

Committee: Planning Committee
Date: Thursday 11 June 2015
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Colin Clarke (Chairman)	Councillor Fred Blackwell (Vice-Chairman)
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 Richard Mould	Councillor Lynn Pratt
Councillor Nigel Randall	Councillor G A Reynolds
Councillor Barry Richards	Councillor Trevor Stevens
Councillor Lawrie Stratford	Councillor Rose Stratford

Substitutes

Councillor Ken Atack	Councillor Andrew Beere
Councillor Carmen Griffiths	Councillor Timothy Hallchurch MBE
Councillor D M Pickford	Councillor James Porter
Councillor Sandra Rhodes	Councillor Nicholas Turner
Councillor Bryn Williams	Councillor Barry Wood

AGENDA

1. Apologies for Absence and Notification of Substitute Members

2. Declarations of Interest

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

3. 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 - 19)

To confirm as a correct record the Minutes of the meeting of the Committee held on

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. **Allotment Gardens west of Roebuck Inn and south east of the Blinking Owl PH, Banbury Road, North Newington** (Pages 22 - 35) **14/01816/F**
8. **Land adj to Cotswold Country Club and South of Properties on Bunkers Hill Kidlington** (Pages 36 - 52) **15/02132/OUT**
9. **The Roebuck, Banbury Road, North Newington** (Pages 53 - 65) **15/00307/F**
10. **Former Winner's Bargain Centres, Victoria Road, Bicester, OX26 6QD** (Pages 66 - 86) **15/00412/F**
11. **Land Parcel 6927 Adjacent To The Hale, Chesterton** (Pages 87 - 102) **15/00454/OUT**
12. **Land South Of Leycroft Barn, Somerton Road, Souldern** (Pages 103 - 116) **15/00541/F**
13. **Land To Rear Of Crab Tree Close And Adj To Ells Lane, Bloxham** (Pages 117 - 146) **15/00604/OUT**
14. **55 Winchelsea Close, Banbury** (Pages 147 - 152) **15/00628/F**

Review and Monitoring Reports

15. Decisions Subject to Various Requirements (Pages 153 - 156)

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.

16. Appeals Progress Report (Pages 157 - 160)

Report of Head of Development Management

Summary

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

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

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

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

Evacuation Procedure

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

Access to Meetings

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

Mobile Phones

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

Queries Regarding this Agenda

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

Sue Smith
Chief Executive

Published on Wednesday 3 June 2015

Agenda Item 5

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 21 May 2015 at 4.00 pm

- Present: Councillor Colin Clarke (Chairman)
Councillor Fred Blackwell (Vice-Chairman)
- Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Richard Mould
Councillor Lynn Pratt
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Barry Richards
Councillor Lawrie Stratford
Councillor Rose Stratford
- Substitute Members: Councillor Andrew Beere (In place of Councillor Matt Johnstone)
Councillor D M Pickford (In place of Councillor Alastair Milne Home)
- Apologies for absence: Councillor Matt Johnstone
Councillor Alastair Milne Home
Councillor Trevor Stevens
- Officers: Jon Westerman, Development Services Manager
Bob Duxbury, Development Control Team Leader
Linda Griffiths, Principal Planning Officer
Alex Keen, Principal Planning Officer
Ross Chambers, Solicitor
Natasha Clark, Team Leader, Democratic and Elections

3 **Declarations of Interest**

Members declared interests in the following agenda items:

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

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

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

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

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

9. 1 Hyde Grove, Bloxham.

Councillor Colin Clarke, Declaration, as he knew the partner of the public speaker registered to speak in objection to the application but there was no conflict of interest.

Councillor James Macnamara, Declaration, as the applicant was known to him and had taught his children and he would leave the meeting for the consideration of the application.

10. Garage Block Adjacent 29 Westbeech Court, Banbury.

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 one of the council's appointed representatives and trustee on Banbury Charities.

4 Requests to Address the Meeting

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

5 Urgent Business

There were no items of urgent business.

6 Minutes

The Minutes of the meetings held on 16 April 2015 and 19 May 2016 were agreed as correct records and signed by the Chairman.

7 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. The Chairman paid tribute to former Planning Committee Chairman, Councillor Rose Stratford for her hard work over the past four years.

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

The Committee considered application 14/00697/F for Residential development for 46 dwellings at land to the rear of Tangmere Close and Scampton Close, Skimmingdish Lane, Bicester for Taylor Wimpey and Persimmon.

Bicester Town Councillor James Porter, whose town council ward the proposed development was located within, addressed the Committee in objection to the application

Alex Hayles, Savilles of Oxford, agent for the applicant, addressed the Committee 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 14/00697/F be approved, subject to:

1. The applicants entering into an appropriate legal agreement to the satisfaction of the District Council, with delegation to Head of Development Management to secure financial contributions.
2. the following conditions: with any final revisions/wording to be delegated to the Head of Development Management.

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.

2 Plans Condition

Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Transport Assessment; Addendum to Transport Assessment; Flood Risk Assessment and Drainage Strategy; Planning Statement; Design and Access Statement and Addendum; Tree Quality Survey and Arboricultural Method Statement; Ecological Assessment and Addendum; Landscape and Visual Impact Assessment and Addendum; Drawing Numbers: 1441103/SS01 Rev B; 141103/SS02 ; 141103/SL/05 Rev B; 141103/SL Rev L; 141103/SL/03 Rev A; 141103/SL/02 Rev A; 141103/SL/01 Rev A; 141103/SL/04 Rev A; AA11/EP ; AA23.A/EL; AA11/EL; AA23/FP;

AA31/EL; AA31/EL; AA31/FP; AA41/EL; AA41/FP; AB/DG1/EP; AB/SG1/EP; AB/SG2/EP; PA25/EP; PA25-MID/EP Rev A; PA33.1/EP; PA33.2/EP; PA33.3/EP; PB48.1/EL; PB48.2/EL; PA48/FP; PB30-G/EL; PB30-G/FP; PB3G.2/EL; PB33G (style3)(style 1); PB33G.2/EL; PB33G/FP; PB51.1/EL; PB51.2/EL; PB51/FP; PT43/ELPB51/FP; 1498/P21a Landscape Strategy Plan; Location Plan and External Enclosure details.

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.

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.

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.

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.

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 and 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.

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.

- 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.
- 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.
- 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.
- 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.

- 13 No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998:Recommendations for tree Works
 - a) 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
 - b) 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.

- 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.

- 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.

- 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.

- 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.

- 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)

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

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.

- 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.
- 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.
- 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)
- 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.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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.
34. Prior to the commencement of the development hereby permitted, a road traffic noise assessment shall be carried out to identify the impact of road noise from Skimmingdish Lane on the proposed development. The report shall include any identified noise mitigation measures which shall also be submitted to and approved in writing by the LPA prior to the commencement of the development. The noise assessment shall include the necessary noise mitigation measures required to achieve the standards contained within BS 8233:2014 Guidance on Sound Insulation and Noise Reduction in buildings in respect of all the dwellings proposed. The noise mitigation measures identified and agreed in writing with the LPA shall be provided within the development in accordance with the approved details prior to the first occupation of any dwelling and retained thereafter.

9

Otmoor Lodge, Horton Hill, Horton cum Studley

The Committee considered application 14/01153/F for the change of use from C1 into 4no. dwellings (C3) at Otmoor Lodge, Horton Hill, Horton cum Studley for B A Property Management Ltd.

Huw Mellow, agent for the applicant, addressed the Committee in support of 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 14/01153/F be approved, subject to resolving a highways/parking issue with Oxfordshire County Council and the following condition:

1. 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.

10

1 Hyde Grove, Bloxham

The Committee considered application 15/00263/F for a single storey front extension and two storey side extensions at 1 Hyde Grove, Bloxham for Mr and Mrs Dan McInerney.

Prior to the officer presentation of the report and addresses of public speakers, Councillor Heath proposed that consideration of the application be deferred to allow for a formal site visit to enable Committee Members to view the effect of the proposed development on the adjoining properties. Councillor Pickford seconded the proposal.

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

Resolved

That consideration of application 15/00263/F be deferred to allow for a formal site visit.

11

Garage Block Adjacent 29 Westbeech Court, Banbury

The Committee considered application 15/00300/F for the construction of 4 new houses and associated parking with access from Westbeech Court and The Shades at the Garage Block Adjacent 29 Westbeech Court, Banbury for Mr Norman White.

Helen Middleton, John Hatton and Brian Butler, local residents, and Paul Stilgoe, Secretary of Banbury Trades and Labour Club, addressed the Committee in objection to the application.

Nick Price, architect 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 addresses of the public speakers.

Resolved

That application 15/00300/F be refused 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.

12 **The Roebuck, Banbury Road, North Newington**

The Committee considered application 15/00307/F for the erection of a detached single storey dwelling at The Roebuck, Banbury Road, North Newington for Mrs Jayne Hughes.

Prior to the officer presentation of the report and addresses of public speakers, Councillor Reynolds proposed that consideration of the application be deferred to allow for a formal site based on the officer's recommended reasons for refusal. Councillor Pickford seconded the proposal.

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

Resolved

That consideration of application 15/00307/F be deferred to allow for a formal site visit.

13 **Land to west of Banbury Road Twyford**

The Committee considered application 15/00317/OUT, an outline application with all matters except access reserved, for a 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 at Land to west of Banbury Road, Twyford for Gladman Development.

Parish Councillor David Griffiths, Adderbury Parish Council, and Peter Burrows, Chair of Adderbury Conservation Group, addressed the Committee in objection to the application.

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

Resolved

That application 15/00317/OUT be refused 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.

14 **Land adjacent to Shipton Road Shipton on Cherwell**

The Committee considered application 15/00394/F for a temporary haul road at land adjacent to Shipton Road, Shipton on Cherwell for Pye Homes Ltd.

Trish Redpath, a local resident, addressed the Committee in objection to the application.

John Ashton, agent for the applicant, addressed the Committee 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 15/00394/F be approved, subject to amended conditions to those in the officers' report with the exact wording delegated to the Head of Development Management, in consultation with the Chairman:

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.
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.
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.
4. That prior to its first use the proposed road shall be laid out, constructed, surfaced, drained, and with crossings of the public rights of way strictly in accordance with the details contained on drawing no.121162/07/P06.
5. The implementation of this permission shall be undertaken in accordance with the Construction Management Plan and Construction Method statement already submitted to and approved by West Oxfordshire District Council.
6. 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.

7. The public right of way shall at all times remain open except when a vehicle(s) is accessing the development which shall then be operated in accordance with the details shown on drg no.121162/07/P06 and set out in para 4.3 of the Design and Access statement. The signage will be installed in accordance with the drawing submitted to the Local Planning Authority on 28 May 2015 and retained for the life of the haul road.
8. 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.
9. All site clearance (including vegetation removal, movement of vehicles on site and all ground works) shall be timed so as to avoid the bird nesting/breeding season of 1 March to 31 August Inclusive, unless the Local Planning Authority has confirmed in writing that such works can commence based on the submission of a recent survey(no older than one month) that has been undertaken by an ecologist to assess nesting bird activity on site (including ground nesting birds) together with details of measures to protect the nesting bird interest on the site.

15

Bloxham Mill, Barford Road, Bloxham, Banbury

The Committee considered application 15/00418/F for the erection of B1 (Class 2) leased office accommodation – provision of two storey office accommodation, parking and landscaped at Bloxham Mill, Barford Road, Bloxham, Banbury for Bloxham Mill Ltd.

Ray Avery, Managing Director, Bloxham Mill Business Centre, address the Committee in support of the application.

Councillor Heath proposed that the application be approved, subject to appropriate conditions, with authority for the exact wording delegated to the Head of Development Management. Councillor Pickford seconded the proposal.

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

Resolved

That application 15/00418/F be approved, subject to appropriate conditions with the exact wording delegated to the Head of Development Management.

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application form, drg nos. 6117.01A, 03A, 04A

3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
4. Prior to the commencement of the development hereby approved, samples of the timber boarded screening to be used in construction of the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
5. Prior to the commencement of the development hereby approved, a plan showing full details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.
6. Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of building the refuse bin storage area and appropriate number of refuse bins required in relation the building shall be provided in accordance with the approved details and, other than on the day of refuse collection, the refuse bins shall be stored at all times in the approved location.
7. 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 position, 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 as 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 area, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
8. All planting, seeding or turfing comprised in the approved details of the landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

9. Within the first available planting season following the occupation of the building, or on the completion of the development, whichever is the sooner, the existing hedgerow along the northern boundary shall be reinforced by additional planting in accordance with a detailed scheme which shall firstly be submitted to and approved in writing by the Local Planning Authority. Thereafter, any plant/tree within the hedgerow which, within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species 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). Thereafter the new planting shall be properly maintained in accordance with this condition.
10. Prior to the commencement of the development hereby approved, full specification details of the parking/turning area including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development shall be constructed in accordance with the approved details.
11. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Associations current edition "Sewers for Adoption".
12. The premises shall be used only for purposes falling within Class B1 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.
13. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
14. Prior to the commencement of the development hereby approved, an Arboriculture Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

15. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel plan shall be implemented and operated in accordance with the approved details.

16 **Land west of Oxford Close and north of Corner Farm, Station Rd, Kirtlington - Application 14/01531/OUT**

The Head of Development Management submitted a 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 was 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.

Resolved

- (1) That the policy implications of the changes to the Council's 5 year housing land supply position be noted.
- (2) That the reasons the Council would have refused planning permission for the application as set out below:
 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.

17 **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.

18 **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 7.15 pm

Chairman:

Date:

PLANNING COMMITTEE

11 June 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.

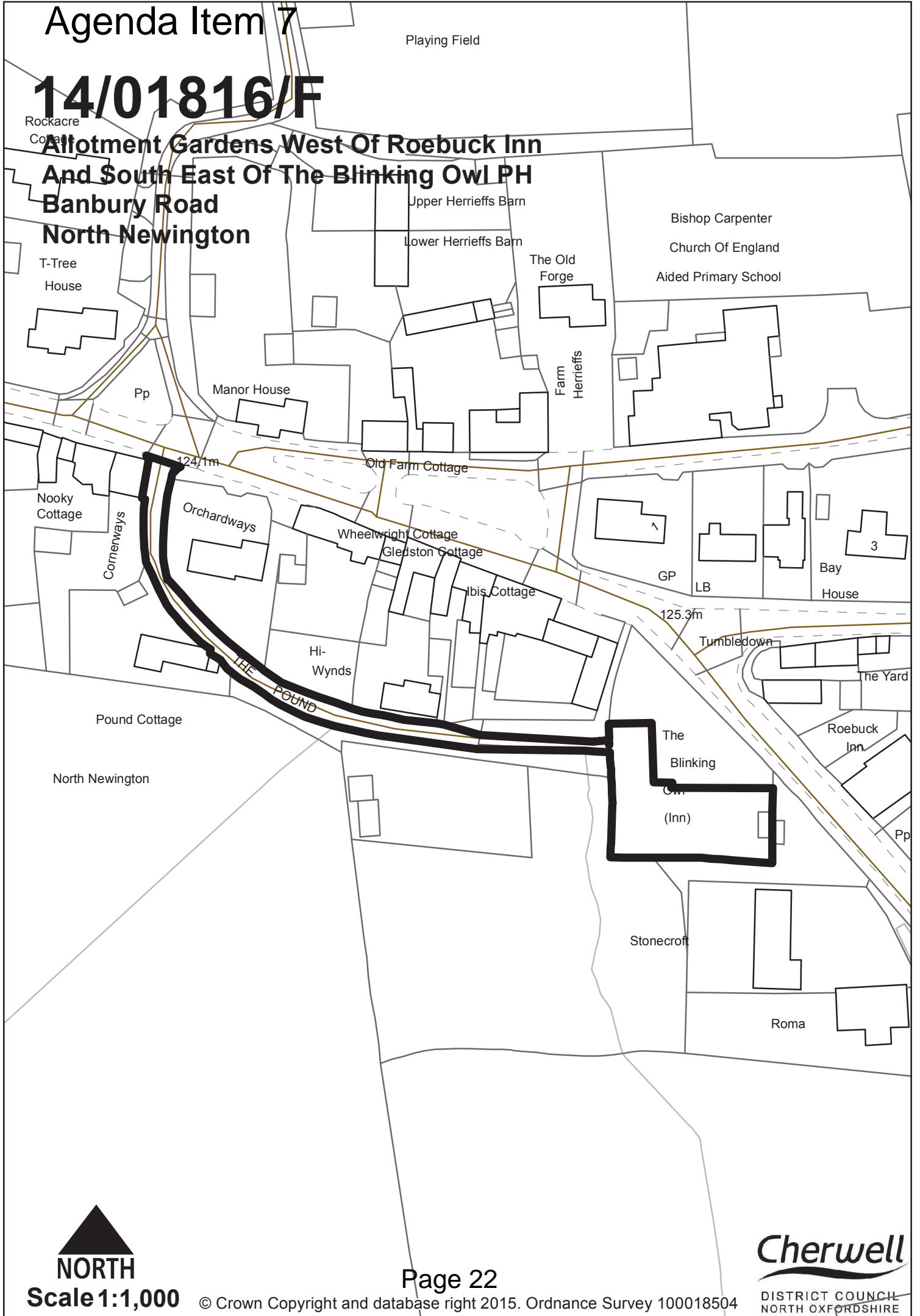
Background Papers

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	Allotment Gardens west of Roebuck Inn and south east of the Blinking Owl PH, Banbury Road, North Newington	14/01816/F	Sibford	Approval	Rebekah Morgan
8	Land adj to Cotswold Country Club and South of Properties on Bunkers Hill Kidlington	15/02132/OUT	Kirtlington	Refusal	Shona King
9	The Roebuck, Banbury Road, North Newington	15/00307/F	Sibford	Refusal	Aitchison Raffety
10	Former Winner's Bargain Centres, Victoria Road, Bicester, OX26 6QD	15/00412/F	Bicester Town	Approval	Nathanael Stock
11	Land Parcel 6927 Adjacent To The Hale, Chesterton	15/00454/OUT	Ambrosden and Chesterton	Refusal	Matthew Parry
12	Land South Of Leycroft Barn, Somerton Road, Souldern	15/00541/F	The Astons and Heyfords	Approval	Stuart Howden
13	Land To Rear Of Crab Tree Close And Adj To Ells Lane, Bloxham	15/00604/OUT	Bloxham	Refusal	Nathanael Stock
14	55 Winchelsea Close, Banbury	15/00628/F	Banbury Hardwick	Approval	Matthew Parry

