

5.10 The philosophy behind the Development Plan is to steer new housing development onto the urban areas, these being the towns of Bicester and Banbury. New development is directed towards these towns in the interests of providing sustainable development with easy access to jobs, facilities, public transport, minimising the use of the car and protecting the open countryside. The NPPF sets out three dimensions to sustainable development, these being economic, social and environmental which are considered below.

5.11 It is considered that the application site is a sustainable location for new housing. 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 some harm to the immediate locality, this would be limited in the main to around the immediate vicinity of the site, and from the adjacent footpath/cycleway and Boston Road open space. However, the development proposal, following negotiations and

discussions with the applicants and their agent, now seeks to include a large area of open space within the development site which links through to the Boston Road open space area. The development would also be sustainable in that there would be no loss of high grade farmland and the site is not subject to any environmental constraints.

- 5.12 In terms of the economic role, the NPPF states that the planning system should do everything it can to support sustainable economic growth. The development is likely to provide local jobs in the short term during construction, and in the long term provide economic benefit to Bicester and the wider area.
- 5.13 The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. A high quality built environment and accessibility to local services is required as part of this function. Being on the edge of Bicester, the site is within walking and cycling distance of – or connected by bus service to – shops, services and areas of employment. A pedestrian link is indicated between the development and Scampton Close adjacent increasing accessibility between the site and the remainder of Bicester and seeking to integrate the existing and proposed developments. The scheme would offer social benefits, including that 30% of the dwellings would be affordable, and there are a mix of house types to address local needs and to create an inclusive community. Furthermore, the revised scheme now seeks to include a large area of open space to link into the existing open space, contributing to the social and well-being of the local community.
- 5.14 The NPPF however, does not change the statutory status of the development plan as being the starting point for decision making. Proposed development which conflicts with the Development Plan should be refused unless material considerations indicate otherwise.

Five Year Housing Land Supply

- 5.15 Section 6 of the NPPF ‘delivering a wide choice of high quality homes’ requires local planning authorities to significantly boost the supply of housing by identifying key sites within the local plan to meet the delivery of housing within the plan period and identify and update annually a 5 year supply of deliverable sites within the district.
- 5.16 Paragraph 031 Reference ID: 3-030-20140306 of the Planning Practice Guidance – Housing and Economic Development Needs Assessments states that the NPPF sets out that, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Therefore, local planning authorities should have an identified five-year supply at all points during the plan period. Housing requirement figures in up-to-date adopted local plans should all be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted local plans, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such that drawn from revoked regional strategies, may not adequately reflect current needs.
- 5.17 Where evidence in local plans has become outdated and policies in the emerging plans are not yet capable of carrying sufficient weight, information provided in the latest assessment of housing needs should be considered, but, the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government should be used as a starting point, but the weight given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example, because of past events that affect the projection are unlikely to occur again or

because of market signals) or moderated against relevant constraints (for example, environmental or infrastructure).

- 5.18 On 28 May 2014, the Council published a Housing Land Supply Update which showed that there was a five year housing land supply based on the Submission Local Plan requirement of 670 homes per annum from 2006 to 2031. The examination of the Local Plan began on 3 June 2014. On that day, and the following day, June 4 2014, the Local Plan's housing requirements were discussed in the context of the Oxfordshire Housing Market Assessment (SHMA) 2014, published on 16 April 2014 (after the submission of the Local Plan in January 2014).
- 5.19 The Oxfordshire Strategic Marketing Assessment (SHMA) 2014 was commissioned by West Oxfordshire District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and Cherwell district Council and provides an objective assessment of housing need. It concludes that Cherwell has a need for between 1,090 and 1,190 dwellings per annum. 1,140 dwellings per annum are identified as the mid-point figure within that range.
- 5.20 The Planning inspector appointed to examine the Local Plan made clear his view that the SHMA document provided an objective assessment of housing need in accordance with the NPPF and suspended the Examination to provide the opportunity for the Council to propose 'Main Modifications' to the Plan in the light of the higher level of need identified. The 1,140 per annum SHMA figure represents an objective assessment of need (not itself the housing requirement for Cherwell) and will need to be tested having regard to constraints and the process of Strategic Environmental assessment/Sustainability Appraisal. However, the existing 670 dwellings per annum housing requirement of the Submission Local Plan (January 2014) should no longer be relied upon for the purpose of calculating the five year housing land supply.
- 5.21 A further Housing Land Supply Update (June 2014) was approved by the Lead Member for Planning. It showed that the District had a 3.4 year housing land supply which included an additional 20% requirement as required by the NPPF where there has been persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made up within the five year period. The District at that time therefore did not have a 5 year housing land supply and as a result, the NPPF advises at paragraph 14 that planning permission should be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. Since June 2014, the Council has resolved to grant planning permission for a number of housing proposals throughout the District, thereby improving the above mentioned position. A revised Housing Land Supply Update was published on 31 March 2015.
- 5.22

The 2014 Annual Monitoring Report which was published on 31 March 2015 concludes that the District has a 5.1 year supply of deliverable sites for the five year period 2015-2020 (commencing on 1 April 2015). This was based on the housing requirement of the Submission Local Plan (as proposed to be modified, February 2015) which is 22,840 homes for the period 2011-2031 and is in accordance with the objectively assessed need for the same period contained in the 2014 SHMA (1,140 homes per annum or a total of 22,800). The five year land supply also includes a 5% buffer for the reasons explained at paragraph 6.28 of the AMR. This site is included in the AMR as a site contributing to that supply.

5.23

Submission Cherwell Local Plan

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, and centres on Bicester and Banbury as the most sustainable locations for growth, most of which will be directed to locations within or

5.24

immediately adjoining these towns. It envisages that Bicester will continue to grow as the main location for development within the district within the context of wider drivers for growth.

It is evident from the above that the proposed development of the whole site for residential purposes is contrary to policy R1 of the adopted Cherwell local Plan and the site 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 Local Plan currently carries limited weight in the consideration of new development proposals. Whilst the site is a green field site, it is considered to be development within a sustainable location, and having regard to the new development opposite on Skimmingdish Lane, it would be difficult to sustain an argument that it is development beyond the built up limits of Bicester. In respect of retaining the land for recreation use for the purposes of creating a linear park around Bicester, it is considered that the revised scheme for 46 dwellings with large area of open space to the eastern part of the site running alongside the existing footpath/cycleway does contribute to that strategic green infrastructure and therefore seeks to comply with policy R1 of the adopted Cherwell Local Plan and is therefore on balance considered to be in accordance with the Development Plan in this respect.

5.25

Layout and Design

5.26

Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises paragraph 56 that ‘good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The NPPF advises at paragraph 58 that planning policies should aim to ensure that developments achieve a number of results including the establishment of a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and that developments should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 60 advises that whilst particular tastes or styles should not be discouraged, it is proper to seek to promote or reinforce local distinctiveness.

5.27

Paragraph 61 states: ‘although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’.

5.28

5.29

Paragraph 63 states: ‘Local Planning Authorities should not refuse planning permission or innovative designs which help raise the standard of design more generally in the area’.

Paragraph 65 states: ‘Local Planning authorities should not refuse planning permission for buildings or infrastructure which promote high level of sustainability because of concerns about compatibility with an existing townscape, if those concerns have been mitigated by good design, (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposals economic, social and environmental benefits)’.

5.30

The adopted Cherwell Local Plan also contains established Policy C28 which states that ‘control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including choice of materials, are sympathetic to the character of the urban or rural

5.31 context of that development'. Policy C30 states that 'design control will be exercised to ensure.....(i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and, (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority.

5.32 As part of the Design and Access Statement, an opportunities and constraints plan was provided, setting out the basic design principles that should be used in developing the site design and layout. Some of these elements however had not been appropriately translated into the detail design and layout proposals, including, identifying the importance of landmark and focal buildings in key locations, providing an appropriate frontage to Skimmingdish Lane, connections to adjacent land, the retention of existing landscape features and providing an appropriate buffer to the adjacent residential development.

5.33 In terms of the development framework and concepts, the basic principles in respect of the original submission had not been adequately considered in relation to the site context. Whilst the principle of fronting Skimmingdish lane and backing onto the existing residential development is correct, the layout and development did not relate well to the urban form and the existing residential development. Neither were the plans wholly accurate in terms of showing the existing development as a number of properties had been extended, and these additions were not indicated on the layout. It was not possible therefore to properly assess the relationship between the existing residential properties and those proposed. There was no clear public realm strategy or landscape strategy providing the setting for the development and no rationale for the massing and form. Whilst the majority of the dwellings indicated were 2 storeys, dwellings jumped to 2.5 storey in places without any clear rationale or consideration for the appearance of the street scene.

5.34 In terms of the street scenes proposed, the original layout did not appear to have been designed and considered in three dimensions, and the street scenes were considered uninteresting, failing to provide a high quality place and public realm. The approach to car parking was focused purely on the provision of spaces and expansive car parking to the fronts of properties which was not considered acceptable in terms of the appearance and character of the street scenes and public realm. The Design and Access Statement failed to define the character of the locality and how the layout and house types had evolved and been specifically designed by drawing on the characteristics of Bicester and the locality, local vernacular and the adjacent Conservation Area.

5.35 In terms of the proposed house types, these were generally not considered to be appropriate in their form and design, a number of hipped roofs and integral garages were shown and the fenestration was poor. Dwellings positioned on corners had not been designed to specifically turn the corner. The applicants were advised that dwellings should be simple with horizontal emphasis, particularly where they front the main route through the site.

5.36 Following considerable discussions and negotiations with the applicants and their agent the revised scheme is now considered acceptable and addresses the majority of the points raised above. The scheme has been reduced to 46 no dwellings and now comprises a prominent built form fronting onto an increased area of linear open space through the site, fronting Skimmingdish Lane and giving greater clearance between the proposed new dwellings and those existing at the rear. Greater opportunities are also indicated in terms of pedestrian access through the site and the open space and links through to the adjacent footpath/cycleway. The development has also been redesigned to ensure that existing trees and hedgerows are retained and protected. The dwellings have been redesigned taking on board many of the

comments made, and whilst there still remain a couple of issues in terms of size of dormers, and the provision of barge boards, they are now considered generally acceptable. It is suggested that these issues can be dealt with by condition.

- 5.37 Having regard to the amended scheme the proposal is now considered to accord with Policies C28 and C30 of the adopted Cherwell Local Plan, Policy ESD16 of the Submission Cherwell Local Plan and Central government advice within the NPPF in terms of design and layout.

Landscape Impact

- 5.38 The application is accompanied by a Landscape and Visual Impact Assessment which has been prepared by Tyler Grange on behalf of the applicants and considers the existing landscape and visual context associated with the site, the effects of the proposed development, associated infrastructure, open space and landscaping and the appropriate measures to be integrated into the development proposals to minimise effects on landscape and visual receptors. The assessment methodology draws upon the 'Guidelines for Landscape and Visual Impact Assessment', Landscape Institute and Institute of Environmental Management and Assessment (IEMA), Third edition 3013 (GLVIA30). It has been assessed by the Council's landscape Officer who raises no objections to it, except in relation to the visual amenity for existing residents overlooking the site and the limited scope for screening along this boundary. These concerns have been addressed by the revised submission.

- 5.39 Whilst the Landscape and Visual Impact Assessment acknowledges that the development will give rise to change within the immediate locality, its impact must be weighed against the benefits delivered by the scheme. Furthermore, the revised scheme, which seeks to retain the existing hedgerow to the eastern boundary of the site also seeks to provide a linear public open space to the eastern part of the site which will further help integrate the development within this 'urban fringe' setting.

- 5.40 Having regard to the location of the site and its relationship with the existing built form of Bicester, it is considered that the development proposed is unlikely to cause harm to the character and appearance of the open countryside and is therefore acceptable and is in accordance with the Development Plan and Government Guidance within the NPPF in this respect.

Ecology

- 5.41 The application is accompanied by an Ecological Assessment, Report Number 1498-R04a-LW-JTF dated 28 February 2014, produced by Tyler Grange on behalf of the applicants. The assessment comprises a desk based data search for pre-existing biological records and site designations; an extended Phase 1 habitat survey; an assessment of the site for its use by roosting bats; survey for notable plant species (Shepherd's Needle) and a reptile survey. An extended Phase 1 survey of the site was undertaken on 23rd March 2012 by Julian Arthur and Lauren West, experienced ecological consultants and members of the Chartered Institute of Ecology and Environmental management (CIEEM). An update habitat survey was undertaken on 27th March 2013, in order to record any changes to habitats or protected species potential and to include a small parcel of land immediately east of the site from which it is proposed to create the access.

- 5.42 The site is not covered by or adjacent to any sites designated for their ecological interest. There is however, a Local Wildlife Site, Bicester Airfield located approximately 20m north east of the site, separated from it by the pedestrian/cycle track and the A4421 Skimmingdish Lane. Bure Park Local nature Reserve is within 2km of the site and Jarvis Lane and Gavray Drive Meadow Local Wildlife Sites are also within 2km. Stratton Audley Quarry Local Wildlife site and geological SSSI is also within 2km of the site. The report concludes that all statutorily designated sites within

5.43 5km and non-designated sites within 2km are highly unlikely to be impacted by the proposals both due to their distance from and lack of ecological connectivity with the site, and therefore no mitigation is necessary in respect of these sites.

The report states that the habitats within the site are not particularly species diverse or of intrinsic ecological value. The features of most ecological value within the site are the mature trees, two of which are assessed as being of local value, whilst the remaining habitats, including hedgerows, scattered trees and scrub, poor semi-improved grassland and a dry ditch, are assessed as being of site value.

5.44 The surveys have confirmed that a low population of common lizard is present and a precautionary method of working is outlined to avoid harming them. Suitable habitat for reptiles will be retained on the eastern boundary. Several mature trees located within the eastern boundary hedgerow have been identified as having potential to support roosting bats, and these are to be retained within the scheme. An addendum dated 17 December 2014 has been prepared to assess whether there have been material changes to the ecological resources since the original report was written, and to confirm whether it is necessary to modify the strategy and conclusions in the original report. The report concludes that the walkover survey confirms that no changes are necessary.

5.45 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’.

5.46 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’.

5.47 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:-

- 5.48
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
 2. There is a satisfactory alternative
 3. Is there adequate mitigation being provided to maintain favourable conservation status of the population of the species

5.49 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 by the derogation requirements might be met.

5.50 The Council's Ecologist has assessed the Ecological Assessment which has been submitted with the application and raises no objection. Overall the site is of local ecological value. Common lizards are present in low numbers, badgers (and most likely bats) use the site for foraging and hedgehogs and nesting birds may also be present. Given this, precautionary measures will be required to ensure no harm comes to any of these species. A number of conditions are therefore recommended.

Flooding and Drainage

5.51 A Flood Risk Assessment dated 17 April 2014 has been submitted as part of the application which demonstrates that the site is not at risk of flooding. The site lies outside any fluvial flood risk areas, being located within Flood Zone 1. The report has determined that the site is at low risk from all forms of flooding. The site is assessed as having a less than 1 in 1000 annual probability of flooding from a river or stream in any year by the Environment agency and is not within an area subject to either flooding or extreme flood events. The FRA was updated following the amended scheme and a revised Flood Risk Assessment and Development Drainage Strategy dated 14 April 2015 was received on 21st April 2015.

5.52 The FRA provides two potential drainage options. The first proposes that all surface water run-off from the proposed development will be subject to infiltration. This will be in the form of permeable block paving within roads and parking areas and shallow cellular soak-a-ways for roof run-off. All infiltration structures will be designed to manage the 1 in 100 year return storm plus a 30% allowance for the potential predicted increase in peak rainfall up to 2115. This strategy would be subject to detail infiltration testing in accordance with BRE Digest 365 and ground water monitoring.

5.53 If the above is not feasible, the second option proposes that all surface water run-off will use the existing watercourse located at the eastern boundary of the site, via a Sustainable Drainage System (SuDS) in the form of a below ground cellular attenuation tank. This attenuation will be designed to manage the 1 in 100 year return storm (1% chance of occurrence each year) plus 30% allowance of 30% for the potential predicted increase in peak rainfall up to 2115.

5.54 The foul water flows will drain via gravity before out falling to an adoptable sewer located within the development road network. This sewer will convey flows via gravity to a pumping station located at the south eastern corner of the site. This station will pump flows via a rising main connecting the existing Thames Water foul public sewer system Scampton Close.

5.55 The application should be conditioned requiring the submission of both surface water disposal details and detailed drainage strategies for the site to be submitted and approved prior to the commencement of any development on the site. Having regard to the above, the proposal is considered acceptable and in accordance with Government guidance within the NPPF.

Transport Assessment and Access

5.56 The vehicle access to serve the proposed development is to be located on Skimmingdish Lane (A4421), which has a 50mph speed limit imposed. In the original submission, this access was to be located in the same position as an existing gated access serving the development site. There is an existing footpath/cycleway which runs parallel to Skimmingdish lane, outside the development site, but it will need to be crossed to gain access into the development.

The original application proposed the provision of 71 residential dwellings, and the original Transport Assessment was considered deficient by the Highway Authority and therefore an objection to the development was originally made for a number of

5.57 reasons as specified in the consultation response. Following the negotiations and discussions and the submission of the revised application, a revised Transport assessment has been submitted. The amended Transport Assessment indicates that the revised proposals comprise a maximum of 50 residential units, with 46 indicated on the Site Layout Plan (141103/SL) and planning application. A development of 46 units would normally fall below the threshold for a Transport Statement and Travel Plan Statement. However, it is noted that there are existing capacity issues at local junctions on the highway network and therefore the scope of the assessment provided is considered by the Highway Authority to be appropriate for this site.

5.58 The initial highway response to the application in June 2014 also indicated that a scaled drawing was required to confirm that the visibility splays could be achieved. Figure 09A in the Transport Assessment was of poor print quality and had no scale. It indicated that visibility splays of 2.4 x 160m were to be provided in both directions along Skimmingdish Lane from the proposed access point. However, without a scaled drawing to assess or a speed survey, it was not possible for the Highway Authority to confirm if such an arrangement was acceptable. Following these comments a scaled drawing was submitted to the Highway Authority (4809-TA01) who is now satisfied that the required visibility splays can be achieved in accordance with OCC Technical Support Data Guidance (subject to the removal of vegetation and replacement of fencing as indicated).

5.59 In terms of walking and cycling the Transport Assessment is very positive – the walking and cycling distances to key infrastructure demonstrate the sustainability of this location. Features such as the cycleway taking priority over the road and cycle parking at the houses are all positives for this development. The proposal to provide links through the development to existing pedestrian and cycle infrastructure, particularly a link to the north western boundary to Sunderland Drive (and therefore Tesco express and primary school) is welcomed by the highway authority.

5.60 Prior to the committee meeting in February 2015, an objection to the development was received on behalf of the developers in respect of the land opposite which is allocated for employment purposes within the Submission Local Plan (Bicester 11). The objection is given in more detail in the representations above. The application was deferred at that meeting to try to resolve the objection. Following discussions with the applicants, their agent and representatives of the land opposite, the access point into the site has been amended and is now proposed closer to the Launton Road/Skimmingdish Lane roundabout. This allows the provision of an access to serve the employment land opposite into that site from Skimmingdish Lane without conflicting with the access serving this development. The Transport Assessment has also been updated accordingly. Comments from the highway authority in respect of the amended access arrangements are awaited and will be reported either in the written update or verbally.

5.61 Having regard to the above, the development as proposed for 46 units with vehicular access to Skimmingdish Lane as indicated is now, subject to confirmation from the Highway Authority, considered acceptable and in accordance with Government guidance within the NPPF.

Delivery of the Site

5.62 Part of the justification for the submission of this application was based on the District's housing land supply shortage.. The site now forms part of the Council's trajectory for housing delivery. It is considered that if planning permission is granted, a shorter implementation period should be imposed which will help to ensure that the development contributes to the five year housing land supply. This is a detailed application and the applicants own the site in question and are therefore in a position to bring the site forward quickly.

Planning Obligation

The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable development to proceed. The draft Supplementary Planning Document (SPD) relating to the requirements was considered by the council's Executive in May 2011 and was approved as interim guidance for development control purposes.

New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/services. Obligations are the mechanism to secure these measures.

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

Having regard to the above, the Heads of Terms relating to the additional development would include the following:-

CDC Contributions

- Affordable housing – 30% 14 units
- Refuse and recycling - £67.50 per dwelling
- Off-site sports
- Indoor sports
- Play provision £15,194.85 per LAP for maintenance
- Informal open space - £25.07m²
- Hedgerow maintenance - £35.78 lnm
- Mature tree maintenance - £2,527.16 per tree
- Swale attenuation pond - £14.91m²
- Existing ditch - £50.09m²
- Footpath routes through the open space £78.18m²
- Monitoring Fee

OCC Contributions

- £46,000 towards the cost of enhancing bus services to the Launton Road/Skimmingdish Lane area
- Impact of the development towards the Bicester Area Transport Strategy, particularly emerging works on the Skimmingdish Lane corridor – to be agreed
- Provision of lighting along footway/cycleway between Skimmingdish Lane and Sunderland Drive in accordance with the submitted TA
- Provision of at least 4 Sheffield cycle standards at local shops in accordance with commitments in the TA
- £187,165 permanent primary education
- £270,785 permanent secondary school provision
- £9,392 towards expansion of permanent Special Education Needs
- Bicester new library - £5,716.80
- Waste management - £8,305.92
- Museum resource centre - £648.90
- Adult health and wellbeing day care - £7,776.42
- Central library - £2,225.72

- Administration and monitoring - £5,000

Others

- Thames Valley police

Engagement

5.63 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application to seek to address the Council's previous shortfall in 5 year housing land supply. Discussions with the applicants and their agents have been on-going for several months throughout the consideration of this application and revised plans have sought to achieve a development which pays due regard to the locality and the site generally.

Conclusion

5.64 Given that the adopted Cherwell Local Plan housing policies are out of date and the emerging housing policies can only be given limited weight, paragraph 14 of the Framework is engaged. Paragraph 14 makes it clear that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In this case, it is the benefit of seeking to meet the housing land supply and the provision of affordable housing that weigh heavily in the balance, together with the provision within the revised submission to ensure that the Council's aspirations for recreation provision and a green link around Bicester can be met in accordance with Policy R1 of the adopted Cherwell Local Plan in respect of this site. Whilst taking into account the level of opposition from nearby residents, it is considered, having regard to the above, and the inclusion of this site within the updated AMR and therefore its contribution to the District's five year housing land supply, it is considered that there would be no significant harmful effects as a result of the proposal that would be sufficient to justify refusal in this instance. The application is therefore considered acceptable.

6. Recommendation

Approval, subject to:

a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council, with delegation to Head of Public Protection and Development Management to secure financial contributions as outlined in paragraph 5.64,

b) the following conditions: with any final revisions/wording to be delegated as above

1 Full Application: Duration Limit

The development to which this permission relates shall be begun not later than the expiration of one year 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 Plans Condition

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] and drawings numbered: [insert]

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

3 Details of Materials and Finishes

Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s), roads, accesses, driveways, parking courts and hard surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

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

4 Samples of Materials

Prior to the commencement of the development hereby approved, samples of the brick/tile/slate/pavior to be used in the construction of the walls/roof/hardstandings, driveways, parking courts and pedestrian areas of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

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

5 Stone Sample Panel

Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in artificial limestone which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

6 Brick Sample Panel

Prior to the commencement of the development hereby approved, brick sample panels, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality

and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7 B11 Window Details

That notwithstanding the information submitted, prior to the commencement of the development, full details of the roof verge and eaves, porches, dormers, doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the roof verge, eaves, porches, dormers, doors and windows shall be installed within the building in accordance with the approved details.

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

8 Floor Levels/Site Levels

Prior to the commencement of the development hereby approved, a plan showing full details of the [finished floor levels in relation to existing ground levels on the site/existing and proposed site levels] for the proposed 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 approved finished floor levels plan.

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

9 Submit Boundary Enclosure Details (more than one dwelling)

Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10 Fire Hydrants

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

Reason - To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning

Policy Framework.

11 Submit Landscaping Scheme

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

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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

12 Carry Out Landscaping Scheme and Replacements

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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

13 no retained tree shall be cut don, 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

- c) 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
- d) 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 commencement of the development.

Reason – in the interests of the visual amenities of the area, to ensure the

creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

14 Arboricultural Method Statement (AMS)

Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions [specify appropriate section if required] shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15 Retain Existing Hedgerow Boundary (with access)

Except to allow for the means of access and vision splays the existing hedgerow along the [insert] boundary of the site shall be retained and properly maintained at a height of not less than [insert] metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16 Notice of Tree Works and Major Operations

Prior to the commencement of any approved tree works, any operations that present a risk to retained trees, or any operations to facilitate specialised tree planting (eg: tree surgery, trenching operations close to the Root Protection Areas of retained trees or construction of load-bearing structured cell planting pits), the applicant shall give the Local Planning Authority seven days written notice that works are due to commence.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17 Open Space Details

Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy R12 of the adopted Cherwell Local Plan and

Government guidance contained within the National Planning Policy Framework.

18 Arboricultural Site Supervision

Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.

b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters

c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.

d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents

e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

19 Planting Pits (hard landscaped areas)

Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications

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

20 Planting Pits (soft landscaped areas)

Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

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

21 Prior to the commencement of the development hereby permitted, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of measures to be taken to ensure that construction works do not adversely affect retained habitats and protected or notable species, 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.

22 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, an Ecological Management Plan (EcMP), which shall include details of habitat features to be retained/created/provided and their long-term management, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the EcMP shall be carried out in accordance with the approved details.

23 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highways (A4421), including position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

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

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

25 No development shall commence on site for the development until a full drainage design for the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with Oxfordshire County Councils Drainage Team)

Reason- In the interest of highway safety and flood prevention and to comply

with Government advice contained within the National Planning Policy Framework

- 26 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 the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason- In the interests of highway safety and to safeguard the residential amenities of local residents in accordance with Government Guidance in the NPPF

- 27 Prior to the commencement of work on site a Travel Plan is to be first submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority)

- 28 Submission of Watching Brief (where evaluation and mitigation will suffice)
Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

- 29 Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of a Written Scheme of Investigation referred to in condition 27, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained in the National Planning Policy Framework.

- 30 No development shall commence on site until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the approved strategy have been completed.

Reason – the development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community and to accord with Government advice within the National Planning Policy Framework.

31 Residential: No Conversion of Garage
The garages, car-ports and drive throughs shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

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

32 Residential: Open Fronts/No enclosures
Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed [between the dwelling(s) and the highway/within the curtilage/forward of the principle elevation/on the site] without the prior express planning consent of the Local Planning Authority.

Reason - To retain the open character of the development and the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

33 Prior to the first occupation of any of the dwellings on the site, a final certificate certifying that the dwellings in question achieve Zero Carbon development shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning authority.

Reason – To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. PN17
2. PN18
3. 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 it leaves Thames Waters pipe. The developer should take account of this minimum pressure in the design of the proposed development.