14/01816/F

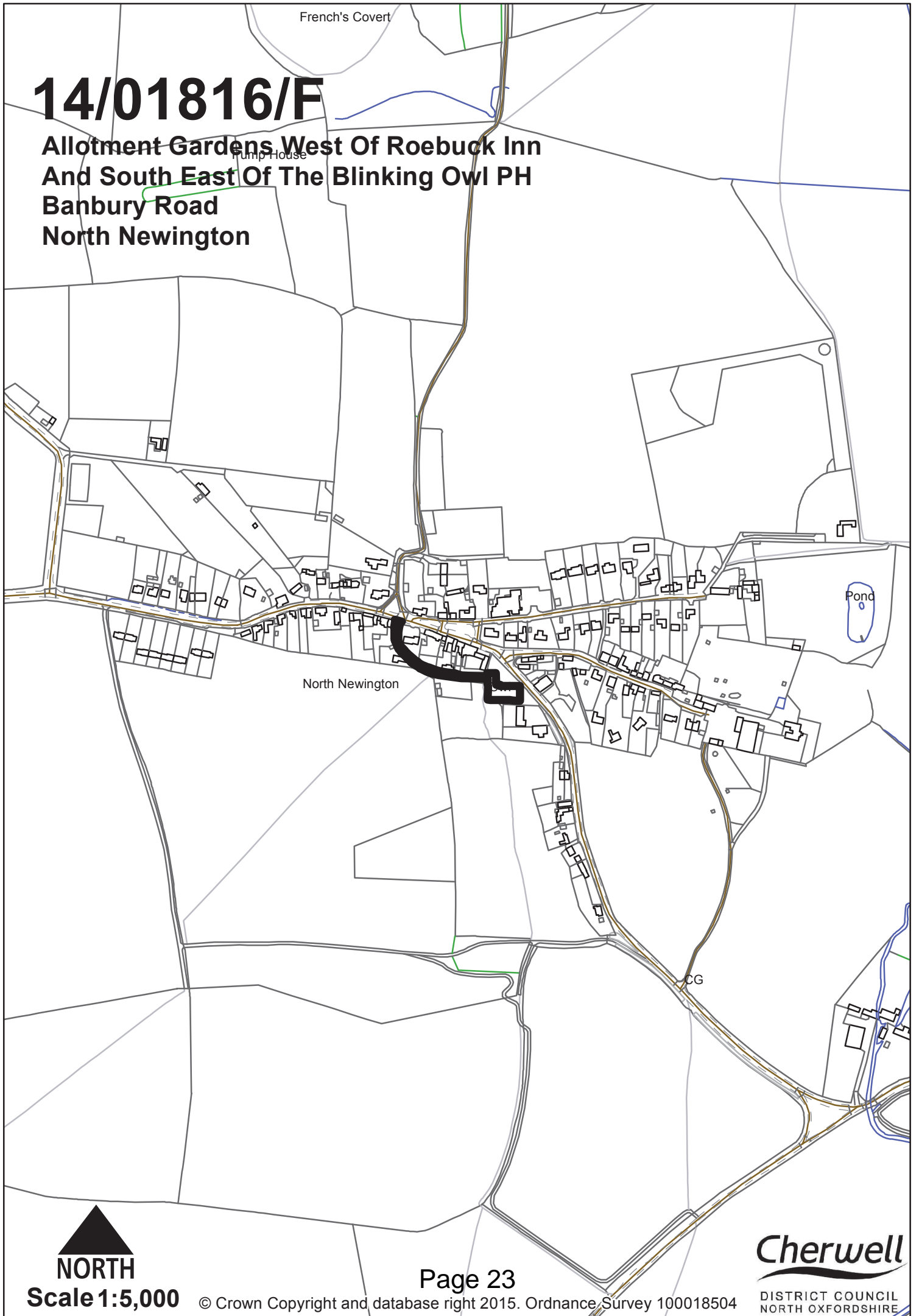
**Allotment Gardens West Of Roebuck Inn
And South East Of The Blinking Owl PH
Banbury Road
North Newington**



NORTH
Scale 1:1,000

14/01816/F

**Allotment Gardens West Of Roebuck Inn
And South East Of The Blinking Owl PH
Banbury Road
North Newington**



NORTH
Scale 1:5,000

**Site Address: Allotment Gardens west of
Roebuck Inn and south east of the
Blinking Owl PH, Banbury Road, North
Newington**

14/01816/F

Ward: Sibford

District Councillor: George Reynolds

Case Officer: Rebekah Morgan

Recommendation: Approval

Applicant: Penfield Homes Ltd (Mr Christopher McNally)

Application Description: Erection of 1 no. detached dwelling and detached garage

Committee Referral: Member
Request – Cllr Reynolds

Committee Date: 11th June 2015

1. Site Description and Proposed Development

- 1.1 The application site is a parcel of mainly agricultural land located within North Newington. There is a small, single storey building on the site that benefits from an industrial use (see planning history) however, the remainder of the land is still considered to be an agricultural use. A stone boundary wall runs along the boundary of the site adjacent to the Banbury Road and vehicular access is gained via The Pound.
- 1.2 The application site is within the North Newington Conservation Area and there are Grade II listed buildings within the vicinity of the site.
- 1.3 The application seeks consent for an 'L' shaped, two storey, 3 bedroom detached dwelling and detached garage/outbuilding to be positioned on the southern side of the site.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment is the 11th June 2015.

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

- Planning statement incorrectly states that villagers don't want land to be used for agriculture
- The Pound has not always provided access to the site
- Vehicle movements along The Pound will not be reduced following the development
- The Pound is not suitable for construction vehicles
- Concerns that a future occupier could arrange for The Pound to be re-surfaced causing drainage issues
- Could set a precedent for further houses requiring access off The Pound
- Access is dangerous/inadequate
- Drainage
- Property within a Conservation Area
- Increased traffic will damage The Pound surface
- Banbury Road is already a busy road through the village
- Access crosses a footpath
- Impact on street scene
- Impact on neighbours view
- Potential overlooking
- Impact on Conservation Area

3. Consultations

3.1 North Newington Parish Council: The Parish Council submitted the following comments.

14/01816/F Application from agricultural to Business Use

We object to the above application on the following basis:

- There is not a business premises on the land, as there is no permanent building structure. It is our understanding that a corrugated shed is not a permanent structure and should not be classed as one.
- There is no business use on the land that has been noted by the Parish Council or by the neighbours. It is our understanding that before a conversion to business use the premises need to be in use for the purpose for a period of time. This has not been the case.
- The land does not have a right of access via the Pound as has been stated in the application.
- On the application map the Brick storage shelter to the left of the workshop does not belong to the applicant and should not be included as part of the application.

If however, the land meets the criteria for the change of use from agricultural to business use, the Parish Council also has the following comments to make regarding application **14/01758/POA**

- Right of access. The land has no right of access via The Pound. The gated area was knocked through by the applicant and is where none existed before.
- The application shows that the lane is part of the property, but this is not the case.
- The street scene of the application is disproportionate and is not an accurate representation of the land levels.
- We have concerns regarding the ridge height levels. We have also expressed concerns regarding other applications on ridge height, especially with the application overlooking so many properties so that it will be very imposing for current residents.

We also believe the planning design and access statement contains many inaccurate statements which are misleading.

1.2 states the village have been adamant that the land be used for agricultural use. This has not been the case, the animals were placed there after the applicant did not get planning permission. The land has always been an open garden and was enclosed by a stone wall all the way around.

1.3 The agricultural building described is a temporary structure made from corrugated iron. The small brick building does not belong to the land. There has been no redevelopment of the building.

3.1 The statement regarding the agricultural user and business user is misleading. There are both different sides of the same coin, one being Mr McNally and the other being Penfield Homes Ltd. This company is under the ownership of Mr McNally. Also the vehicle number do not show any basis for comparison.

3.2 The existing vehicular access is not entitled to be there. There was no vehicle right of way onto the land until the applicant knocked down a wall to allow access. According to OCC the Pound is listed as having pedestrian use only. There is a given that access is to the properties that are already built and therefore for access only. Larger vehicles do struggle to enter and exit the Pound due to the narrow nature so to state that lorries regularly enter with no problems is misleading.

The Parish Council would like to respectfully request that before any decisions are

made, that the full historic application details be read in full. We would like the decision process to only be taken when all the information is available. We also feel that this application should go before the full committee, not be made by a planning officer.

Cherwell District Council Consultees

- 3.2 Conservation Officer: The scheme has been modified that it is now considered that the siting of the proposed dwelling and the proposed access no longer contribute significant harm to the character and appearance of the conservation area. Recommended conditions.
- 3.3 Ecology Officer: The piece of land involved in the proposals has some potential to support reptiles on an occasional basis which are protected from killing and injury under the Wildlife and Countryside Act 1981. I do not think a survey is necessary but should permission be granted we should include a condition designed to minimise risk of harm. In addition there is said to be building(s) on site – do you know what these consist of and what type of roofing they have? I cannot see these details in the application documents. I do not imagine that bat usage is likely to be an issue as there is some mention of corrugated iron but just to check given local records. In addition in line with guidance in the NPPF for biodiversity gain it would be beneficial in this location if the plans included some measures for bat roosting opportunities within any new dwelling. These could take the form of bat bricks or tubes within the building or a couple of raised ridge tiles or bat tiles etc..
- 3.4 Environmental Protection Officer: No comments received

Oxfordshire County Council Consultees

- 3.5 Highways Liaison Officer: No objections subject to conditions
- 3.6 Archaeologist: There are no archaeological constraints to this scheme.
- 3.7 Rights of Way Officer: I am emailing with reference to the above planning application. A public footpath runs along the western boundary of the site (North Newington Public Footpath 11) and another public footpath runs along The Pound (North Newington Public Footpath 18). These public rights of way are not mentioned in the application despite the applicant showing The Pound (footpath 18) as providing the access into the site.

Public Footpath 18 runs over The Pound and provides a right of way for the public on foot only. Anyone driving over The Pound will be exercising a private vehicular right. I understand that access to the site was originally via a narrow gateway, only wide enough for pedestrians and it is therefore questionable as to whether a vehicular right over The Pound exists. If a private vehicular right does not exist, driving over the footpath with a vehicle would be unlawful.

The Pound is approximately 135m in length. The majority of the track has a relatively hard surface apart from a 30m section closest to the site which is currently grass. The route is particularly narrow and steep over the western section from Main Street and there is a blind bend so you are not able to see whether a vehicle is already on The Pound when entering or exiting. There are no places to pass on this section and any vehicles meeting each other would need to reverse. Any increase in traffic along The Pound is therefore of concern particularly as this is a well-used public footpath.

I am a little confused about the vehicle movements that are described in the Design and Access Statement. Under 4.4 Parking and Highway Safety it states that *'approval of the proposal will lead to a substantial reduction in vehicular movements*

both on and off site, and would be an obvious enhancement in road safety'. There is currently limited damage to the grassed section of The Pound which suggests that the current vehicular movements are infrequent. Approval of the proposal is therefore likely to increase the traffic rather than reduce it and this would have a negative impact on the route.

If the decision is made to grant planning permission the grassed section of The Pound would need to be surfaced to make it suitable for vehicles. It is important that any work to the surface is in keeping with the surrounding area and we would not want to see this surfaced with tarmac. The Applicant would need to agree any proposals to alter the surface of The Pound with the Highway Authority (in this case the Countryside Access Team) and with the Landowner/s.

If permission is granted it is suggested that conditions are applied in order to protect the public footpath.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H14:	Category 2 Settlements
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

Submission Local Plan (January 2014)

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

The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

Policy Villages 1: Village Categorisation

Policy ESD 16: The Character of the Built and Historic Environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle of the development
- Visual amenity and impact on heritage assets

- Neighbouring amenity
- Highway safety
- Impact on public right of way

Relevant Planning History

- 5.2 **01/02095/OUT:** Erection of 1 no. dwelling and new vehicular and pedestrian access (Outline). Application withdrawn.
- 5.3 **02/01103/OUT:** Erection of 1 no. dwelling and new vehicular and pedestrian access (Outline). Application refused.
- 5.4 The above application was refused for the following reasons:
- 1) The proposed development would be contrary to Policy G2 of the Oxfordshire Structure Plan and Policies H14, C22 and C30 of the adopted Cherwell Local Plan. The development of this site for one dwelling does not constitute infill development and by virtue of the loss of this elevated and open land, which is prominent in the street scene and Conservation Area, and the likely character and appearance of any dwelling, including the significant reduction in site levels, would result in development which is unsympathetic and detrimental to the character and appearance of the site and the street scene in general and would neither preserve nor enhance the character and appearance of the Conservation Area.
 - 2) The unjustified loss of the front boundary wall from its original position in order to provide access to the site would be contrary to Policy C23 of the Cherwell Local Plan and would neither preserve or enhance the character and appearance of the Conservation Area.
 - 3) The proposed access would be contrary to Policy T18 of the Oxfordshire Structure Plan and Policies TR2 and TR5 of the Cherwell Local Plan as it is sub-standard in terms of visibility and the traffic generated by the proposal would result in a hazard and be detrimental to the safety of other road users.
- 5.5 **14/01758/PAO:** Change of Use from agricultural to B8 business use. Prior approval not required.
- 5.6 The above notification was submitted under the new permitted changes of use in The Town and Country Planning (General Permitted Development) (England) Order 2013 (as amended). As the building was less than 150 sqm in size, the applicant was only required to notify the council of their intent to implement a permitted change of use.
- Principle of the development**
- 5.7 The most significant change on the site since the submission of the last planning application is the creation of a vehicular access off The Pound. It is clear from the neighbour comments that there are disagreements regarding how this access came about and whether the applicant has a legal right of access. For the purpose of this application, the applicant has served the relevant notices and the Council's legal team has advised that issues relating to rights of access are a third party matter and not a material planning consideration.
- 5.8 The vehicular access has now changed the nature of the proposal as previous proposals sought to create an access off the Banbury Road which required the demolition of a substantial part of a stone wall within the Conservation Area.
- 5.9 There have been changes in national policy since the previous submissions with the introduction of the National Planning Policy Framework which replaced the previous planning policy guidance and planning policy statements. The National Planning Policy Framework is a material planning consideration and must be given appropriate weight when considering the proposal.

- 5.10 The Council can demonstrate a 5.1year housing land supply as set out in the Annual Monitoring Report 2014 (march 2015). Therefore, the housing policies contained within the adopted Cherwell Local Plan are considered relevant to the application and can be given weight.
- 5.11 The application is for a new dwelling within North Newington which is classified as a Category 2 settlement within the adopted Cherwell Local Plan and Category C in the Submission Local Plan. Policy H14 of the adopted Cherwell Local Plan restricts new residential development to:
- Conversions
 - Infilling
 - Other small scale development that can be shown to secure significant environmental improvement within the settlement
- 5.12 The Submission Local Plan states '*Policy Villages 1 allows for the most sustainable villages to accommodate 'minor development' and all villages to accommodate infilling or conversions. The appropriate form of development will vary depending on the character of the village and development in the immediate locality. In all cases, Policy ESD 16: The Character of the Built and Historic Environment will be applied in considering applications*'.
- 5.13 The proposal is for a new build property therefore it is not a conversion. The site is agricultural in nature with only a small building to one side; although this building has a permitted industrial use (see planning history) Overall the land is in a good state and the proposal would not represent a 'significant environmental improvement'.
- 5.14 The adopted Cherwell Local Plan defines infilling as 'being the development of a small gap in an otherwise continuous built-up frontage suitable for one or two dwellings'. The application site does represent a gap within the village however, it is noted that the built form is different on either side of the site. The existing gap along the road frontage is approximately 75m wide, although it is noted that the applicant does not own all of the land forming the gap.
- 5.15 Although, the proposal does not wholly comply with the definition of infilling due to the size of the gap, it does respect the linear development along the Banbury Road with the new dwelling proposed to be located adjacent to an existing dwelling. Therefore, your officers consider that it would be difficult to defend a reason for refusal at appeal based on non-compliance with the Council's definition of infilling.
- 5.16 When deciding if a 'gap' is suitable for new development, consideration must also be given to the development form and the importance of the 'gap' within the village.
- 5.17 Policy C27 of the adopted Cherwell Local Plan states 'development proposals in villages will be expected to respect their historic settlement pattern'. With the supporting text going on to state:
- *The settlement pattern of a village can be as important to its character as the buildings. Proposals which would result in the obliteration of part of an historic plan form or fail to respect the traditional settlement pattern will be considered contrary to policy and will be resisted.*
 - *Particular attention will be paid to Policy C27 within the existing and proposed conservation areas where the character of the settlement is particularly sensitive to change.*
- 5.18 The planning history highlights the importance of this site as a gap within the village that should be preserved, however, this does not rule out any development on the site, provided the important 'gap' is preserved and any development respects the character and appearance of the Conservation Area.