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

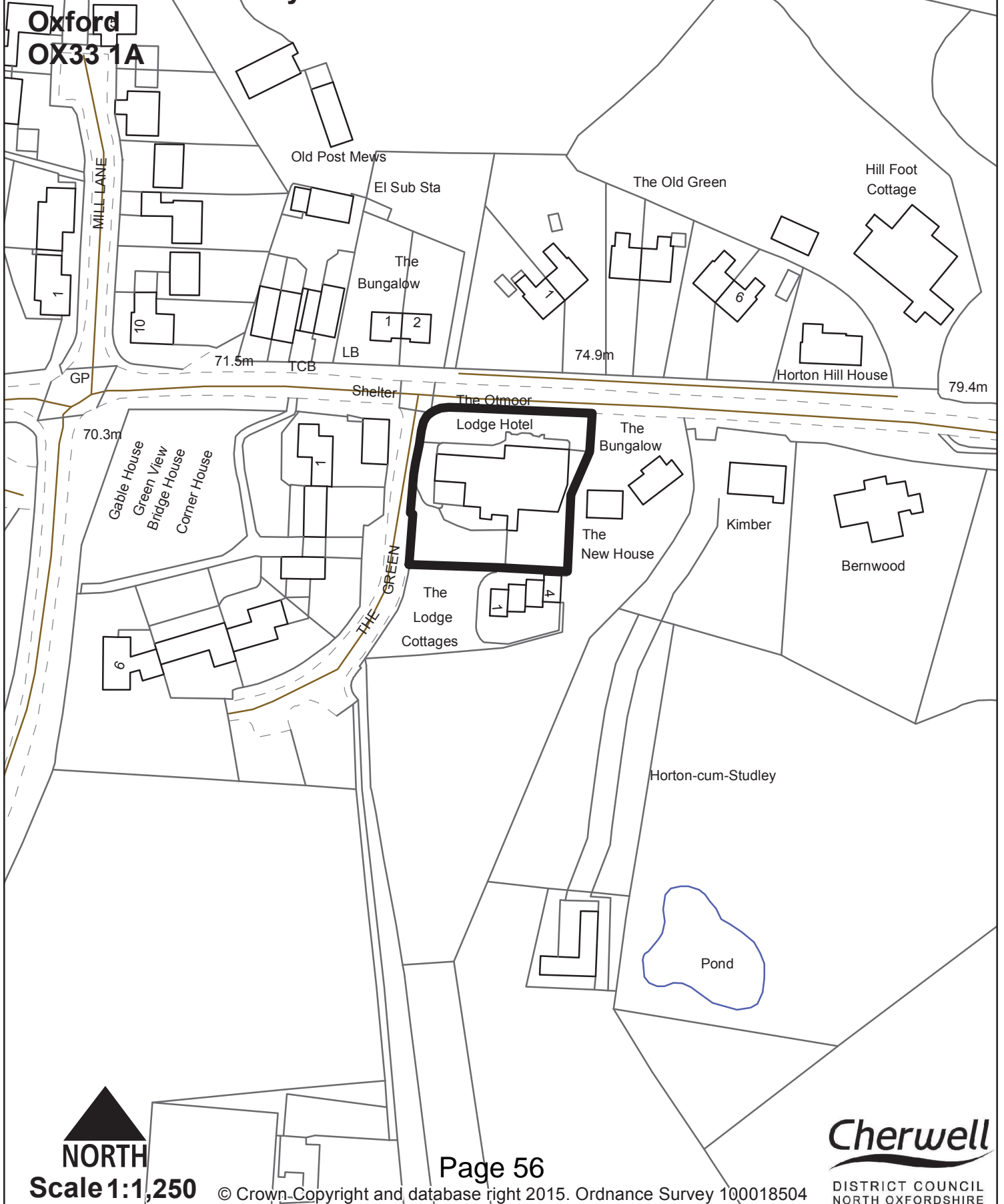
STATEMENT OF ENGAGEMENT

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

Agenda Item 8

14/01153/F

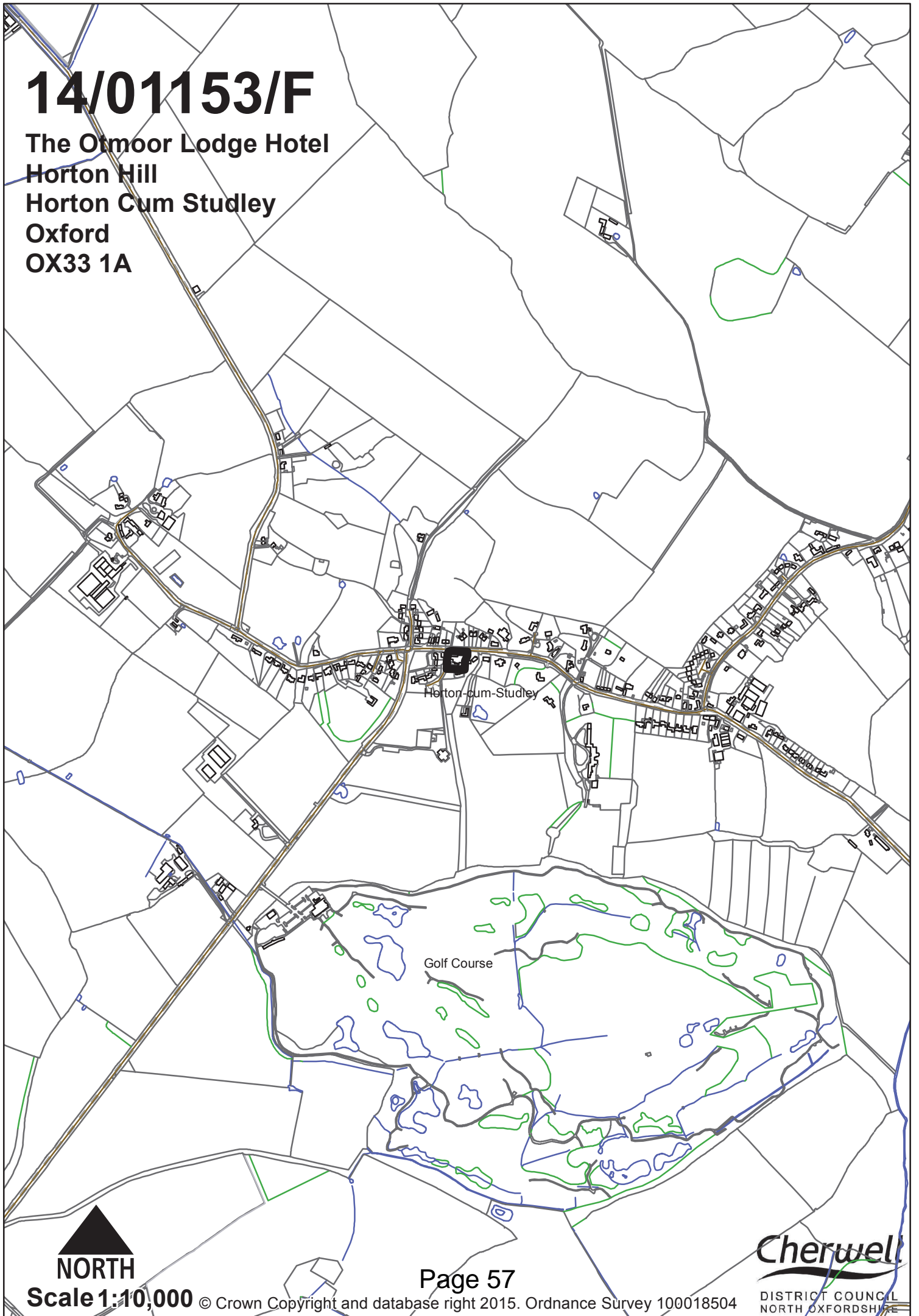
The Otmoor Lodge Hotel
Horton Hill
Horton Cum Studley
Oxford
OX33 1A



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14/01153/F

The Otmoor Lodge Hotel
Horton Hill
Horton Cum Studley
Oxford
OX33 1A



NORTH

Scale 1:10,000

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Site Address: Otmoor Lodge, Horton Hill, Horton cum Studley

14/01153/F

Ward: Otmoor

District Councillor(s): Cllr Hallchurch

Case Officer: Tracey Morrissey

Recommendation: Approval

Applicant: B A Property Management Ltd

Application Description: Change of use from C1 into 4no. dwellings (C3)

Committee Referral: Previous schemes on this site determined by Committee

Committee Date: 19.05.15

1. Site Description and Proposed Development

- 1.1 This existing hotel site lies within the Oxford Green Belt and has considerable history as detailed later, which essentially granted outline consent in 2006 for a 20 bed hotel extension, the provision of a shop/Post Office and 4 dwellings. Subsequent applications followed this consent, however the permission lapsed on 22nd December 2009 as not all follow-on Reserved Matters were submitted in time and also the applicant failed to complete a Legal Agreement that sought to ensure the provision of a shop within the hotel building. The Council maintains that there is no valid planning consent relating to the site a matter which the applicant contests.
- 1.2 In terms of site constraints, the site is within the Green Belt and an Area of High Landscape Value (AHLV). There are legally protected species in close proximity and is within a BAP habitat, there are no other notable site constraints.
- 1.3 This application seeks consent to change the use of the hotel building into 4 no. dwellings comprising:
- 1 no. 2 bedroom unit
 - 1 no. 3 bedroom unit
 - 2 no. 4 bedroom units

Each property will have a garden and parking provision to the front of the site.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and neighbour letters. The final date for comment on this application was 28th August 2014. 3 letters have been received raising the following objections:
- Horton-cum-Studley does need a pub or hotel for civic amenity, and because a pub or hotel is important to support tourism in our beautiful area of the country.
 - The applicant claims that the Otmoor Lodge is unviable. Horton-cum-Studley recently published the results of our Village Plan survey. The village response to the questionnaire was tremendous, with a 75% of households returning their questionnaire. In response to the question "Do you think that Horton-cum-Studley would benefit from having a pub in the village?", 242 people replied "Yes", whilst 27 people replied "No". To allow a change of use to that building would be a great loss to

our village and surrounding area, and we now have the evidence to see that the vast majority of villagers feel the same.

- The Village Plan Questionnaire Results show that there is substantial potential local support for a pub. There are also scores of cyclists passing through our village each Saturday and Sunday, because we're on the very popular Otmoor cycling circuit. If the Otmoor Lodge were open, it would be the only place to find refreshment in a 6 mile stretch of that circuit, and I feel sure that an innovative operator would soon find the business there quite healthy. There is also space both inside and outside for quite an excellent gastro / destination pub, and with close access to the excellent village playground, a family-focused pub would bring in customers from the village and nearby Oxford.
- With a little imagination and flare, and crucially a fair lease, the Otmoor Lodge could be the thriving heart of the community that Horton-cum-Studley is crying out for. The applicant will of course attempt to show that the business is inevitably doomed, because that serves his business interests (it would take many decades for a pub to make as much profit as a conversion to domestic use), but the planning system should serve the long-term needs of the community – not the profits of an individual applicant.
- If the applicant does submit a viability report, the village (via our Parish Council) should be given time to conduct a CAMRA viability report in response, to ensure that a fair assessment may be reached by reviewing both reports.
- It is disappointing that the occupation of the Lodge Cottages has been allowed to continue in spite of the absence of planning permission. This should not be taken as a reason for approval of the application.
- Errors in the submission which includes existing flat not a house, no indication of hotel rooms lost, access road position from The Green imposes an unsuitable and dangerous vehicle movement area onto The Green.
- Concerns about the manipulation of the vehicular access to the rear and the inadequacy of proposed parking arrangements.
- Kemp and Kemp are advertising the property as a Grade 2 listed building public house with hotel accommodation. Otmoor Lodge is not listed and the advertising campaign and this is totally at odds with the planning statement accompanying this application which states that Otmoor Lodge is primarily and lawfully a hotel with no legal status for the public house. Could this confusion be the reason why the sale of the property has been unsuccessful?
- If confined to the north of the rear fence line, the conversion would not impact adversely on the Green Belt but major concerns that with the applicants history of attempted development on and to the rear of the site future proposals could still be made to build houses behind this line.

3. Consultations

3.1 Horton Cum Studley Parish Council wishes to object to this application via a Planning Consultant (JPPC) on the following grounds and raises the following comments:

- The planning history of this site is relevant
- Viability of the business is a factor but no viability report has been seen and therefore no robust assessment of the continued viability (or otherwise) cannot be made

- Accept applicant's comments in respect of the licensed bar and that if this was a standalone use it would benefit from PD rights.
- If no essential village service is to be lost as a result of the proposal (as it asserted) it remains the objective of the Council to promote tourism in the district through Policies T1 of the ACLP and SLE3 of the SLP. The loss of existing hotel bedspaces appears to be contrary to the Council's objectives.

Cherwell District Council Consultees

- 3.1 **Public Protection** - Land contamination may be an issue depending on any former potentially polluting activities that may have been undertaken from the site or even possible elevated levels of natural occurring contamination such as arsenic.

No information has been provided with respect to any risk assessment in this respect and so we would therefore make no adverse comment subject to imposition of appropriate safeguarding conditions regarding the need for a risk assessment for contaminated land .

Oxfordshire County Council Consultees

- 3.2 **Highways** – There is an issue with use of the land to the front of the hotel which has not been resolved. No comments received on the parking provision or highway safety aspect.

Other Consultees

- 3.3 **Thames Water** – No objection

4. Relevant National and Local Policy and Guidance

- 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- GB1: Green Belts
- H5: Affordable housing
- H21: Conversion of buildings within settlements
- C7: Landscape Conservation
- C13: Areas of high Landscape Value
- C28: Layout, design and external appearance of new development
- C30: Design control and context compatibility
- S29: Loss of existing village facilities
- T1: Provision or improved facilities for tourists

Other Material Policy and Guidance

National Planning Policy Framework
 Planning Practice Guidance

Submission Cherwell Local Plan – October (SLP)

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. The Inspector's report is due in Spring 2015.

The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

BSC2: The effective and efficient use of land
BSC3: Affordable housing
ESD13: Local landscape protection and enhancement
ESD14: Oxford Green Belt
ESD16: Character of the Built Environment
SLE1: Employment development – change of use of employment site
SLE3: Support for new or improved tourist facilities in sustainable locations
PSD1: Presumption in favour of sustainable development

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

GB1: Development in the Green Belt
GB1a: Residential development in the Green Belt
GB4: Reuse of buildings in the Green Belt
H22: Conversion of rural buildings
TR5: Road Safety
TR11: Parking
D1: Urban design objectives
D3: Local distinctiveness
D5: Design of the public realm

5. Appraisal

5.1 The key issues for consideration in this application are:

- Policy context and principle of development
- Asset of Community Value
- Access arrangements and highway safety
- Impact on neighbouring properties.
- Affordable Housing

Policy context and principle of development

Principle of change of use

- 5.2 The key consideration in respect this planning application is whether the proposed development involves the loss of a community facility.
- 5.3 Policy S29 of the ACLP seeks to protect village services and states:
- Proposals that will involve the loss of existing village services which serve the basic needs of the local community will not normally be permitted”.*
- 5.4 The supporting text in respect of policy S29 states that the District Council recognises the importance of village services, particularly the local shop and public house.
- 5.5 One of the core planning principles contained within the NPPF states that both plan making and decision taking should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 5.6 Paragraph 28 of the NPPF also states that planning policies should support economic growth in rural areas and promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- 5.7 The Submission Local Plan also seeks to promote a good quality of life for villages and rural areas through protecting, maintaining and improving local services, wherever possible (para C205 refers).
- 5.8 The relevance of para 28 of the NPPF, para C205 of the Submission Local Plan and policy S29 of the ACLP is dependent on the lawful use of the site and whether Otmoor Lodge is a public house with a restaurant and rooms (Class A4 of the Town and Country Planning (Use Classes) Order 1987 (as amended)), or whether it is a hotel (Class C1 of the Town and Country Planning (Use Classes) Order 1987 (as amended)).
- 5.9 It is important to note that the planning history in respect of this property since 2004, continually refers to Otmoor Lodge as a hotel. The description of development in respect of application reference 04/02395/OUT was described as ‘*extension to hotel to form 19 bedrooms and construction of 4 town houses with associated parking*’. The description of development from the reserved matters in respect of the above outline planning permission (09/01697/REM) was described as ‘*proposed extension to hotel to form 20 bedrooms and ancillary facilities, shop and post office and construction of 4 dwellings*’. In the consideration of these and other applications, officer reports have referred to Otmoor Lodge having a lawful hotel use.
- 5.10 In addition to the above, the Parish Council sought to list The Otmoor Lodge as an Asset of Community Value (ACV).
- 5.11 Section 88(2)(a) of the Localism Act provides that a building or land is of community value if “*there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community...*” According to the regulations (paragraph 2(b)(iii)), a building used in whole or in part as a hotel is a residence, and therefore may not be listed as an Asset of Community Value.

- 5.12 In considering that application, the Council concluded the bar element comprised a bar / restaurant within a hotel, with the majority of the nominated property being used as a hotel. On this basis, the Otmoor Lodge may not be listed as an Asset of Community Value under the Assets of Community Value (England) Regulations 2012.
- 5.13 Having regard to the above, and on the basis that the lawful use of Otmoor Lodge is as a hotel (Class C1 of the Town and Country Planning (Use Classes) Order 1987 (as amended)), the proposed development does not involve the loss of a village service which serves the needs of the local community. As such, the proposed development is not contrary to para 28 of the NPPF, para C205 of the Submission Local Plan and policy S29 of the ACLP.

Green Belt

- 5.14 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 and competitive community, requiring good design, delivering a wide choice of high quality homes, protecting Green Belt land and conserving and enhancing the natural environment.
- 5.15 The Oxford Green Belt washes over the village, as does the Area of High Landscape Value. The application site comprises an existing hotel building, car park and an adjoining field. Existing local plan policies GB1 (Adopted Cherwell Local Plan) and GB1 & GB1a (Non-Stat Cherwell Local Plan) aim to protect the open character of greenbelts; GB1a restricts residential development within them to either conversions or infilling within the built up limits; otherwise permission will only be permitted in very exceptional circumstances.
- 5.16 NPPF Paragraph 79 of the NPPF sets out the Governments approach to Green Belts and their importance and aim to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence.
- 5.17 Paragraph 80 identifies that the Green Belt serves five purposes, the third purpose of including land in the Green Belt is to assist in the safeguarding of the countryside from encroachment.
- 5.18 Further at Paragraph 87, “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.
- 5.19 NPPF paragraph 89 also considers the construction of new buildings as inappropriate in the Green Belt, but then sets out the exceptions. Therefore in order to consider this application further having regard to the NPPF, the main policy issues are:
- the effect of the proposed development on the Green Belt and the purposes of including land within it;
 - the effect of the development on the character and appearance of the area;
 - the presumption in favour of sustainable development contained in the NPPF;
 - whether the case for partial or complete redevelopment of a previously developed site in the Green Belt is accepted;

- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

- 5.20 The Framework further considers that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. One of these includes the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 5.21 The proposal seeks to change the use of the hotel building to provide 4 no. dwellings, other than the removal of a small single storey section of the building and some minor opening changes the is no actual material change to the size or appearance of the building.
- 5.22 The actual change of use of the buildings would not therefore have an impact on the openness of the Green Belt. Policy H21 of the ACLP allows conversion of suitable buildings to dwellings within the settlement and GB1 seeks to ensure the openness of the Green Belt is not harmed by inappropriate development. Policy GB4 of the NSCLP echoes ACLP GB1 and permits proposal for the re-use of a building or buildings providing that it would not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it.
- 5.23 When assessing the proposal against Green Belt policy contained within the NPPF and the adopted Cherwell Local Plan it is considered that the proposal complies with the guidance and ultimately the scheme does not affect the openness of the Green Belt and as such is considered to be appropriate development.
- 5.24 It is acknowledged that this site would not normally be an acceptable location for new residential dwellings due to its poor sustainability credentials. However the fact that this application is a change of use rather than a new build weighs in favour of the proposal in the planning balance.
- 5.25 Having regard to the above, the principle of the proposed development is considered to be acceptable and accords with guidance contained with the NPPF, policies within the ACLP and guidance contained in the Submission Local Plan.

Highway Impact

- 5.26 Parking provision for 8 vehicles would be to the front of the properties. OCC has raised an issue with this parking provision on the basis that it constitutes highway land and therefore there is a dispute on this matter. The applicant has advised that evidence can be provided by way of statutory declarations to rebut the presumption of the extent of the highway as alleged by the Highway Authority. This evidence stems back to over 40 years and that the land (now alleged to be part of the public highway) in a private capacity and in conjunction with, a public house pre 1975 too. The evidence will show that the land in question has always been maintained privately by the applicant and his predecessors. This matter is ongoing.

Neighbour Impact

- 5.27 Given the relationship of the buildings to the neighbouring properties and the nature of the use of neighbouring buildings it is not considered that the proposals will cause harm to the residential amenities. The proposal is unlikely to result in any overlooking or loss of privacy. It is considered that the proposal complies with Policy C30 of the adopted Cherwell Local Plan.

Affordable Housing

- 5.28 Policy H5 of the ACLP deals with affordable housing requirements and Policy BSC3 of the SLP and the Planning Obligations SPD seeks to secure 35% of new housing as affordable housing on site in villages, where residential development is 3 units or more. A financial contribution in lieu of onsite provision is sought in exceptional circumstances.
- 5.29 In this case because the development is proposing 4 units there is a 35% affordable housing requirement equating to the provision of 1 unit. Notwithstanding the Council's affordable housing policy There was a significant change in government guidance contained within the revision to the Planning Practice Guidance. The revision is detailed as follows:

Planning obligations

Are there any circumstances where infrastructure contributions through planning obligations should not be sought from developers?

There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.

- *contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm*
 - *in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty.*
 - *affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home."*
- 5.30 The implications of this new piece of Government guidance means that in this particular case and all other similar sites in villages, the Council is no longer able to seek affordable housing on sites that propose 3 -10 residential units, as we have most latterly being doing. Consequently, whilst extremely unfortunate, especially in villages where affordable housing is most needed the Council has no option but to accept the Government's stance on planning obligations and not seek the offsite affordable housing contribution on this site.

Engagement

- 6 With regard to the duty set out in paragraphs 186 and 187 of the Framework, discussions on this site have been continuing for almost 2 years. it is considered that the duty to be positive and proactive has been discharged through dialogue with the applicant and agents to establish the extent of the application submission and gather additional supporting information.

Conclusion

- 7 On the basis that the lawful use of Otmoor Lodge is as a hotel (Class C1 of the Town and Country Planning (Use Classes) Order 1987 (as amended)), the proposed development does not involve the loss of a village service which serves the needs of the local community. As such, the proposed development is not contrary to para 28 of the NPPF, para C205 of the Submission Local Plan and policy S29 of the ACLP.

6. Recommendation

Approval, subject to:

The following conditions:

Full Application: Duration Limit

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.

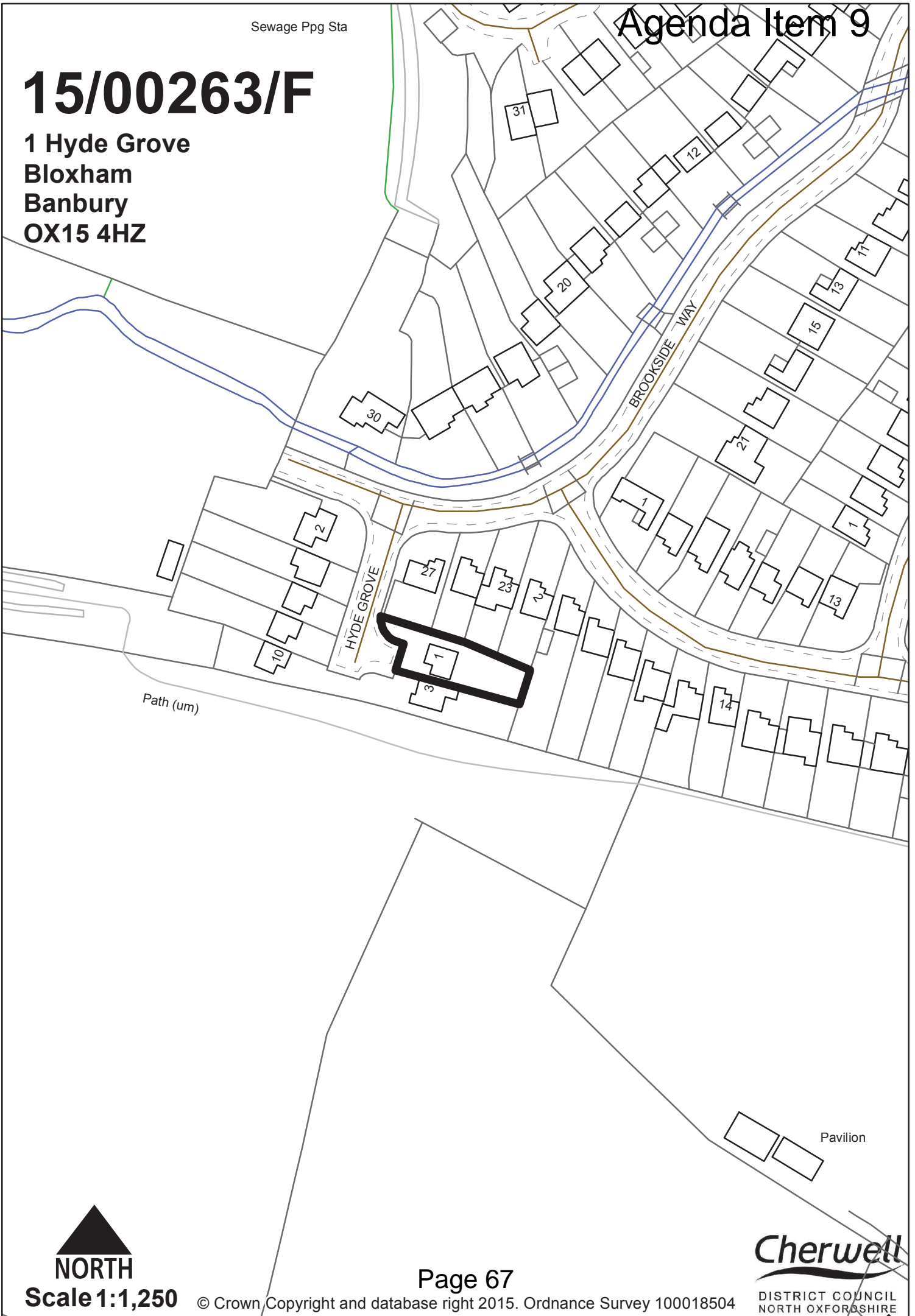
Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Statement of Engagement

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

15/00263/F

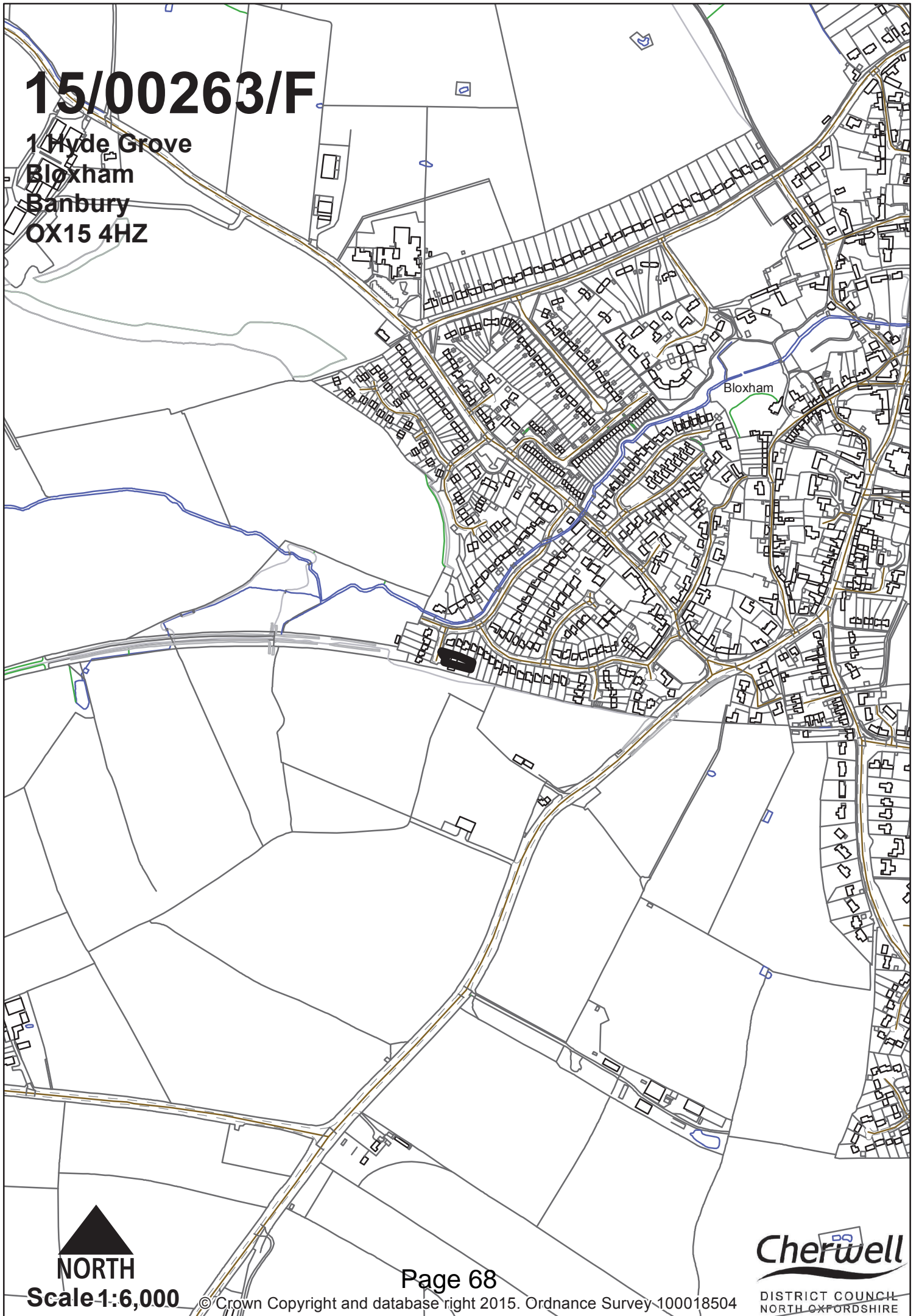
1 Hyde Grove
Bloxham
Banbury
OX15 4HZ



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15/00263/F

1 Hyde Grove
Bloxham
Banbury
OX15 4HZ



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**DISTRICT COUNCIL
NORTH OXFORDSHIRE**

Ward: Bloxham and Bodicote

District Councillor: Chris Heath and Lynda Thirzie Smart

Case Officer: Rebekah Morgan

Recommendation: Approval

Applicant: Mr and Mrs Dan McInerney

Application Description: Single storey front extension and two storey side extensions.

Committee Referral: Member Request – Cllr Chris Heath

Committee Date: 21 May 2015

1. Site Description and Proposed Development

- 1.1 The application property is a detached, two storey dwelling located within a small cul-de-sac. Neighbouring properties are positioned at a 90° angle to the site with their rear gardens adjoining the side of the application site.
- 1.2 The application seeks consent for a single storey front extension and two storey side extension. The proposed front extension would measure 8.1m (w) x 2m (d) with a ridge height of 3.5m. The proposed side extension would measure 2.4m (w) x 7.3m (d) with a ridge height of 6m.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. Following the submission of amended drawings, the application was re-advertised for a further 10days. The final date for comment was the 20th April 2015.

5 letters have been received following the initial consultation. The following issues were raised:

- Impact on light in gardens and neighbouring properties
- Overly dominant and overbearing
- Impact on general outlook from neighbouring properties
- Extension will be only 11m from neighbouring properties
- Angle of roof would be different to existing
- All of the properties that have been extended on the estate, have extended above the garage
- Loss of privacy to gardens
- Overlooking of neighbouring property
- Land level of application site is approximately 600mm higher than neighbours
- Outlook of neighbouring property will be directly facing gable wall
- No landscaping within the proposal to help soften the visual impact
- Does not comply with the Council's design guidance which states a minimum of 14m should be maintained
- Un-neighbourly
- Impact on trees in neighbours garden

3 letters have been received following the re-consultation after the receipt of amended plans. The following issues were raised:

- Does not address neighbours' concerns
- Impact on general outlook
- Overlooking of neighbours gardens and properties
- Will ceiling heights meet building regulations?

- Loss of light
- Large blank wall to look at
- Amendments do not alleviate the fundamental objections raised to the proposal
- Extension would only be 12.5m away from neighbouring property and therefore does not meet the 14m set out in the Council's design guidance
- The gap to the side of 1 Hyde Grove was intentionally left as a buffer when the estate was built
- There is an alternative option to build over the garage
- Un-neighbourly
- Overbearing and overly dominant
- Out of character with the surrounding area

3. Consultations

3.1 Bloxham Parish Council: Objects for the following reasons:

- *It does not comply with guidelines in the Cherwell District Council Design Guide for Home extensions and alterations, March 2007. In particular "Rear extensions should be designed so they do not cause loss of daylight, sunlight, privacy or amenity to neighbouring buildings or gardens. The extension should not dominate the original or neighbouring buildings".*
- *This proposed extension is within 11-12m of the window at the rear of properties on Brookside Way Bloxham, rather than the 14m in the above design guide, therefore overshadowing the properties*
- *The proposed development window, would overlook all the bedroom windows of No 23 Brookside Way*
- *The side extension would be within the recommended 1m of the boundary fences of these properties*
- *Due to the differences in land levels, this development would be an overbearing and dominant element when viewed particularly from 23, 25 and 27 Brookside Way*
- *No 25 would be severely enclosed by the proposal*
- *The proposal would result in a significant loss of outlook resulting in an unacceptable effect on the living conditions of the occupiers, in particular No 25 and 27 Brookside Way*
- *The repositioning of the front porch beyond the existing building line would encroach on the view from No 27 Brookside and further reduce the remaining view and light for No 25 Brookside*
- *There are clearly issues for all the above properties concerning the closeness and the size of the extension causing:*
 - *Loss of daylight*
 - *Loss of sunlight*
 - *Over looking*
 - *Loss of privacy*
 - *Loss of amenity in gardens, particularly during building*

There would be very clear safety and privacy issues which would arise during the building of the extension, particularly in view of the closeness of the works to the children's garden play area.

The close proximity to the Boundary fence would mean the neighbours at No 23 would have to have a conifer removed and the tree roots in their garden protected and No 27 having their wall, garden shed removed and their garden disrupted.

All other houses extended in Hyde Grove have used the space over the garage and

have not dominated neighbouring properties.

It is obvious that the original houses were built in such a way to prevent over dominance of the houses on Brookside Way.

Is there a condition in the original planning application for the dwelling of 1 Hyde Grove regarding it's positioning on the plot of land, as it seems to sit centrally on the plot rather than on a boundary.

Following the re-consultation on the amended design, the following comments were received from Bloxham Parish Council:

The Parish Council considers that there has been no significant change to the original plans. The proposed extension is too overbearing and detrimental to neighbouring properties as previously advised. This includes, loss of daylight, loss of sunlight, too close (less than 14 metres) and detriment to the enjoyment and privacy of gardens.

Oxfordshire County Council Consultees

3.2 Highways Liaison Officer: No objections

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.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Visual Amenity
- Neighbouring Amenity
- Highway Safety

Visual Amenity

- 5.2 The proposed extensions would be in keeping with the general style of the property and others in the area. The two-storey extension has been set down and set back so it would appear subservient to the original dwelling. The front extension is limited to single storey.
- 5.3 Due to the location of the property within a small cul-de-sac, the proposed extensions would not appear overly prominent within the street scene. The application site is not within a sensitive area and there are no historic assets within the vicinity of the site.
- 5.4 From a design point of view, the proposal is considered to be acceptable as it would not have a detrimental impact on the visual amenities of the area. The proposal complies with government guidance on requiring good design contained within the National Planning Policy Framework and Policy C28 of the adopted Cherwell Local Plan.

Neighbouring Amenity

- 5.5 It is noted that although the applicant has submitted amended drawings, similar objections have still been raised by the Parish Council and neighbouring properties.
- 5.6 The application property sits at a 90° to the properties on Brookside Way, with the gable end facing the rear of No 25 Brookside Way. The existing side to back distance is approximately 15m and the application seeks a two storey side extension that would reduce this distance to approximately 12m.
- 5.7 The Council's Home Extensions and Alterations Guide (March 2007) suggests "A windowless elevation should normally be at least 14 metres from a window of a neighbours habitable room to prevent overshadowing". The aim of the guidance is 'to provide advice and general guidance on how to design extensions that are likely to be granted planning permission'. It is not simple a set of hard and fast rules.
- 5.8 Clearly the proposal does not comply with this suggested distance, however the document is only guidance and therefore limited weight can be given to the guideline distances that it contains. Therefore, the individual circumstances of the site need to be considered to determine if the proposal would have an unacceptable impact on neighbouring amenity.
- 5.9 The application property is positioned to the south of the neighbours on Brookside Way and therefore the existing property will already impact on the amount of middle of the day sun received. The application has been amended so that the ridge height of the extension is set down from that of the house and the front and back elevations are set in.;Although there may be some additional loss of sunlight, I would not consider this significant given the existing relationship between the properties.
- 5.10 The properties along Brookside Way do benefit from existing views over the wider countryside as these properties are located on the edge of the village. 1 and 3 Hyde Grove (which sit in line with each other) are the only properties situated to the rear of the dwellings on Brookside Way, therefore wider views are available to the east and west of the site. Some of the wider views from the neighbouring properties may be slightly more restricted; however, given the openness of the area I would not consider this to have a significantly detrimental effect. Furthermore, views cannot be protected in planning terms.
- 5.11 The property that is most likely to be affected by the proposal is No 25 Brookside Way as it looks directly on to the side of 1 Hyde Grove. In terms of actual outlook the view from No 25 would still be of a gable end as it currently is. Although the extension would be closer, I would not consider it to appear significantly more bulky as it has

been amended to appear subservient to the original dwelling.

- 5.12 Having visited the neighbouring properties (No 25 and No 27 Brookside Way) the area has a very open feel due to the lack of dwellings to the rear of these properties. I do not consider the extension of 1 Hyde Grove to change this general feel, the lack of other properties to the rear will protect the open feel as there are no other opportunities for building along the rear boundaries.
- 5.13 Concerns have been raised regarding overlooking of neighbouring properties and gardens, especially as the application site is on land approximately 600mm higher than the properties on Brookside Way.
- 5.14 The existing properties in this area are arranged in such a way that the properties do overlook their neighbour's gardens. The proposal would result in overlooking of neighbouring gardens however this would not cause increased harm as it would not differ significantly from the existing relationship between the properties in this area.
- 5.15 With regards to direct overlooking of the neighbouring properties, there are no windows proposed in the north elevation of the extension. Concerns have been raised regarding the windows in the front elevation in relation to No 27 Brookside Way.
- 5.16 The proposed front elevation would be positioned at a 90° angle to No 27 and the proposed kitchen window would be approximately 11-12m from the habitable rooms of No 27 Brookside Way. Although the application property sits on slightly elevated land, any views would be significantly reduced by the angle of the view. Furthermore, anyone standing in the proposed extension would be stood back into the room due to the position of proposed kitchen units/worktops. The perception of overlooking would be increased due to the position of the front extension, but in actual fact the level of overlooking would not be significant in your officers opinion..
- 5.17 The existing ground floor kitchen window has a similar relationship although it is set back an additional 2-3m than the proposed. It is your officer's opinion that the extension would not result in significantly increased direct overlooking of the neighbouring properties.
- 5.18 The Parish Council have raised concerns regarding to the impacts of the building works. These are not a material planning consideration. The applicant will be responsible for ensuring health and safety regulations and other legislation are complied with. Furthermore, the grant of planning permission would not give the applicant the right to enter or carry out works on neighbouring properties; this is a private matter.
- 5.19 Given the existing built form and the relationship between the properties, your officers do not consider the proposal to appear overbearing or overly dominant. Furthermore it would not result in harmful overlooking of the neighbouring properties. The proposal would not cause harm to neighbouring amenity and accords with the core principles of the NPPF and Policy C30 of the adopted Cherwell local Plan.
- Highway Safety**
- 5.20 The Local Highway Authority has raised no objections to the proposal on the grounds of highway safety. The existing on site parking provision is considered to be adequate for the proposal.
- 5.21 The proposed extension would not have a detrimental impact on highway safety and complies with government guidance within the National Planning Policy Framework.

Engagement

- 5.22 With regard to the duty set out in paragraphs 186 and 187 of the Framework, amendments have been sought during the application process. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

6. Recommendation

Approval, subject to the following conditions:

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

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, site location plan, block plan and drawings numbered: 14:3624:2 rev B (Proposed ground floor drawing only), 14:3624:3, 14:3624:4, proposed rear elevation and proposed first floor plan.

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

3. The materials to be used for the extension hereby approved shall match in terms of colour, type and texture those used on the existing building.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the north elevation without the prior express planning consent of the Local Planning Authority.

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

Planning Notes

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

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

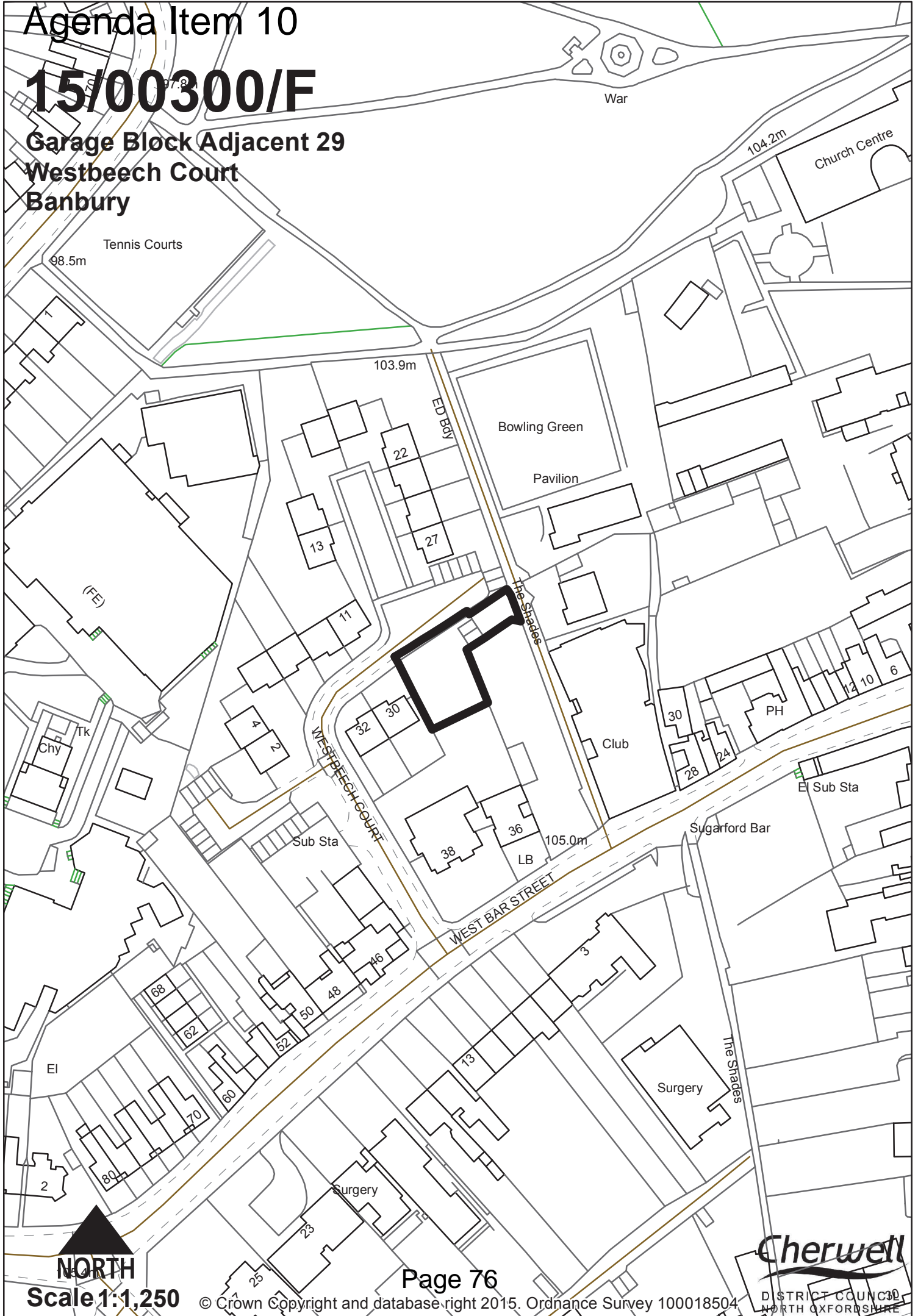
STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure)(England) Order 2015 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 by seeking amendments to the scheme.

Agenda Item 10

15/00300/F

Garage Block Adjacent 29 Westbeech Court Banbury

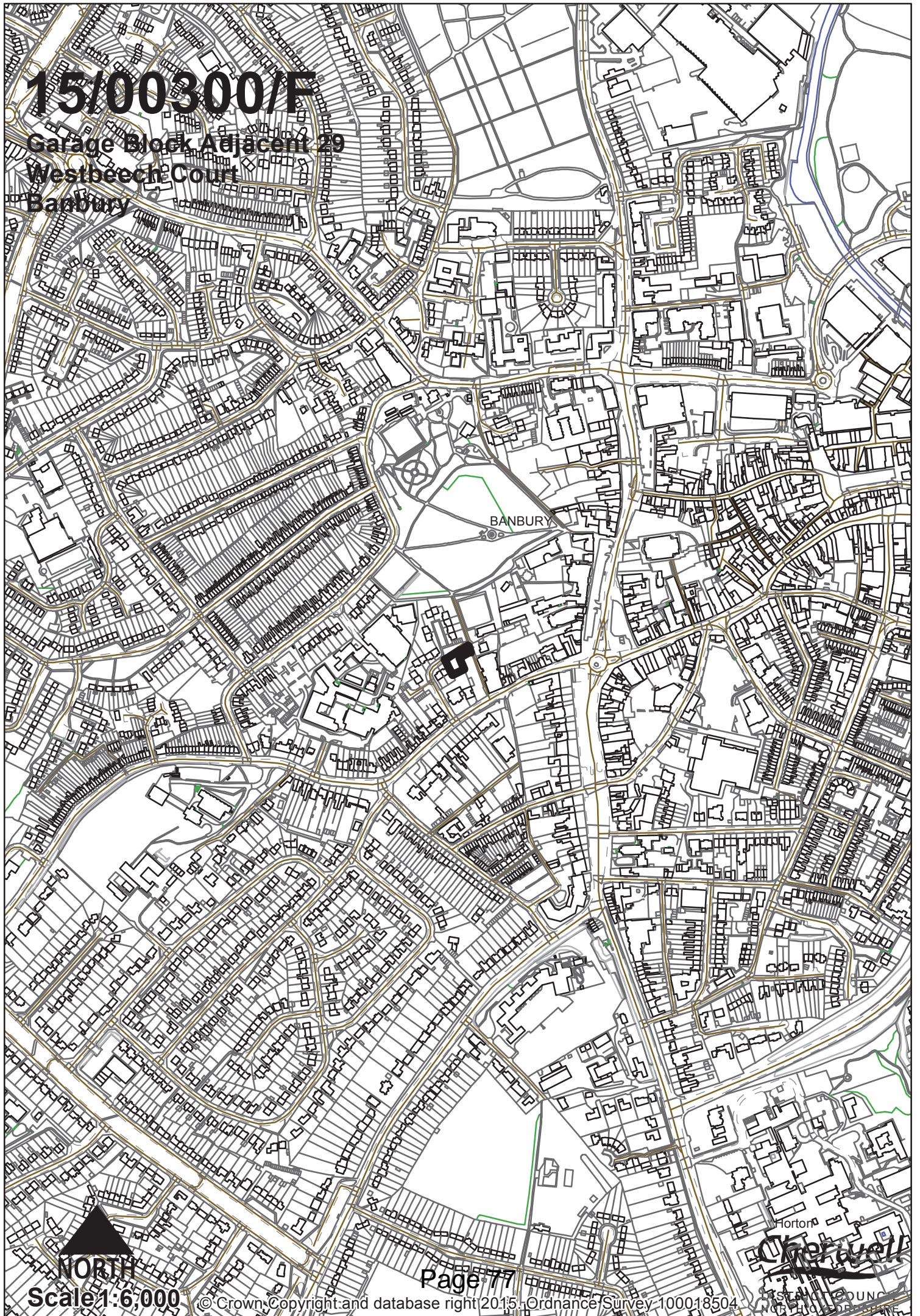


NORTH

Scale 1:1,250

15/00300/F

Garage Block Adjacent 29
Westbeech Court
Banbury



BANBURY

Horton

Cherwell
COUNCIL

15/00300/F

NORTH

Scale 1:6,000

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Site: Garage Block Adjacent 29 Westbeech Court, Banbury

15/00300/F

Ward: Banbury Easington **District Councillor:** Cllrs Blackwell, Mallon, Morris

Case Officer: Aitchison Raffety **Recommendation:** Refusal

Applicant: Mr Norman White

Application Description: Construction of 4 new houses and associated parking with access from Westbeech Court and The Shades

Committee Referral: Member Request **Committee Date:** 21 May 2015

1. Site Description and Proposed Development

- 1.1 The site includes the rearmost part of a private car park, plus a garage, associated with 36 and 38 West Bar Street, Banbury. Extending to 0.05 ha, this L-shape parcel of land adjoins Westbeech Court to the north-west and The Shades to the east. Adjacent to the site, part of Westbeech Court is a public highway, whilst the eastern section is privately owned and forms a garage forecourt. This part of the application site is roughly level and visually segregated from Westbeech Court by a high brick wall. The Shades is a single lane public highway, which provides access to the existing garage on the application site, a dwelling (1 The Shades) and a bowls club, as well as acting as a pedestrian link between West Bar Street and People's Park. The only access onto the surrounding highway network from The Shades is onto West Bar Street, which is approximately 60 metres to the south-east of the application site. The north-eastern part of the application site is set up marginally above The Shades and enclosed by brick walls along the north-west and south-eastern boundaries.
- 1.2 There is a range of uses within the local context, including residential, office, commercial and recreational, creating a mixed appearance to the area. The properties along Westbeech Court (north, west and south-west of the site) consist of two storey hipped roof maisonettes. These provide wide fronted buildings, constructed from yellow brick and tile. Limited private parking is available beyond the garage forecourts to these dwellings. To the south, are 36 and 38 West Bar Street. These are larger buildings which were both in use as offices until recently. Number 38 has now been converted into eight flats. These buildings are larger two and three storey structures, with associated private parking areas. Number 36 is a 1970 building constructed from red brick with a mansard roof incorporating the third floor. Number 38 is an older, traditionally styled building that has been clad in smooth render. To the south-east is another car park and outdoor seating area, both used in association with the Banbury Trades and Labour Club and Institute (32 West Bar Street). The parking areas are separated by a mesh fence, whilst the club building is located on the opposite side of The Shades. This forms a composite one and two storey structure that has been extensively extended. It is finished with light coloured render and is largely flat roofed. Number 1 The Shades is located to the east of the application site and is a modest sized detached brick bungalow. To the north of this property is the bowls club, a composite single storey

structure with the front section largely constructed from brick with a tiled, hipped roof.

- 1.3 The proposal is seeking to construct four dwellings, following demolition of the existing garage. The existing parking associated with number 36 on the site, will be reconfigured on the retained area to the south (beyond the application site) to continue to provide 21 spaces.
- 1.4 Plots 1 – 3 are proposed as a terrace row of three storey properties fronting north-west onto Westbeech Court. These provide a stepped front building line, with two parking spaces for each property between the dwellings and the highway. Designed with gables towards the highway, they will be constructed from yellow brick with a projecting first floor section finished in render. A second floor balcony is provided above the front projections. Modest gardens are provided to the rear.
- 1.5 Plot 4 is set perpendicularly to plots 1 – 3 and extends across the width of the eastern part of the site. It is set side-on to the private garage forecourt on Westbeech Court with the front door facing towards the other proposed dwellings. Proposed to be constructed from brick at ground floor and rendered at first floor, this two storey property is topped by a pitched roof. A modest garden is provided to the north-east of the building, along with two parking spaces. Access to these spaces will be taken off The Shades.

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 30 March 2014. 19 responses have been received from 18 different residences. 16 of these are objecting to the proposal, whilst two support it. A petition has also been submitted. The following issues were raised -

Material planning comments:

- Highway safety
- Parking issues exacerbated on public highway; loss of private parking in Westbeech Court
- Loss of historic wall
- Impact upon residential amenity: loss of light; privacy; security
- Overdevelopment
- Three storey out of character
- Japanese knotweed present on site
- Asbestos within garage roof on site
- Tenants of parking area on site/Party wall owners not informed

Non material comments:

- Consultation end date compared to newspaper advisement date
- Disruption from building works
- Suggestions on how to redesign the scheme
- Insertion of footpath link between The Shades and Westbeech Court will make the cul de sac a through flow for pedestrians (incorrect understanding of proposal)
- Ownership of grass verge to Westbeech Court
- Loss of property value

3. Consultations

- 3.1 **Banbury Town Council:** No objections.

Cherwell District Council Consultees

- 3.2 **Conservation Officer:** The area surrounding Aplins (number 36) and 38 West Bar Street Banbury is a rather degraded urban space which would benefit from a more comprehensive scheme for the area generally. Unfortunately this scheme does not address that need. Currently bounding this site is tall C19 red brick wall in somewhat poor state of repair. The traditional character and appearance of this part of Banbury is of locally-produced red brick town houses. The character and appearance of the area is strong, despite the use of yellow brick to construct the C20 semi-detached housing on Westbeech Court. My view is that yellow brick should not be used in this development. Red brick to match the 'banbury brick' of the neighbouring building only should be used. I am also concerned that the proposed town houses at 3 floors will be too tall for this location. Recommend that the scheme is withdrawn or refused. ESD 16 - lack of local distinctiveness.

Oxfordshire County Council Consultees

- 3.3 **Highways Liaison Officer:** Sufficient parking is provided for the proposed dwellings, with no loss of designated on-street parking. No concerns over loss of private parking to 36/38 West Bar Street. No issue regarding access arrangements. A condition would need to be attached to any approval to ensure pedestrian visibility splays are provided and maintained.

Other Consultees

- 3.4 **Natural England:** The proposal is unlikely to affect any statutorily protected sites or landscapes. No assessment of protected species has been undertaken, but the Council should refer to Natural England's Standing Advice for detail on this matter.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C23: Retention of features contributing to character or appearance of a conservation area

C28: Layout, design and external appearance of new development

C30: Design of new residential development

ENV12: Contaminated land

4.2 Other Material Policy and Guidance

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, with the latest update published in February 2015. This document carries more weight than has been previously attributed that can be attached to the Plan will increase. 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:

PSD1: Presumption in favour of sustainable development
BSC1: District wide housing distribution
ESD16: The character of the built and historic environment

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

TR5: Road Safety
TR11: Parking
Appendix B: Parking Standards

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of Development
- Amount of Development
- Design of the Proposal
- Impact upon the Street Scene and setting of the Conservation Area
- Residential Amenity
- Highways and Parking
- Other Matters

Relevant Planning History

5.2 Prior approval for the change of use of Beechfield House, 38 West Bar Street was granted on 23 May 2014 (14/00525/CPA), making use of the relatively new permitted development right for such conversions. This enabled the creation of eight, one and two bedroom apartments, with the rear part of the parking area

incorporated within the proposed application site. As part of the information submitted with this prior approval, provision of 16 car parking spaces in association with the apartments would be provided.

Principle of Development

- 5.3 The application site is located within Banbury, close to the town centre, employment opportunities and public transport. It represents a sustainably located site within the most sustainable settlement in Cherwell District. It is towards such locations that residential development is directed within the Development Plan and the Framework.
- 5.4 The site forms part of an open area of land that extends between West Bar Street and Westbeech Court to the west of The Shades. This land is hard standing used largely for car parking in association with the surrounding uses. There are numerous owners of this undeveloped land and subject to ensuring sufficient parking is retained for the various uses, there is scope for redevelopment of this space. This position is highlighted in the Conservation Officer's comments, and supported by the land fronting West Bar Street being identified as 'vacant land' within the Banbury Conservation Area Appraisal. Whilst this proposal only incorporates part of this undeveloped land, it does not undermine the redevelopment potential of adjoining land parcels, should they come forward. The scheme also maintains sufficient facilities for 36 and 38 West Bar Street (see Highways and Parking section below).
- 5.5 The principle of development is therefore considered to be in accordance with Policies PSD1 and BSC1 of the Submission Cherwell Local Plan and the Framework, subject to consideration against other relevant Development Plan policies.

Amount of Development

- 5.6 The proposal is seeking construction of four properties. The L-shaped site presents constraints to the layout, with limited options for the orientation and arrangement of the development at this scale. Three properties are designed to face towards Westbeech Court, whilst the fourth is set perpendicularly to the others, which also fronts both Westbeech Court but with vehicular access from The Shades.
- 5.7 In order to accommodate plots 1 – 3, these dwellings are comparatively narrow at 5.2 metres, with a footprint depth of 8.6 metres. As part of a terrace, the buildings do not look proportionally unbalanced, but they are in direct contrast to the wide, relatively shallow design of the maisonettes along Westbeech Court. The footprint of the buildings generates concern over the quantity of remaining land to support these dwellings. To the front, two parking spaces are required for each, in line with policy. However, one of these spaces for each dwelling is in front of the door, with a depth of 5.0 – 5.5 metres between the building and rear of the highway. This leaves no space for a soft landscaping strip, so the vehicles will be parked tight to the building, restricting access into the properties. This is likely to lead to vehicles within these spaces overhanging the pavement in order to enable ease of access into the dwellings, a position that could be reinforced by the spaces extending under the first floor overhang to the buildings. This arrangement will also provide a relatively poor outlook from the ground floor windows, whilst a lack of any soft landscaping to the front of the dwellings is contrary to the approach along the whole highway in which they will front.

- 5.8 To the rear, amenity areas between 30 and 40 sq m are provided. This is small for family homes. The usability is also constrained due to its split level design, necessary in order to create access to these spaces. Small second floor balconies are incorporated, but these offer limited usable space at just 2.3 sq m. The depth of the rear gardens does not create an issue in respect of relationship to neighbouring buildings, but it emphasises the uncharacteristically small amenity areas for these dwellings.
- 5.9 The three dwellings also occupy the majority of the width of this part of the site. Whilst this is not necessarily inappropriate, the tight nature of the site and the dwellings upon it means that this arrangement only seeks to augment the appearance of a dense development, which is in contrast to the immediate setting. It also generates an awkward relationship with plot 4. There is a gap of just 1.1 metres between the dwellings and part of the 'front' elevation to plot 4 faces the side elevation of plot 3. Plot 4 then extends across the full width of this part of the site. The overall arrangement of the dwellings combine to present a development that appears too cramped.
- 5.10 The provision of parking and an amenity area between the dwelling forming plot 4 and The Shades is considered to offer an appropriate arrangement, but the garden at 35 sq m is again small for the family home it will serve.
- 5.11 The proposal is considered to represent an overdevelopment of the site, resulting in a cramped appearance and substandard private amenity areas to support family homes. It is therefore contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan, Policy ESD16 of the Submission Cherwell Local Plan and the good design ethos of the Framework.

Design of the Proposal

- 5.12 Reflecting the site's relatively central location within Banbury, there are a mix of uses and property types within the immediate vicinity. This includes high and low quality buildings of various scales and designs within which the new dwellings will be seen. Principally though, due to their close proximity, they will be viewed as part of Westbeech Court. It was indicated through pre-application that the design does not need to simply follow that of the dwellings along this highway, but instead take cues from the buildings along West Bar Street.
- 5.13 Plots 1 – 3 form a group of three storey terraced dwellings, with front and rear gables. These dwellings incorporate a staggered building line, with the ridge and valley approach subdividing the building into smaller sections. The articulation of the front façade with a projecting box, with differing finishing material, Juliet balconies and balustrade railings to enclose the second floor balcony creates an interesting elevation with a clearly modern design approach. Whilst it could be argued that the projecting first floor element is oversized, it is considered on balance that the use of contrast materials and additional cill and lintel detailing creates an attractive façade.
- 5.14 The rear facades to plots 1 – 3 incorporate centrally located glazing, which reduce in scale on the upper floors. This provides a balanced, proportioned design, with the cill and lintel detailing replicating that on the front façade. The use of a curved window at second floor offers an attractive addition, as well as reducing the quantity of brickwork between this aperture and the top of the gable. The design of plots 1 – 3 is considered to offer attractive dwellings, albeit not following the pattern established in Westbeech Court.