- 5.19 The current proposal is for a dwelling to be located towards the southeast corner of the site adjacent to the neighbouring property Stonecroft. The redline area has been amended during the course of the application to restrict the proposed residential area for the property and to deliberately exclude a large portion of the site that fronts the Banbury Road. This will ensure that any future occupier is unable to use the land at the front of the site for domestic purposes and prevent the erection of ancillary domestic buildings on that parcel of land. The amendment to the redline will help to ensure the open character and feel of the village is retained in this location.
- 5.20 Therefore, your officers consider that in principle a well-designed dwelling could be accommodated on the site while protecting the historic settlement pattern of the village and the character of the Conservation Area. The principle of the development is considered to comply with Policies H14 and C27 of the adopted Cherwell Local Plan.

Visual amenity and impact on heritage assets

- 5.21 The initial design that was submitted resembled a barn conversion although the proposal is for a new build property. This approach to design was considered to be inappropriate as it is unlikely that you would find a stone barn in this location in the centre of this village.
- 5.22 Following discussions with the applicant, the proposal has been amended in a number of ways. The design of the dwelling seeks to reflect the types of property typically found in North Newington with much simpler fenestration and small dormer features; changes to the east elevation have also created some interest. The footprint of the dwelling has been reversed to create an enclosed, private garden area for the future occupiers and the garage is moved forward to ensure the boundary treatment along the north elevation was kept to a minimal section of stone wall. Further minor amendments were also sought to remove external chimneybreasts, balance fenestration and remove capping edge details on the roof.
- 5.23 Policy C28 of the adopted Cherwell Local Plan seeks to protect the visual amenities of an area and states 'that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity'.
- 5.24 Paragraph 56 of the National Planning Policy supports this view and states 'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.
- 5.25 In your officer's opinion the final design is now reflective of the traditional character of North Newington. The changes to the east elevation will ensure that the property has a 'front' appearance; although this is partially hidden by the neighbouring building, it ensures an interesting elevation if that building is ever removed.
- 5.26 The application site is within a Conservation Area and there are some Grade II listed buildings within the vicinity of the site, therefore consideration must be given to the impact on heritage assets.
- 5.27 Following the amendments, the Council's Conservation officer has advised '*The scheme has been modified that it is now considered that the siting of the proposed dwelling and the proposed access no longer contribute significant harm to the character and appearance of the Conservation Area*'.
- 5.28 The proposed dwelling would fit comfortably within the street scene and its traditional style would preserve the character and appearance of the Conservation Area. The building would not appear overly prominent and the gap within the village is retained,

albeit a slightly smaller gap. With the vehicular access off The Pound, the stone boundary wall that runs the length of the site along the Banbury Road would be protected as this feature can be retained.

5.29 The Roebuck on the opposite side of Banbury Road and the property adjoining the west side of The Blink Owl as both Grade II listed buildings. Due to the position of the proposed dwelling and its design, the proposed development is not considered to cause harm to the setting of the listed buildings.

5.30 In conclusion the design of the dwelling is high quality and appropriate for the site. The character and appearance of the Conservation would not be harmed by the development and the historic settlement pattern has been respected. The proposal complies with government guidance on conserving and enhancing the historic environment contained within the National Planning Policy Framework and Policies C27 and C28 of the adopted Cherwell Local Plan.

Neighbouring Amenity

5.31 Due to the location of the proposed dwelling and the position of windows, the proposal would not result in harmful overlooking of the neighbouring properties.

5.32 The proposal would impact on some views from the properties on the opposite side of Banbury Road; however, views themselves are not protected by planning. There is sufficient distance between the existing and proposed dwelling as not to appear overly dominant or overbearing when viewed from the neighbouring properties.

5.33 The main area of concern raised by the neighbours relates to the vehicular access off The Pound. The issue regarding legal rights of access has already been dealt with in this report and concerns relating highway safety will be dealt with in the next section.

5.34 The proposal would not cause harm to neighbouring amenity and accords with the core principles of the National Planning Policy Framework and Policy C30 of the adopted Cherwell Local Plan.

Highway safety

5.35 The application site has an existing vehicular access via The Pound and does not propose changing this access. Although concerns have been raised regarding the formation of this access some years ago, it has to be acknowledged that the vehicular access to the site does now exist.

5.36 The planning history shows that the existing building on the site has a lawful use to be used for B8 (storage and distribution) and it is assumed that a certain level of vehicular movements could be associated with this use. Therefore, when assessing the application, consideration must be given to the likely vehicular movements associated with a B8 use and the likely vehicular movements associated with a single dwelling.

5.37 It is noted that there is some dispute as to whether the B8 use has been implemented, however as previously stated, the building can lawfully change to B8 at any time. Therefore consideration must be given to the type of vehicular movements that could be associated with the site.

5.38 The Local Highways Authority has concluded that the proposal would not result in a material increase in vehicular movements at the site. The application includes an adequate amount of on-site parking provision and manoeuvring areas would be provided to enable vehicles to enter and leave the site in a forward gear.

5.39 Conditions have been requested including the full re-surfacing of The Pound (access road). It is noted that the applicant does not control this land. Given the conclusions

regarding the existing and proposed uses in relation to expected vehicles movements, it would not be reasonable to require the applicant to re-surface this land.

- 5.40 The proposal would not be detrimental to highway safety and complies with government guidance contained within the National Planning Policy Framework.

Impact on public right of way

- 5.41 There is a public right of way running along the west boundary of the site and a right of way along The Pound.

- 5.42 The existing vehicular access crosses the public right of way and the granting of consent would not alter this arrangement. It has been questioned if the applicant has the legal right for vehicles to cross the footpath, but this is a third party matter relating to land ownership and rights of access not a material planning consideration.

- 5.43 The proposal would be visible from the rights of way, but would generally be viewed with the back drop of other buildings. It is not considered that the proposal would be detrimental to the enjoyment of footpath users.

Engagement

- 5.44 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, Design and Access Statement and drawings numbered: 14-21-05 rev D, 14-21-06, 14-21-07 rev C and 14-21-08 rev A.

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

3. Prior to the construction of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone, 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 the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Prior to the construction of the development hereby approved, samples of the slate to be used in the construction of the roof of the development shall be submitted

to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

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

5. Prior to the construction of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and material and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

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

6. Prior to the construction of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling and thereafter maintain in accordance with the approved details.

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

7. Prior to the 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. Details are required prior to the commencement of development to ensure appropriate details can be agreed before any ground works are carried out.

8. Prior to the commencement of the development hereby approved, including any works of site clearance, any ground vegetation to be affected by the works should be cut to a height of approximately 15cm on the first cut and thereafter maintained at a height of approximately 7cm or less up until the commencement of building works. Any piles of rubble or debris on site should not be removed between 1ST November and 31ST March and thereafter removed carefully by hand to allow any reptiles to escape.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the construction of the development hereby approved, details of the location of two bat roosting opportunities on or in the proposed building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building the bat roosting opportunities shall be installed

on site in accordance with the approved details and thereafter maintain in accordance with the approved details.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

10. 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 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.

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

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

12. Any gates provided shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

Reason - To ensure that gates are opened or closed in the interests of public right

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.

3. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

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

5. No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior permission and appropriate safety and surfacing measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants, their contractors, or the occupier to put right / make good to a standard required by the Countryside Access Team.

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 to seek amendments to the application and the decision has been made in an efficient and timely way.

Agenda Item 8

14/02132/OUT

Land Adj To Cotwold Country Club And
South Of Properties On
Bunkers Hill
Kidlington

Sports Ground

Bowling Green

Sports Club

14

19

24

TCB

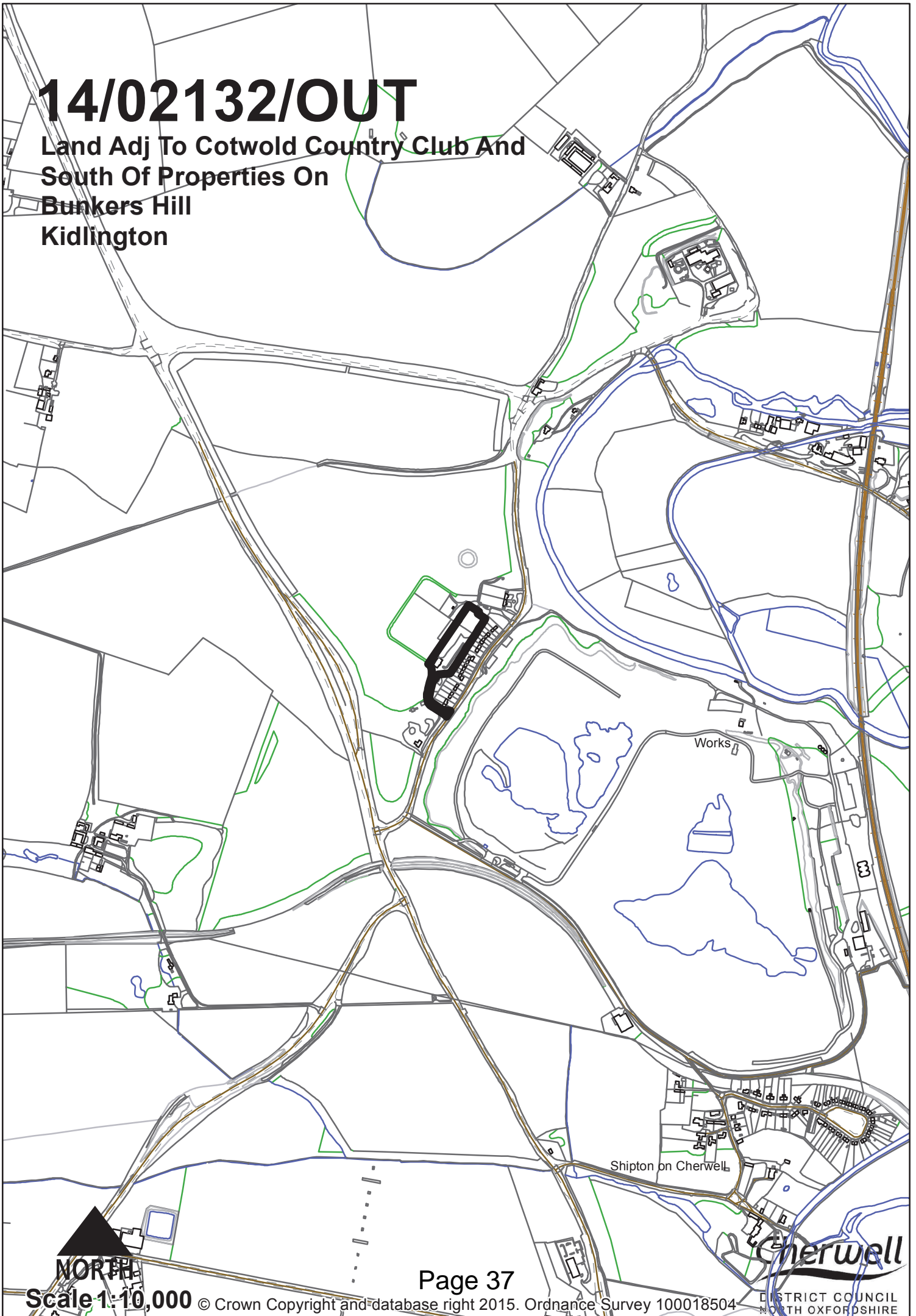
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14/02132/OUT

Land Adj To Cotwold Country Club And
South Of Properties On
Bunkers Hill
Kidlington



NORTH

**Site Address: Land adj to Cotswold
Country Club and South of Properties on
Bunkers Hill Kidlington**

15/02132/OUT

Ward: Kirtlington

District Councillor: Cllr Holland

Case Officer: Shona King

Recommendation: Refusal

Applicant: Mr Alan Mackenzie-Wintle, Heritage Pensions Ltd

Application Description: Outline – Development of eight houses and access improvements

Committee Referral: Member Request

Committee Date: 21 May 2015

1. Site Description and Proposed Development

- 1.1 The site is located to the rear of a row of dwellings which front onto the A4095 and currently comprises an area of hardstanding, former Club building, and a disused bowling green and associated changing rooms and maintenance shed. Access to the highway is via a narrow track onto the A4095 at the western end of the site. The site is bounded to the north and west by countryside and to the east by an established nursery/garden centre.
- 1.2 Outline consent is sought for the demolition of the Club building and those associated with the bowling green and the erection of eight dwellings. Improvements to the access are also proposed.
- 1.3 The application was deferred from the meeting on 19th March 2015 for confirmation from the applicant as to the viability of the scheme if permission were to be granted subject to a legal agreement to secure the public benefits set out in the planning statement submitted with the application and the provision of children's play space, along with a contribution to its maintenance, required as a consequence of the development. Financial information has been received and this has been independently assessed. The findings of the report are set out below.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment was the 5th February 2015. 12 letters have been received, 1 in support, signed with 10 signatures, and 11 objecting to the application. The following issues were raised:
 - Loss of countryside
 - Traffic/highway safety
 - Lack of lighting
 - Lack of local amenities
 - Reliance on private car
 - Limited bus service
 - Use of land not in applicant's ownership
 - Noise from Kidlington Airport
 - Upkeep and running of community facility
 - Viability of community facility
 - Contrary to policy
 - Lack of consultation with residents by applicant
 - Existing residents to improve water supply and repair water tower
 - Existing sewage system to undergo maintenance.
 - Sympathetic development

- Benefits to community
- Restore sense of community
- Not unsustainable
- Improve appearance of area

2.2 A letter has also been received from the agent, dated 23 March 2015, setting out the costs of some of the benefits offered by the applicant and how the benefits can be secured. The letter is available for Members to view on the Council's website. As stated above additional financial information has also been received from the applicant's agent.

3. Consultations

3.1 Shipton-on-Cherwell and Thrupp Parish Council: We consider that the proposed development would significantly improve the infrastructure and amenity of the Bunkers Hill settlement as a whole and therefore fully support the application.

Cherwell District Council Consultees

3.2 Planning Policy Officer (original comments): The site lies outside the built-up limits of the village, would extend development into the countryside and as such is contrary to adopted Development Plan policies.

The Council cannot demonstrate a five year housing land supply however this is a small site of less than 10 dwellings therefore it is not considered to be of housing land supply significance. It is noted that the application does not provide any affordable housing but instead a contribution of £40,000 will be made towards off-site affordable housing provision. This is contrary to emerging policy and the need for affordable housing is of course high. It is not yet known whether the Local Plan Inspector will make observations on the policy in the context of the recent change to the NPPG.

In advance of the Local Plan Part 2 or a Neighbourhood Plan it will be necessary to consider the district's current housing supply situation, to be mindful of emerging policy and the likely impact of proposed developments on a case by case basis.

As mentioned earlier Bunkers Hill is within Shipton on Cherwell and Thrupp parish and is a Category C Village in the emerging Local Plan, which is one of the least sustainable settlements in the district. The sustainability of the area was considered as part of the planning application 12/01271/F on a neighbouring site for 3 dwellings which was dismissed at appeal in 2013. The Inspector had recognised that "Bunkers Hill is essentially a single row of about 20 houses isolated from any settlement and with few facilities of its own." The Inspector continued to state "I do not accept the appellant's suggestion that this is a sustainable location for residential development. The lack of local services is such that, while there is a bus service nearby, residents would be mainly reliant on cars for trips to day-to-day services and facilities, including employment, education, medical services and shopping."

Policy Recommendation

The planning policies contained in existing Local Plans, the Submission Local Plan as Proposed to be Modified, the NPPG and the NPPF will need to be taken into account. From a Policy perspective the proposal would lead to an incursion into the open countryside and the loss of natural resources. There would be benefits from the provision of new houses. However, landscape, the loss of recreation use and building and other impacts will need to be considered. Development in this unsustainable location would be contrary to Local Plan policies and is therefore not supported.

3.3 Planning Policy Officer (revised comments): The five year land supply was comprehensively reviewed for the 2014 Annual Monitoring Report which was

published on 31 March 2015. The AMR is available on-line at <http://www.cherwell.gov.uk/index.cfm?articleid=9043>.

The AMR 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 is 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.

The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

The PPG was updated on 26 March 2015 in relation to affordable housing. Paragraph 23b-012-20150326 states that no affordable housing or tariff style planning obligations should be sought on developments of 10 dwellings or less and which have a maximum combined gross floorspace of no more than 1,000 sqm. This is as set out in the Written ministerial Statement on small-scale developers.

A ministerial statement in March 2015 made clear that the change to Planning Practice Guidance in respect of affordable housing (see PPG above) is a change to national policy. The emerging Local Plan contains a draft policy (BSC3) which applies a lower threshold for affordable housing outside main urban centres (3 units or more). The Local Plan Inspector's Report is expected soon and will consider whether or not the proposed policy is 'sound' in the context of national policy and local evidence. However, at the current time the national policy will carry more weight.

- 3.4 Environmental Protection Officer: I recommend applying the full contaminated land conditions. As a proposed residential property, it is a sensitive land use and the future users would be vulnerable to contamination.