- 5.15 Plot 4 offers a more traditional appearance, with the use of red brick and render. This is in contrast to the yellow brick of plots 1 – 3. This property provides an attractive elevation towards The Shades, with a main ridge, projecting gable and partial dormer window to appropriately articulate it. Sympathetically scaled windows and doors then complete this elevation.
- 5.16 In contrast, the façade facing along Westbeech Court has little design detailing. Set up 1.4 metres from the adjoining land, in part reflecting the reduction in ground level for plots 1 – 3, this building will appear dominant, with a large roof section and only limited apertures to break up its mass. The ad hoc position of the apertures does not generate the quality of façade necessary for a building in this location. The arrangement of the building on site means that it needs to act as a dual fronted dwelling. The façade towards Westbeech Court fails to provide sufficient quality to fulfil this function.
- 5.17 The design of the proposed development, by virtue of plot 4 is considered contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan, Policy ESD16 of the Submission Cherwell Local Plan and the good design ethos of the Framework.

Impact upon the street scene and setting of the Conservation Area

- 5.18 The location of the site and the arrangement of the buildings around it results in public views from Westbeech Court to the west, West Bar Street to the south-east and The Shades to the east and north-east. This includes key views out of the Banbury Conservation Area from West Bar Street. The site is adjacent to but outside of the conservation area.
- 5.19 The views from West Bar Street and The Shades are currently of low quality, with the site seen in the context of the other surrounding parking areas, with fencings and poorly maintained walls. High quality buildings have the potential to improve these views, to the betterment of the setting of the conservation area.
- 5.20 The high quality rear facades of plots 1 – 3 will improve this relationship, and given the distance from which these views would occur, an appropriate relationship would be created with the existing dwellings on Westbeech Court when viewed from West Bar Street. It has been commented that construction of these dwellings from red rather than yellow brick by the Conservation Officer would be more appropriate. Both bricks are in use within the area, and either could be used. However, given the more intimate context of the buildings from Westbeech Court, matching the materials used in these dwellings (yellow brick), would appear the more logical approach.
- 5.21 Plot 4 offers a blander façade from West Bar Street, with a simple side gable present. This is not materially different to that present elsewhere when side elevations face towards the highway. Whilst not adding a building of note, this structure will still represent an improvement compared to the prefabricated garage to be removed and is not out of scale to other buildings within its context. The view out of the conservation area from West Bar Street is therefore considered to be appropriately protected, if not enhanced.
- 5.22 From The Shades, the rear elevation of plot 4 will be visible. Suitable boundary treatment would be required in order to prevent unnecessary screening from this highway, given it forms a link to People's Park. This could be secured via

condition. Plots 1 and 3 would be partially visible beyond plot 4. The blank façade would present an acceptable appearance, with the ridge heights not appearing to be materially higher than plot 4, as they will be seen in the background. These plots will also appear smaller than the other buildings visible in the background (36 and 38 West Bar Street). Views of the development from The Shades are therefore considered acceptable.

- 5.23 The site is currently screened from Westbeech Court by a high brick wall. This 19th Century wall is considered to be of some historic importance, but is in a poor state of repair. Whilst its loss is unfortunate, it is not considered sufficient to refuse the scheme, given that its demolition enables the new dwellings to better interact with the street scene.
- 5.24 The proposed dwellings are of a different design to the existing maisonettes on Westbeech Court. Whilst this is not in itself considered inappropriate, concern is raised in respect of the interaction of the proposed dwellings to the street scene. They are set in front of numbers 29 – 32, with eaves and ridges above the existing dwellings. Coupled with the slight reduction in ground level proposed, it generates an imposing form for these properties. The elevation treatment assists in part to reduce its impact, but the combined scale, coupled with their position creates an overbearing appearance for the dwellings. The position and design of plot 4 adds to the unbroken infill development from the west, with the overbearing impression from this two storey property continued, due to the elevation of the finished floor level 1.4 metres above Westbeech Court.
- 5.25 The proposed development is considered to protect the character and appearance of the Conservation Area and views more generally from West Bar Street and The Shades. However, it is detrimental to the character and appearance of Westbeech Court. It thus conflicts with Policies C28 and C30 of the Adopted Cherwell Local Plan, Policy ESD16 of the Submission Cherwell Local Plan and the good design ethos of the Framework.

Residential Amenity

- 5.26 The proposed dwellings are orientated to face towards the highway and their own rear gardens. The upper floor windows to the rear of plots 1 – 3 will provide some views over the neighbouring gardens of 29 and 30 Westbeech Court. However, the buildings and all windows are orientated to minimise overlooking, ensuring an acceptable relationship is created. Additionally, the internal arrangement of the new houses ensures that an acceptable relationship is created between the windows in plots 3 and 4, despite their close arrangement.
- 5.27 Plots 1 – 3 are aligned to the north-east of numbers 29 and 30 but are set further forward. The alignment does not exceed the 45 degree rule from any existing window, and likewise an acceptable arrangement to the rear for plot 1's windows is also created. This offset is also insufficient to result in the proposed dwellings being overly dominant from views of the adjoining properties.
- 5.28 Directly opposite Plots 1 – 3 is a grassed area, with 11 and 12 Westbeech Court to the west of it. The orientation between these dwellings and the application buildings means that some morning sunlight will be obscured by the new dwellings. However, this arrangement is not materially different to that created between other properties on this and other streets.

- 5.29 Plot 4 will provide an acceptable arrangement in terms of protecting privacy, sunlight and outlook to all properties.
- 5.30 The arrangement between the existing and proposed dwellings is therefore considered to protect residential amenity, in accordance with Policy C30 of the Adopted Cherwell Local Plan. However, as noted above, the scale of the private amenity areas proposed for the new dwellings are considered insufficient to meet the needs of the dwellings and thus this aspect contravenes Policy C30 of the Adopted Cherwell Local Plan.

Highways and Parking

- 5.31 Access for plots 1 – 3 is to be taken off Westbeech Court, whilst plot 4 will be accessed from The Shades. Access from Westbeech Court will be from the public section of this highway, with no interaction required with the private garage forecourt area in order to gain access or manoeuvre vehicles in association with the proposed parking. Whilst Westbeech Court is substandard in width compared to current requirements, it already serves 32 dwellings. The incorporation of traffic for three additional properties would not be an issue.
- 5.32 The Shades is a single width highway, which is predominantly used as a footpath. Access is currently provided to the application site from this highway to a double garage with additional parking in front of the garage. Its use in association with a single dwelling will not therefore increase traffic movements along this highway. The proposed arrangement is therefore considered acceptable, since vehicles would be able to enter and egress The Shades in a forward gear.
- 5.33 The proposal incorporates two parking spaces for each dwelling. This is in line with current policy and thus is considered acceptable and will protect the free movement of traffic along adopted highways. A condition will need to be attached to ensure pedestrian visibility splays are provided and retained, with the closest 2.0 metre section of the side boundary wall to numbers 29 and 30 reduced in height appropriately.
- 5.34 In order to create the access to the site for plots 1 – 3, parking for up to three vehicles on the highway would be lost. However, this part of the highway forms part of the turning area for the marked spaces on Westbeech Court. Any vehicle parallel parked adjacent to the proposed access for plots 1 – 3 prevents the ease of use of the designated on street parking spaces. The insertion of the access points to the new dwellings will therefore improve the ability to use the designated spaces. Whilst it is recognised that there is a shortfall of parking along Westbeech Court for the existing dwellings, this is not an issue that needs to be rectified by the proposed development and since it will not result in the loss of any designated parking spaces, it has been considered to have a neutral impact upon parking capacity within the public highway.
- 5.35 The application site is currently a car park used in conjunction with 36 West Bar Street, with the wider parking area also linked to number 38. 21 parking spaces are currently available for use in association with number 36. Reorganisation of the space will enable this number of spaces to be retained and used without undermining highway safety on the parking area retained beyond the application site. The Prior Approval Application for 38 West Bar Street to be used as flats noted 16 parking spaces would be provided. 11 have been marked out, some of which are substandard. No concern over this level of

provision has been raised by the Highway Officer, and as such the level of parking retained is considered acceptable in this instance.

- 5.36 Access and parking is considered to be in line with Policies TR5 and TR11 and Appendix B of the Non-Statutory Cherwell Local Plan.

Other Matters

- 5.37 Extensive concern has been raised by local residents and businesses in response to this application. Discussions, including a meeting with residents has been undertaken to ensure everyone understood the planning application process and how representations should be made. The majority of the material planning concerns highlighted, have been covered in the discussion above. However, a couple of additional points have also been raised.
- 5.38 Issues over ownership of the land, and in particular the boundary walls, has been highlighted. Any application or approval runs with the land, not the applicant, but all interested parties in the land (including leaseholders subject to certain criteria) should be correctly notified. This has been raised with the agent accordingly.
- 5.39 It has been highlighted that there is asbestos within the garage to be demolished, whilst Japanese knotweed has also been identified as being present on site recently. These are elements that could be conditioned, if considered necessary.

Consultation with applicant

- 5.40 Discussion with applicant's agent has been undertaken to highlight the concerns of the proposal. This has included how the issues with the current application could be resolved. These alterations were considered to exceed the scope of amendments that would be acceptable through this current application, and thus a new planning application would be required. The proposed recommendation for refusal, unless the application is withdrawn, has therefore been made aware to the applicant.

Conclusion

- 5.41 The principle of development of this land for residential purposes is considered acceptable. However, the detail of the scheme is considered to result in overdevelopment of the land, with the amount and scale of the proposed dwellings resulting in a proposal that will be detrimental to the character and appearance of Westbeech Court. The dwellings will also create a poor living environment for future occupants of the properties. Concern is also raised in respect of the design of plot 4, which presents poor fenestration detail to Westbeech Court.

6. Recommendation

Refusal, for the following reasons:

- 1 The proposal represents an overdevelopment of the site, resulting in a cramped layout which is to the detriment of the character and appearance of Westbeech Court, and the wellbeing of future occupiers through provision of insufficient private amenity space. The proposal contravenes

Policies C28 and C30 of the Adopted Cherwell Local Plan, Policy ESD16 of the Submission Cherwell Local Plan and the good design ethos of the Framework.

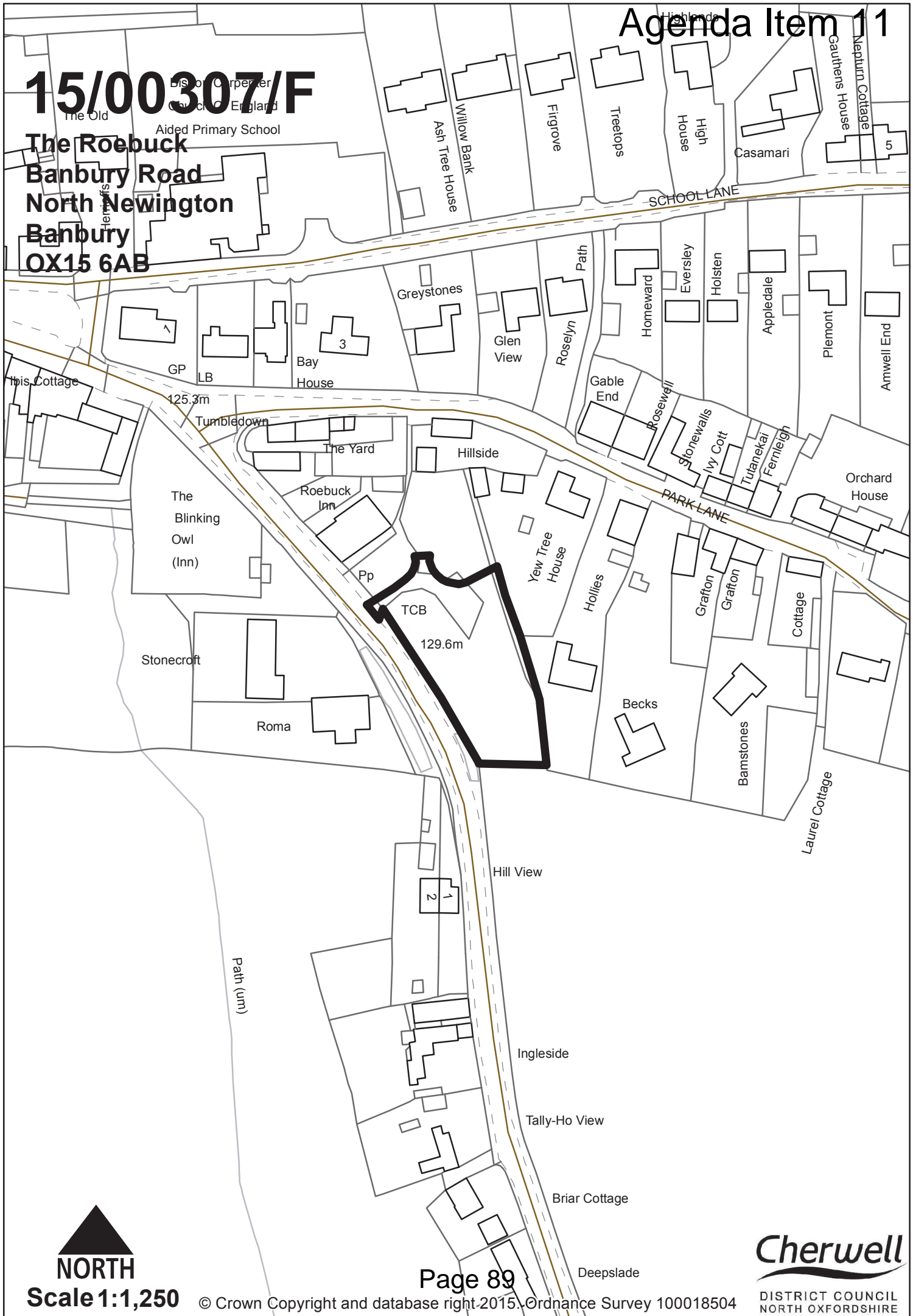
- 2 The scale of plots 1 – 3 by reason of their three storey form and fenestration detailing appear overdominant within the Westbeech Court street scene. This relationship is considered contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan, Policy ESD16 of the Submission Cherwell Local Plan and the good design ethos of the Framework.
- 3 Plot 4 is in an elevated and prominent location on Westbeech Court. The design of this dwelling does not make a positive contribution to the street scene due to poor fenestration detailing, contrary to Policy C30 of the Adopted Cherwell Local Plan.

Statement of Engagement

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

15/00307/F

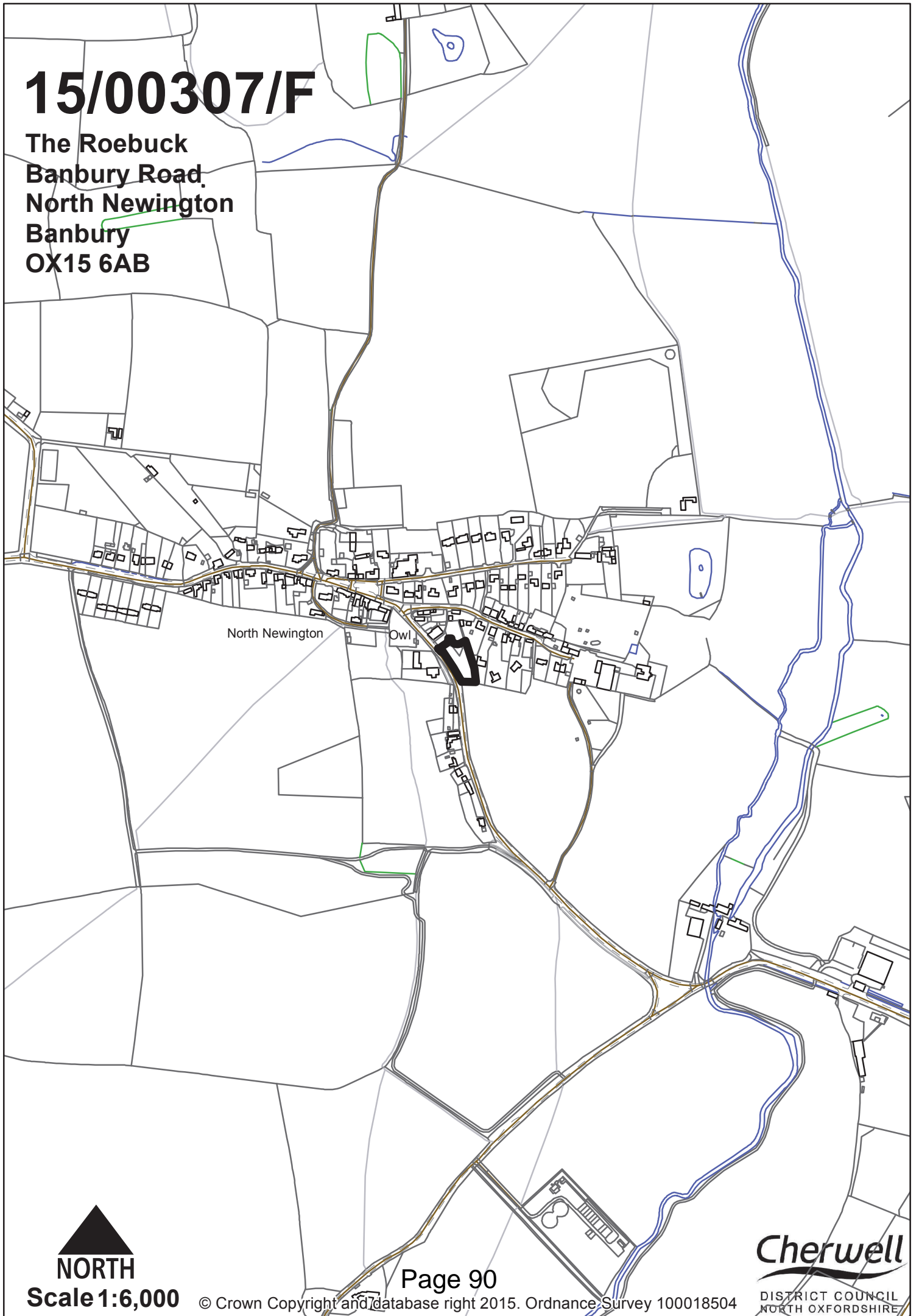
**The Roebuck
Banbury Road
North Newington
Banbury
OX15 6AB**



Scale 1:1,250

15/00307/F

The Roebuck
Banbury Road
North Newington
Banbury
OX15 6AB



NORTH
Scale 1:6,000

**Site Address: The Roebuck,
Banbury Road, North Newington**

15/00307/F

Ward: Sibford

District Councillor: Cllr Reynolds

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Mrs Jayne Hughes

Application Description: Erection of detached single storey dwelling

Committee Referral: Member Referral

Committee Date: 21 May 2015

1. Site Description and Proposed Development

- 1.1 The application site is situated to the south of North Newington, off Banbury Road that runs along its eastern boundary. The site sits to the south, and forms part of, the residential curtilage of The Roebuck, a detached two-storey dwelling and a former public house. The Roebuck is a Grade II listed building, constructed in the late 17th Century. The building was a public house at the time of listing but was converted to a dwelling in 1998.
- 1.2 Access to the site is via single vehicular access onto Banbury Road. As part of the proposal, it is intended to move the access by 0.5m further south along Banbury Road.
- 1.3 The proposal seeks consent for a single storey detached dwelling to the south of The Roebuck. The proposed dwelling would be constructed from natural stone, with a slate roof along with timber windows and doors.
- 1.4 The site is located within an influencing proximity to a Grade II listed building and within the North Newington Conservation Area part of which is also designated as an Area of High Landscape Value. The site falls within the North Newington historic core part of which is a site of medium archaeological significance.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letters, site notice and press notice. The final date for comment was the 30 March 2015.

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

- The site is not infill
- The design of the dwelling is not appropriate
- Overlooking to neighbouring properties
- Dangerous entrance
- Lack of amenities within the village.

3. Consultations

3.1 North Newington Parish Council:

Whilst the application has been reduced considerably in size, there should still be some measures in place to conserve the view and the area surrounding it.

The ridge height should be non visible and a restriction should be placed to retain the property as a single storey building and not allow for a further storey in the future.

The property should be sympathetic to the grade II status of The Roebuck Inn and to the local listed properties around it, rather than to more recent buildings.

Access will be through an already suitable driveway, although the public right of way which runs through the property should be formally diverted with the rights of ways office to ensure than it is not blocked off and no longer accessible.

Cherwell District Council Consultees

3.2 Conservation Officer: There have been 3 previous planning applications to erect a detached dwelling on this site; 2 have been refused and 1 withdrawn. The decision against 08/00184/OUT was appealed and the appeal dismissed. The main built heritage issues in the appeal were:

- (a) The effect of the development on the character and appearance of the area, having special regard to its rural location and siting in relation to the built-up limits of the settlement.
- (b) Whether the development would preserve or enhance the character and appearance of the [North] Newington Conservation Area, and preserve the setting of the listed building.

The Roebuck Inn sits on the north side of Banbury Road and due to the topology of the land and road alignment forms the gateway to the village when you approach from the south; this is despite the buildings/dwellings located on the west side of the road which as a ribbon development look and spatially feel adrift of the main village. The Roebuck commands the brow of the hill and because of the topology of the surrounding land is dominant in the view up the road to the village and definitely marks the visitors entrance into the settlement.

There are historic photographs from early in the C20 showing that previously there have been other structures on the east side of the road on the run up the hill to the village. These photographs illustrate very well the diluting effect the existence of additional buildings have on the sense of arrival and presence made by The Roebuck and how this diminishes the sense of a village gateway. The applicant also has included early maps from the C19 illustrating that previously there have been ancillary buildings. However the historic presence of a building which has been demolished is an interesting (but not unsurprising) fact and not an argument for replacement as today's context is different to the time when the maps were drawn.

The proposal is for a bungalow of contemporary designed. The proposed dwelling draws no inspiration from the tradition forms of vernacular architecture within the village in except it is proposed to construct the building from stone. The gable widths are wide (wider than found in traditional construction), the roof pitch is slack (reminiscent of modern C21 estate housing), the fenestration is that of a modern house. Bungalows are not a traditional or vernacular house form. Traditional single storey buildings (eg. cart sheds) have a simple rectilinear footprint. This proposed building makes no pretence to be a converted agricultural building its form is simply that of a modern urban dwelling and therefore appears alien in this rural context.

In conclusion development, especially a contemporary and rather pedestrianly designed modern bungalow, on the proposed site would fail to preserve or enhance the character and appearance of this aspect of the [North] Newington Conservation Area, neither will it preserve the setting of the listed building.

Recommend refusal.

- 3.3 **Ecology Officer:** I do not have any objections on ecological grounds. But would recommend the following condition:

K11 Nest Birds: No Works Between March and August

All site clearance (including removal of shrubs and trees) shall be timed so as to avoid the bird nesting/breeding season from 1st March to 31st August inclusive, unless, in the case of a tree that is required to be removed for health and safety reasons, the Local Planning Authority has confirmed in writing that such works can proceed.

- 3.4 **Landscape Officer:** This proposal is for a fairly modest new bungalow in the garden of the former Roebuck Inn. The dwelling will be within the current built up area of the village.

Providing we receive some detailed landscape proposals for retaining existing vegetation on the Banbury Road and south side of the site I have no objection. These can be conditioned.

Oxfordshire County Council Consultees

- 3.5 **Highways Liaison Officer:** The comments to the 08/00184/OUT application were as follows:

The development fails to meet T8 of the Oxfordshire Structure Plan which states that development should only be permitted if adequate access is provided and with a mitigation of adverse transport impacts. The Highway Authority considers the access to the site sub-standard in terms of visibility. The proposed development will intensify the use of the access, and the movement generation, as a product of the development, will have a detrimental impact on highway safety for all users. The Highway Authority therefore recommend refusal of the application in the interests of highway safety.

Clarification is being sought on the Highways position to the current application as there have been small amendments to the position of the proposed access. These will be reported when available.

- 3.6 **Rights of Way Officer:** North Newington Public Footpath 19 runs through the grounds of The Roebuck. The proposals will not affect the legal alignment of the footpath and I therefore have no comments to make.
- 3.7 **Archaeology:** The proposed development lies in an area of considerable archaeological potential. The site lies immediately north-west of earthworks relating to the shrunken medieval village. These features, which survive as earthworks, include building platforms and holloways as well as possible ruined fishponds.

The Roebuck Inn itself is of some antiquity, dating to the late 17th century. A watching brief undertaken at a property to the north of the site identified a stone wall relating to the earlier layout of the building. A small range of buildings are visible just along the south-westerly boundary of the site, the function of these buildings is unknown, and they appear to have been demolished sometime between 1910 and 1920 as they are no longer visible on OS mapping at that date.

Due to the close proximity to the medieval earthworks, and the positive watching brief to the north, as well as the early buildings that fall just within the plot, it is possible that this development may impact associated archaeological deposits.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition along the lines of:-

- 1) The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any ground-works taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

Reason – To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

- 2) Following the approval of the Written Scheme of Investigation referred to in condition 1, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.

Reason – To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H14	Category 2 settlements
H18	New dwellings in the countryside
C2	Protected species
C5	Creation of new habitats
C7	Harm to the topography and character of the landscape
C8	Sporadic development in the countryside
C13	Areas of High Landscape Value
C18	Development proposals affecting a listed building
C27	Development in villages to respect historic settlement pattern
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

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
11	Conserving and enhancing the natural environment
12	Conserving and enhancing the historic environment

Planning Practice Guidance

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 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
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Policy ESD16 The character of the built and historic environment should be protected and where development is allowed it should respect the local character context

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning History and the Principle of Development
- Impact on Conservation Area and Listed Building
- Landscape impact and Area of High Landscape Value
- Ecology
- Highway Safety
- Impact on Neighbouring Amenity

Planning History and Principle of Development

5.2 The application site has been subject to a past refusal in 2008 (08/00184/OUT) and subsequent dismissed appeal (APP/C3105/A/08/2082434). This forms an important material consideration in the determination of this application as the Appeal Inspector addressed the majority of the pertinent matters in the consideration of this application.

5.3 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.

5.4 The site lies on the southern edge of North Newington on land within the residential curtilage of The Roebuck. Built development lies to the east and west but there is open countryside to the south. Saved Local Plan Policy H14 categorises North Newington as a Category 2 settlement where residential development is restricted to conversions, infilling and small scale proposals that secure “significant” environmental improvement. The Appeal Inspector, in considering whether the application site complied with Policy H14 stated that “since the site is not a small gap in an otherwise continuous built-up frontage, the proposal falls outside the Local Plan definition of infilling. As the appearance of the appeal site is not unpleasant, I am not persuaded that the appeal scheme would secure a significant environmental improvement”. There has been no new built development surrounding the application site since this decision and so the relationship with the adjoining buildings remains unchanged and so the same conclusions as the previous Inspector need to be reached.

5.5 Policy H14 remains a saved Policy in the Local Plan and there have not been any overriding changes on site, such as new development that would alter the view taken by the Inspector. On that basis, the proposed dwelling is considered

to be contrary to Policy H14 of the Saved Cherwell Local Plan in that it would represent an inappropriate location and form of development outside of the built up area of North Newington. The proposed dwelling would also be contrary to Policy H18 of the Local Plan, in that it proposes a dwelling in open countryside without any agricultural justification.

Impact on the Conservation Area and setting of Listed Building

- 5.6 The Roebuck is Grade II listed building and the site is situated within the North Newington Conservation Area which is also designated as an Area of High Landscape Value. Saved Policy C13 from the Adopted Cherwell Local Plan seeks to retain, conserve and enhance the appearance of the Area of High Landscape Value and control new development to ensure that it is sympathetic to the character of its context. The proposal is required to preserve or enhance both the character, setting and appearance of The Roebuck and this part of the Conservation Area as well as any features of architectural or historic importance that the building possesses.
- 5.7 The Roebuck, as a listed building, is a designated heritage asset, located within the designated heritage asset of the Conservation Area. The National Planning Policy Framework supports the conservation of designated heritage assets.
- 5.8 The Appeal Inspector in the 2008 decision went into great detail in terms of the impact on the Conservation Area and the setting of the listed building. The 2008 application was submitted in outline form, with limited detail on the scale, design and appearance of the proposed dwelling but a broad indication was given that the proposal would have been of a similar scale and size to The Roebuck, a two-storey detached structure. The Inspector found that there was insufficient detail submitted to properly assess the impact on the Conservation Area and setting of the Listed Building but did consider that a two-storey structure, with a shallow pitched roof would not be appropriate.
- 5.9 However, the Inspector was made aware of a previous structure on the site that has been demolished. She stated that *"I think it is likely that this former building would have had a visual and functional relationship with the inn and been subservient to the building in terms of its scale and external appearance"*.
- 5.10 In concluding on this matter, the Inspector stated the following:
- "I am unable to satisfy myself that the new dwelling would not detract from the important visual status of The Roebuck at the southern entrance to the village. I am concerned that it would be unduly dominant in the foreground views of the listed building when viewed from this direction, and would intrude unacceptably into the visual breathing space in front of the listed building's principal elevation, which faces the appeal site"*.
- 5.11 The application now proposed is a single storey dwelling constructed from natural stone and a slate roof. The Council's Conservation Officer has provided detailed comments on the scheme and has found that the proposed development would still fail to preserve or enhance the character and appearance of this aspect of the Conservation Area, neither will it preserve the setting of the listed building.

- 5.12 On this basis, the design of the proposed dwelling is considered to be inappropriate as it would adversely impact the setting of the Grade II listed The Roebuck and would fail to preserve the character and appearance of the Conservation Area. As such, it would comply with the requirements of the NPPF in this regard, as well as policies C18, C25, C27 and C28 of the adopted Cherwell Local Plan.

Landscape Impact

- 5.13 The application site lies within an Area of High Landscape Value and regard was given to this at the 2008 appeal. The Inspector noted that “where visible in both close and distant views, the proposed dwelling would be seen in the context of existing buildings to the north, east and west of the site. It would not appear as isolated, built development in the open countryside, unrelated to the existing village”.

- 5.14 In addition to the Inspector’s views, the Council Landscape Officer has raised no objections to the proposal subject to details of landscaping and retention of existing boundary treatments.

- 5.15 On this basis, the development is considered appropriate in terms of landscape impact and compliant with saved Policy C13 of the adopted Cherwell Local Plan

Ecology

- 5.16 In light of no objections being raised by the Council’s Ecology Officer, there are no ecological issues relevant to the application, subject to the imposition of a condition on any approval.

Highway Safety

- 5.17 OCC Highways have continued to raise concerns in terms of the suitability of the proposed access and the intensification of its use. The comments from OCC are noted and were also made to the 08/00184/OUT application, however, given the change slight change in the location of the access it is necessary to seek further clarification from the Highways Authority on this matter.

Impact on Neighbouring Amenity

- 5.19 The application site benefits from strong boundary treatment on the eastern, western and southern boundaries. The nearest dwelling to the application site is The Hollies to the east. The proposed dwelling would be 5m from the boundary with The Hollies and 10m from the nearest elevation.

- 5.20 Given the boundary treatment and the single storey nature of the proposed dwelling, it is considered that the proposal would not be unduly dominant on The Hollies. This view was shared by the Inspector in the 2008 decision.

- 5.21 On that basis, the proposal is considered to comply with Policies C28 and C30 of the adopted Cherwell Local Plan in regard to impact on neighbouring amenity.

Engagement

- 5.22 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that

the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.23 The application site has been subject to a dismissed appeal in 2008. The application now submitted has sought to address the previous reasons for the dismissed appeal and in regard to impact on landscape, listed buildings and conservation area has done so.
- 5.24 However, the application still fails to comply with the requirements of saved Policies H14 and H18 of the Local Plan in that the proposed development would not constitute infill development and as such forms a dwelling in open countryside, without any justification.

6. Recommendation

Refusal, for the following reason:

1. The site would not constitute infill development for the purposes of saved Policy H14 of the adopted Cherwell Local Plan and the site is considered to be situated beyond the built up limits of the village. The proposal for a dwelling in this location, with no agricultural justification is considered to comprise unacceptable development which would be contrary to Policies H14 and H18 of the saved adopted Cherwell Local Plan.
2. The design of the proposed dwelling, by virtue of its contemporary appearance, detailing and proportions would fail to preserve or enhance the character and appearance of the North Newington Conservation Area and the wider Area of High Landscape Value and will also fail to preserve the setting of the Grade II Listed The Roebuck. As such, the proposed dwelling would be contrary to the requirements within Paragraphs 131 and 134 of the National Planning Policy Framework, as well as policies C13, C18, C27 and C28 of the saved adopted Cherwell Local Plan.

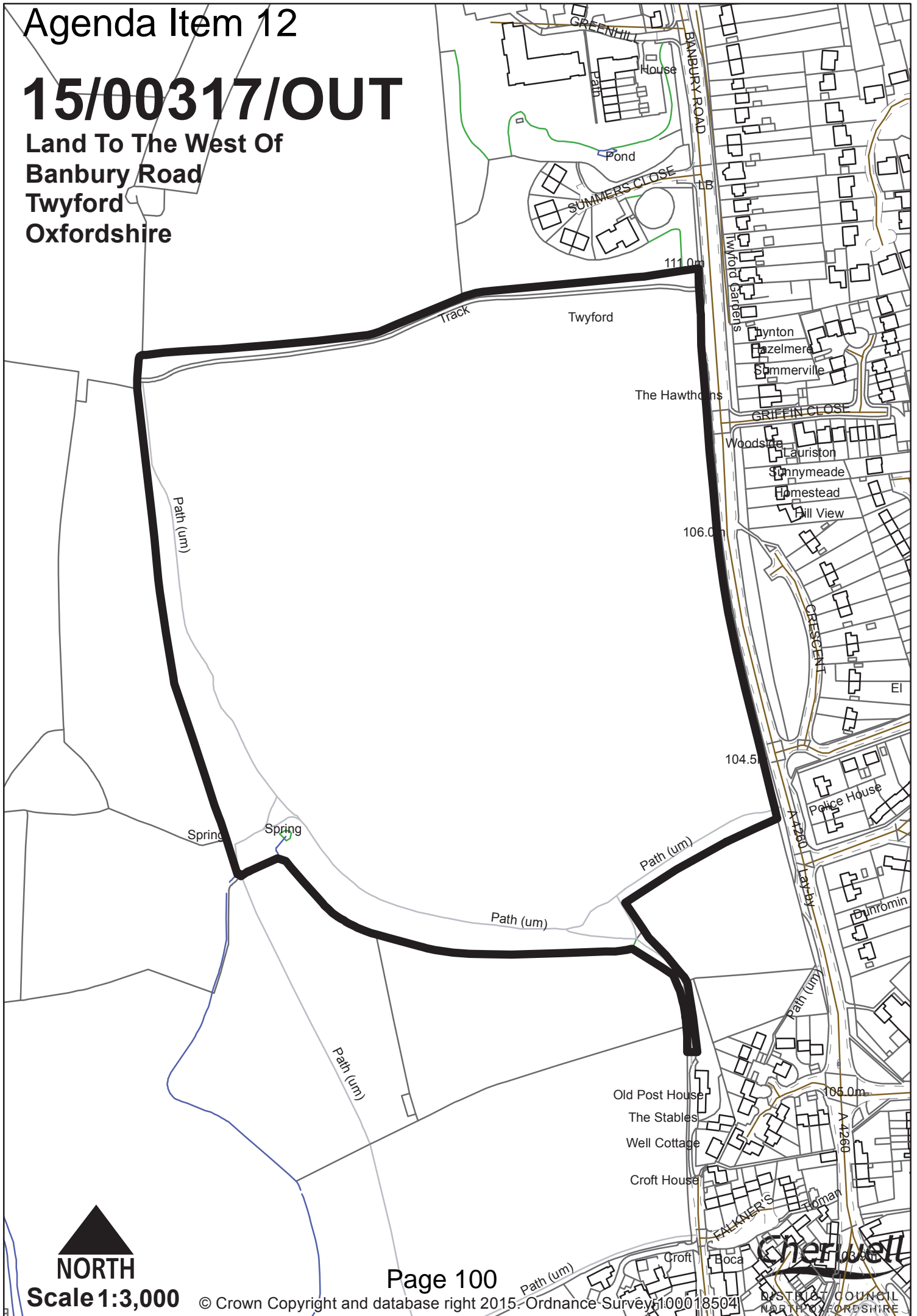
Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

Agenda Item 12

15/00317/OUT

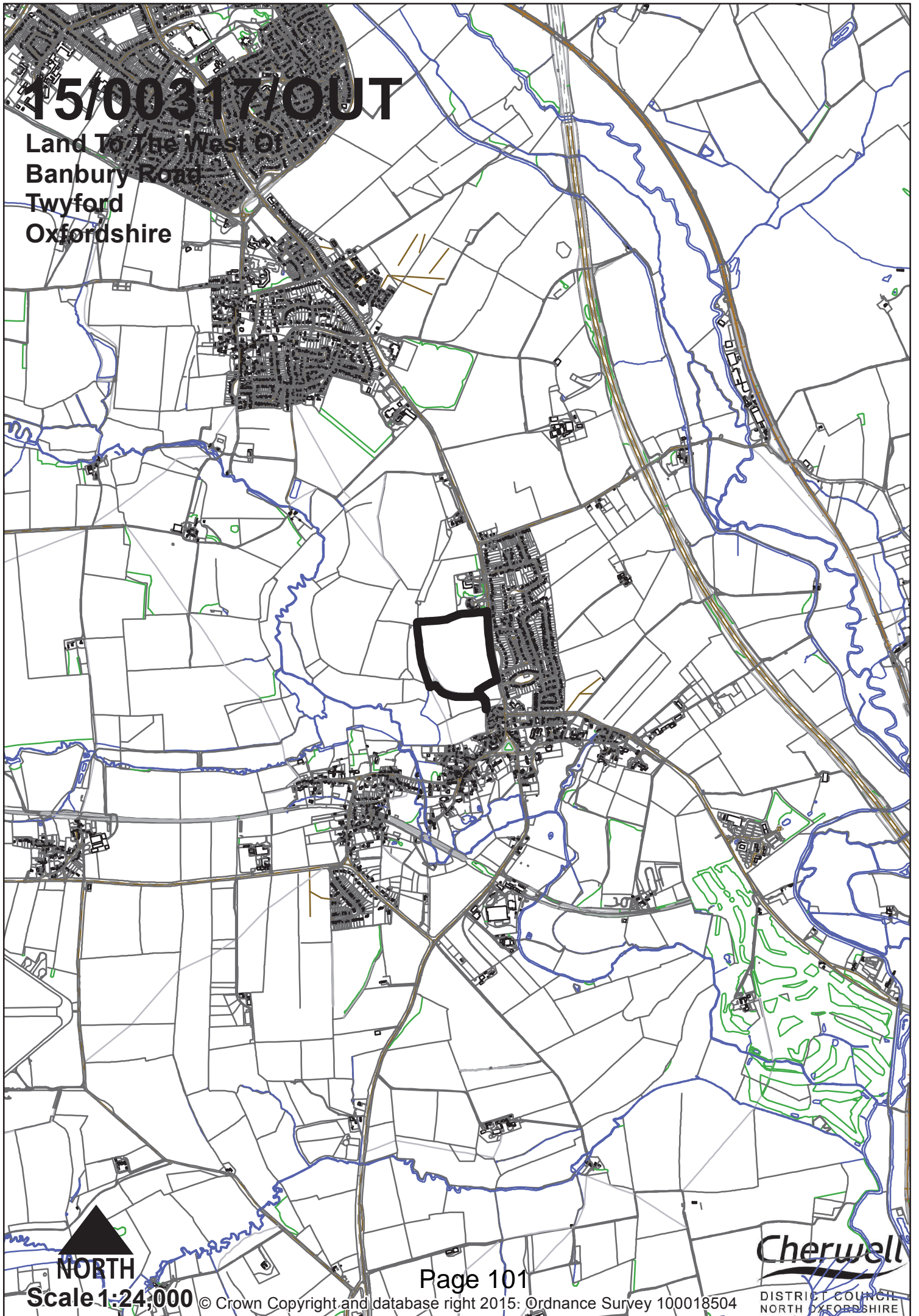
Land To The West Of
Banbury Road
Twyford
Oxfordshire



Scale 1:3,000

15/00317/OUT

Land To The West Of
Banbury Road
Twyford
Oxfordshire



NORTH

**Site Address: Land to west of Banbury
Road Twyford**

15/00317/OUT

Ward: Adderbury

District Councillor: Nigel Randall

Case Officer: Alex Keen

Recommendation: Refusal

Applicant: Gladman Developments

Application Description: Residential development of up to 98 dwellings, land for potential GP outreach surgery/pharmacy/community use, landscaping, public open space, associated infrastructure and associated works – outline with all matters except access reserved

Committee Referral: Major

Committee Date: 21 May 2015

1. Site Description and Proposed Development

- 1.1 The site is a large field in arable cultivation extending to some 14ha, which lies to the west of Banbury Road (the A4260), Twyford. It has an approximate 35 metre long frontage to Banbury Road along its eastern boundary, marked by occasional trees, with denser hedgerows and trees marking its northern, southern and western boundaries. The land rises gently east from Banbury Road, before falling away to the Sor Brook to the west. There is a pond in the north-western corner of the site.
- 1.2 There is housing to the east and north of the site, with fields and extensive views across open countryside to the south and west. Adderbury village lies to the south, with the spire of St. Mary's Church, a Grade I listed building, prominent in views across the site from Banbury Road. The site is in an area of High Landscape Value.
- 1.3 There are several public rights of way crossing the site. The main routes are north/south adjacent the eastern boundary of the site with Banbury Road, northwest/southeast across the site, and around the western and southern boundaries of the site. These routes lead to Croft Lane and Chapel Lane to the south. There is a bus service with bus stops on Banbury Road, in front of the site. An agricultural access track runs along the northern boundary of the site with access onto Banbury Road.
- 1.4 The proposal is for up to 98 dwellings to be developed on a 3.88ha parcel of the site adjacent Banbury Road, with a 0.1ha parcel of land reserved for a potential GP surgery, pharmacy and community centre. The remainder of the site would be provided as dedicated public open space.
- 1.5 An Initial Development Framework has been submitted which shows a single point of vehicular access off Banbury Road with the internal layout comprising a series of secondary roads leading off a single primary road. The existing public rights of way would be retained, with potential pedestrian and cycle access improvements at the points where the rights of way enter/exit the site.
- 1.6 Existing boundary vegetation is shown to be retained, with a large area of public open space proposed to the west, and a smaller area of open space to the south-east. A children's play area, community orchard and informal footpaths are proposed in the western area with potential for a landscape buffer to screen the development along its western flank. A smaller children's play area is proposed in the south-eastern corner.

1.7 A new adoptable foul pumping station is proposed with a potential location identified to the south of the site. An attenuation basin is also proposed in the south-west corner of the site.

1.8 The following documents have been submitted in support of the application:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Socio-Economic Sustainability Statement
- Landscape & Visual Impact Assessment
- Arboricultural Impact Assessment
- Ecological Appraisal
- Built Heritage Statement
- Archaeological Desk Based Assessment
- Transport Assessment
- Travel Plan
- Flood Risk Assessment
- Foul Drainage Analysis
- Noise Screening Report
- Air Quality Screening Report

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 01 April 2015.

299 letters have been received from members of the public. In summary the following material planning issues have been raised:

- The proposal is in conflict with the adopted Development Plan, the Cherwell Submission Local Plan, the NPPF, and the pre-submission Adderbury Neighbourhood Plan. The site is a rejected site in the Strategic Housing Land Availability Assessment August 2014 update.
- The site is in an Area of High Landscape Value. Extensive, attractive and iconic views of Adderbury village, St. Mary's Church, and Bloxham village would be lost – these views are important to the identity of the local area.
- The proposal does not add value to the area, environment or the community. It would prejudice the long term strategic objectives of the community (as expressed through the pre-submission Adderbury Neighbourhood Plan). In particular to maintain the unique identity of Adderbury as a rural village, and to provide for all children in Adderbury village to be educated in Adderbury Primary School.
- The development is unsustainable. Adderbury and Twyford have already accommodated several large developments (more than is proportionate as a share of the Submission Local Plan requirement for villages) and local infrastructure cannot accommodate any more. The village primary school is already at capacity and either it or Deddington Primary School would have to be increased, or children transported to other schools outside the village.
- The development will add to traffic problems on Banbury Road. A priority junction will not work with the volume of traffic that uses Banbury Road, particularly allowing for other developments in the area. There will be increased danger to highway safety and the safety of pedestrians. The submitted transport assessment is inadequate.
- There would be harm to the amenity and enjoyment of the public rights of way crossing the site.

- The development will add to sewage and surface water drainage problems already experienced in the area. Increased surface water flows cannot be accommodated by the existing drainage ditches, which enter the Sor Brook via a restricted stone drain.
- The development would have an adverse impact on wildlife.
- The development would result in the loss of agricultural land.
- The pre-application consultation with the local community was inadequate.

2.2 ADDERBURY CONSERVATION ACTION GROUP (ACAG): **object**, in summary for the same reasons as listed at paragraph 2.1 above.

3. Consultations

3.1 ADDERBURY PARISH COUNCIL: **object**, in summary for the following reasons:

- The application is premature as it would be contrary to, and would prejudice the preparation of the Adderbury Neighbourhood Plan (ANP).
- Cherwell Council's Annual Monitoring Report (AMR) identifies a 5.1 year housing land supply. There are already 4 planned developments in Adderbury and the ANP does not envisage any further significant developments in the Plan period. The village needs time to assimilate the planned developments.
- The proposal is contrary to the Cherwell Local Plan as it is development on a greenfield site outside the village boundary. The site is not suitable for housing development, and so is contrary to the NPPF.
- The proposal does not comply with the emerging Local Plan. The Strategic Housing Land Assessment (SHLAA) has rejected the site on the grounds it would have an unacceptable landscape impact, and the Parish Council agrees with this assessment.
- The site is in an Area of High Landscape Value. It is prominent in the landscape and the proposal will cause undue visual intrusion into open countryside. Planting will not be adequate to mitigate this.
- The development would block views of the village Conservation Area and village centre, including the village church. It would lose the sense of arrival in a village on the approach from Banbury to the north, and would have a noticeable urbanising effect in the landscape and on the rural character of Adderbury village.
- The development would have a significant adverse impact on the amenity value of the local area, in particular the various public rights of way that cross the site and other public rights of way (such as the Adderbury Circular Walk) from which the site is viewed in the landscape. The proposal is not consistent with the character and amenity value of this part of the village.
- The proposal would have an adverse impact on biodiversity and protected species. The application fails to take proper account of protected and endangered bird species that use the site, and fails to take account of the pond in the north-west corner of the site.
- The village school would not be able to accommodate the demand for additional places resulting from the development.
- The pre-application consultation with the local community was inadequate.
- The offer of community facilities is undefined and inadequate for the size of development – further discussions regarding funding and building are required. The Parish Council should be included in any discussions regarding s106 contributions.

Cherwell District Council Consultees

3.2 PLANNING POLICY OFFICER: **object** on the grounds that the development would cause harm to the visual amenity of the landscape, and as the Council can now

demonstrate a five year housing land supply, there is no overriding need to release this site for housing.

Policy officers comment that: *the topography of the site puts it in a very prominent position (with) long open views through the site to the historic core of Adderbury, the Conservation Area and the Grade I listed St. Mary's Church.* The site was considered but rejected for housing in the SHLAA August 2014 update on the grounds of landscape and visual impact.

Policy officers advise that the Council's 2014 AMR concludes that the District has a 5.1 year housing land supply of deliverable sites (including a 5% buffer) for the period 2015 – 2020, based on the housing requirement of the Submission Cherwell Local Plan. Therefore this site is not needed to assist in housing delivery in the District.

- 3.3 HOUSING OFFICER: **no objections** subject to 35% affordable housing provision on site, comprising a tenure split of 30% shared ownership (or another form of intermediate tenure) and 70% affordable rent. The following indicative affordable housing mix is suggested:

4x1b2p Maisonettes
20x2b4p Houses
9x3b5p Houses
1x2b3p Bungalow (wheelchair)

The Housing Officer advises that the affordable housing should be distributed in clusters of no more than 15 units and the units should be built to the Homes and Communities Agency's (HCA) Design and Quality Standards. 50% of the rented units should comply with Lifetime Homes standards and there should be 1 unit which meets full wheelchair standards.

- 3.4 ENVIRONMENTAL PROTECTION (noise and contamination): **no objections** subject to conditions requiring a full assessment of the risks of land contamination to be carried out, and mitigation proposed, agreed and implemented as necessary.
- 3.5 ECOLOGY OFFICER: **no objections** subject to conditions to ensure that the potential impacts on biodiversity and protected species are minimised and adequately mitigated, and enhancements secured where appropriate.

The Ecology Officer comments that: *the submitted ecology report is satisfactory in depth and scope, and although there are few ecological constraints on site: the report makes a number of recommendations which should be adhered to, to ensure no offence is committed with regard to protected species.*

- 3.6 CONSERVATION OFFICER: **object** on the grounds that the development would: *fundamentally destroy the relationship of both Adderbury church and conservation area with that part of its setting to the north east (along Banbury Road).* The Conservation Officer advises that: *any perceived social benefit in this instance is outweighed by the definite harm.*
- 3.7 LANDSCAPE ARCHITECT: **object** on the grounds that the landscape sensitivity is high, and the development would result in a significant detrimental impact on the amenity value of the landscape, in particular the local amenity value as experienced by users of the various public rights of way that cross the site. Concern is also expressed about the ability of the proposed planting buffer to adequately screen the development (without impacting on the amenity of the proposed residents), and the cumulative detrimental effect and harm to wider landscape character when considered with other planned developments to the north and south of the site.

- 3.8 LANDSCAPE SERVICES: **no objections**, subject to financial contributions to the maintenance of the proposed orchard, new trees, informal open space, play provision, (LAPs and LEAP), existing and proposed hedgerows, ditches and swales, and attenuation basin. A s106 legal agreement is also recommended to secure the provision of the informal open space, the LAPs and LEAP, and the attenuation basin.
- 3.9 RECREATION AND COMMUNITIES: **no objections** but requests a financial contribution to enhancing existing community facilities (to mitigate the additional use anticipated to result from the development), and to providing publicity (welcome packs, information leaflets etc.) to aid integrating new residents into the community.

A condition requiring a scheme for public art to be agreed and provided on site is also recommended, to aid the integration of the development into the existing built and social environment.

Oxfordshire County Council Consultees

- 3.10 TRANSPORT: **no objections** subject to various conditions to ensure that adequate parking and access is provided in accordance with OCC Highways standards, and to ensure that the site is adequately drained. A condition requiring a Design Code to be agreed is also recommended, to ensure an acceptable internal layout and street hierarchy is achieved at reserved matters stage along with good pedestrian routes/links that integrate with the existing footpath network.

The main transport issues are considered to be the need to accommodate and protect the various existing public rights of way that cross the site, and to enhance them to accommodate the likely increased frequency and amount of use, and to provide for pedestrian access to the existing bus stops on Banbury Road.

With regard to access onto Banbury Road, OCC Highways officers are satisfied that visibility at the proposed access would be adequate. With regard to the traffic impact of the development, OCC Highways officers conclude that: *in terms of traffic generation and impact there is likely to be a marginal effect on the adjacent highway network...additional traffic generated by the proposal is considered to have no detrimental impact on the adjacent highway.*

A s106 legal agreement is required to secure the provision of a pedestrian refuge on Banbury Road (to facilitate access to the bus stops), and to secure improvements to the public rights of way within and in the vicinity of the site.

- 3.11 ARCHAEOLOGY: **object** on the grounds that the site is located in an area of archaeological interest and so a programme of archaeological investigation should be provided in advance of determination. In particular there is evidence of possible prehistoric archaeological features within the site, along with: *deposits related to the very significant (Neolithic) cursus and possible henge site in the vicinity.* This should be properly evaluated prior to determination and the results used to identify options for minimising or avoiding damage to archaeological remains.
- 3.12 EDUCATION: **no objections** subject to financial contributions to improve and expand primary, secondary and special education facilities in the area, to accommodate the additional demand anticipated from the development.

Christopher Rawlins CoE School is the catchment primary school for the proposed development, and is expected to be operating at capacity based on recent trends. Any new housing development in the area would require expansion of primary school capacity either at Christopher Rawlins or at a neighbouring school (e.g. Deddington).

Likewise, The Warriner School is the catchment secondary school for the development and is already regularly oversubscribed. Expansion of secondary school capacity either at The Warriner School or at other schools in Banbury is therefore necessary to accommodate new housing development.

There is currently insufficient capacity for special education needs arising from new developments in Oxfordshire to be met, including in the Banbury area. The nearest facility to the development site is Frank Wise School in Banbury. Grant funding has been secured to deliver improvements and increase capacity at this facility. However a funding gap remains; it is considered that the proposed development should contribute to meeting this funding gap.

- 3.13 **PROPERTY: no objections** subject to a condition requiring details of the provision of fire hydrants within the site to be submitted and agreed, and subject to financial contributions to improve and expand community facilities (libraries, museums, adult day care, waste management) to meet the additional demand anticipated to result from the development.

A contribution to meeting OCC's costs in respect of administering and monitoring the legal agreement that would be required to secure the above financial contributions is also requested.

- 3.14 **MINERALS AND WASTE: no objections** commenting that although the development would sterilise deposits of ironstone within the site, the extent of these deposits is considered to be limited and there is uncertainty whether they would be commercially workable. In addition the proximity to existing and planned housing development restricts the area of the site that could potentially be worked. Therefore there is insufficient justification for the mineral deposits to be safeguarded.

Other Consultees

- 3.15 **HISTORIC ENGLAND: object** and recommend that the application should be refused on the grounds that the harm to the significance of the Grade I listed church of St. Mary and the Adderbury Conservation Area has not been justified.

Historic England comment that the Church of St. Mary is: *one of the largest and most important medieval parish churches in the county*, and the application site: *makes a strong contribution to the setting of both the church and the conservation area*. The proposed development is considered to obstruct views and detract from the setting of the church and the conservation area, and to result in: *a relatively high level of harm to designated heritage assets*. As such Historic England advise that the site is not suitable for a large housing development.

- 3.16 **ENVIRONMENT AGENCY: no objections** subject to a condition requiring submission and approval of a surface water drainage scheme prior to development commencing, to safeguard against the increased risk of flooding.
- 3.17 **THAMES WATER: no objections** in respect of sewerage infrastructure capacity, but recommends an informative about the minimum water pressure that the mains water connection(s) should be designed to accommodate.
- 3.18 **OXFORDSHIRE CLINICAL COMMISSIONING GROUP: no objections**, but welcomes: *the offer of options for provision of health services within the proposed development*.
- 3.19 **WILDLIFE TRUST: no objections**, commenting that: *it would appear that significant ecological impacts arising from the proposals are unlikely*. However conditions are recommended to ensure that the measures proposed in the application to protect and

enhance biodiversity are delivered.

3.20 RAMBLERS ASSOCIATION: **no comments** received at the time of writing.

4. Relevant National and Local Policy and Guidance

4.1 DEVELOPMENT PLAN POLICY

Adopted Cherwell Local Plan (Saved Policies)

H5:	Affordable housing
H12:	Housing in rural areas
H13:	Residential development in category 1 settlements
H18:	New dwellings in the countryside
TR1:	Transportation funding
R12:	Provision of public open space
C2:	Development affecting protected species
C4:	Creation of new habitats
C7:	Landscape conservation
C8:	Sporadic development in the countryside
C9:	Scale of development compatible with a rural location
C13:	Area of High Landscape Value
C27:	Development in villages to respect historic settlement pattern
C28:	Layout, design and external appearance of new development
C30:	Design of new residential development
C33:	Protection of important gaps of undeveloped land
ENV12:	Contaminated land

Oxfordshire Minerals and Waste Local Plan (Saved Policies)

SD10:	Conservation of mineral resources
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4.2 OTHER MATERIAL POLICY AND GUIDANCE

National Planning Policy Framework

Planning Practice Guidance

Non-Statutory Cherwell Local Plan

Although a material consideration, it is one of limited weight.

Cherwell Submission Local Plan (SLP)

The 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. The examination reconvened and closed in December 2014 and the Inspector's report is expected to be published in May 2015. Although the SLP does not have Development Plan status, it is a material planning consideration and due weight can be afforded to relevant draft policies, in accordance with Paragraph 216 of the NPPF.

The relevant draft policies of the Submission Local Plan are:

PSD1:	Presumption in Favour of Sustainable Development
BSC1:	District Wide Housing Distribution
BSC2:	Effective and Efficient Use of Land
BSC3:	Affordable Housing
BSC4:	Housing Mix
BSC7:	Meeting Education Needs
BSC8:	Securing Health and Well-Being
BSC9:	Public Services and Utilities
BSC10:	Open space, Outdoor Sport and Recreation Provision
BSC11:	Local Standards of Provision – Outdoor Recreation
BSC12:	Indoor Sport, Recreation and Community Facilities
ESD3:	Sustainable Construction
ESD5:	Renewable Energy
ESD7:	Sustainable Drainage Systems (SuDS)
ESD10:	Protection and Enhancement of Biodiversity and the Natural Environment
ESD13:	Local Landscape Protection and Enhancement
ESD16:	The Character of the Built and Historic Environment
Villages1:	Village Categorisation
Villages 2:	Distributing Growth Across the Rural Areas
INF1:	Infrastructure

Pre-submission Adderbury Neighbourhood Plan (ANP)

The pre-submission ANP was published for consultation on 9 March 2015. The consultation period closed on 20 April 2015. The draft ANP will now be reviewed in light of the consultation responses, before submission to Cherwell District Council and a further round of consultation. Although the ANP is a material consideration, it is one of limited weight due to its early stage of preparation.

In respect of the application site, the pre-submission ANP identifies it as the most sustainable location in the village for new housing development. However in view of the amount of new housing development that has already taken place in the village the ANP proposes that no further housing development should take place beyond the built limits of the village until after 2031. Instead the application site is identified as the preferred location for the village primary school to relocate to, if necessary in order to expand to serve the village population.

Other Planning Guidance/Documents

Building in Harmony with the Environment SPG
Countryside Design Summary SPG
Planning Obligations Draft SPD
Adderbury Conservation Area Appraisal

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of development
- Heritage impact
- Design and impact on the character of the area
- Residential amenity

- Transport impact
- Biodiversity impact
- Loss of agricultural land
- Flood risk and drainage
- Pollution control
- Community infrastructure impact
- Planning balance

5.2 RELEVANT PLANNING HISTORY

The application site

14/00100/SO (the application site) – screening opinion for residential development of up to 98 dwellings (use class C3) and GP outreach surgery with all matters reserved except for access EIA NOT REQUIRED 5 January 2015

Other sites in Adderbury

14/00250/F (Land north of Milton Road) - Demolition of existing agricultural buildings and erection of 20 private houses and 11 affordable dwellings, provision of public open space and land for a possible community use APPROVED 1 December 2014.