As such, I recommend applying conditions J12-16 to assess whether this development will be affected land contamination

- 3.5 Landscape Officer: The application site is presently well-screened by intervening structural vegetation between the PRoW to the north and the surrounding highways, A4260, A4095 and B4027. The localised visual impacts will affect the residences of Bunkers Hill immediately South east of the site; however the proposed indicative landscaping on the Proposed Layout Plan goes some way in mitigating this visual impact.

There are existing trees near to the site access which will be within an influencing distance of the proposed access road and therefore a tree survey should be implemented by a qualified arboriculturalist in accordance with BS5837, if consent is given. Standard CDC landscape and tree retention conditions are also necessary

The site is subject to on-site play provision because the threshold of 6 units has been achieved. An equipped LAP is required, perhaps on the community facility site. The commuted sum will be £31,995.52.

The community centre is going to be too close to the boundary of plot 8 to allow residents the necessary privacy, etc., and therefore a landscaped buffer between them of 5 m (similar to the buffer required for a LAP. The community centre area with a LAP will have to be increased in area to accommodate both facilities.

Please note that it is evident that this application will be contributing a further extension into the countryside and is therefore contrary to CDC's relevant planning

policies, highlighted by Planning Policy, and for this reason I do not support the application.

- 3.6 Arboriculturalist: I have no arboricultural objections to this proposal however, there exists a small percentage of trees parallel with the access road and two hedgerows to the north-west and north-east boundaries which, due to screening and biodiversity values should be retained and protected from development activities by an arboricultural method statement (AMS).

Conditions:

1. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
- b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the decision notice.

2. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
3. 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)

4. Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, 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.

- 3.7 Ecologist: With regard to the above application. As the land is largely amenity there are no ecological issues with the plans on going however I understand that the proposals involve the demolition of the current 'clubhouse'. This building is in an area of good bat habitat close to woodland and water. The text states this has been unused for five years and therefore given its location is may have potential for bats. I do not have information on whether this building has a loft void or tiled roof however I would be keen that this building is first checked for bats by way of a scoping survey.

This information should be provided up front so we can be sure that should bats be present appropriate mitigation can be carried out within the site before a decision is made.

In addition there are records of swifts in close proximity. They are less likely to use the current building on site however in order to achieve a net gain for biodiversity on site in line with NPPF recommendations and out swift project at Cherwell any new dwellings should, where possible, include provision for them within the buildings fabric using swift bricks. The applicant should liaise with the Cherwell Swift Project Coordinator to gain advice on appropriate locations and clustering of nest provisions etc. I would suggest the following condition on this point.

Prior to the commencement of the development hereby approved, full details of a scheme for the location of 8 swift bricks shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building, the swift bricks shall be installed on the site in accordance with the approved details.

Oxfordshire County Council Consultees

- 3.8 Highways Liaison Officer: The proposal is identical to the previously refused application no.14/01565/OUT.

The Highway Authority notes improvements are to be made to the access point and the access lane itself it terms of widening.

However this still does not overcome the sustainability of the site. As per the previous Highway Authority comments "The location is considered unsuitable for an increased residential usage. Poor accessibility to essential shops and services will result in residents being highly dependent upon the private car and therefore, from a transport perspective, the proposal is considered unsustainable"

Furthermore, it is noted the access point is to be potentially improved along with the vision splays which is considered a benefit over the existing situation. However, on drawing no.002F, Job No.1320 the improved vision splay crosses 3rd party land in which the applicant has no control over.

Given the reasons set out above the Highway Authority recommends refusal to the proposal.

3.9 Minerals and Waste: The land adjoining the application site to the north west was the subject of a planning permission granted on 13th July 1956 for the winning and working of minerals (limestone) for the manufacture of cement (application no. M542/55). However, this is no longer an extant planning permission, having lapsed without being implemented before the 1979 deadline for old mineral working permissions.

This old permission suggests the presence of a potentially workable deposit of limestone within the area of land bounded by the A4095, A4260 and B4027, although published BGS mapping does not confirm this. The land to the south east of the A4095 at Bunkers Hill was worked for limestone to serve the former Shipton on Cherwell cement works, and some limestone extraction for aggregate use is continuing to take place there in conjunction with other development.

The proposed development needs to be considered against saved Oxfordshire Minerals and Waste Local Plan policy SD10 on protection of mineral resources. This policy dates from 1996 but it is consistent with the NPPF (paragraph 143, bullet 3). Under policy SD10, development which would sterilise the mineral deposits within this site should not be permitted unless it can be shown that the need for the development outweighs the economic and sustainability considerations relating to the mineral resource.

The Council is not aware of any current minerals industry interest in the working of limestone within the area of land to the north west of the application site and, in the absence of the Shipton on Cherwell cement works, it is uncertain whether there is now a commercially workable deposit of limestone at this location.

The application site lies immediately to the north west of existing houses on the northwest side of the A4095 at Bunkers Hill and is adjoined to the north by an existing garden centre. Part of the application site is occupied by an existing clubhouse building. These existing developments would all act as constraints on any mineral working within the application site or the land to the north west. Any working within the application site itself would almost certainly be ruled out by the need for unworked margins (buffer zones) between any working and these existing developments. The extent of the unworked margins required would be likely to extend beyond the application site, into the land to the north west. Whilst the proposed housing development would extend the unworked margins further into the land to the north west, I consider it unlikely that this would significantly increase the quantity of mineral that would be prevented from being worked.

Taking into consideration the uncertainty over the presence of a commercially workable mineral deposit within this site and the land to the north west; the constraints from existing development that already apply to any mineral working in this area; and the limited additional constraint on any such working that the proposed development would introduce; I consider there to be insufficient justification for these mineral deposits to be safeguarded from the effect of the proposed built development and, accordingly no objection should be raised to this application on minerals policy grounds.

Other Consultees

3.10 Thames Water: Waste Comments
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined

public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

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

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H15:	Category 3 Settlements
H18:	New dwellings in the countryside
C2:	Protected species
C7:	Landscape conservation
C8:	Sporadic development
C9:	Compatibility with rural location
C13:	Area of High Landscape Value

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Local Plan (October 2014)

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

The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

Policy Villages 1:	Category C
BSC1:	District wide housing distribution
BSC3:	Affordable housing
BSC4:	Housing mix
BSC10:	Protection of open space outdoor sport and recreation uses
BSC2:	The effective and efficient use of land
ESD1:	Mitigating and adapting to climate change
ESD10:	Protection and Enhancement of Biodiversity and the Natural Environment
ESD13:	Local landscape protection and enhancement
ESD16:	Built and historic environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning History
- Principle
- Impact on the visual amenities of the area
- Highway safety
- Impact on neighbouring properties amenity
- Ecology
- Other issues

Planning History

5.2 Planning permission was granted in 2005 under 04/02441/F for the demolition of an existing clubhouse and the erection of a new clubhouse.

5.3 Planning permission was refused in December 2014 under application 14/01565/OUT for the development of eight houses and access improvements. The application was refused as the development was considered to represent development within the countryside which could not be justified on the basis of an identified need. It was considered to constitute unsustainable, new build residential development in a rural location which is divorced from established centres of population, not well served by public transport and is reliant on the use of the private car. The development was considered to be prejudicial to the aims of both national and local policy to focus development in areas that will contribute to the general aims of reducing the need to travel by private car.

5.4 Planning permission was refused under application 12/01271/F in 2012 and dismissed at appeal in September 2013 on a neighbouring site for the demolition of existing car repair buildings and construction of 3 dwellings.

Principle

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

5.6 With specific regard to housing proposals the NPPF, in paragraph 49, further advises that 'Housing applications should be considered in the context of the presumption in

favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’ To achieve sustainable development, the NPPF sets out the economic, social and environmental roles of planning including contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (para 7). It also provides (para 17) a set of core planning principles.

- 5.7 The NPPF does not change the statutory status of the development as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise. (para 12)
- 5.8 The Adopted Cherwell Local Plan and the Submission Local Plan do not contain any policies which seek to allocate the site for residential development. Sites other than those allocated, fall to be considered under Policy H12 of the adopted Local Plan which allows for development within the built-up limits of rural settlements in accordance with Policies H13, H14 and H15.
- 5.9 The site is located to the north of a single row of 24 dwellings isolated from any settlement. It is considered to represent sporadic development in the countryside and this opinion is supported by the Inspector for the appeal on the adjacent site (12/01271/F). Saved Policy H18 of the ACLP applies. This policy states that new dwellings beyond the built up limits of settlements will only be permitted where they are essential for agricultural or other existing undertakings. No case has been made for consideration as a rural exception site or other essential undertaking. As the proposal cannot be justified on the basis of an identified need in an unsustainable location, the proposal clearly does not comply with this policy criterion and therefore represents a departure from the ACLP.
- 5.10 The development is also considered to be contrary to Policy C8 of the ACLP. This policy seeks to resist sporadic development in the open countryside.
- 5.11 The Council can identify a 5 year housing land supply and as such the saved housing policies within the adopted Cherwell Local Plan are considered to be relevant to the consideration of this application. Paragraph 14 of the Framework makes it clear that there is a presumption in favour of sustainable development and that development proposals that accord with the development plan should be approved. Where relevant policies are out of date permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted.
- 5.12 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable development and in the context of this application would include promoting sustainable transport, delivering a wide choice of high quality homes, requiring good design and the conservation and enhancement of the natural environment.
- 5.13 It is considered that Policies H18 and C8 are broadly consistent with the NPPF and therefore weight can still be attached to them. The Inspector for the appeal on the neighbouring site concluded that these policies were in particular consistent with para 55 of the NPPF and attached considerable weight to them.
- 5.14 In the supporting statement accompanying the application the agent has raised as an issue that Inspectors for other appeals have taken a different view on the weight of

these policies such as:

- 70 dwellings at Hook Norton (11/01755/OUT) allowed on 23/9/2013
- 25 dwellings at Adderbury (13/00996/F) allowed on 3/0/2014.

The Inspectors for these appeals considered that Policies H18 and C8 of the adopted Cherwell Local Plan are out of date. However these appeals were at a time when the Council could not demonstrate a 5 year housing land supply.

- 5.15 Notwithstanding the discrepancy between the findings of different Inspectors, whilst the application proposal re-uses previously developed land, encouraged by paras 17 and 111 of the NPPF, given its remote location, the proposal is considered to represent unsustainable new build residential development in a rural location which is divorced from established centres of population, not well served by public transport and is reliant on the use of the private car. The development is considered to be prejudicial to the aims of both national and local policy to focus development in areas that will contribute to the general aims of reducing the need to travel by private car.
- 5.16 The applicant's agent has quoted a further planning appeal that was allowed at Enslow approximately 1 mile to the north east of the site, again at a time when the Council could not demonstrate a 5 year housing land supply. This appeal was for the demolition of existing buildings on the site, the erection of 170m² of Class B1 officer development and 10 dwellings with an associated access. Application 12/00643/OUT refers. This development, whilst in a rural location, was allowed as it was considered to be within a settlement with employment opportunities in walking distance along with the additional B1 employment floorspace to be provided. A financial contribution towards the provision of affordable housing within the nearby village of Bletchingdon and a footpath to the public house in Enslow were also proposed which were considered to be further benefits of the proposal. The Inspector found that the "considerable benefits of the proposal would not be outweighed by the harm arising from the provision of housing within a Category 3 village".
- 5.17 The applicant's agent has stated in the supporting statement that the development is not in an isolated location as it relates well to existing housing; it is not visually prominent and is sustainable as it makes good use of previously developed land; and is a high quality scheme which does not harm the rural character of the area or local landscape. It has also been stated that local finance considerations can be a material consideration in determining planning applications and in this instance the New Homes Bonus resulting from the development of eight houses would provide funds to benefit the local community.
- 5.18 Notwithstanding these above arguments deployed by the applicants. your officers consider that having balanced the need for housing land against the other material considerations set out below that the proposal comprises development within the countryside and whilst it is previously developed land the construction of 8 dwellings in this location is unsustainable and therefore contrary to the Policies within the adopted Cherwell Local Plan, the Submission Local Plan and government guidance within the NPPF
- Impact on the visual amenities of the area**
- 5.19 The proposed development will not have a significant impact on the visual amenities of the area. It is well screened in public views due to the location of the existing dwellings and the vegetation in the surrounding vicinity. There is a footpath to the north west of the site but this is some distance from the application site and views into the site will not be significant.

Highway safety

- 5.20 The Highway Authority has recommended refusal of the application on the grounds that the development is in an unsustainable location. They state that poor

accessibility to essential shops and services will result in residents being highly dependent upon the private car.

- 5.21 The proposed vision splay crosses 3rd party land which the agent states that the applicant has a legally binding option agreement to acquire the land required to remodel the access road and improve the vision splays onto the A4095. It is not currently in the applicant's control.

Impact on the living amenities of neighbouring dwellings

- 5.22 The proposed development is in outline with appearance, landscaping, layout and scale reserved for consideration at a later date. However, it is considered that if permission were to be granted a layout could be produced that did not result in any unacceptable overlooking of private amenity space or habitable room windows, loss of light or overshadowing of the existing properties. The location of the proposed access into the site and the use for up to 8 dwellings will not result in a significant level of disturbance to the neighbouring properties adjoining the access.

Ecology

- 5.23 The Council's Ecologist was considers that the area of land proposed for development has some potential to support reptiles, which are protected from killing and injury under the Wildlife & Countryside Act 1981 (as amended). It is considered that the existing buildings are not particularly suitable for use by bats but that the existing hedgerows should be retained and enhanced with new appropriate planting. If consent is granted it is recommended that a condition is attached to the permission restricting the clearance of the site.

Other Matters

- 5.24 The applicant for the current application has advised that they will improve the access to the site (and to the rear of the dwellings in Bunkers Hill), provide an improved water supply and sewerage system, provide a "work from home/home office" and community facility, demolish an obsolete water tower as well as make a contribution towards off-site affordable housing provision and provide a children's play area with a commuted sum for maintenance if planning permission is granted. They have stated that the development value of the site will fund all of the improvements and benefits and they can be secured by way of planning conditions and/or a legal agreement.

Improvements to the junction with the highway and access road

- 5.25 The improvements to the access, as set out in the supporting statement and indicated on drawing no. 1320/002E, will undoubtedly improve the existing situation. The access is currently well below the required standards with poor visibility to the north east and the width of the existing track is very narrow with no passing places. However as part of any new development this would need to be upgraded to ensure that the scheme met the necessary highway safety standards resulting from increased traffic generation. The permission for the replacement of the clubhouse in 2005 (04/02551/F) did not however require works to the access and junction with the highway.

Improvements to the water supply

- 5.26 The existing dwellings and clubhouse at Bunkers Hill are served by a private distribution system which involves mains water being piped to a holding tank at the northern end of the site and then pumped to the individual properties. The site was originally served by a mains fed water tower which is no longer used as it became contaminated. The overflow tank for the water tower was then used to hold the mains

water prior to distribution to the individual properties. This also became contaminated and the Management Company approached Thames Water about the individual properties being directly connected to the mains. A temporary tank was fitted whilst discussions have been taking place. The quality of the water supply has been acceptable whilst the temporary tank has been used.

5.27 The continued use of the temporary tank in the long term however is not an option as it does not comply with the relevant legislation. The existing supply will need to be upgraded in the near future with or without any new development as if the Management Company does not improve supply they are at risk of prosecution by the Council for supplying sub-standard quality water. The options for the existing residents are:

- To install a suitable tank
- To connect directly to the mains

5.28 The applicant's agent has stated that the existing pipework is capable of supplying water to the existing and proposed dwellings however the difference in land levels between Shipton and Bunkers Hill means that there is an issue with pressure. The applicant is therefore suggesting installing an in-line booster station (pump room and pump). They are also offering to take the feed from the existing mains supply pipe from Shipton, opposite the access to the Bunkers Hill houses, and install a new pipe under the A4095 to the proposed pump room and then onto the individual dwellings.

5.29 In my opinion it is not necessary to allow development in an unsustainable location to pay for the connection of the existing dwellings directly to mains water but it is desirable for the residents of those properties. They have the option of a new holding tank which will overcome the existing issues.

Sewage disposal facilities

5.30 The existing on-site sewage treatment plant and facility is relatively old and the applicant has stated that if permission is granted a new treatment plant will be funded and installed to serve all of the Bunkers Hill properties. Whilst the existing residents may welcome the replacement of the facility it is not a matter that will be of wider public benefit and the existing residents occupy the dwellings in the knowledge that they have a private treatment facility to maintain.

5.31 The cost of the works and a 20 year maintenance contract is estimated at £52,600.

Demolition of the water tower

5.32 The water tower is in a state of disrepair and it will require attention in the future to either demolish or make safe. However it is not prominent in public views as it is surrounded by mature trees which screen it and it does not significantly detract from the visual amenities of the area. Its demolition is not considered to be of great benefit to the wider public.

"Work from home/home office" and community facility

5.33 The location of the proposed "work from home/home office" and community facility is indicated on the layout plan. No details are given of the proposed building however the supporting statement advises that the building will serve multiple purposes encouraging the residents of the existing and proposed dwellings to reduce the amount of vehicular movements and to increase the sustainability of the community. The applicant's agent has stated that it is envisaged that the Bunkers Hill Management Committee will assume responsibility for running and managing the community facility in the long term.

- 5.34 During the daytime it is proposed that the building would be used as a home office/business centre with desks and IT facilities and during the evenings and weekends the building would be used for meetings/parties/youth club/local events. It would not be licensed but would have a small kitchen. It may also be used as a small store for non perishable items for the benefit of the community to reduce car travel. The cost of providing the building and a maintenance fund for 10 years is estimated at £54,200.
- 5.35 No details have been provided with the application that there is any demand for this type of facility or indeed that it would be viable. The existing clubhouse has been vacant for a number of years as it was not considered to be viable to operate. The proposed facility would in my opinion have little public benefit as it is for use by the residents of Bunkers Hill and if it were to be used by the wider public it would be located in an unsustainable location. The Management Company have not advised whether they are able to take on the management and upkeep of the facility.
- 5.36 There is also a modern village hall at Shipton-on-Cherwell within 1 ½ miles of the application site.

Affordable housing contribution

- 5.37 The applicant is proposing to make a contribution towards off-site affordable housing provision if permission is granted. Whilst there is a need for more affordable housing within the district there is no current policy position for requiring affordable housing provision within the site and it is not in an accessible location to meet the affordable housing needs of nearby villages. A contribution towards off-site provision is therefore the most suitable.
- 5.38 The Planning Practice Guidance however has recently been updated and sets out that affordable housing and tariff style contributions should be sought from developments of 10 or more dwellings. In designated rural areas where a lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development.
- 5.39 This is not such a designated rural area and as such it is considered that a contribution towards affordable housing cannot be sought as the development is for 8 units.

Assessment of viability

- 5.40 In order to assess whether the proposed development along with the facilities and services put forward by the applicant is viable, officers sought financial information from the applicant and this has been independently assessed. The findings are that the scheme is viable for the applicant if they sell the site on to a developer with the benefit of planning permission as the land acquisition cost along with planning fees will be recouped. This assessment has been made using various assumptions given that the application is outline with only access to be considered at this time and using the applicant's figures. These assumptions include:
- that there are no other abnormal development costs that would be incurred in building out the scheme – eg ground conditions, electricity and gas upgrades, surface water drainage. None have been identified by the Applicant to date and in the absence of any information to the contrary it is assumed that there are none. If there were additional costs then the schemes would be less valuable and less viable.
 - that the costs of obtaining the third party land necessary for upgrading the

access road is fixed and under contract.

- that no other third party land or rights are necessary to implement the scheme - rights might be necessary for installing the new water and drainage systems as an example.
- that there are no overage or clawback provisions or restrictive covenants attached to any relevant title that would mean any land value or profit needs to be shared with others.

5.41 However if planning permission is granted and the applicant sells the site on to a developer the Council may be vulnerable to a revised application being submitted with arguments that the development is not viable with the wider benefits due to the raised site value. The uplift in the land value, with the benefit of planning permission, could be as much as £700,000.

5.42 Whilst the foregoing are benefits, and therefore material to the consideration of the application, they do not in my opinion outweigh the harm arising from the provision of housing isolated from any settlement. The benefits are considered to be largely necessary for the provision of the new dwellings and so it is likely that they will be delivered in any event, particularly the improvements to the access, water supply and sewage treatment plant.

Engagement

5.43 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged as the agent has been kept informed of the issues and problems that have arisen in the determination of the application.

Conclusion

5.44 It is considered that the proposal comprises development within the countryside and whilst it is previously developed land the construction of 8 dwellings in this location is unsustainable and therefore contrary to the Policies within the adopted Cherwell Local Plan, the Submission Local Plan and government guidance within the NPPF.

6. Recommendation

Refusal, for the following reasons:

1. The proposal represents development within the countryside where there is no proven need for agriculture or other existing undertaking and the application has not been made on the basis that it is a rural exceptions site. As the proposal cannot be justified on the basis of an identified need, it constitutes unsustainable, new build residential development in a rural location which is divorced from established centres of population, not well served by public transport and is reliant on the use of the private car. The development is considered to be prejudicial to the aims of both national and local policy to focus development in areas that will contribute to the general aims of reducing the need to travel by private car. The proposal is, therefore, contrary to Policies H18 and C8, of the adopted Cherwell Local Plan, Policy Villages 1 of the Submission Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

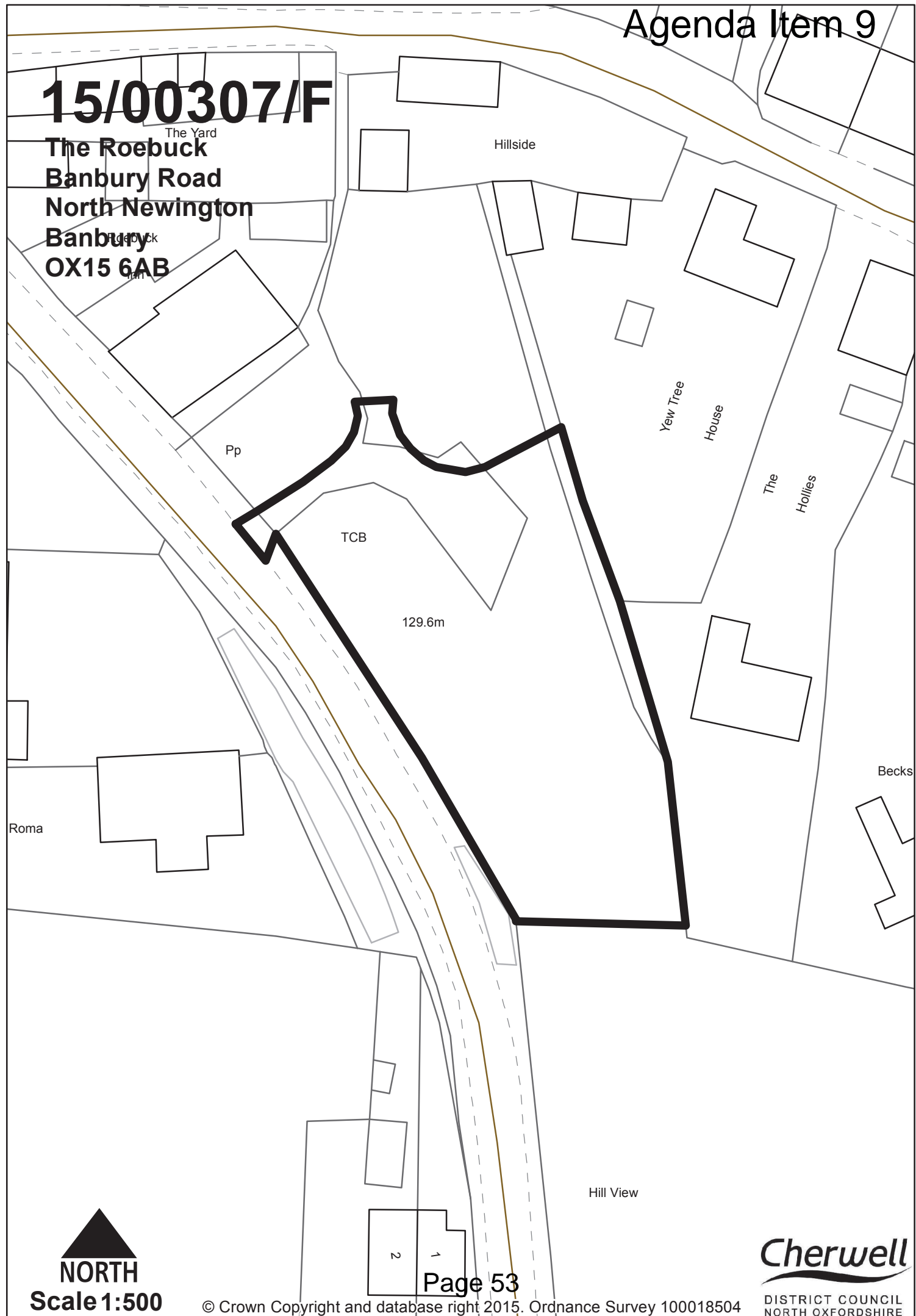
STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) 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 the agent has been kept informed of the issues and problems that have arisen in the determination of the application.

15/00307/F

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



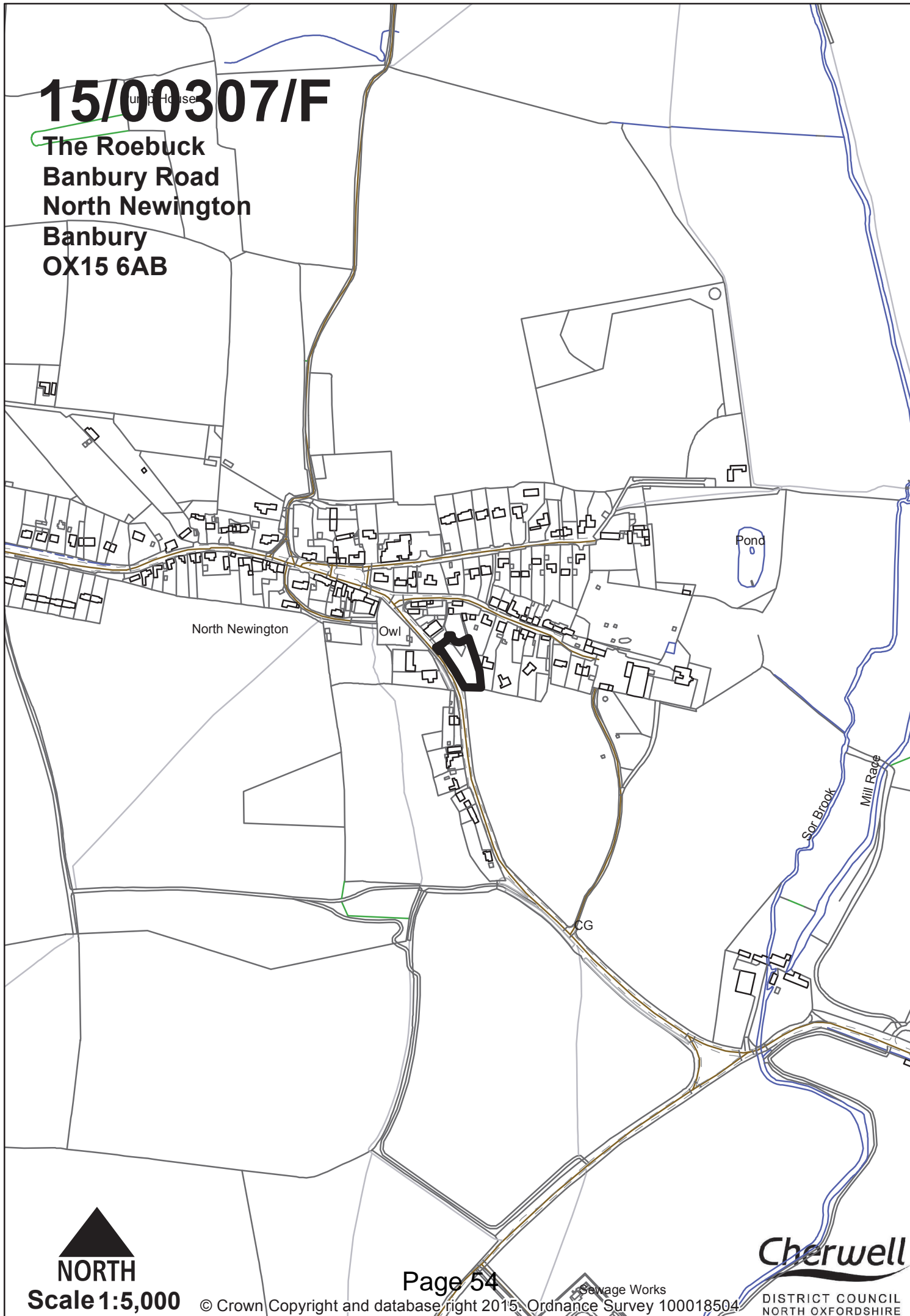
129.6m



NORTH
Scale 1:500

15/00307/F

The Roebuck
Banbury Road
North Newington
Banbury
OX15 6AB



NORTH
Scale 1:5,000

**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: 11 June 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.

In terms of this current application, the Highway Authority has now confirmed that no objections are raised subject to the imposition of a number of conditions relating to the access, driveway and parking provision. Notwithstanding any

details shown, the driveway and manoeuvring areas are to meet SUDS requirements.

- 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
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 of previous applications. In 1996 consent for the erection of a two storey dwelling on the application site was refused for a number of reasons and subsequently dismissed on appeal (96/00608/OUT refers). At that time The Roebuck was still in use as a public house. The change of use from public house to residential was granted in 1998 (98/01049/F refers) A further application for the erection of a new dwelling on the application site was submitted in 2008 (08/00186/OUT refers). That application was also refused and subsequently dismissed on appeal. 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 In terms of Policy H18, in the previous appeal the Inspector concluded:
'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 isolated, built development in the open countryside, unrelated to the existing village. In this respect, I find no conflict with the overarching aim in PPS7 to protect the countryside for the sake of its intrinsic beauty and character, or the intention of underpinning Policy H18, which is to ensure that the countryside is protected from sporadic development'
- 5.6 It is therefore concluded that the development cannot be considered contrary to Policy H18 and reference to this policy has therefore been removed from reason for refusal 1.
- 5.7 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.

Impact on the Conservation Area and setting of Listed Building

- 5.8 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.
- 5.9 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.
- 5.10 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.

5.11 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"*.

5.12 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. The domestic paraphernalia arising from the subdivision of a plot to form a new curtilage and the construction of an independent dwelling with its separate parking/garaging and outdoor amenity space adds weight to my concern".

5.13 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.

5.14 The second reason for refusal specifically relates to the design of the proposal in terms of its contemporary appearance, details and proportions and therefore its impact on the character and appearance of the North Newington Conservation Area and the setting of the Roebuck, a Grade II Listed Building. In respect of the 2008 appeal, the Inspector did state that:-

'subject to the approval of details relating to the scale, external appearance of the dwelling and the layout and landscaping of the site at the reserved matters stage, I conclude that erecting a single storey dwelling on the appeal site would not harm the rural character or high landscape value of the area'

5.15 Whilst the Inspector above concluded that a single story dwelling might be acceptable in terms of its impact on the rural character of the area and the area of high landscape value, it does not state that a single story dwelling would necessarily be acceptable as it would be dependent upon design and an assessment of its likely impact on the Conservation area and the setting of the Listed Building. The Inspector goes on to say in paragraph 16 that 'the appeal site is in a sensitive location at the gateway to the historic core of the village and on the edge of the open pastures to the south which lie within the Conservation Area and contribute to the setting of those buildings which lie within the Conservation Area and contribute to the setting of those buildings which can be seen when approaching from this direction, including the listed dovecote at Park Farm'. The Inspector also criticised the design proposed considering that it did not emulate traditional vernacular.

5.16 In this case, it is considered that the design of the dwelling proposed fails to draw its inspiration from traditional forms of vernacular architecture, except that it is proposed in stone. The gable spans are wider, the roof pitch shallower and

the window detail modern. Traditional single storey buildings have a very simple rectilinear footprint, the proposal, which has the appearance of a modern bungalow has not been designed to resemble a historic farm building, and as proposed would therefore appear alien in its rural context.

- 5.17 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 saved policies C28 and C30 of the adopted Cherwell Local Plan.

Landscape Impact

- 5.18 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”.

- 5.19 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.

- 5.20 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

- 5.21 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

- 5.22 OCC Highways initially 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. The Inspector in determining the appeal however concluded that due to vehicular speeds entering the village from the south, which is uphill, its previous use as a public house and the only slightly reduced vision splays, that the proposal would not harm highway safety.

- 5.23 Together with the above appeal decision, and relocated access point to the south, the highway authority have re-assessed the proposal and have now confirmed that no objections are raised subject to a number of conditions as specified in the consultation response.

Impact on Neighbouring Amenity

- 5.24 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.

- 5.25 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.
- 5.26 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

- 5.27 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

- 5.28 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.
- 5.29 However, the application still fails to comply with the requirements of the NPPF and saved Policies H14, C28 and C30 of the adopted Cherwell Local Plan in that the proposed development would not constitute infill development and due to its design fails to protect the setting of the North Newington Conservation Area and the setting of the Roebuck, a Grade II Listed Building.