13/00996/F (land north of Adderbury Court) - Proposed residential development of 26 units APPEAL ALLOWED (for 25 units) 3 September 2014.

13/01768/F (land east of Deene Close) – Demolition of existing agricultural building and development of 60 dwellings with new highways access from Aynho Road, public open space, landscaping and infrastructure APPROVED 19 June 2014.

13/00456/OUT (Land south of Milton Road) - Erection of 65 dwellings with associated access, open space and structural landscaping APPEAL ALLOWED 23 January 2014.

14/01541/REM (Land south of Milton Road) - Reserved Matters to Outline Application 13/00456/OUT - Erection of 65 dwellings with associated access, open space and structural landscaping APPROVED 17 December 2014.

PRINCIPLE OF DEVELOPMENT

- 5.3 Paragraph 11 of the NPPF makes clear that the starting point for decision making is the development plan. In this case the development plan comprises the ‘saved’ policies of the adopted Cherwell Local Plan, and the Oxfordshire Minerals and Waste Local Plan.
- 5.4 The site is outside the built limits of Adderbury village, in open countryside, and the proposal is for a large scale residential development with associated infrastructure and open space. This would be contrary to a number of saved policies of the Cherwell Local Plan, in particular policies H12, H13, H18, C8, C9, C13, C27, C28, C30 and C33. In general terms these policies seek to limit and restrict new development (in particular new residential development) in the countryside, to ensure development takes place in sustainable locations and to protect the rural character, quality and appearance of the countryside.
- 5.5 However the need to have regard to the development plan is qualified by the presumption in favour of sustainable development at Paragraph 14 of the NPPF. In particular: *where the development plan is absent, silent or relevant policies are out-of-date (the Local Planning Authority should) grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the*

benefits...or specific policies (in the NPPF) indicate development should be restricted. Whether or not a policy is out-of-date is not simply a matter of the length of time that has passed since its adoption; paragraph 215 of the NPPF clarifies that: *due weight should be given to relevant policies in existing plans according to their degree of consistency with (the NPPF).*

- 5.6 There have been a number of recent appeal decisions in Cherwell District where Inspectors have concluded that, in the absence of a five year supply of deliverable housing sites and in accordance with Paragraph 49 of the NPPF, the relevant saved policies of the Cherwell Local Plan relevant to the supply of housing are 'out-of-date'. However with the publication of the 2014 AMR on 31 March 2015 (which post-dates those appeal decisions), the Council considers that it can now demonstrate a 5.1 year housing land supply, including a 5% buffer, sufficient to meet the objectively assessed housing needs set out in the Cherwell submission Local Plan. This being the case, officers consider that the relevant policies of the Local Plan are no longer 'out-of-date' for the purposes of Paragraph 49 of the NPPF.
- 5.7 Nevertheless recent appeal decisions in Cherwell District have also made clear that policies imposing a general presumption against development taking place in certain locations (e.g. H18, C8) are not consistent with the presumption in favour of sustainable development contained in the NPPF. In addition the strategic plan period originally intended to be covered by the Local Plan (1996 to 2001) has expired. As such, in accordance with Paragraph 215 of the NPPF, these Policies cannot be afforded full weight. However officers consider they can still be afforded some weight insofar as they are broadly consistent with Paragraph 17 of the NPPF which states that planning should take account of: *the different roles and character of different areas, promoting the vitality of our main urban areas... recognising the intrinsic character and beauty of the countryside (and focusing) significant development in locations which are or can be made sustainable.*
- 5.8 The Cherwell Submission Local Plan, once adopted, will provide the strategic plan framework for the current plan period 2011 to 2031. Although not yet part of the development plan, the draft policies of the Submission Local Plan are a material consideration in determining planning applications. There are a number of unresolved objections in respect of the housing policies contained in the submission Local Plan, and so officers consider these Policies cannot yet be afforded significant weight. However in view of the advanced stage of preparation of the submission Local Plan, the widely accepted status of the 2014 Oxfordshire Strategic Housing Market Assessment (SHMA) as the basis for setting the objectively assessed housing need for the District, and the impending publication of the examination Inspector's report, officers consider it is appropriate to consider the principle of the proposed development in the context of the housing policies of the submission Local Plan.
- 5.9 Draft Policy Villages 2 is concerned with the distribution of housing growth across the rural areas. It states that: *A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014.* Adderbury is identified as a Category A village, and so is considered suitable in principle to accommodate some additional housing under draft Policy Villages 2.
- 5.10 However, the Council's 2014 Annual Monitoring Report (published 31 March 2015) identifies that significant progress has already been made to meeting the allocation of 750 homes to be delivered at Category A villages, with planning permission granted for 116 homes in Adderbury since March 2014 and a residual unmet allocation of 296 homes to be delivered across the Category A villages under draft Policy Villages 2.
- 5.11 Adderbury is one of 23 Category A villages, and a *pro rata* share of the draft Policy Villages 2 allocation based on parish population size would be 48 dwellings. Whilst

this does not itself render the current proposal unacceptable in principle, and there is no maximum limit on the number of dwellings that could be delivered at any one village, it is an indication that Adderbury is already planned to accommodate a significant amount of new housing development (116 homes) and in a relatively short period of time. Officers consider that allowing a further 98 homes to be developed would amount to an undesirable over-concentration of new housing development in Adderbury that would prejudice a more even-planned and sustainable distribution of housing development across the District's Category A villages. This is a concern also expressed in the Pre-submission Adderbury Neighbourhood Plan (ANP). Therefore, and in the context of the Council being able to demonstrate an up-to-date 5 year housing land supply, officers consider the current proposal to be unnecessary, undesirable, unsustainable and unacceptable in principle in this rural location.

- 5.12 It is the case that the ANP identifies the application site as the preferred site for a potential re-location of the village primary school, and the provision of additional community facilities. This would suggest that those who have prepared the plan consider the site suitable to accommodate some development. However the scale, nature and form of the type of development envisaged by the ANP is wholly different to the current proposal for housing, and the suitability of the site for this type of development will be subject to assessment through the neighbourhood plan process. In any case, due to the early stage of preparation of the ANP, although a material consideration it is one of only limited weight.
- 5.13 It should be noted that the application site was considered in the Council's 2014 Strategic Housing Land Availability Assessment (SHLAA – sites AD008, AD029 and AD046) but was rejected because of concerns about the impact on landscape character and the setting of the village. Access was also raised as an issue of potential concern. The SHLAA does not itself determine whether or not a site should be developed, but it does identify issues that are likely to be a constraint on development taking place. These issues are assessed in more detail in the following paragraphs of this report.

HERITAGE IMPACT

- 5.14 A number of concerns have been raised regarding the impact of the proposed development on the setting and significance of the Adderbury Conservation Area, and the setting of the Grade I listed church of St. Mary, including objections from Historic England and the Council's Conservation Officer.
- 5.15 Saved Policy C33 of the Local Plan states that: *the Council will seek to retain any undeveloped gap of land which is important...in maintaining the proper setting for a listed building or in preserving a view or feature of recognised amenity or historical value.* Similarly draft Policy ESD13 of the submission Local Plan states that proposals will not be permitted if they would: *harm the setting of settlements, buildings, structure or other landmark features, or harm the historic value of the landscape,* and draft Policy ESD16 states that proposals should: *Conserve, sustain and enhance designated and non-designated 'heritage assets'...including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated.*
- 5.16 There are extensive views, both within and across the site, to the historic centre of Adderbury village, which is a designated Conservation Area, and to the Grade I listed parish church of St. Mary. The latter is particularly prominent in the skyline of the village and is a noticeable and impressive feature on the northern approach to the village, along Banbury Road. The Adderbury Conservation Area Appraisal recognises the value of these views to the setting of the Conservation Area and the Church.

- 5.17 Paragraph 132 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be...as heritage assets are irreplaceable, any harm or loss (including to their setting) should require clear and convincing justification.*
- 5.18 The Built Heritage Statement submitted with the application acknowledges that the proposal has potential to cause harm to the setting of the Conservation Area and the Church. However it concludes that by restricting development to the east of the site and by preserving some views within the site: *any harm caused will be less than substantial in magnitude, and at the lower end of the less than substantial scale.*
- 5.19 In objecting to the application, Historic England comment that the site makes: *a strong contribution to the setting of both the church and conservation area, and advise that the proposal: would involve a relatively high level of harm to designated heritage assets.* Although the degree of harm is not stated to be substantial, it is clear that Historic England consider it to be much greater than that assessed by the applicant. The Council's Conservation officer also advises the development would result in significant harm to the setting of designated heritage assets, and suggests that this harm could be considered substantial.
- 5.20 Grade I listed buildings are of exceptional interest; only 2.5% of listed buildings are Grade I. As such the weight to be afforded to its conservation, in accordance with Paragraph 132 of the NPPF, is especially great. It is clear from Historic England's comments that the Church is considered to be one of the most important medieval parish churches in the County, and the visual prominence of the spire as a local landmark is an important part of its historic, cultural and social significance. The views of the Church from Banbury Road across the application site are some of the first to be encountered on the approach to the village from Banbury, and instill an appreciation of the importance of the building in its parish and landscape setting. The proposed development would effectively obliterate these views, reducing them to glimpses through and across the proposed housing development. The views of the Church from within and across the site from the public rights of way network would similarly be harmed. Therefore, and having regard to the exceptional significance of the building and the value derived from its rural landscape setting, officers consider that the proposal would cause a high level of harm to the setting and significance of this designated heritage asset, albeit on balance less than substantial.
- 5.21 With regard to the impact on the setting of the Conservation Area, as noted by Historic England the current views across the application site: *also allow Adderbury's origins as a compact rural settlement around a church surrounded by open countryside to be appreciated.* The proposed development would undoubtedly diminish the countryside setting of the historic village, in views along one of the primary routes into the village. It would also erode the countryside setting of the village as experienced in views looking out from within the Conservation Area. Although this harm can be considered less than substantial, when considered with the harm identified to the setting and significance of the Grade I listed church, officers consider the cumulative harm to the group value of these designated heritage assets is considerable.
- 5.22 Paragraph 134 of the NPPF states that: *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.* Officers' will return to this as part of the planning balance exercise at paragraphs 5.48 to 5.52 of this report.
- 5.23 On the matter of archaeology, Paragraph 128 of the NPPF states that: *where a site...has the potential to include heritage assets with archaeological interest, local*

planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The County Archaeologist has advised that there is high potential for significant archaeological remains to survive on site which could be damaged or destroyed by the development, and has advised that an archaeological field evaluation should be carried out prior to determination, to determine the extent of any remains and the weight that should be attached to the preservation. However no such field evaluation has been submitted and therefore officers consider there is insufficient information to establish if the archaeological impacts of the development can be made acceptable.

DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

- 5.24 The site is currently open countryside and contributes to the rural character, quality and amenity of the area, in particular the rural character and setting of Adderbury village. Its open character and extensive views of the historic village and surrounding countryside also contributes to the amenity value and enjoyment of the various public rights of way either crossing or passing in close proximity to the site.
- 5.25 Saved Policy C7 of the Local Plan states that: *development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.* Similarly Policy C33 states that: *the Council will seek to retain any undeveloped gap of land which is important...in preserving a view or feature of recognised amenity or historical value.* More generally, draft Policy ESD13 of the submission Local Plan states that: *Development will be expected to respect and enhance local landscape character,* and draft Policy ESD16 states that new development should: *Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.*
- 5.26 The Landscape and Visual Impact Assessment submitted with the application has considered the potential impacts on the landscape character and amenity of the site and surrounding area, and concludes that: *the proposals will not result in significant harm to the landscape character or visual environment.* However the Council's landscape officer disagrees with this conclusion and has objected to the proposal on the grounds it would have a major adverse impact on the amenity value of the landscape and the enjoyment of the public rights of way network, in particular the loss of views of Adderbury village and the church of St. Mary. The Parish Council, the Conservation Action Group, and a significant number of local residents have also raised objections on the grounds of landscape and visual impact.
- 5.27 Officers concur with the view that the proposals would have a major adverse impact on the character, quality and amenity of the area. The development would effectively infill a 330 metre long gap in the built form of the village, which currently provides an important vista of the historic core of the village and its traditional rural setting, and extensive and attractive views across the Sor valley from the public rights of way within the site would also be diminished. Therefore the proposal would notably detract from the rural character and setting of the village and the area as experienced by local residents, visitors and users of the A4260 and the public rights of way. Officers consider this to be a significant and demonstrable harm to be taken into account in the planning balance.
- 5.28 With regard to the design and appearance of the proposed development, although details of the layout, scale, landscaping, and appearance are reserved matters and so are not for consideration at this stage, the Council must be satisfied that acceptable details could be achieved. The proposed Initial Development Framework shows one way in which the development could take place. The internal road layout is particularly important as it provides the framework for the development. As

proposed, officers consider it has an overly engineered, linear form and appearance that would dictate a somewhat unimaginative, urban estate layout that would not be successful at responding to, and integrating with, the traditional rural character and settlement pattern of the historic village. It also appears inconsistent with the Illustrative Masterplan contained in the submitted Design and Access Statement.

- 5.29 Access is not a reserved matter, and Article 2, Part 1 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 is clear that access means: *the accessibility to and within the site...in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network*. This being the case, officers consider it is important to ensure that the positioning of the proposed internal access routes will lead to an acceptable layout at reserved matters stage. As currently proposed, and for the reasons outlined at paragraph 5.28 above, officers consider the details of access to be unacceptable in design terms.

RESIDENTIAL AMENITY

- 5.30 There is sufficient separation between the area proposed to be developed and existing and planned neighbouring dwellings to enable acceptable details of layout, scale and appearance to be agreed at reserved matters stage, without undue harm (e.g. overshadowing, an overbearing impact, or loss of privacy) resulting to the amenity of neighbours. With regard to the amenity of the proposed residents, the Initial Development Framework suggests a density of 25 dwellings per hectare, based on a developable area of 3.88ha, and this is considered adequate to ensure a satisfactory standard of amenity (e.g. distances between facing windows, outdoor amenity space) can be provided. Therefore the proposal is considered acceptable in residential amenity terms.

TRANSPORT IMPACT

- 5.31 Concerns have been raised about the potential transport impacts of the development, in particular the impact of additional traffic flows on the local road network, and the safety of the proposed access onto the A4260.
- 5.32 A detailed Transport Assessment and Travel Plan have been submitted with the application. OCC Highways have considered these along with the details of the proposed access, and have concluded that the access would be acceptable in highway safety terms with: *the associated trip generation traffic (resulting from the development) considered negligible given the numbers it will generate i.e. around one vehicle a minute in the busiest hour*. In coming to this conclusion, OCC Highways have taken into account the various transport options available to the proposed residents of the development, including bus services connecting to Banbury and community facilities in the village within walking distance, and the anticipated traffic impacts of other planned developments in the area.
- 5.33 With regard to the impact on the various public rights of way crossing the site, OCC Highways appear satisfied that the legal routes can be protected and enhanced in the development, with off-site enhancements (to mitigate the likely increased use of the local rights of way network) secured through a s106 legal agreement.
- 5.34 Officers have no reason or evidence to disagree with the conclusions and advice of OCC Highways, and therefore the proposal is considered acceptable in transport terms subject to conditions and completion of a satisfactory s106 legal agreement, as recommended in OCC Highways' response.

BIODIVERSITY IMPACT

- 5.35 Paragraph 99 of Circular 06/05 states that: *it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.* Likewise Section 40 of the Natural Environment and Rural 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.*
- 5.36 A detailed Ecological Appraisal has been submitted with the application. The Council's Ecology officer has considered this, and is satisfied that it is: *satisfactory in depth and scope:* and demonstrates that there is limited potential for the development to result in unacceptable or significant adverse impacts on protected species. Officers have no reason or evidence to disagree with the conclusions of the Ecology officer and therefore, subject to conditions to ensure the mitigation and enhancement measures proposed in the Ecological Appraisal and recommended by the Ecology officer are implemented, the development is considered to have an acceptable impact on biodiversity.

LOSS OF AGRICULTURAL LAND

- 5.37 The Council's records and the Planning Statement accompanying the application indicate that the proposal would result in the loss of some 14ha of best and most versatile agricultural land. The NPPF defines 'best and most versatile' as land in grades 1, 2 and 3a of the Agricultural Land Classification. The Council's records show that the site comprises a mix of grade 2 and grade 3a land.
- 5.38 Paragraph 112 of the NPPF states that: *local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.*
- 5.39 It is the case that most of the agricultural land surrounding Adderbury village is classified as best and most versatile, and as such any new housing development on the edge of the village is likely to result in some loss of best and most versatile agricultural land. However it has already been established that there is not an immediate and overriding need for this site to be released for housing now, and there is a significant quantum of new housing development already planned to take place in Adderbury in the next 5 years. In particular, in respect of the remaining balance of 296 dwellings to be provided in the category A villages under draft Policy Villages 2 of the submission Local Plan, it has not been demonstrated that there are no other sites in the District which would be preferable in terms of using areas of poorer quality agricultural land. Therefore officers are not convinced that the loss of a further significant area of best and most versatile agricultural land is either necessary or desirable in this case.

FLOOD RISK AND DRAINAGE

- 5.40 Concern has been raised about surface water drainage and the potential for the development to increase the risk of surface water flooding in the area, in particular on the highway.
- 5.41 A detailed Flood Risk Assessment and Foul Drainage Analysis has been submitted with the application, and having considered this information neither the Environment Agency nor Thames Water have objected to the development and appear satisfied

that a satisfactory drainage scheme can be agreed. Therefore, subject to conditions to ensure a detailed foul and surface water drainage scheme is submitted, agreed and implemented, officers consider the proposal would be acceptable in this respect.

POLLUTION CONTROL

- 5.42 The Council's Environmental Protection officer has commented that the proposed development is particularly sensitive to the risks of ground contamination, and due to the long-established agricultural use of the land and the elevated levels of naturally occurring arsenic in the area, there is a risk of ground contamination on this site. However conditions requiring a full ground contamination survey to be carried out and mitigation measures proposed and implemented as necessary, officers are satisfied that this risk does not present an overriding constraint on development.
- 5.43 No concerns have been raised about the potential noise impacts of the development, and although the proposal would be exposed to road traffic noise (and could itself contribute to an increase in that noise), officers agree with the applicant that any adverse noise impacts are unlikely to be significant.
- 5.44 Likewise officers are satisfied on the basis of the information submitted with the application that there are unlikely to be significant adverse impacts in respect of air quality and pollution associated with the proposed development.

COMMUNITY INFRASTRUCTURE IMPACT

- 5.45 Due to the scale and residential nature of the proposed development, which is anticipated to generate in the region of 265 new residents, it is considered that the proposal is likely to place additional demand on existing community services and infrastructure in the local area including schools, community halls, public transport and public rights of way, health facilities, waste services, and public open space. The consultation response has provided evidence that this would indeed be the case, with requests for contributions to be secured via a s106 legal agreement, to mitigate the impacts of the development in this respect.
- 5.46 Draft Policy INF1 of the submission Local Plan states that: *Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.* Contributions can be secured via a s106 legal agreement provided they meet the tests of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended), which states that planning obligations should be: *(a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.*
- 5.47 Although the applicant has indicated a willingness to enter into a s106 agreement to secure the necessary planning obligations, a signed completed agreement is not in place that would be acceptable to meet the anticipated infrastructure requirements of the development. Therefore officers cannot be satisfied that the infrastructure impacts of the development can be made acceptable in this case.

PLANNING BALANCE

- 5.48 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development: *which should be seen as a golden thread running through both plan-making and decision-taking.* Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions should not be considered in isolation, but should be considered jointly and simultaneously, taking local circumstances into account. In practice this means

that a planning balance exercise should be undertaken to determine if, taken as a whole, the adverse impacts of the proposal identified above are outweighed by the benefits such that it could still be considered sustainable development.

- 5.49 The proposed development would undoubtedly deliver social benefits in terms of meeting housing need, including the provision of on-site affordable housing, and the provision of a large area of public open space. It also offers the potential for land to be reserved for future community use (e.g. development of a GP surgery and community hall), which could be secured by a s106 legal agreement. There would be economic benefits arising directly from the construction phase of development, and indirectly from the contribution of future residents to the local economy, and environmental benefits arising from the proposed enhancements to biodiversity.
- 5.50 Nevertheless, it is quite clear that there would also be a number of significant and demonstrable adverse social, environmental and economic impacts resulting from the development. In summary these are an overconcentration of new housing in Adderbury village causing harm to the rural character and quality of the village and undermining a more balanced distribution of housing growth across the rural areas, the loss of important views of the historic core and countryside setting of Adderbury village including considerable harm to the setting and significance of Adderbury Conservation Area and the Grade I listed church of St. Mary, harm to the rural landscape character of the area, an internal access layout that would appear overly urban and would fail to successfully integrate with the traditional rural character of the village, and the loss of some of the best and most versatile agricultural land. In addition there is insufficient information to properly assess the potential archaeological impacts of the development, and there is no signed completed legal agreement that would be acceptable to secure the necessary planning obligations to mitigate the anticipated infrastructure impacts of the development, and the provision of affordable housing.
- 5.51 In the context of the Council being able to demonstrate an up-to-date 5.1 year housing land supply there is not an overriding need for additional sites (such as the application site) to be released for housing now. Therefore the weight to be afforded to the benefits of delivering housing is reduced. As regards the land proposed to be reserved for future community use, there are no detailed proposals for this and it would presumably be for a third party to bring forward specific proposals for this site. As such there is no guarantee this land would be adequate or suitable for community use, or indeed that it would be developed for community use. Therefore officers consider that limited weight can be afforded to this benefit.
- 5.52 In conclusion, when considering the economic, social and environmental impacts of the development as a whole, officers consider the limited benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts such that planning permission should be refused for the reasons given at section 6 of this report, below.

Engagement

- 5.53 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

6. Recommendation

Refuse, for the following reasons:

1. The proposed development, by reason of its siting and scale on the edge of a village in an open countryside location, and taking into account the amount of new housing development already planned to take place at Adderbury and Cherwell Council's ability to demonstrate an up-to-date 5.1 year housing land supply, is considered to be unnecessary, undesirable and unsustainable new housing development that would harm the rural character and setting of the village and would prejudice a more balanced distribution of the rural housing growth planned for in the Cherwell Submission Local Plan. Therefore the proposal is considered unacceptable in principle and conflicts with saved Policies H12, H18, C8, C9, C27 and C33 of the adopted Cherwell Local Plan, draft Policies ESD13, ESD16 and Villages 2 of the Cherwell Submission Local Plan, the NPPF in particular paragraphs 7, 8, 9, 10, 14 and 17 and section 7 'Requiring good design', and the PPG.
2. By reason of its siting, size, scale, form and appearance, in particular the extensive loss of important views across open countryside of the historic core of Adderbury village including Adderbury Conservation Area and the Grade I listed church of St. Mary, as experienced along one of the main approaches into the village, the proposed development is considered to cause considerable, unnecessary and unjustified harm to the setting and significance of designated heritage assets. There are no public benefits that outweigh this level of harm. Therefore the proposal conflicts with saved Policies C27 and C33 of the adopted Cherwell Local Plan, draft Policies ESD13, ESD16 and Villages 2 of the Cherwell Submission Local Plan, the NPPF in particular paragraph 17 'Core planning principles' and section 12 'Conserving and enhancing the historic environment', and the PPG.
3. By reason of its siting, size, scale, form and appearance, in particular the extensive loss of important views across open countryside of the historic core of Adderbury village and the Sor valley, the proposal is considered to cause significant and unacceptable harm to the rural landscape character and quality of the area and the setting of the village as experienced by local residents, visitors and users of the A4260 and the public rights of way. Therefore the proposal conflicts with saved Policies C7, C27 and C33 of the adopted Cherwell Local Plan, draft Policies ESD13, ESD16 and Villages 2 of the Cherwell Submission Local Plan, the NPPF in particular paragraph 17 'Core planning principles' and section 7 'Requiring good design' and the PPG.
4. By reason of the engineered, regular linear position and form of the proposed internal access roads, the details of access shown on the Initial Framework Plan are considered to dictate an overly modern, urban estate layout that would not be successful at responding to, and integrating with, the traditional rural character and settlement pattern of the historic village and the surrounding countryside. Therefore the proposal conflicts with saved Policies C27, C28 and C30 of the adopted Cherwell Local Plan, draft Policies ESD13 and ESD16 of the Cherwell Submission Local Plan, the NPPF in particular paragraph 17 'Core planning principles' and section 7 'Requiring good design' and the PPG.
5. By reason of the siting and size of the development and the resulting loss of some 14 hectares of grades 2 and 3a agricultural land, and taking into account the Council's ability to demonstrate an up-to-date 5.1 year housing land supply, the quantum of housing development already planned for in Adderbury, and the lack of evidence to demonstrate that there are no other sites in Category A villages in the District which would be preferable in terms of using areas of poorer

quality agricultural land to meet the District's housing needs, the proposal is considered to result in the unnecessary and unjustified loss of best and most versatile agricultural land. Therefore the proposal conflicts with draft Policies BSC2 and Villages 2 of the Cherwell Submission Local Plan, the NPPF in particular paragraphs 17, 28, and 112, and the PPG.

6. By reason of the site's location in an area of known archaeological interest with high potential for significant archaeological deposits to survive on site, in the absence of a detailed and adequate archaeological field evaluation the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to archaeological assets. Therefore the proposal conflicts with draft Policies ESD16 and Villages 2 of the Cherwell Submission Local Plan, the NPPF in particular paragraph 17 'Core planning principles' and section 12 'Conserving and enhancing the historic environment', and the PPG.
7. By reason of the lack of a satisfactory completed s106 legal agreement to secure contributions to the community services and infrastructure that would be directly affected by the development, and to secure the provision of affordable housing to meet housing need, the Local Planning Authority cannot be satisfied that the impacts of the development in these respects can be made acceptable. Therefore the proposal conflicts with saved Policy H5 of the adopted Cherwell Local Plan, draft Policies BSC3 and INF1 of the Cherwell Submission Local Plan, the NPPF in particular paragraphs 17, 203 and 204 and section 6 'Delivering a wide choice of high quality homes', and the PPG.

Planning Notes

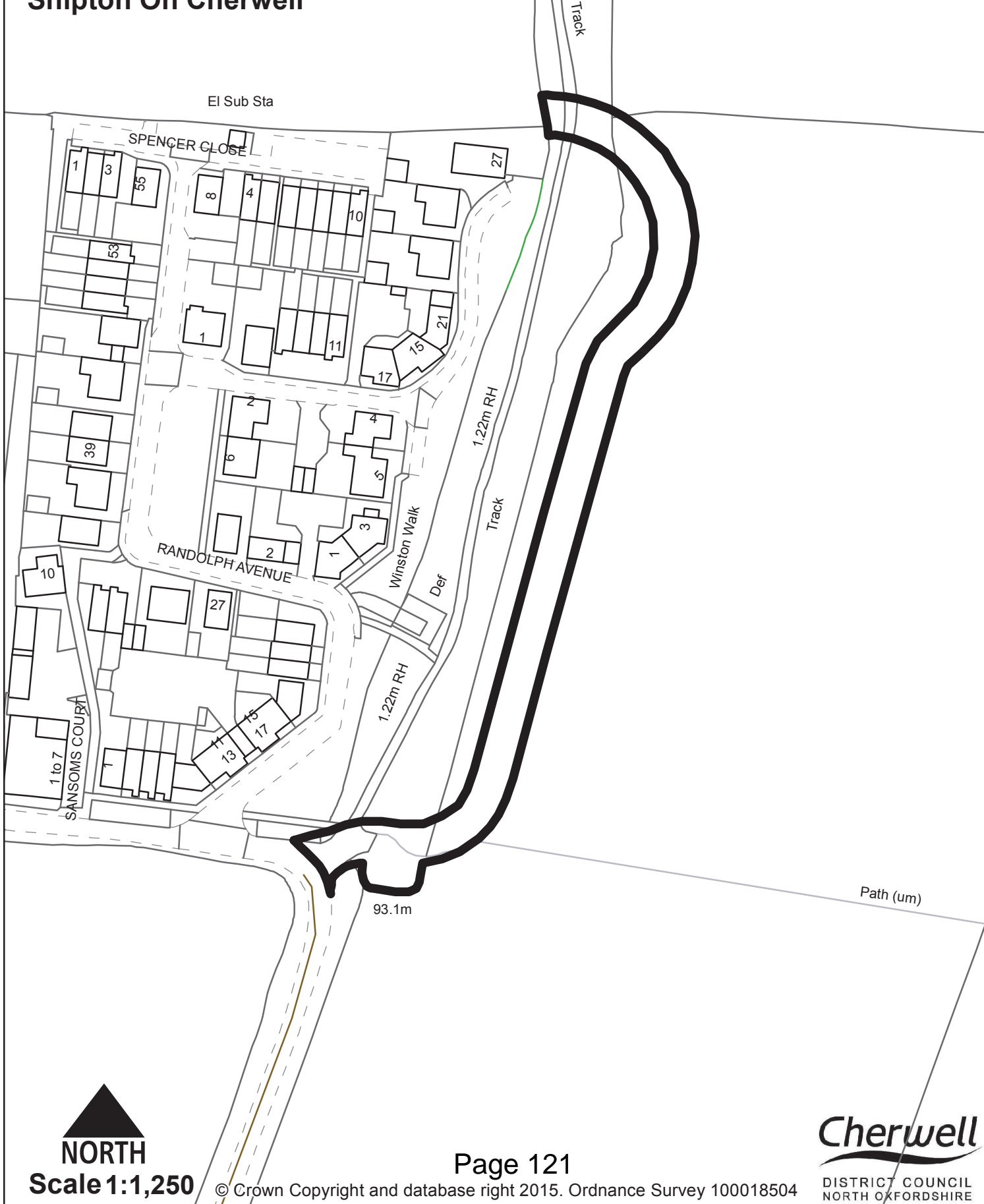
1. The plans and documents relating to this decision are: Drawing Nos. 5591/ASP01 and 5591/ASP03 Rev F, and the Planning Statement (February 2015), Design and Access Statement (ref: 5591.DAS.005.VF dated February 2015), Statement of Community Involvement (January 2015), Foul Drainage Analysis (December 2014), Socio-Economic Sustainability Statement (January 2015), Landscape and Visual Impact Assessment (ref: 5591.LVIA.004.VF dated February 2015), Transport Assessment (ref: GA001 dated February 2015), Travel Plan (ref: GA001 dated February 2015), Ecological Appraisal (ref: ECO4040.EcoAp.vf1 dated December 2014), Arboricultural Impact Assessment (ref: 8925_AMS.001 dated January 2015), Flood Risk Assessment (ref: FRA-18158G-14-412 Rev B dated 27 January 2015), Built Heritage Statement (ref: TC/18444 dated February 2015), Archaeological Desk Based Assessment (ref: PC/RAJS/18443 dated January 2015), Noise Screening Report (ref: CMD/MP/LE12802/003 dated 22 December 2014), and Air Quality Screening Report (ref: CMD/MP/LE12802/002 dated 22 December 2014).