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, is considered to comprise unacceptable development which would be contrary to Policy H14 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 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 C28 and C30 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 10

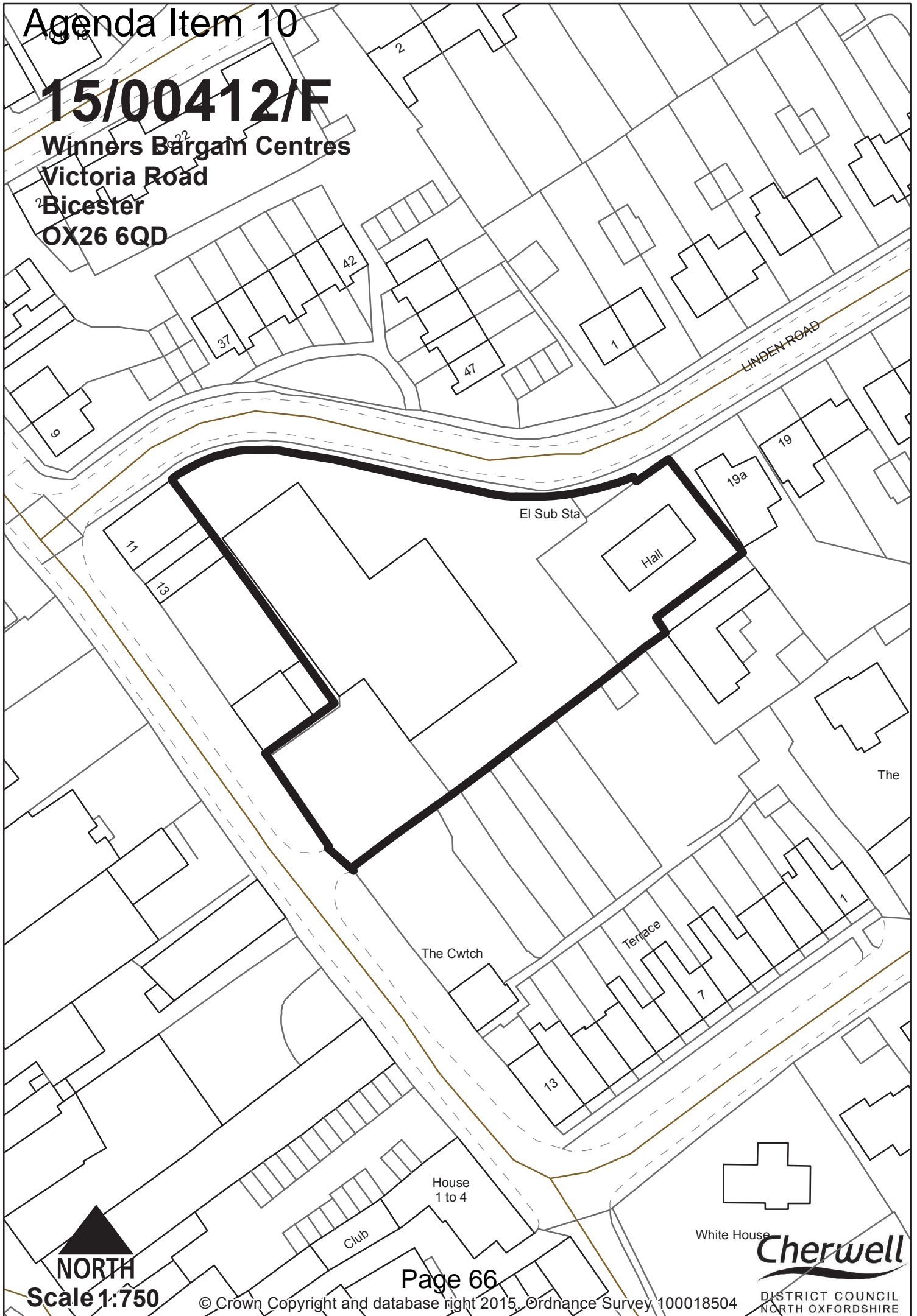
15/00412/F

Winners Bargain Centres

Victoria Road

Bicester

OX26 6QD



NORTH
Scale 1:750

15/00412/F

Winners Bargain Centres

Victoria Road

Bicester

OX26 6QD

BICESTER



**Site Address: Former Winner's Bargain Centres,
Victoria Road, Bicester, OX26 6QD**

15/00412/F

Ward: Bicester Town

District Councillor: Cllr D Edwards &
Cllr D M Pickford

Case Officer: Nathanael Stock

Recommendation: Approval

Applicant: Churchill Retirement Living

Application Description: Redevelopment to form 42 sheltered apartments for the elderly, communal facilities, access, carparking and landscaping

Committee Referral: Major development

Committee Date: 11.06.2015

Report Type:

1. Site Description and Proposed Development

- 1.1 The application site is the former Winners bargain centre building and associated land and building which has its existing main access to Victoria Road and a shared boundary with Linden Road (and secondary currently disused access). The site, which is previously developed land, has an area of 0.33 hectares. The existing building is set behind 11-13 Victoria Road (L Harness Funeral Directors) and the Stapletons Tyre and Exhaust business. The existing main building is a warehouse type building built from red brick with a part pitched and part flat roof. At its highest point the existing main building is 6 metres to the ridge. There is another smaller building located adjacent to number 19a Linden Road, which is a small hall and measures 4.2 metres in height.
- 1.2 The site is located just outside of the Bicester Town Centre as defined in the adopted Cherwell Local Plan and is situated adjacent to and on the boundary with the designated Bicester Conservation Area. The Non-Statutory Cherwell Local Plan and Submission Cherwell Local Plan (January 2014) show the site to be within the town centre boundary. To the south east of the site, approximately 40m away, are the rear elevations of residential properties on Bath Terrace, their gardens extend to the boundary. To the north and east of the site are the residential properties on Linden Road and to the west of the site are commercial properties and the rear elevations of the buildings which front onto Sheep Street.
- 1.3 The current proposal includes the demolition of the existing buildings and the erection of a building to form a sheltered housing development of 42 apartments, and associated communal facilities, landscaping, vehicular access and car parking. The applicant states that the proposed use falls within Class C3 of the Uses Classes Order, which stands in contrast to the previous consent (14-00154-F), for a development of assisted living units falling with Class C2 of the Use Classes Order.
- 1.4 This is a full application and includes drawings which show the provision of 26 parking spaces split between two areas, one accessed from Linden Road where the main entrance is shown and one from Victoria Road. Unlike the previous application, one large landscaped amenity space is proposed, between the building and its Victoria Road car parking area. The proposed footprint of the building remains comparable to the existing buildings on the site with the focus being toward Linden Road. Provision for the flats is shown to be over three floors, the building measuring approximately 9.75m high (down from 10.19m under the

extant consent). The proposed materials are a combination of brick and render under a slate roof.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, press notice and neighbour notification letters. The final date for comment was 23 April 2014 and at the time of writing no comments had been received.

3. Consultations

- 3.1 **Bicester Town Council** – RESOLVED that Bicester Town Council welcomes this application but would ask CDC to ensure that there is a pelican or zebra crossing for elderly residents to safely cross what is increasingly becoming a very busy Victoria Road. They also seek assurance that there will be adequate parking on the site.

- 3.2 **Environment Agency** – Low environmental risk; no comments

- 3.3 **Thames Water** – No comments

Cherwell District Council Consultees

- 3.4 **Environmental Services** (Waste & recycling) – No comments

- 3.5 **Environmental Protection** – No comments

- 3.6 **Housing Strategy** – No comments

Oxfordshire County Council Consultees

- 3.7 Oxfordshire County Council has provided a single response relating to all aspects under its jurisdiction. It has been generally noted that there is no overall objection to the scheme and the summarised comments in relation to each County matter are provided below.

- 3.8 **Transport** – No objections subject to conditions

The proposal is similar to previous applications albeit the nature of the facility would cater for those less dependent upon care services. I have no reason to vary previous recommendations for proposals at this site. To reiterate;

- the proposal would reduce the level of trip generation when compared to the permitted use of the site
- Vehicular access points are appropriate as submitted plans
- Redundant dropped kerbs to be reinstated to improve pedestrian network
- Cycle parking to be increased in the interests of accessibility
- Parking and manoeuvring areas are appropriate as submitted plans
- Travel Plan to be implemented in the interests of accessibility/sustainability

Recommends conditions to require access specification, closure of existing accesses, cycle parking, parking and turning areas, Green Travel Plan and a Construction Management Plan; subsequently has advised that the proposed cycle parking provision is adequate

- 3.9 **Drainage** – Objects: No surface water drainage information has been submitted with this application. As this is a Full Application, we require more information to make a proper assessment.

[CDC **Officer comment:** A drainage impact assessment had been submitted with the current application (ABMH, March 2015), but the Drainage Engineer commented:

“Having looked through the documentation submitted, I can see no information whatsoever regarding surface water drainage. At the Full Planning stage we would expect to see a fairly comprehensive Flood Risk Assessment and some kind of strategy to deal with the surface water. I will need to see documentation along those lines to make a proper assessment of the proposed surface water drainage for the development.”

The applicant’s agent responds:

“Given the size of the site and its location within Flood Zone 1 (low risk) there is no requirement for a flood risk assessment (FRA) to be submitted.”

This comment has been forwarded to the Drainage Engineer and a further response is awaited.]

- 3.10 **Property** – No objections subject to condition (fire hydrants)

Also makes financial contribution request:

42 x residential care units

All care units rated at 1.25 per unit

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

42 x 1.25 = 52.5

52.5 additional residents including:

52.5 resident/s aged 65+

Legal Agreement required to secure:

- Adult Day Care £57,750

Total* £57,750

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

- **Administration & Monitoring £1,500**

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

This development is served by Bicester Health & Wellbeing resource centre and this development will place additional pressures on this adult day care facility. To meet the additional pressures on day care provision the County Council is looking to expand and improve the adult day care facility in Bicester.

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

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

£1,100 x 52.5 (the forecast number of new residents aged 65+) = **£57,750**

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H4: Housing schemes for the elderly

H5: Affordable Housing

TR1: Transportation funding

C2: Protected species

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

C28: Layout, design and external appearance of new development

C30: Standards of amenity and privacy (new housing development)

C31: Compatible uses

ENV1: Detrimental levels of noise...or other types of environmental pollution

ENV12: Contaminated Land

4.2 Other Material Policy and Guidance

National Planning Policy Framework ("the Framework"), in particular paragraphs 9-17 (presumption), 18-20 + 22 (economy), 23-27 (town centres), 29-36 (transport), 47-55 (housing), 56-67 (design), 69-78 (healthy communities), 93-104 (climate change and flooding), 109-125 (natural environment), 126-139 (historic environment) and 186-206 (decision taking)

National Planning Practice Guidance

The guidance of most relevance from a policy perspective is:

Paragraph 019 ID: 10-019-20140306 on *How should the viability of planning obligations be considered in decision-taking?*

Paragraph: 020 ID: 10-020-20140306 on *What are the key factors to be taken into account when assessment of viability is required for decision-taking on planning applications and appeals?*

Paragraph: 022 ID: 23b-022-20150326 *What is the process for determining the vacant building credit?*

Paragraph: 023 ID: 23b-023-20150326 *Does the vacant building credit apply to any vacant building being brought back into use?*

Submission Cherwell Local Plan (January 2014)

The Submission Local Plan has been through public consultation and was submitted to PINs in January 2014 for Examination. Following suspension of the Hearings in June 2014, Proposed Modifications were submitted on 21 October 2014. The Hearings continued from 9 December 2014 to 23 December 2014. A schedule of further minor modifications and other documents arising from the Hearings were submitted to the Inspector on 6th February 2015. The Inspector's report is expected in the Spring of 2015. The Submission Local Plan does not have Development Plan status but is a material planning consideration. The Plan sets out the Council's strategy for the District to 2031.

The site is not allocated for development but it is partially located within the proposed town centre boundary in Policy Bicester 5 and associated 5.2 key policies map for Bicester. The eastern most part of the site lies within the proposed town centre extension "area of search", which will be reviewed in Local Plan Part 2.

The policies listed below are considered to be material to this case:

SLE2: Securing dynamic town centres
SLE4: Improved transport connections
BSC1: District wide housing distribution
BSC2: Effective and efficient use of land
BSC3: Affordable housing
BSC4: Housing mix
ESD1: Mitigating and adapting to climate change
ESD3: Sustainable construction
ESD7: SuDS
ESD16: The Character of the Built and Historic Environment
Bicester 5 – Strengthening Bicester Town Centre
INF1- Infrastructure
5.2 Key Policies Map: Bicester

The Non-Statutory Local Plan should be considered. Whilst some policies within the Plan may remain to be material considerations, other strategic policies have in effect been superseded by those of the Submission Local Plan as Proposed to be Modified (February 2015).

Five year housing land supply

The five year land supply was comprehensively reviewed for the 2014 Annual Monitoring Report which was published on 31 March 2015. The AMR concluded 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 is 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 of 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. The presumption in favour of sustainable development, as advised by the Framework, will therefore need to be applied in this context.

As the Council now has a defensible five year housing land supply position the application site is not needed to assist in housing delivery in the near term. It does however need to be considered in the context of the Development Plan and all other material considerations including the need for specialist housing for older people in saved policy H4 and emerging policy BSC4.

Strategic Housing Land Availability Assessment Update 2014 (SHLAA)

The latest SHLAA Update (2014) considered part of land at Winners Bargain Centres for residential development as site BI213, Land south of Linden Road. However, at the time of the SHLAA preparation, the site had gained resolution to approve for C2 uses and it was rejected as a potential residential (C3 site). The site later obtained planning permission for C2 use in August 2014. The SHLAA is to inform plan making and does not in itself determine whether a site should be allocated for housing development.

Urban Housing Potential Study, 2005

This study identified a larger site noted then to be occupied by 'Winners, L. Hartness Funeral Directors, Simple Tyres and a former recording studio' as having potential for residential development.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history

- Nature of the application
- Principle of development
- Impact on the character and appearance of the area
- Impact on the historic environment
- Residential amenity
- Highway Safety and access
- Biodiversity, ecology and trees
- Affordable Housing and Viability
- Other issues

Relevant planning history

- 5.2 **12/01465/F** – Planning permission was refused on 1st February 2013 for the demolition of the existing structures and construction of 60 bed care home (Class C2) together with ancillary accommodation, car parking facilities and landscaping on the following grounds:

By virtue of the scale and massing of the proposed building and its relationship with surrounding properties, the proposal has an adverse impact on the character and appearance of the area. As a result it fails to preserve or enhance the setting of the Conservation Area and fails to make a positive contribution to local character and distinctiveness. Furthermore it has a negative impact on the residential living amenities of neighbouring properties. It is the opinion of the Local Planning Authority that the proposed development does not accord with these provisions and is therefore contrary to central Government guidance contained within the National Planning Policy Framework, Policies BE1 and BE6 of the South East Plan, Policies C28 and C30 of the adopted Cherwell Local Plan and Policies EN39, EN40 and D3 of the Non-Statutory Cherwell Local Plan 2011.

- 5.3 **13/00484/OUT** – Planning permission was refused on 31st July 2013 for the demolition of existing structures and construction of a 36 unit assisted living home (Class C2) together with ancillary accommodation on the following grounds:

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 Policies OA1 and TR4, of the Non-Statutory Cherwell Local Plan 2011, Policy INF 1 of the Proposed Cherwell Local Plan Proposed Submission Draft March 2013 and government guidance contained within the National Planning Policy Framework.

The subsequent appeal (ref. 13/2206623) was dismissed on 28th January 2014.

- 5.4 **14/00154/F** – Planning permission was granted 6th August 2014, following resolution to grant by Planning Committee on 24th April 2014, for the demolition of existing structures and construction of a 40 assisted living units (Class C2) together with ancillary accommodation.

Nature of the application

- 5.5 Whereas the previous three planning applications were for development within Class C2 (residential institutions), the current proposal falls within Class C3 (residential dwellings). Whereas the previous proposal included café, cinema, activity room, staff room and three assisted bathrooms, the current proposal features only an owner's lounge, at ground floor level, and is effectively a proposal for a block of 42 flats.

Principle of development

- 5.6 The application site is not within the boundary of Bicester Town Centre as defined in the adopted Cherwell Local Plan 1996, nor is it allocated as a site for development within the adopted Plan.
- 5.7 Policy H4 encourages the provision of housing schemes for the elderly within convenient reach of shops, community facilities and public transport. The application site meets these criteria, is previously developed land, and is in a highly accessible location. Emerging Policy BSC4 seeks a mix of homes in the interests of meeting housing need, with paragraphs B.118 and B.124 of the emerging Local Plan highlighting the needs of an ageing population at national and local level therefore providing support in principle for proposals which would help meet this type of need.
- 5.8 The site lies partly within the emerging town centre boundary in the Submission Local Plan. While due weight may be attached to its draft policies, until the Inspector's report is received it is considered that the Plan does not attract substantial weight.
- 5.9 Policy Bicester 5 of the emerging Local Plan sets out that the policy aims with regards to the town centre are to encourage the viability and vitality of Bicester town centre by supporting shopping, leisure and other main town centre uses. Although residential uses are not town centre uses as defined by the NPPF. Policy Bicester 5 supports residential uses except where it will lead to a loss of sites for retail or other 'Main Town Centre Uses'. This policy permits the change of use of sites in the town centre for residential development if proposals contribute significantly to the regeneration of the town centre.
- 5.10 The redevelopment of the Winners site would lead to the loss of a retail use but it is noted that Winners has not been open for some time and it is understood that during consideration of previous applications on the site, information was provided on activities undertaken to market the site to new prospective occupiers and the enquiries received in response related to residential/care home proposals.
- 5.11 The Council now has a defensible five year housing land supply position and the application site is not needed to assist in housing delivery in the near term. It does however need to be considered in the context of the Development Plan and all other material considerations including the need for specialist housing for older people in saved policy H4 and emerging policy BSC4. The proposal would contribute to the Council's housing land supply
- 5.12 In light of the above, and the extant consent for 40 assisted living units (14/00154/F), which is a material consideration as a 'fall back', it is considered that the principle of development is acceptable.

Impact on the character and appearance of the area

- 5.13 The building subject of the current application has very similar attributes to the approved development – it has a similar footprint, similar eaves height (7.1m compared to 6.7m), similar overall height (9.75m compared to 10.19m), a similarly varied roofline, similar set back from the road, and similar appearance, i.e. brick with two-storey gable projections in render, stone lintels over windows and flat roof dormers at second storey / roof level.
- 5.14 A majority of the buildings in the immediate area are domestic in scale and, despite some of the commercial buildings having large footprints, the heights of buildings do not tend to exceed that of domestic properties. The proposed building

is proposed at 9.75m, whereas properties close by are between 6 and 8 metres. However, it is of a similar scale to (indeed slightly shorter than) the approved development, which was adjudged not to necessarily harm the residential scale of the surroundings if other design elements were acceptable.

- 5.15 The current proposal may feature more flat roof than did the approved scheme, and thus may appear slightly bulkier than its predecessor, but not to a significant degree. It would feature a greater number of windows in its flank ends, especially at the southern end facing towards Bath Terrace, but if anything these help to break up the mass and add more visual interest than under the approved scheme.
- 5.16 Given the scale of the building relative to its surroundings, and its resultant visual impact, it would be important to secure high quality materials, as well as a good landscaping scheme, including replacement tree planting and appropriate boundary wall treatment along Linden Road and Victoria Road. These details can be secured by appropriately worded conditions.
- 5.17 Overall, it is considered that the current proposal satisfactorily respects its context, is of an acceptable layout and is relatively similar to the approved scheme in many elements of its design. It is therefore considered that the proposal accords with Policies C28 and C30 of the Cherwell Local Plan and Policy ESD16 of the Submission Local Plan.

Impact on the historic environment

- 5.18 The LPA has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area (CA). Paragraph 131 of the Framework sets out that in determining planning applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Para 132 of the Framework confirms that the significance of a designated heritage asset (including CAs) can be harmed or lost through development within its setting.
- 5.19 The designated Bicester Conservation Area runs parallel with the western boundary of the site along the eastern side of Victoria Road and extends to the east to incorporate the properties in Bath Terrace (locally listed) and half the length of their gardens. Given the proximity of the site to the Conservation Area there is the potential for the development to impact upon its setting.
- 5.20 Bath Terrace is very traditional and retains much of the character that is likely to have justified its inclusion within the CA boundary, and this is despite it being the rear elevations that face the application site. However the view of the CA from the site to the west is very different, as it is the rear elevations of the retail and commercial premises that front onto Sheep Street that are visible. There are examples along the rear of Sheep Street where backland buildings (buildings to the rear of burgage plots) and yards have been brought into productive small scale retail and service use, features which is specifically referred to in the Bicester Conservation Area appraisal. Generally, however, it is largely service areas and unsympathetic extensions that are visible.
- 5.21 The current proposal, having a similar height, scale and siting to the approved scheme, accordingly has a similar impact on the setting of the CA.
- 5.22 At the time of the previous application, the Conservation and Design Officers expressed concern at the presence of windows in the flank elevation close to 11-

13 Victoria Road, and the potential consequence for future development of that neighbouring site. A similar situation persists under the current proposals, though with the exception of three kitchen windows the openings all have a secondary purpose. However, the impact of the fenestration (number, arrangement, detailing, etc.) is considered a positive factor for the development's impact on the setting of the Conservation Area, and the presence of kitchen windows in this flank elevation is substantially similar to the approved scheme.

- 5.23 It is therefore considered that the proposed development would preserve the character and setting of the designated Conservation Area and the locally listed Bath Terrace, and would thus accord with Policies C28 and C30 of the Cherwell Local Plan and Policy ESD16 of the Submission Local Plan in this regard.

Residential amenity

- 5.24 There are several aspects of residential amenity that need to be considered. Such issues include overlooking, dominance, overshadowing, nuisance caused by noise or other environmental factors and other issues that may affect the living environment of residents.
- 5.25 While the proposal may be considered to dominate neighbouring dwellings to some extent, some of the residential properties on the northern side of Linden Road do not currently enjoy a particularly pleasing outlook and this would change significantly. Having an active frontage which does not directly face dwelling frontages would balance out the effect from the increase in height. The nearest Linden Road properties are adequately set back from the road with the closest distance being to No. 37 at approximately 20 metres. Other dwellings are further away and at oblique angles to the proposal. It is considered that the development is unlikely to result in a demonstrable level of over-dominance or overshadowing. In addition, the current proposal is substantially similar to the approved scheme in its impact on these neighbours.
- 5.26 Given that the existing building has no first floor windows, had a retail warehouse use and is partially screened by a boundary fence, the new building may result in a perception of overlooking towards the properties on the north side of Linden Road but in reality the proposed building would not cause undue overlooking and loss of privacy as there remains a minimum of 20 metres between the buildings and the relationship is across the public realm, i.e. there is some degree of overlooking from the road.
- 5.27 No. 19a Linden Road is slightly smaller in height than the other dwellings in the vicinity. It has one first floor side facing window overlooking the site. There is a gap of 23 metres between the site elevation of 19a and the closest element of the proposed building. This is considered to be a sufficient gap in order not to result in an adverse impact on the living conditions of the neighbour, through loss of light or privacy or overbearing development. Again, the relationship is substantially similar to that under the approved scheme.
- 5.28 This neighbouring dwelling is closest to the location of the proposed access and car parking area but, on the basis that there is an existing access point in a similar location, and having regard to the noise generation from the previous use and potential uses (i.e. Class A1 retail), it is considered that the level of noise and disturbance would be acceptable.
- 5.29 The neighbouring dwellings on Bath Terrace are some 45 metres away from the site's south-eastern boundary. However, the proposed building would be situated only 1.5m from that boundary, at the closest point, the other side of which are

located the long, private amenity areas of Bath Terrace dwellings. It would appear that originally only the closest approx. one third of the area was garden and the remainder used as a small holding, but in most cases the gardens now extend up to the boundary.

- 5.30 Under the approved scheme, the openings on the facing flank elevation were to serve hallways and stairs only, but no condition was imposed to require those windows to be obscurely glazed to prevent overlooking. Under the current proposal, ten windows are proposed at first floor level or above in the facing wall, four serving kitchens, four secondary windows to living rooms, and two serving stairwells. On the basis of the number of windows and the amount of building close to the common boundary, it is considered reasonable to require obscure glazing of the living room and stairwell windows, and this would help to reduce the perception of overlooking. This would leave a situation similar to the extant approval. Subject to that condition, the proposal is considered not to have a significantly more harmful effect on residential amenity than the approved scheme.
- 5.31 No other residential neighbours would be materially affected by the proposal – the other neighbours to the site are L Hartness, the funeral directors, the commercial / light industrial building at the SE corner of the site, and the exhaust and tyre garage on Victoria Road.
- 5.32 Overall, therefore, it is considered that the proposal would safeguard the living conditions of the neighbouring occupiers, and the proposal therefore accords with Policy C30 of the adopted Cherwell Local Plan and guidance in the Framework.

Highway Safety and Access

- 5.33 The proposed access points are considered acceptable and the local highway authority has no objections to the proposal, subject to conditions. A greater level of parking is proposed under the current application relative to the approved scheme, and it would seem unreasonable to require additional on-site parking when the site is located close to a number of public car parks and within the town centre which has good public transport links. The proposal thus accords with Policy TR1 of the Cherwell Local Plan and Policy SLE4 of the Submission Local Plan.

Biodiversity, ecology and trees

- 5.34 At the time of the previous application, it was adjudged that the building was unlikely to be an appropriate habitats for bats, that nesting birds may utilise the building but that provided the applicant was made aware of its responsibility not to disturb nesting birds there was no reason to object to the application on the grounds of impact to ecology or protected species. It is reasonable to take the same view under this current application. It would be appropriate to seek enhancements to biodiversity, through appropriately worded conditions.
- 5.35 Under the previous application the two large trees to the Linden Road site frontage were proposed to be retained, but would have been very close to the building and it was noted that there was some likelihood they would be damaged during the construction process. The current proposal includes their removal. This would have a demonstrable impact on local visual amenity, but the trees are not considered worthy of preservation in their own right and it is considered that their loss would not warrant refusal of the application, particularly because of the threat to their form and health from the approved development.

Affordable Housing and Viability

- 5.36 Saved Policy H5 of the adopted Local Plan is materially out-of-date and will be replaced by Policy BSC3 of the emerging Local Plan once adopted. Emerging Policy BSC3 is supported by the latest information on housing need in the Oxfordshire Strategic Housing Market Assessment, 2014 and plan-making viability evidence.
- 5.37 With regard to Bicester, emerging Policy BSC3 requires that all proposed development that includes 10 or more dwellings (gross), or which will be provided on sites suitable for 10 or more dwellings (gross), will be expected to provide at least 30% of new housing as affordable. The policy allows for the consideration of 'open book' financial analysis when developers consider the proposal to be unviable under the policy requirements.
- 5.38 If following the assessment of open book financial information provided by the applicant the development is proved to be unviable, Development Management officers should undertake negotiations as advised in emerging Policy BSC3 in consultation with CDC's Strategic Housing Advice officer.
- 5.39 The applicant has submitted a supporting statement that seeks to justify not providing Affordable Housing on site on the grounds of non-viability, and evaluates the development's ability to provide for an Affordable Housing commuted sum contribution.
- 5.40 The proposal is for self-contained sheltered units and the applicant's Planning Statement applies local policies on affordable housing (saved Local Plan Policy H5, NSCLP Policy H7 and emerging LP Policy BSC3) to set out the planning merits of the proposal and their viability case. In view of this, policy officers are treating the proposal as falling within Use Class C3 and provide policy comments accordingly. The application form indicates the loss for 952 sq.m. of A1 net floor space.
- 5.41 The Planning Obligations Draft SPD, July 2011 was approved by Executive in May 2011 as informal guidance for development management purposes. Section 4 of this SPD provides advice on CDC's approach to negotiating, funding and delivering affordable housing including arrangements for financial viability and commuted sums payments. Section 3 provides further advice on planning obligation procedures in CDC including viability and Planning requirement Priorities.
- 5.42 The applicant contends that Vacant Building Credit (VBC) applies in this instance. That is, that the gross floor area of the existing buildings within the site should be subtracted from the gross floor area of the proposed building before the Affordable Housing requirement is calculated. The nPPG appears to suggest that VBC may not apply when there is an extant consent in place for development at the site. Officers are seeking legal advice as to whether VBC applies in this instance. A written update will be given at Committee.
- 5.43 The applicant's viability statement has been forwarded to the Council's viability consultant (Bruton Knowles) for assessment. Their advice should be available before Committee.
- 5.44 In addition to Winners, the application site includes a single storey, hall-like building with ancillary land and separate entrance. This building has not been referred to by the applicant in its submission.

- 5.45 According to CDC's Arc Map records the hall-like building and its ancillary land occupy some 0.05 ha of the proposal's site area on its north eastern corner. Planning application records show the hall as Prism Music Studios, The Meeting Room, Linden Road, Bicester (Relevant planning references: CHS.179/94 and 08/00249/F). On 23.04.2008, it was granted permission to extend their hours of operation. The applicant has been asked to comment on this matter.

Other issues

- 5.46 The site is not within an area known to flood but the development of the site could result in variations of the amount of surface water. However the existing site is almost entirely made up of buildings and hard standing and the proposal includes areas of green space and provides the opportunity to incorporate sustainable urban drainage features which the applicant has confirmed will be delivered. Despite the initial concerns of the County Council's Drainage Officer it has previously been agreed that an appropriately worded condition can address this point without further information being submitted at this time.

Section 106 contributions

- 5.47 The Government's policy on the use of planning obligations (Section 106 requirements) is set out the National Planning Policy Framework. Local Planning Authorities must take this guidance into account in their decisions on planning applications and must have good reasons for departing from it. Planning obligations are used for 3 purposes: to prescribe the nature of the development (e.g. requiring a given portion of housing is affordable); compensate for loss or damage created by a development (e.g. loss of open space) and mitigate a development's impact (e.g. through increased public transport provision). The planning obligation must be directly relevant to the proposed development, the 3 key tests being that the requirement should be necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development (para 204 of the Framework).
- 5.48 The 2013 application was determined at appeal with the nub of the case relating to a disagreement over the level of contributions being sought by the County Council particularly with regard to adult day care requirements for a C2 use. The principle of the contribution was upheld. The only Section 106 contribution request at this time is from the County Council in respect of day care. This would appear to be even more relevant than under previous proposals, giving the demographic of the intended occupants and the lack of facilities within the proposed development.

Engagement

- 5.49 With regard to the duty set out in paragraphs 186 and 187 of the Framework, it is considered that the duty to be positive and proactive has been discharged, in accordance with the Framework's objectives.

Conclusion

- 5.50 There is no 'in principle' objection to the siting of a block of sheltered apartments in this specific location within Bicester town centre as residential uses are considered to be acceptable town centre uses, and the site is a highly accessible location. In addition, the proposal would satisfactorily respect its context, would not cause demonstrable harm to the visual amenity of the locality, would - subject to conditions - safeguard the living conditions of neighbouring residents, and would preserve the setting of the Conservation Area and the significance of the locally

listed Bath Terrace. The proposal would not have a detrimental impact in terms of local highway safety, flood risk or ecological or archaeological interests. The proposal would thus accord with Policies H4, TR1, C2, C28, C30, ENV1 and ENV2 of the Cherwell Local Plan and Policies SLE2, SLE4, BSC1, BSC2, ESD7, ESD16 and Bicester 5 of the Submission Local Plan and Government guidance in the National Planning Policy Framework.

6. Recommendation

Approval, subject to:

- a) the completion of a Section 106 agreement to secure Affordable Housing provision and a contribution towards day care facilities to the satisfaction of the HPPDM, and
- b) the following conditions:

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

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

- 2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Planning Statement, Design & Access Statement, drawing nos. "P01 A", "P02 A", "P03 B", "P04 B", "P05 A", "P06 A", "P07 A", "P08 B", and the Site Location 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. Prior to the commencement of the development hereby approved, samples of the brick and the render to be used in the construction of the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

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

- 4. Prior to the commencement of the development hereby approved, samples of the slate to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

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

- 5. Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of

the dwelling.

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

6. Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

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.

7. 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.

8. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the 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.

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

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

11. Prior to the first use of the accesses hereby approved, the existing access onto Linden Road shall be permanently stopped up in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the means of access shall not be used by any vehicular traffic whatsoever.

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

12. 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

13. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

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

14. Provision shall be made within the layout for pedestrian access to serve the land adjoining to Victoria Road West.

Reason - In order to secure the proper planning of the area and the comprehensive development of adjoining land and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details

which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

16. 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 highway safety and flood prevention and to comply with Government guidance contained within the National Planning Policy Framework.

17. Prior to the commencement of development, a construction traffic management plan must be submitted to, and approved in writing by, the District Planning Authority. The construction works must be carried out in accordance with the details approved in the construction traffic management plan.

Reason - To mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times and to comply with Government guidance contained within the National Planning Policy Framework.

18. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

19. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled

waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

20. If a potential risk from contamination is identified as a result of the work carried out under condition 19, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

21. If contamination is found by undertaking the work carried out under condition 20, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

22. If remedial works have been identified in condition 21, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 21. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

23. No removal of hedgerows, trees or shrubs not works to or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

24. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a plan for enhancing biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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

26. The building hereby approved shall be constructed to at least a BREEAM 'Very Good' standard, 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.

27. The premises shall be used only for purposes falling within Class C2 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

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

PLANNING NOTES

1. Legal Agreement
2. Construction sites
3. Archaeology
4. The developer needs to be aware of the requirements of the Flood and Water

Management Act 2010.

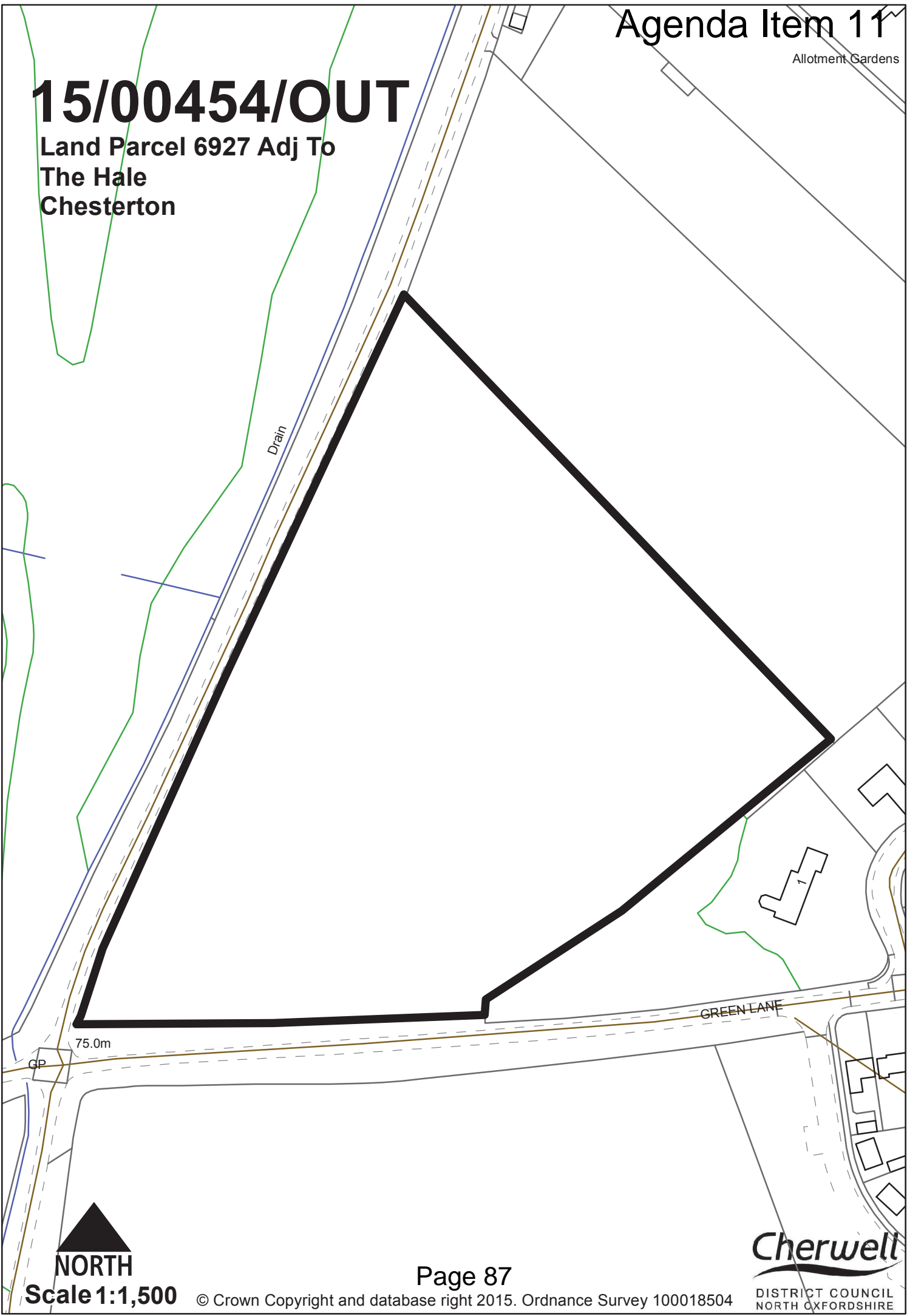
5. Any works on the public highway, including amended access proposals will require separate OCC approval under S278 of the Highways Act.