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 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.

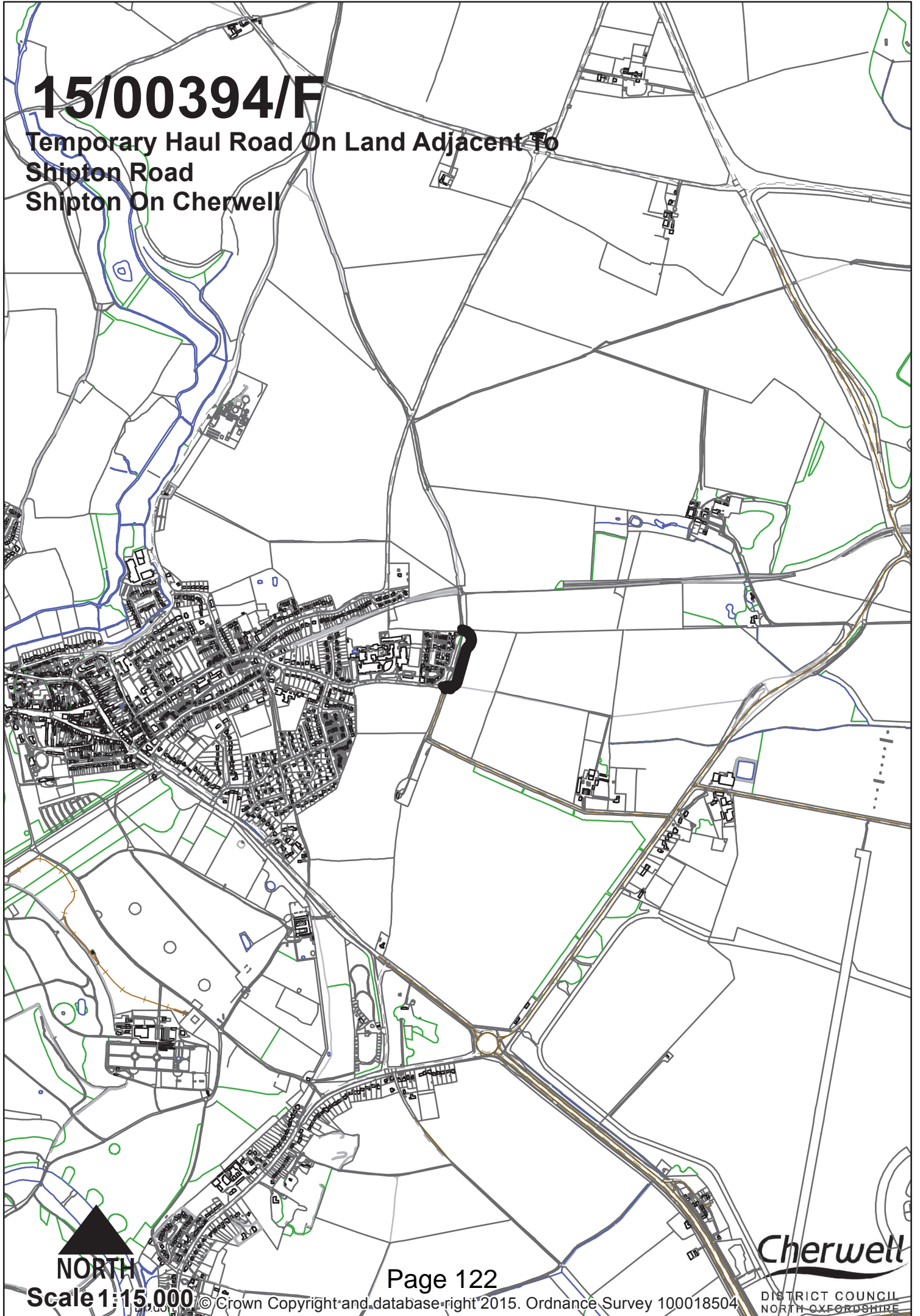
15/00394/F

Temporary Haul Road On Land Adjacent To Shipton Road Shipton On Cherwell



15/00394/F

Temporary Haul Road On Land Adjacent To
Shipton Road
Shipton On Cherwell



Scale 1:15,000

**Site Address: Land adjacent to Shipton
Road Shipton on Cherwell**

15/00394/F

Ward: Kirtlington

District Councillor: Cllr Holland

Case Officer: Shona King

Recommendation: Approval

Applicant: Pye Homes Ltd

Application Description: Temporary haul road for 2 years

Committee Referral: Member Request

Committee Date: 21 May 2015

1. Site Description and Proposed Development

- 1.1 The application site lies to the east of the built up edge of Woodstock on the eastern side of a bridle way that forms the boundary between West Oxfordshire and Cherwell.
- 1.2 Consent is sought for a haul road for a period of two years to serve a housing development within West Oxfordshire which was granted planning permission in February 2015. The haul road is to run from Shipton Road crossing bridleway 342/3 and into an open field using an existing gateway. The haul road is then to run northwards for a distance of approximately 195m before re-crossing the bridleway and entering the construction site.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and press notice. The final date for comment was the 4th May 2015.

12 letters have been received. The following issues were raised:

- Questions validity of site notice
- History of housing development which is to be served by the haul road
- Highway safety
- Safety of users of the rights of way
- Cost of works
- Environmental impact
- Impact on the living amenities of nearby properties
- Contravenes NPPF with regards rights of way
- Description of the development questioned
- Impact on horse riders/horses using the bridleway

3. Consultations

- 3.1 Shipton on Cherwell Parish Council: Shipton on Cherwell and Thrupp Parish Council meets irregularly, so a full Parish Meeting has not been able to discuss this Application. Unfortunately a quorum of Councillors is not available (holidays), but I have spoken to 2 parish Councillors. The position of the Parish Council is to support Woodstock in it's desire to have the Application 'called in', and not left to a delegated Officer decision.

- 3.2 Woodstock Town Council: RESOLVED (unanimous) that:

1. Woodstock Town Council strongly objects to this planning application as the cost will be astronomical, the immediate environmental impact will be severe, the breach of the

bridle way will deprive walkers of a treasured amenity and there is an unquantifiable risk that the temporary road will become permanent, thus causing further visual and environmental damage.

2. If, notwithstanding this Woodstock Town Council recommendation, Cherwell District Council gives consent, we recommend them to take full account of the content of the letter from Mr M S H Price to the Head of Protection and Development Management dated 13th April 2015 about the routing of the road.
3. This matter should be considered by the full planning sub-committee and not delegated to a planning officer as it is too important.

3.3 West Oxfordshire District Council: No comment to date

Cherwell District Council Consultees

3.4 Landscape Officer: The vehicular use of the temporary haul road and construction traffic will have a two year term construction impact on users of the adjacent PROW. Therefore the area immediately east of the road is to have the stripped topsoil stockpiled and graded to the appropriate profile with a double row, native hedge planted on top, as whips, 1 apart, with mulch mats and rabbit guards. The planting is to be maintained for the period of operation, 2 years. Fast growing silver birch, cherry and alder are to be planted.

The root protection area (in accordance with BS5837) of the structural vegetation to the west is to be marked out on site and protected with secure fencing during the construction of the road.

The land to be de-compacted and reinstated to agriculture, along with the replacement planting of any native trees, shrubs and hedgerows lost to the formation of the constructor's access, north and south.

3.5 Environmental Protection Officer: No objections

Oxfordshire County Council Consultees

3.6 Highways Liaison Officer: It is understood that the County's Public Rights of Way Officer is to recommend a condition which protects the status of the existing Public Right of Way.

In terms of traffic generation and impact there is likely to be an insignificant effect on the adjacent highway network as a result of the proposal and as such Oxfordshire County Council as Local Highway Authority hereby notifies the District Authority that they do not propose to object to the grant of permission i.e. there are no objections to the proposal from a traffic and highway safety point of view subject to the following conditions:

1. Other than the approved access no other means of access for construction traffic whatsoever shall be formed or used between the land and the highway. The proposed use shall remain for a maximum period of 2yrs for construction traffic purposes only.

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

2. Prior to the commencement of the development hereby approved, full specification details of the proposed road including construction, surfacing, layout, drainage and relationship to the existing 'Public Rights of Way', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the road the development shall be constructed in accordance with the approved details.

Reason: In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

3. Development shall not commence until a Construction Management Plan (CMP) has been submitted and approved in writing by the Local planning Authority. The CMP shall include details of the phasing of development and construction activities within each phase; a construction method statement; consultation and communication with residents of adjacent and surrounding properties; locations on site for the parking of vehicles for operatives and visitors, and for the loading and unloading of plant and materials; locations on site for the storage of plant and materials; the erection and maintenance of any securing hoarding fencing; wheel wash facilities; the hours of construction works traffic on the highway including delivery traffic which must be outside of peak school drop off/pick up times. The CMP shall be implemented in full during the entire construction phase of this development.

4. The proposed new road shall be kept free of obstructions at all times and used only for the specified purpose.

3.7 OCC Rights of Way Officer:

It is clear from the plans that the implementation of this Haul Road will have a large impact on what is a popular and aesthetically pleasing rights of way network. Nevertheless the current plans have been designed in consultation with the Countryside Access team.

It is important the applicants provides the right levels of mitigation in order to provide a safe and useable rights of way network for the two year period that the haul road is intended to be in operation.

Some of this detail is not clear within the application, therefore to focus on this, the Countryside Access response will be split into two sections, the Shipton road entrance and site entrance.

Shipton Road Entrance

Where the haul road intends to begins off the Shipton road, it immediately crosses footpath 5 close to the point where bridleway 3 exits. The designs indicate that the haul road is to be fenced for safety purposes on its western side, by the use of Heras fencing and a gap left to provide for public footpath 5 on its legal alignment. I would ask that a gap is left of no less than 4 metres within the fencing and it would also be preferable that some fencing is provided of perhaps a less intrusive nature in order to try and reduce the visual impact that this will have for the 2 year period of operation.

Where footpath 5 crosses the haul road, a marked pedestrian crossing will be installed allowing pedestrians and site traffic to be well aware of each other's presence visually, I would ask that the appropriate signage be installed in addition to this.

Site Entrance

The haul road intends to cross the bridleway with barriers being installed either side. Free passage on bridleway 3 north / south and bridleway 5 to the east will remain unaffected unless site traffic is crossing.

The barriers are intended to be opened to obstruct the bridleway temporarily whilst the site traffic enters. Whilst this is acceptable, it is important that these are manned throughout operation to make sure that members of the public are inconvenienced for as little time as possible.

It is important that bridleway 2 coming from the East is safely accommodated. This is so those entering onto bridleway 3 have some shielding from approaching site traffic. The reasons for this, is that the sudden arrival of those in high visibility clothing, along with one or more large vehicles, could be enough to agitate a horse, whilst it negotiates itself onto bridleway 3 to head north or south. I would ask that appropriate signage is included on the haul road to warn drivers of the public rights of ways presence when they approach.

Finally it is important that a photographic record is taken of the surface condition prior to the installation of the haul road. This is to make sure that on restoration, the route is returned to its previous condition

Therefore in summary the Countryside Access team has no objection to this application. However we would ask that a condition is added with respects to the mitigation measures highlighted.

‘ The road layout, all fence alignments, gaps within fencing and appropriate signage are to be approved by the Countryside Access team prior to construction taking place ‘

Reason: to make sure that the public rights of way are provided for on their correct alignment and that all the appropriate safety measures are in place so members of the public can continue to use the affected routes without inconvenience

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

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

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Local Plan (October 2014)

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

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning history
- Impact on the visual amenities of the area
- Impact on highway safety
- Impact on the Public Rights of Way

Planning history

5.2 There is no planning history for the application site itself however permission was

granted for a site in West Oxfordshire that the haul road is to serve. The development for 58 dwellings, with access through a further housing development known as Randolph Avenue, was approved in February 2015 under application reference 13/0982/P/FP. The site lies to the northern end of the proposed haul road.

- 5.3 The permission was subject to a number of conditions one of which sought the submission to and approval by West Oxfordshire District Council of a Construction Method Statement This required provision for:
- i. The parking of vehicles for site operatives and visitors
 - ii. The loading and unloading of plant and materials
 - iii. The storage of plant and materials used in constructing the development
 - iv. The erection and maintenance of security hoarding including decorative displays
 - v. Wheel washing facilities
 - vi. Measures to control the emission of dust and dirt during construction
 - vii. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii. The details to ensure that construction operations do not damage the hedgerow, trees, reptiles, badgers, newts or nesting birds as may be present on site.

The reason given for the condition was to safeguard the character and appearance of the area, living conditions, biodiversity and road safety.

- 5.4 As part of the discussions with West Oxfordshire to discharge the condition the applicant's agent has stated in the planning statement that it was agreed that the most appropriate means of accessing the site was to construct a temporary haul road in the adjacent field to ensure that disturbance to existing residents would be minimal during the construction phase of the development.

- 5.5 Planning permission is required for the haul road rather than it being dealt with under the discharge of the condition because the haul road lies in Cherwell District.

Impact on the visual amenities of the area

- 5.6 The proposed haul road will be screened in views from the west by the existing vegetation along the bridleway which is to be retained. The application has been amended omitting heras fencing from the eastern side of the haul road reducing the visual impact from the east.

- 5.7 In your officer's opinion it is considered that the visual impact will not be so significant to warrant refusal of the application. It is recommended that any consent is subject to conditions requiring the reinstatement of the field and any vegetation that is lost as well as the surfaces of the bridleway/footpaths if damage occurs.

Impact on highway safety

- 5.8 The Highway Authority is satisfied that the haul road will not result in any significant detriment to highway safety. They have recommended the imposition of conditions and these are set out below.

Impact on the Public Rights of Way

- 5.9 The applicants' agent has stated that the haul road is to be closed by barriers except when lorries are due and a banksman will supervise all movements in order to protect users of the footpath network. Also the route of the footpaths/bridleway will be protected with fencing for the duration of the consent.

- 5.10 The County Council Rights of Way Officer has raised no objection to the application subject to a condition requiring mitigation measures to be approved prior to construction taking place. They have stated that additional signage is required warning drivers of the presence of the public rights of way on approaching the site as

well as appropriate fencing, pedestrian crossing and protection of the bridleways. They have also requested that a photographic record is made of the condition of the surface of the right of way so that on restoration it can be returned to its previous condition.

5.11 These conditions are set out below.

Ecology

5.12 The proposed haul road will result in the loss of vegetation at the southern and northern ends of the haul road where it crosses the bridleway. However the extent of the loss is minimal and it is considered that the development will not have a significant impact on habitat. The applicant submitted an ecological survey for the housing site and reptiles were found along the eastern and north eastern boundaries of the site and as such it is recommended that conditions are attached to any consent to ensure that protected species are not harmed.

Other issues

5.13 The description of the development has been questioned. The word temporary is acceptable as if the road was to become permanent further planning permission would be required.

5.14 The impact on the living amenities of the nearby dwellings is a consideration however the development which the haul road is to serve has been granted planning permission and the alternative to access the site during the construction phase would be through Randolph Avenue. This would have a greater impact on the living amenities of those properties. When finished the access to the housing estate will be through Randolph Avenue.

Engagement

5.15 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the approval of development that accords with sustainable development principles as set out in the NPPF.

Conclusion

5.16 To conclude it is considered that the proposed haul road will not result in any significant detriment to the visual amenities of the area, nor to highway safety. The measures proposed to protect the rights of way are considered to be appropriate and the development will not result in any significant inconvenience to the users of the rights of way in the area.

6. Recommendation

Approval, subject to the following conditions:

1. At the expiration of two years from the date hereof the use of the haul road shall be discontinued and the land shall be restored to its former condition on or before that date.

Reason – This consent has only been granted in view of the special circumstances of the proposal and because the haul road is not suitable or necessary for permanent retention and in order to comply with Policy C31 of the adopted Cherwell Local Plan and government guidance contained within the National Planning Policy Framework.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, site plan and drawing no.12-1162 07

P06.

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 haul road hereby approved shall be constructed and used only in association with the development approved under West Oxfordshire District Council's application reference 13/0982/P/FP only and for no other purpose whatsoever. Use of the haul road shall cease upon the completion of the development of that application site.

Reason - This consent has only been granted in view of the special circumstances of the proposal and because the haul road is not suitable or necessary for permanent retention and in order to comply with Policy C31 of the adopted Cherwell Local Plan and government guidance contained within the National Planning Policy Framework

4. Prior to the commencement of the development hereby approved, full specification details of the proposed road including construction, surfacing, layout, drainage and relationship to the existing 'Public Rights of Way', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the road the development shall be constructed in accordance with the approved details.

Reason: In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

5. Development shall not commence until a Construction Management Plan (CMP) has been submitted and approved in writing by the Local planning Authority. The CMP shall include details of the phasing of development and construction activities within each phase; a construction method statement; consultation and communication with residents of adjacent and surrounding properties; locations on site for the parking of vehicles for operatives and visitors, and for the loading and unloading of plant and materials; locations on site for the storage of plant and materials; the erection and maintenance of any securing hoarding fencing; wheel wash facilities; the hours of construction works traffic on the highway including delivery traffic which must be outside of peak school drop off/pick up times. The CMP shall be implemented in full during the entire construction phase of this development.

Reason – In the interest of highway safety, to ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and to comply with Government guidance contained within the National Planning Policy Framework.

6. Full details of the position of the protective fencing along the eastern edge of the site shall be submitted to and approved in writing by the local planning authority. The fencing shall be sited outside the root protection areas of the hedgerow/trees in accordance with BS 5837:2012 and all subsequent amendments and revisions. The fencing shall be erected in accordance with the approved details prior to the commencement of the development and retained in situ during the construction and use of the haul road.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the

interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Full details of the remediation and reinstatement works which shall include replanting of the gaps where hedgerow/trees are to be removed shall be submitted within 18 months of the date of this permission to be approved in writing by the Local Planning Authority prior to those remediation works commencing. The approved scheme shall be implemented within 6 months of the cessation of the use of the haul road.
8. Prior to construction details of the road layout, all fence alignments, gaps within fencing, pedestrian crossing over the haul road, how the barriers are to be manned and appropriate signage shall be approved in writing by the Local Planning Authority and before the first use of the road the development shall be constructed in accordance with the approved details.

Reason – To make sure that the public rights of way are provided for on their correct alignment and that all the appropriate safety measures are in place so members of the public can continue to use the affected routes without inconvenience and to comply with guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development a photographic record shall be taken of the surface condition of the route of the haul road in order that on restoration the route is returned to its former condition.

Reason - in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Planning Notes

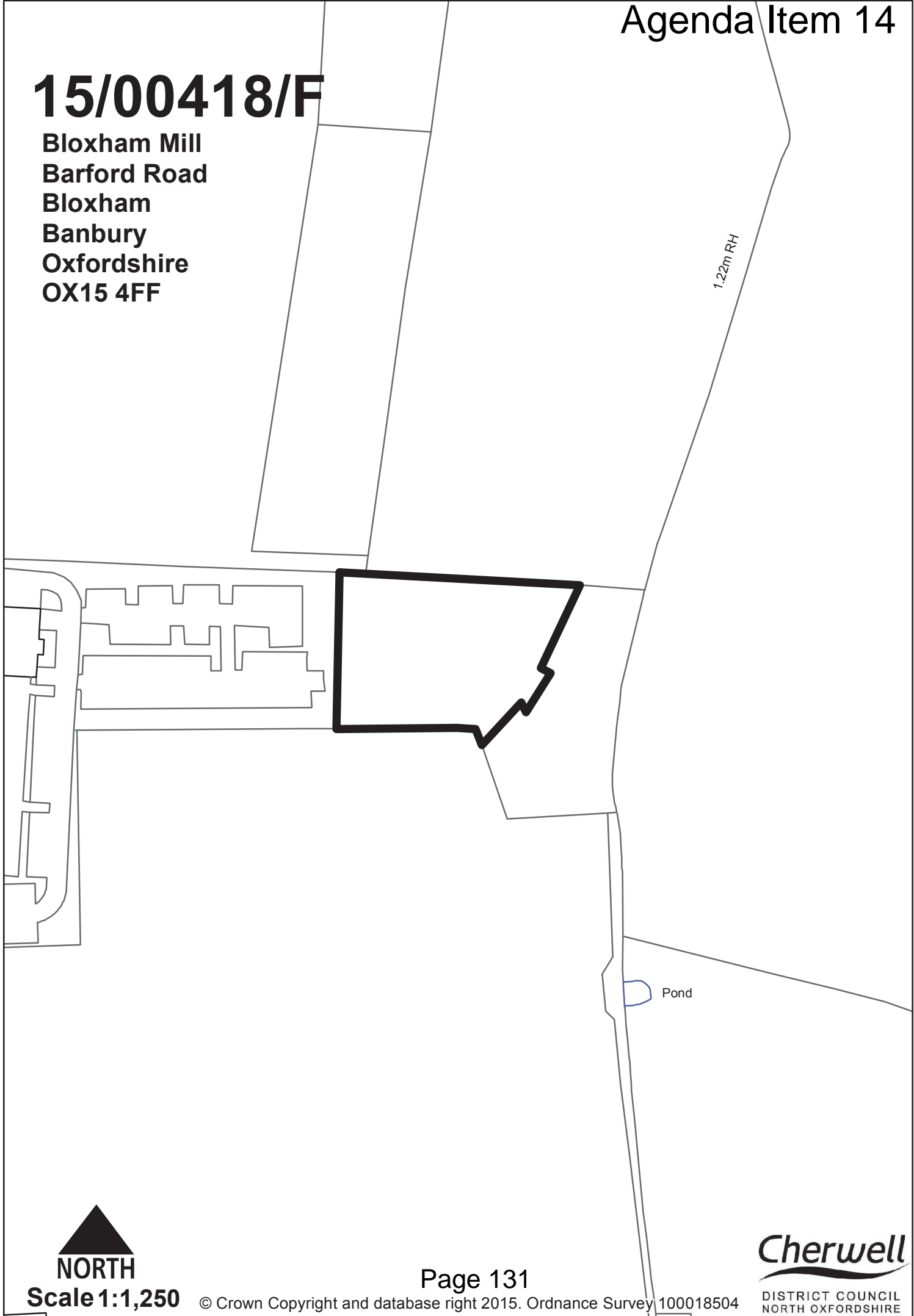
1. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to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

STATEMENT OF ENGAGEMENT

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

15/00418/F

Bloxham Mill
Barford Road
Bloxham
Banbury
Oxfordshire
OX15 4FF

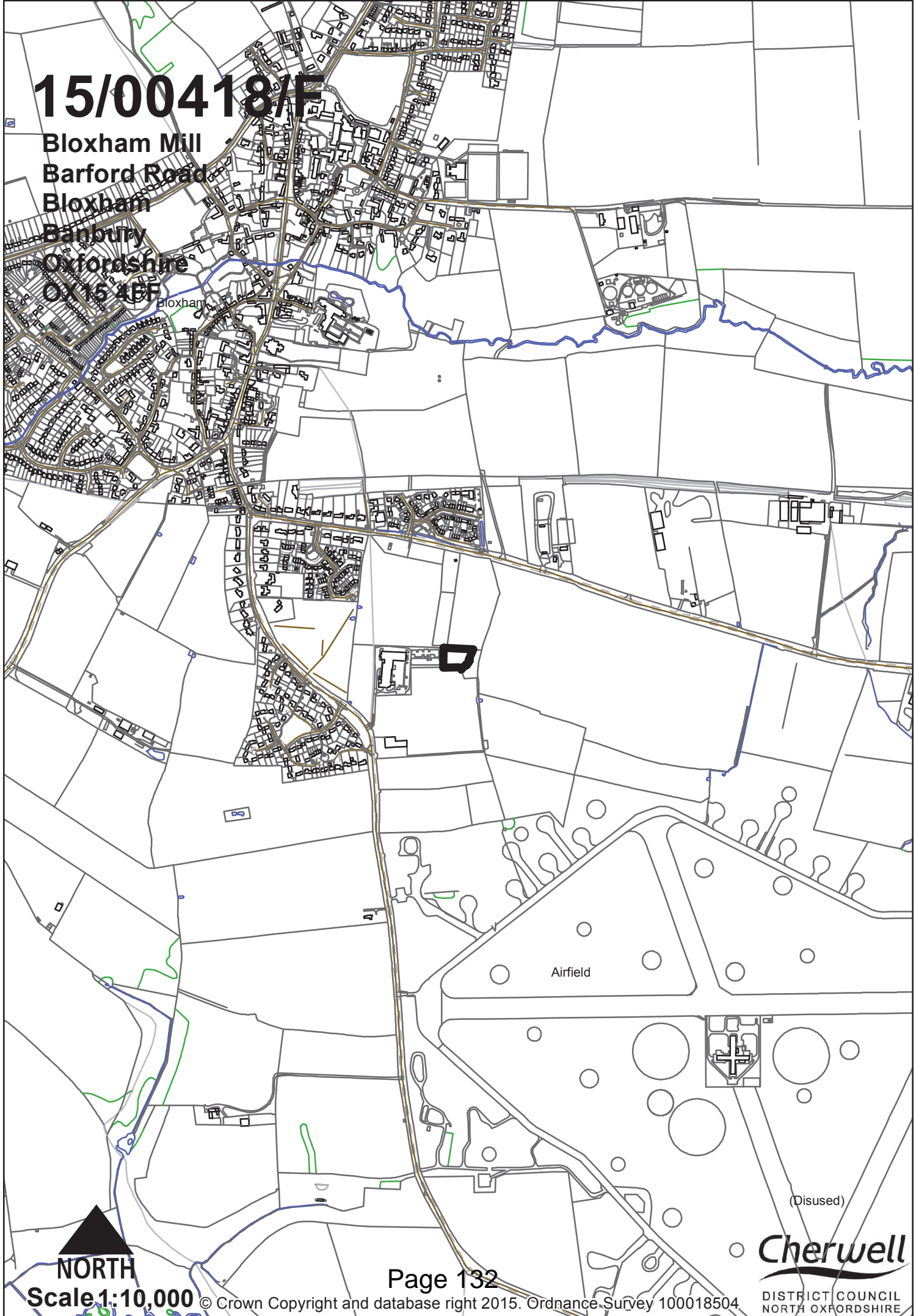


NORTH

Scale 1:1,250

15/00418/F

Bloxham Mill
Barford Road
Bloxham
Banbury
Oxfordshire
OX15 4EF



NORTH

Scale 1:10,000

**Site: Bloxham Mill, Barford Road
Bloxham, Banbury**

15/00418/F

Ward: Bloxham and Bodicote

District Councillors: Cllr Chris Heath
Cllr Lynda Thirzie Smart

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Bloxham Mill Ltd

Application Description: Erection of B1 (Class 2) leased office accommodation – provision of two storey office accommodation, parking and landscaped amenity

1. Site Description and Proposed Development

- 1.1 Bloxham Mill is a collection of employment buildings providing serviced offices and meeting rooms for small and medium sized businesses, plus space for some community uses (Class D2). It is located 1.2 km south of Bloxham village centre, close to the edge of the existing built envelope of the settlement. Access is taken off Barford Road via a narrow private lane. The site is located within an Area of High Landscape Value and is designated as a BAP Priority and Section 41 habitat area of lowland mixed deciduous woodland.
- 1.2 The existing office structures at Bloxham Mill are located on the western part of the holding. Parking is provided around all sides of the buildings but with the main parking area to the east.
- 1.3 The application site incorporates 0.2 ha of land to the east of this existing parking area. The application site is largely level, laid to grass and edged by trees. There are some areas of dumped material (soil, felled trees and concrete slabs) on the land. To the north and south are open fields at present, with a spinney of trees to the east and open countryside beyond that. To the west is Bloxham Mill and its car parking area.
- 1.4 This planning application is seeking permission for the construction of two office buildings. The existing parking area will be extended to provide 24 additional spaces and a turning area, with the new buildings on the eastern part of the site. The buildings are to be aligned in an east/west direction, with a central courtyard area. They will provide eight new B1 office units of 91/92 sq m each. The buildings are a maximum of 6.6 metres in height, with a low monopitch roof. The buildings are a maximum of 27.1 metres in length and are individually 9.4 metres wide. They are to be connected on the western façade by a curved archway. Entrances are taken off the central courtyard, with large sections of glazing along the north, south and east elevations. Minimal openings are provided on the western façade. The building will be constructed from timber panels with a standing seam zinc roof. Powder coated metal framed windows and doors will be installed.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 13 March 2015. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 **Bloxham Parish Council:** No objections, but make the following comments:

1. The Travel Plan dates back to 2006 and a Habitat Survey dating back to 2011 had been used to support the application. The PC would have wished to have seen this application supported by up to date surveys.
2. From the 105 neighbour consultees, none were located on the Barford Road. (Planning officers note – the individual consultation was aimed at those properties to the north who can view the site)

Cherwell District Council Consultees

- 3.2 **Ecology Officer:** No response

- 3.3 **Environmental Protection Officer:** No response

Oxfordshire County Council Consultees

- 3.4 **Highways Liaison Officer:** It is considered that additional traffic generated by the proposal will have no detrimental impact on the adjacent highway and as such Oxfordshire County Council as Local Highway Authority hereby notifies the District Authority that they do not propose to object to the grant of permission subject to a number of conditions including the submission of an up to date Travel Plan Statement which should be sent to the Travel Plan Team at Oxfordshire County Council for approval before first occupation.

There are no objections to the proposal from a traffic and highway safety point of view subject to the following conditions:

- i. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason: In the interests of flood prevention and to comply with Government guidance contained within the National Planning Policy Framework.

- ii. Prior to the first occupation of the development hereby approved, a Travel Plan Statement prepared in accordance with the Department of

Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans' and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan Statement shall be implemented and operated in accordance with the approved details.

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

- 3.5 **Rights of Way Officer:** No comments as it will not affect any public rights of way.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C1: Nature Conservation

C4: Ecology – habitat creation

C7: Landscape conservation

C13: Area of High Landscape Value

C14: Trees and landscaping

C28: Layout, design and external appearance of new development

EMP4: Employment generating development in the rural areas

ENV12: Contaminated land

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Cherwell Local Plan (January 2014)

The Proposed Submission Local Plan was published for public consultation in August 2012. A further consultation on Proposed Changes to the draft plan was undertaken from March to May 2013. On 7 October 2013, the Draft Submission Plan was approved by the Council's Executive. The Plan was endorsed at Full Council on 21 October 2013 as the Submission Local Plan.

The Plan has now been formally 'Submitted' to the Secretary of State for Communities and Local Government for Examination, with the latest update published in February 2015. This document carries more weight than has been previously attributed that can be attached to the Plan will increase. However, it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council. The following Policies are considered to be relevant:

SLE1: Employment development

ESD13: Local landscape protection and enhancement

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

TR5: Road Safety

TR11: Parking

Appendix B: Parking Standards

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of Development
- Layout and Design
- Scale and its Impact upon its Setting
- Protecting Amenity
- Access and Parking
- Other Matters

Relevant Planning History

5.2 The following applications relating to the wider Bloxham Mill site are relevant to this proposal:

- 00/01671/F: Relaxation of conditions 5 and 6 of planning permission B.164/71 to permit use of building for unrestricted B1 light industrial/office use and B2 general industrial use. Approved 26/09/2000
- 00/02102/F: Demolition of part single storey building and construction of new reception link with part mezzanine floor together with associated car parking and recladding of one façade, including additional glazing, for use as B1 offices. Approved 17/11/2000
- 00/02103/F: Recladding of existing buildings with composite cladding panels including the formation of additional windows together with associated car parking for use as B1 offices. Approved 17/11/2000
- 01/01696/F: Demolition of warehouse and erection of two storey office accommodation (Phase II). Approved 05/10/2001
- 03/00965/F: Extension of existing car parking and additional landscaping of existing car park and amendments to site layout (part retrospective) as per agents letter received 13/08/2003 and amended plans received 06/01/2004. Approved 17/11/2004

- 04/00384/F: Change of use of unit 16 to D2 use (Assembly and Leisure) (retrospective). Approved 30/06/2004
- 5.3 The following application relating specifically to the application site is relevant to this planning application:
- 12/0005/F: D1/D2 amenity building at Bloxham Mill Centre – provision of childcare woodland day nursery and dance studio. Approved 23/03/2012. This permission has not been implemented
- 5.4 One application on land to the north of the Bloxham Mill site and south of Milton Road is relevant to this proposal:
- 14/01017/OUT: Residential development comprising up to 85 dwellings with access and associated infrastructure. Approved 09/03/2015

Principle of Development

- 5.5 This planning application must be determined in line with the development plan unless other material considerations indicate otherwise. The main policy considerations are set out in section 4 above.
- 5.6 The proposal is considered to be set within the curtilage of an existing employment site and thus Policy EMP4 of the adopted Cherwell Local Plan is a key policy, along with Policy SLE1 of the Submission Cherwell Local Plan. As the latter policy is contained within a document that has not yet been adopted, less weight can be afforded to that policy compared to the adopted Local Plan policies. Nonetheless, both are still relevant to the determination of this planning application. These policies set out the following:

Policy EMP4 (Adopted Cherwell Local Plan)

In the rural areas, proposals for employment generating development of the following types will normally be permitted:

- (a) *within an existing acceptable employment site, including redevelopment;*
- (b) *conversion of an existing building or group of buildings (provided that the form, bulk and general design of the buildings concerned is in keeping with the surrounding area and, in the case of a building beyond the limits of a settlement, can be converted without major rebuilding or extension).*
- (c) *within, or adjoining settlements, for a minor extension to an existing acceptable employment site*

Provided that the proposal and any associated employment activities can be carried on without undue detriment to the appearance and character of the rural landscape and without harming the amenities of settlements or the special character and interest of a building of architectural or historic significance.

Policy SLE 1 (Submission Cherwell Local Plan)

New small scale employment proposals within rural areas will be supported if they meet the following criteria:

- *They will be within or on the edge of the villages listed in 'Policy for Villages 2: Distributing Growth Across the Rural Areas'*
- *They will meet an identified local need, justifying the village/rural location for the proposal*
- *They will be designed to a very high quality using sustainable construction, and be of an appropriate scale and character to the village and its location*
- *They will be outside of the Green Belt, unless very special circumstances can be demonstrated*
- *The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance)*
- *The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car*
- *There are no suitable available plots or premises within existing nearby employment sites*

5.7 Bloxham is a Category 1 and now Category A village, which classifies it as a service centre. It is therefore a settlement whose role serves both the inhabitants of Bloxham and the surrounding smaller villages and hamlets. Supporting this position, Bloxham Mill represents a key employment location with over 250 persons on site. The function of this site has been altered substantially in the last 15 years, with the buildings initially converted and then some replaced and/or enlarged to strengthen its role as an employment site. The proposal would augment the role that this site has, which is in line with the ethos of Policy EMP4 criteria (a) and Policy SLE1 point 1.

5.8 Information provided in support of the planning application identifies the need for additional office accommodation in this location, citing existing occupiers who are looking to expand but are not currently able to do so, as the units are all occupied. This illustrates the need for additional office accommodation, supporting the provision of additional floor space within an existing, successful employment site, in line with Policy SLE1 point 2.

5.9 Additionally, approval was granted in March 2012 for a new building on the application site for D1/D2 uses (application 12/0005/F). This permission has now expired without implementation. That approval highlighted the principle of allowing further expansion of Bloxham Mill Business Centre. Although there have been significant policy changes in the intervening period, including the revocation of PPS 6 and the Regional Spatial Strategy and publication of the Framework, PPG and Submission Cherwell Local Plan, the principle of development is supported by these new and emerging documents.

5.10 The impact of the proposal, through its scale, design and relationship to surrounding landscape and uses are however, important to the creation of an acceptable scheme. These elements are considered below.

Layout and Design

- 5.11 The Framework highlights that local planning authorities should not be prescriptive as to the design approach to the appearance of new buildings, but high quality developments should be sought, with design cues taken from the surrounding area as appropriate.
- 5.12 The proposed development will provide additional parking on the western part of the application site, extending the existing parking area associated with Bloxham Mill. The new buildings will then be located on the eastern part of the site. This represents a coherent and logical use of the site. However, it places the new buildings on the far side of the employment site to all other buildings. With a separation of over 110 metres, the new building will be seen as an isolated building on the site. A high quality building of the right design and scale is therefore paramount to a scheme being acceptable in this context.
- 5.13 The permission granted to the north of the site will provide housing closer to the site, but the building will still be seen as the easternmost structure in this part of the landscape. As it is set within an Area of High Landscape Value, protecting its countryside appearance and features of value are important.
- 5.14 The proposed offices are designed as a pair of buildings which face both into the courtyard between the structures and outwards over the adjacent countryside. The design offers regular sections of full height glazing and timber cladding which creates a vertical emphasis that is balanced by the horizontal detailing at first floor and eaves level. This provides attractive elevations, topped by a simple monopitched roof with overhang and standing seam detail. The buildings are marginally offset from each other to create a wedge shaped courtyard between them, with the angle masked by the projecting entrances. The buildings are at a minimum 7.3 metres apart, which will result in some overlooking between units, but not to a level that is considered unacceptable for employment uses.
- 5.15 In contrast to the other elevations, the western façade is designed as a curved feature wall, with limited apertures. This creates a large bulk to the façade, which incorporates an archway that links the two buildings. Whilst the materials offer a visual link to the rest of the building, it offers little articulation to break up its mass. The design concept is to focus views through the courtyard area to the copse to the east, but its orientation results in a lack of visual integration with the associated car parking and the remainder of the Bloxham Mill Business Centre. This design approach is not considered to offer an appropriate appearance to what is in effect a front elevation, with the buildings effectively 'turning their backs' on the rest of the employment site. The orientation of the building, through its proposed design will also relate poorly to the approved residential development to the north-west (application 14/01017/OUT).
- 5.16 The separation of the proposed buildings from the other structures on the business park generates the opportunity for a different design to be created. With the exception of the western façade, the design of the building is considered attractive. However, as a result of the western elevation, the design of the building is considered contrary to Policy C28 of the adopted Local Plan and the Framework.

Scale and its Impact upon its Setting

- 5.17 The existing business centre buildings occupy the western part of the 1.6 ha employment site, with the car parking area largely to the east, leading towards the application site and small woodland copse. The site is part of an area recognised as having a High Landscape Value and as such, Policy C13 of the Adopted Cherwell Local Plan applies. This seeks to conserve and enhance the environment, with new buildings paying particular attention to siting and design within this context. The Framework reinforces this position, highlighting that the countryside needs to be protected for its own sake.
- 5.18 The site is bounded by countryside in three directions (north, south and east). The topography and ground conditions of the local area restrict long distance views towards the site, but short and medium distance views are possible. Key views, albeit filtered by some vegetation are from Milton Road to the north and footpath 136/4 which runs along the western edge of the Business Centre site.
- 5.19 The proposed buildings are set over 110 metres from the existing structures on Bloxham Mill Business Centre, resulting in them being seen largely in isolation within the open countryside. Whilst the approved housing application to the north-west of the site (application 14/01017/OUT) will bring development closer to the application buildings and screen views from the footpath, the new office buildings will still be set further to the east and seen within a countryside context.
- 5.20 The surrounding land is largely level, which enables clear views of the existing employment buildings on the wider site. The copse to the east will screen little of the new buildings, and there is little opportunity to incorporate further planting on the application site to assist in assimilating the building into the natural landscape. In fact, the footprint of the buildings raises some concerns over the potential loss of some trees and future pressure to reduce the crowns in the future. To ensure at least the same level of tree cover remains, any approval would need to incorporate a condition to this effect. Conversely, the scale of development significantly restricts the ability to offer ecological improvements. Aerial photography identifies the whole of the site was covered in woodland less than 10 years ago. Given the site's BAP status, opportunities should be taken to protect, if not improve, its ecological value.
- 5.21 The current proposal is all two storeys in height, with linear facades and an unbroken eaves and ridgelines. Whilst offering distinctive structure, it is considered that it will appear isolated and over-dominant within its setting. Its position and scale will result in intrusive development beyond the limits to development, which would undermine the open and undeveloped character and appearance of the Area of High Landscape Value.
- 5.22 A previous scheme for a D1/D2 building has been approved on the application site, with the building in a similar location (application 12/00005/F). Although expired without implementation, the design of this building was notably different to the current proposal, with stepped facades, a mix of facing materials and one and two storey sections breaking up the mass of the building. It was also significantly smaller than the current proposed office buildings:

	<u>Approved D1/D2 Building</u>	<u>Current Proposal</u>	<u>% Difference</u>
Footprint	522 sq m	910 sq m	+ 74.3%
Height	5.8 m	6.7 m	+ 15.5%
Length	22.5 m	27.1 m	+ 20.4%
Width (each)	18.3 m	9.3 m	- 49.2%
	(combined with courtyard/arch)	27.5 m	+ 50.3%

5.23 The enlargement of the overall scale and mass of the building through its design and overall size, results in a pair of structures that are notably larger than the previous approved scheme, with all parameters of the buildings increased. An issue in respect of the overall footprint/floor area of the buildings was highlighted through pre-application, advice that has not been taken on board as the floor area has increased further as part of this planning application.

5.24 A reduced scale building may enable a suitable development along the same design approach to be acceptable as that currently proposed. However, the application for determination in scale and mass, is considered excessive and over-dominant, to the detriment of the character and appearance of the Area of Particularly Attractive Countryside. It also fails to take the opportunities available to improve the rural character and ecological value of the land. The proposal is therefore considered contrary to Policies EMP4, C4, C7, C13, C28, of the Adopted Cherwell Local Plan; Policy ESD13 of the Submission Cherwell Local Plan (January 2014) and The Framework.

Protecting Amenity

5.25 The development is currently separated from all built development, with the exception of the existing employment buildings. No issue will occur in respect of the proposed relationship to these buildings.

5.26 Approval has been granted for 85 houses on land to the north-west of the application site (application 14/01017/OUT). The layout of the residential development is to be considered as a reserved matter, and thus the precise arrangement to these properties cannot be ascertained. However, the proposed parking area will abut these new houses, with an intervening landscaping strip retained along the boundary. This relationship is no different to that already created by the existing parking area to the west and is therefore considered acceptable. The proposed office buildings are over 20 metres from the corner of the proposed housing site and set at right angles so that the limited windows within the western elevation of the new office buildings face over the parking area rather than the adjoining housing land. No loss of privacy to the proposed housing is therefore expected. Likewise, the proposed use as offices will not cause undue noise or disturbance to the new dwellings.

5.27 The proposal therefore protects amenity of all existing and approved buildings, in line with Policy C31 of the adopted Local Plan.

Access and Parking

5.28 The proposal seeks to utilise the existing access arrangements for Bloxham Mill, leading from Barford Road to the site. This will put further pressure upon the current access arrangements but the level of additional movements is not

considered to undermine highway safety or the free flow of traffic on the public highway, and the highway authority have not objected. .

- 5.29 In association with the development, 24 new parking spaces are proposed. This level of parking is in line with Policies TR5, TR11 and Appendix B of the Non-Statutory Cherwell Local Plan for an office development of this scale. The Travel Plan submitted with this application dates from 2006, with an update from 2011. These relate to the wider site and previous approval. As part of this proposal, an updated Travel Plan would be required to encourage sustainable travel movements. This could be conditioned as part of any approval.

Other Matters

- 5.30 The site lies within an area with known to have naturally occurring arsenic levels above soil guidance levels produced by DEFRA. These elements are not considered a risk to occupants for business use, but care would need to be undertaken by contractors during the construction phase. A note to this effect could be attached to any approval.

Consultation with applicant

- 5.31 Pre-application consultation was undertaken with the agent in respect of new office accommodation at Bloxham Mill. The design and building arrangement related to a different layout, where concerns by the planning officer were taken on board. The footprint/floor area of the buildings was also considered too large, with a suggestion that a scheme more akin in floor area to that previously approved would be acceptable. This advice has not been taken on board, with the submission proposal larger than the pre-application scheme.
- 5.32 Good communications were maintained with the agent to ensure that issues that arose during the course of the application were discussed. It was concluded by the applicant that the plans were not to be amended to resolve the issues highlighted, with the knowledge that it may be refused.

Conclusion

- 5.33 The proposed new office buildings are considered excessive in scale and mass, detrimentally affecting the open character and appearance of the Area of High Landscape Value within which it is located..
- 5.34 Additionally, the design of the buildings themselves fail to appropriately relate to the other buildings and associated parking area at Bloxham Mill Business Centre, due to the design of the western elevation and its lack of apertures. This generates a poor design with little architectural detail and lack of inter-visibility between the building and employment park.

6. Recommendation

Refusal, for the following reasons:

- 1 The scale and mass of the proposed buildings, given their isolated location compared to the other employment buildings at Bloxham Mill Business Centre, are considered excessive in scale and mass such that they would detrimentally affect the open character and appearance of the Area of High Landscape Value within which it is located. Consequently, it is contrary to Policies EMP4, C7, C13, and C28 of the Adopted Cherwell Local Plan; Policies SLE1 and ESD13 of the Submission Cherwell Local Plan and The National Planning Policy Framework.
- 2 The development fails to take advantage of the opportunities available to improve the landscape and ecological setting of its rural location and its BAP habitat designation, contrary to Policies C1 and C4 of the Adopted Cherwell Local Plan and Policy ESD13 of the Submission Cherwell Local Plan.
- 3 The design of the proposed building is considered to be inappropriate in its' context and is therefore contrary to Policy C28 of the Adopted Cherwell Local Plan and the National Planning Policy Framework.

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

Agenda Item 15

Cherwell District Council

Planning Committee

21 May 2015

**Land west of Oxford Close and north of Corner
Farm, Station Rd, Kirtlington**

14/01531/OUT

**Outline – demolition of existing bungalow and
agricultural buildings and residential development
of up to 95 dwellings including highway works,
landscaping and public open space**

Report of Head of Development Management

This report is public

Purpose of report

To advise the Planning Committee of changes to the Council's 5 year housing land supply position which occurred after it resolved that the Council would have refused planning permission for this application (which is the subject of an appeal against non-determination), and to seek a further resolution to amend the reasons planning permission would have been refused to take account of this change.

1.0 Recommendations

- 1.1 That the Planning Committee notes the policy implications of the changes to the Council's 5 year housing land supply position.
- 1.2 That the Planning Committee resolves to amend the reasons the Council would have refused planning permission for the application to those detailed at section 3 of this report.

2.0 Report Details

- 2.1 The application is for outline permission for a residential development of up to 95 dwellings on the western edge of Kirtlington village, on land to the west of Oxford Close accessed off Station Road/Lince Lane. It is the subject of a current appeal against non-determination which is scheduled to be heard at a public inquiry in mid-July. The Planning Committee previously considered the application at its meeting on the 19 March 2015, and resolved that had it

determined the application, it would have refused planning permission 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 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.*
- 2.2 Paragraph 49 of the NPPF states that: *relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.* Where Paragraph 49 applies, there is an 'enhanced' presumption in favour of sustainable development which means that planning permission should be granted unless: *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.* This is the policy context in which the Planning Committee previously considered the application and resolved that it would nevertheless have refused planning permission in view of the demonstrable harm that would be caused.
- 2.3 The Council published its Annual Monitoring Report (AMR) for 2014 on 31 March 2015. In this document the Council concludes that it can now demonstrate a 5.1 year housing land supply (including a 5% buffer) for the period 2015 to 2020. This being the case, the 'enhanced' presumption in favour of sustainable development no longer applies by virtue of Paragraph 49 of the NPPF, and the weight that should be afforded to the benefits of the proposal in terms of meeting housing need is reduced. Officers have prepared the Council's Statement of Case in respect of the appeal in this context.
- 2.4 In addition the AMR demonstrates that considerable progress has already been made to meeting the requirement of the Cherwell Submission Local Plan for a total of 750 homes to be delivered at the Category A villages (of which Kirtlington is one) over the plan period 2014 to 2031. Officers consider this is further evidence that the proposal is not necessary now to meet the District's rural housing needs requirements, and adds weight to the Council's concern about the scale, size and form of the development being incongruous,

inappropriate and unsustainable in relation to the character and form of the existing village.

- 2.5 In view of this, and to align with the Council's Statement of Case, it is recommended that the reasons the Council would have refused planning permission are amended to those detailed at section 3 of this report, below.

3.0 Amended putative reasons for refusal

1. The proposed development, by reason of its scale, size and form, fails to respect the traditional linear settlement pattern of Kirtlington and extends beyond its built up limits into the open countryside, resulting in an incongruous and inappropriate form of development that would relate poorly to the remainder of the village and would cause demonstrable harm to its rural character and setting and the visual amenities of the area. In the context of the Council's ability to demonstrate an up-to-date 5.1 year housing land supply, this harm decisively outweighs the benefits of the proposal which is unnecessary, undesirable and unsustainable development in this location. Therefore the proposal is contrary to saved Policies H13, H18, C8, C27, C28 and C30 of the adopted Cherwell Local Plan and draft Policies ESD13, ESD16 and Villages 2 of the Cherwell Submission 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 saved Policy H5 of the adopted Cherwell Local Plan and draft Policy INF1 of the Cherwell Submission Local Plan and Central government guidance within the national Planning policy Framework.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The Council can now demonstrate a 5.1 year housing land supply, and this has implications for the current appeal in respect of planning application ref: 14/01531/OUT, in particular the reasons why the Council would have refused planning had it determined the application.
- 4.2 It is recommended that the reasons the Council would have refused planning permission are amended to reflect the Council's current housing land supply position, and to be consistent with the Council's Statement of Case which has been prepared in respect of the appeal.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative option has been identified and rejected for the reasons as set out below:

To note the changes to the Council's 5 year housing land supply position, but not agree the recommended changes to the reasons the Council would have refused planning permission for application ref: 14/01531/OUT.

This option is not recommended as the previously agreed reasons for refusal do not reflect the Council's current housing land supply position, and to leave them unchanged could undermine the Council's case in respect of the appeal.

7.0 Implications

Financial and Resource Implications

- 7.1 If the recommendation to amend the reasons for refusal is not agreed, this could have cost implications in respect of the appeal as the Council's case in respect of housing land supply would be unclear.

Comments checked by:

Kate Crussell, Service Accountant, 01327 322188,
kate.crussell@cherwelladnsouthnorthants.gov.uk

Legal Implications

- 7.2 The reasons for refusal must be amended to reflect the change in the Council's housing land supply position.

Comments checked by:

Nigel Bell, Team Leader – Planning, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

Kirtlington

Lead Councillor

Cllr Gibbard, Lead Member for Planning

Document Information

Appendix No	Title
N/A	N/A
Background Papers	
The agenda, written updates and minutes for Cherwell District Council's Planning Committee meeting on 19 March 2015 – application ref: 14/01531/OUT was considered as item 9 on the agenda.	
Report Author	Alex Keen, Principal Planning Officer
Contact Information	01295 221812 alex.keen@cherwell-dc.gov.uk

Cherwell District Council

Planning Committee

21 May 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 - Issued
13/01811/OUT	Land at Dow Street, Heyford Park, Upper Heyford Subject to legal agreement with CDC/OCC
14/01207/OUT (2.10.14)	KM22, SW3 Bicester, Middleton Stoney Rd. Bicester Subject to legal agreement for affordable housing, and on-site provision and off-site infrastructure contributions

14/00066/OUT (30.10.14)	Land N of Hanwell Fields, Banbury Subject to legal agreement for affordable housing, and on-site provision and off-site infrastructure contributions
14/00962/OUT (27.11.14)	Land S of High Rock, Hook Norton Rd. Sibford Ferris Subject to legal agreement to secure the affordable housing
14/10205/Hybrid (18.12.14)	Springfield Farm, Ambrosden Subject to legal agreement to tie in previous agreement
14/01384/OUT (19.3.15)	Bicester Eco-Town Subject to legal agreement for affordable housing, and on-site provision and off-site infrastructure contributions
14/01737/OUT (19.2.15)	The Paddocks, Chesterton Subject to legal agreement to secure infrastructure contributions and affordable housing
14/01743/F (18.12.14)	Land E of Deene Close, Adderbury Subject to legal agreement re of-site infrastructure
14/01762/F (19.3.15)	Swalcliffe Park, Equestrian, Grange Lane, Swalcliffe Subject to finalisation of the noise management plan
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
15/00082/OUT (16.4.15)	Site of Tesco, Pingle Drive, Bicester Subject to (i) referral to Sec of State and (ii) subject to applicant entering into legal agreement re employment and skills plan and relating to previously agreed off-site highway works

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 17

Cherwell District Council

Planning Committee

21 May 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 None

2.2 Results

Inspectors appointed by the Secretary of State have:

Allowed the appeal by Mr and Mrs J Honour against the refusal of application 14/01702/PAMB for Change of use of an agricultural building to a dwelling at Home Farm, Mansmore Lane, Charlton on Otmoor, Kidlington, Oxon, OX5 2US (Delegated) – The Inspector concluded that neither the location nor siting of the appeal building would make it impractical or undesirable for the building to change from agricultural use to use as a dwellinghouse. Thus paragraph 55 of the Framework, which seeks to avoid isolated new homes in the countryside is not relevant to the determination of this appeal and the proposal would accord with the parts of the Framework which are relevant to the subject matter for the prior approval.

Quashed enforcement notice following appeal by Mr Dean Wood The Firs Garage, Hook Norton, Banbury, OX15 5DD, The breach of planning control alleged that without planning permission, the use of the land for the siting of a mobile home, the erection of a timber fence and the installation of wooden decking. The requirements of the notice were to (i) Stop using the land for the siting of a mobile home, remove the mobile home from the land, (ii) remove the fence (including both the fence and fence post) from the land, and (iii) remove the wooden decking from the land. The period for compliance with the requirements was 13 weeks after the date the notice took effect. The Inspector took the view that the Council's reason for issuing the enforcement notice, did not refer to the use of the mobile home. The Council's statement of case Para. 1 describes the siting of the mobile home, fencing and deck as a material change to use of the land, but it does not specify a use. Furthermore, the Council considered the mobile home to be unlawfully occupied residentially. In this instance, the enforcement notice should have alleged a material change of use of the land from a vehicle sales repair and service use to a mixed use for vehicle sales, repair and service and residential use of the land. Views by both parties on the justification for a residential use of the land could then have followed if an appeal against a corrected notice was made, or arguments put forward as to whether a residential use was necessary to the main use of the site. Because of the above omission, the Inspector concluded that the allegation in the enforcement notice was fundamentally flawed. If the allegation were changed to refer to an alleged unlawful residential use of the land as part of a mixed use, the present notice's first requirement would not sensibly follow, as it did not require cessation of the use. Finally the enforcement notice alleged the carrying out of unlawful operational development, that is erection of a timber fence and the installation of wooden decking. However the Inspector could not sensibly separate that facilitating development from the main use, described in the notice as the station of a mobile home.

Dismissed the appeal by Mr Dean Wood against the refusal of application 14/00142/OUT for an outline application for the erection of a staff cottage at Land adjacent to Holly Barn Stables, north of The Firs Garage, Hook Norton, Banbury, OX15 5DD (Committee). The Inspector concurred with the Council that there are strong national and local policy objections to the construction of a new dwellings in rural location such as the appeal site, especially where they are remote from settlements. Para. 55 of the Planning Policy Guidance, contained in the National Planning Policy Framework, says that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstance such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Local plan policy H18 follows the national policy guidance in allowing for new dwellings in the countryside where a particular essential need can be shown. He agreed that in this case the need for the staff accommodation was not sufficient to allow this.

Dismissed the appeal by Ms Catherine Adams and Mr Mark Wells against the refusal of application 13/01844/F for the erection of a detached contemporary four bedroom dwelling together with access drive and parking area (both on-plot), restoration of stone wall to front of site and hard and soft landscaping of site at Land adjacent to The Old Cottage, Church Street, Somerton, Bicester, OX25 6NB. It is the Inspectors view that the proposed development would not constitute sustainable development and would fail to comply with the saved Local Plan Policies identified and those of the National Planning Policy Framework (NPPF) which seek to preserve the historic environment. Specific

policies within the NPPF indicate that the proposed development should be restricted and the adverse impacts of granting planning permission would significantly outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Accordingly the appeal is dismissed.

Dismissed the appeal by Mr John Miller against the refusal of application 14/01545/F for the proposed conservatory and porch at Fir Tree Farm, Northampton Road, Weston-on-the-Green, Oxon, OX25 3QL. The Inspector concluded that the proposed development would be inappropriate in the Green Belt and the National Planning Policy Framework (NPPF) makes it clear that substantial weight should be accorded to any harm to the Green Belt. The Inspector had regard to the matters cited by the appellant in support of the proposal but none of these factors clearly outweighed the totality of the harm found and mean that very special circumstances do not exist. For these reasons, and taking into account all other matters raised, the Inspector concluded that the appeal should fail.

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:

Kate Crussell, Service Accountant, 01327 322188,
kate.crussell@cherwelladnsouthnorthants.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	Tom Plant, Technical Support Officer, Development Directorate
Contact Information	01295 221811 tom.plant@cherwell-dc.gov.uk