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 meetings with the architect in order to progress matters relating to the influence of the design.

15/00454/OUT

Land Parcel 6927 Adj To
The Hale
Chesterton



75.0m

GREEN LANE

NORTH
Scale 1:1,500

15/00454/OUT

Land Parcel 6927 Adj To
The Hale
Chesterton

Bignell Park

Chesterton

Little Chesterton

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE



Scale 1:10,000

**Site Address: Land Parcel 6927 Adjacent
To The Hale, Chesterton**

15/00454/OUT

Ward: Ambrosden and Chesterton

District Councillor(s): Cllr Lynn Pratt

Case Officer: Matthew Parry

Recommendation: Refusal

Applicant: Ms Philippa and Georgina Pain

Application Description: Outline application for the erection of up to 51 dwellings with vehicular access from The Hale together with public open space and surface water retention pond and associated infrastructure

Committee Date: 11th June 2015

Committee Referral: Major development and departure from Development Plan

1. Site Description and Proposed Development

- 1.1 The application site consists of a 3.1 hectare field on the south-western edge of Chesterton that is in use for arable cultivation. To the east lies the existing built up area of the settlement and to the north lies arable land that has recently been subject to a planning application for 45 dwellings which the Council has resolved to approve subject to a legal agreement. To the north of that lie the village's allotments.
- 1.2 The Hale is a narrow country lane that runs alongside the site's western boundary which links Little Chesterton to the A4095. To the opposite side of The Hale lies Bicester Golf and Country Club. Green Lane runs along the site's southern boundary.
- 1.3 The site is generally has a flat topography though views of it from the The Hale to the west are prominent due to a lack of substantive vegetation along the boundary. Thicker hedgerows are more successful in screening the site from Green Lane to the south and existing houses to the east.
- 1.4 The site is not the subject of any statutory or local planning policy designations and no public rights of way run through the site.
- 1.5 The application is submitted in outline with only means of access for detailed consideration at this time. The proposal is for up to 51 dwellings to be developed across the site with a single vehicular access point from The Hale approximately half-way along the site's western boundary. A pedestrian link is also proposed between boundary vegetation onto Green Lane and a potential pedestrian route is also shown between the proposed scheme and that the proposed development on the adjoining site to the north.
- 1.6 An indicative site masterplan has been submitted to demonstrate a potential layout of a final scheme which includes the provision of an attenuation pond in the far south-west corner of the site adjacent to the junction between The Hale and Green Lane. Local play areas and greens are also shown to be proposed in the indicative masterplan.

2. Application Publicity

- 2.1 The application was advertised by way of neighbouring notification letters and site notices in addition to a notice in the local press. No comments have been received to this notification

3. Response to Consultation

3.1 Oxfordshire County Council:

Local Highway Authority (LHA) – No objection subject to:

- A S106 agreement for a contribution of £700 per dwelling for the improvement of cycle access to bus services at the new Park and Ride at Vendee Drive;
- A S278 agreement to provide vehicle access to the highway, a footway linking to footways north on The Hale and east on Green Lane, traffic calming build out and speed limit change on The Hale;
- A contribution to cover the cost of implementing a TRO for the traffic calming and speed limit change.
- Conditions requiring full details of the vehicular, pedestrian and cycle access points, final details of the proposed estate roads, a drainage strategy as well as a construction traffic management plan and Travel Plan.

The LHA recognises that there are limited facilities in Chesterton and residents would need to travel to Bicester and beyond for shopping, employment and higher order services, as well as a secondary school. The County Council expect the developer to improve the sustainability of this site by contributing towards improving the walking and cycling link to the new Park and Ride site on the edge of Bicester. This would include upgrading the existing right of way between the Chesterton to Alchester Road and Vendee Drive, enhancing pedestrian and cycle access to the proposed new park and ride site. The LHA notes that local bus services to the village are sparse and, as they depend on subsidy, they are likely to become less frequent as a consequence of reductions in local authority funding. However, the site is about 1.4 km from the planned Park and Ride site adjacent to the A41/Vendee Drive junction, where frequent, more direct, commercial public transport will be available for Oxford, Bicester Town Centre and other destinations. Significant improvements are required to the cycling and walking route between the development and the Park and Ride site

The LHA considers the vehicular access design to be acceptable in principle, subject to technical audit with appropriate vision splays for actual speeds. Pedestrian links are considered to be acceptable subject to new footways being provided to connect to the adjoining site to the north and the village via Green Lane. The developer has proposed an option to relocate the 30mph speed limit to the south of the site access, and incorporate a traffic calming build out which the LHA considers would be more effective if it were to include a speed cushion at the build out, provided it was lit. Traffic calming would enhance the safety of all road users at the site access and therefore the Highways Authority would support it, subject to approval of the detail. A pedestrian access onto Green Lane to the south of the development is proposed, including a footway linking with the existing footway in Green Lane further east, providing a much needed link with facilities at the southern end of the village however it does not show the new existing traffic calming build out in Green Lane. The Highways Authority will expect this design to be modified in order to provide appropriate cycle access onto the carriageway of Green Lane and to incorporate the existing traffic calming feature.

Archaeologist - The site is located in an area of archaeological potential to the North of Akeman Street, the Roman Road from Alchester to Cirencester. An enclosure and linear feature have been identified through a geophysical survey on the adjacent field to the north west. A programme of archaeological investigation will be required

ahead of any development and will need to be secured by conditions.

Education – To mitigate the impact of the development on local education infrastructure, an S106 agreement securing the following would need to be entered into before any planning permission is granted:

- £201,295 Section 106 required for necessary expansion of permanent primary school capacity in the area. Chesterton CE Primary School is the catchment school for this development;
- £284,987 Section 106 required towards the construction of a new permanent secondary school in Bicester.
- £10,011 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision in the area.

Property – A condition requiring details of fire hydrants is required.

3.2 Cherwell District Council:

Ecology – No objection subject to conditions including the requirement to submit a landscape/ecological management plan and construction environmental management plan.

Landscape Services - The surrounding landscape is very flat which will reduce the impact of the development in the wider landscape. The site boundaries to the site are very thin and along The Hale they are non-existent in places. Substantial additional boundary planting will be needed particularly along The Hale which looks to be lacking on the proposed indicative masterplan. The play facilities should be located in the centre of the site not on the farthest corner away from passive supervision and away from where children live. No services should run under the play areas. The sustainable drainage could be more integrated into the design rather than appearing to consist of one retention pond. SUDS can be used to create linked habitats and maximise opportunities for infiltration.

Financial contributions will be necessary to secure funding towards the long term maintenance of public open space and landscape features. A S106 agreement would need to be completed securing this in accordance with a formula set out in the draft Planning Obligations SPD.

Recreation, Health and Communities – A financial contribution of £22,968 is required to mitigate the impact upon existing nearby local community halls.

Other External Consultees

3.3 Environment Agency – No objection subject to the development incorporating an acceptable sustainable drainage system.

3.4 Thames Water – Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of the proposed development. A Grampian type condition is required to prevent development commencing until a drainage strategy detailing any on and/or off site drainage works has been approved and the drainage works referred to in the strategy have been completed.

3.5 Chesterton Parish Council – Objects to the proposals for the reasons summarised below:

- Inadequacy of the current road network, especially the present width and state of 'The Hale' to provide access to the development. It is a dangerous road for pedestrians and cyclists, given that there is no footpath.
- Time is needed to successfully integrate the current houses [under construction] and

residents before any further development takes place.

- As a result of an excessive number of new developments approved recently in the village it is becoming too big and losing its character.
- Public transport serving the village is woefully inadequate to serve the scale of new development that is taking place in Chesterton.
- If this application is approved, Chesterton would accommodate 20% of the housing planned to be delivered by Category A villages across the District to 2031. This is disproportionate and unacceptable.
- The Transport Assessment notes that the current width of The Hale is between 4.6 and 4.8m. At the latter distance it contends that this is wide enough for a car and a HGV to pass in safety. The Parish Council finds the above statement entirely unacceptable. Local distributor roads (which The Hale is in practice) should be between 6.0 and 7.2m in width. We know from experience that the road edges are heavily eroded as are the grass verges and that pedestrians are forced to take refuge on the verges when two cars are about to pass each other.

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4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policies

Adopted Cherwell Local Plan 1996 (LP)

H12: Housing in Rural Areas

H13: Category 1 Settlements

T7: Minor Roads

C1: Nature Conservation

C2: Protected Species

C4: Creation of New Habitats

C7: Landscape Conservation

C8: Sporadic Development in the Open Countryside

C9: Development Beyond Planned Limits

C14: Trees and Landscaping

C17: Urban Fringe

C27: Historic Settlement Pattern

C28: Design of New Development

C30: Residential Amenity

ENV12: Contaminated Land

4.2 Other Material Planning Considerations:

Cherwell Submission Local Plan (SLP)

The Cherwell Submission Local Plan (February 2015) (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 SLP 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. A schedule of minor modifications and other documents arising from the hearings were submitted to the Inspector on 6th February 2015 and the Inspector's report is due to be published shortly. Although the SLP does not have Development Plan status, it is a material planning consideration with policies that have gained in weight as they have advanced through the plan preparation process. The following policies in the SLP are considered to be relevant to this application:

BSC1: District Wide Housing Distribution
 BSC2: Effective and Efficient Use of Land
 BSC3: Affordable Housing
 BSC4: Housing Mix
 BSC11: Local Standards of Provision – Outdoor Recreation
 BSC12: Indoor Sport, Recreation and Community Facilities
 ESD1: Mitigating and Adapting to Climate Change
 ESD3: Sustainable Construction
 ESD4: Decentralised Energy Systems
 ESD5: Renewable Energy
 ESD6: Sustainable Flood Risk Management
 ESD7: Sustainable Drainage Systems (SuDS)
 ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
 ESD13: Local Landscape Protection and Enhancement
 ESD15: The Urban-Rural Fringe
 ESD16: Character of the built environment
 Villages 1
 Villages 2: Distributing Growth across the Rural Areas

National Planning Policy Framework (NPPF) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (PPG) – This sets out regularly updated guidance from central Government to provide assistance on interpreting national planning policy and relevant legislation.

5. Appraisal

5.1 Officers' consider the principal issues for consideration in this case to be:

- Principle of Residential Development;
- Impact on the Character of the Area and Surrounding Landscape;
- Design, Layout and Outdoor Space;
- Site Access and Traffic Implications;
- Impact on Existing Residential Amenity;
- Effect on Community Infrastructure;
- Ecology;
- Flood Risk and Drainage;
- Trees;
- Loss of Agricultural Land;
- Land Contamination;
- Sustainability.

Principle of Residential Development

5.2 It is established in Section 70(2) of the Town and Country Planning Act 1990 that planning decisions must be taken against the provisions of the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF supports this position and states that the starting point for decision making is the development plan. In this case the development plan comprises the 'saved' policies of the Cherwell Local Plan 1996. It is well established in case law that national policy (the NPPF) and Government guidance (Planning Practice Guidance etc) is a material planning consideration.

5.3 The site represents greenfield land on the edge of Chesterton, a category 1 village as defined in the LP which means that it is in a location and has sufficient services to

sustainably accommodate a limited scale of new residential development. As noted in OCC's consultation response, Chesterton is a settlement which has no commercially viable bus service or other public transport links and has poor pedestrian connectivity to Bicester. As a result, the vast majority of new adult residents are likely to travel by private car each day for employment as well as for the purposes of everyday amenities. Adopted Policy H13 of the LP is material and resists new residential development of any size outside established built-up village limits in the interests of protecting the countryside from encroachment and encouraging new development in more logistically sustainable locations. It is clear that the application proposals do not accord with this policy and would ordinarily be resisted. However, this policy as well as other housing location policies in the LP were predicated upon a significantly different evidence base at that time which did not include the increased housing need for the District that has been identified in the 2014 Oxfordshire Strategic Housing Market Assessment (SHMA). It cannot therefore be assumed that the relevant adopted policy is up-to-date when considered against national policy given the materially different circumstances which exist today. The NPPF states that, subject to certain exceptions which do not apply in this case, *"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"*. 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 and, as set out in paragraph 215 of the NPPF, due weight should be given to relevant policies in existing plans according to their degree of consistency with national policy.

- 5.4 Paragraph 49 of the NPPF further states that where LPAs cannot demonstrate a five year deliverable supply of housing to meet objectively assessed need, housing location plan policies should be considered out-of-date and that proposals should simply be considered against the NPPF's presumption in favour of sustainable development. The Council however considers that it can demonstrate that currently it has in excess of a five year supply of housing land and so Local Plan policies are not out-of-date for the purposes of paragraph 49 of the NPPF.
- 5.5 It should be noted that the application site was considered as part of a wider site to the west of Chesterton in the Council's 2014 Strategic Housing Land Availability Assessment (SHLAA). This included the land to the north of the site that has a resolution to approve for 45 dwellings. Whilst the SHLAA does not in itself determine whether or not a site should be developed it does identify issues that likely to be a constraint on development taking place. The SHLAA noted that development of the whole site would be out of scale with the size of the village and the level of services and facilities it offers. Furthermore, it adds that the south of the site has a very rural feel and remote character.
- 5.6 The housing policies of the Submission Local Plan (SLP) have been prepared on the basis of the Oxfordshire SHMA and its policies seek to deliver the identified housing need for the District across the plan period (up to 2031). Although not yet part of the development plan, the emerging policies are a material consideration in determining planning applications. Whilst there are a number of unresolved objections in respect of the emerging housing policies contained in the SLP, its advanced stage of preparation and the widely accepted status of the 2014 SHMA as the basis for setting the objectively assessed housing need means it is appropriate to consider the principle of the proposed development in the context of the housing policies of the SLP. Similar to the adopted Local Plan, the SLP categorises Chesterton as one of 23 rural service centres across the District that are required to make a contribution towards meeting the objectively assessed housing need as detailed in Policy BSC1 of the SLP. Despite this, emerging Policy Villages 1 of the SLP (which is proposed to supersede adopted Policy H13) has very similar requirements to the adopted policy which in turn provides further weight to support the continued relevance of this policy to the determination of this application.

- 5.7 Emerging Policy Villages 2 of the SLP however concludes that notwithstanding windfall housing delivered under Policy Villages 1, 750 additional dwellings are required to be delivered across the 23 Category 1 villages across the plan period. However, whilst these 750 homes are required to be delivered between 2014 and 2031, over two-thirds of this housing number has already been approved in residential developments across Category 1 villages in the District of which many are now beginning to be delivered. As a result the SLP considers that there is only a relatively limited need for additional dwellings to be provided in the District's villages over and above small windfall sites.
- 5.8 As the Parish Council notes in its representation, the approval of a further 51 dwellings at Chesterton would result in a cumulative total of 140 new homes in the village having been approved since 31st March 2014 which equates to approximately 19% of the total number of additional homes required across Category A villages by 2031 to sustainably deliver the objectively assessed housing need for the District. Whilst there is no maximum limit on the number of dwellings that could be delivered at any one village, this is a clear indication that Chesterton is already planned to accommodate a significant amount of new housing development in a relatively short period of time. Officers consider that approval of this development would result in a disproportionate concentration of new housing development in Chesterton that would prejudice a more even and sustainable distribution of new housing development across the District's Category A settlements.
- 5.9 Officers are therefore of the view that the proposals would result in a further significant increase in new housing provision in a village that is not of a size sufficient to successfully integrate it or in a location that is suitably connected to key amenities, services and employment sites via sustainable travel alternatives to accommodate it. Consequently the proposals are considered to represent an inappropriate scale of new residential development in an unsustainable location contrary to the requirements of adopted Policies H12 and H13 of the Cherwell Local Plan, emerging Policies BSC1, Villages 1 and 2 of the Submission Cherwell Local Plan and national policy in the NPPF.
- Impact on the Character of the Area and Surrounding Landscape
- 5.10 Adopted Policy C7 of the adopted Local Plan resists new development where it would cause demonstrable harm to the topography and character of the landscape. Whilst this policy is now dated, it does reflect a key principle of the NPPF set out in paragraph 17 which is to take account of the character of different areas and recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it. Policy C28 of the Local Plan is also broadly consistent with national policy in the NPPF by requiring high standards of design in new development that is sympathetic to its context. Emerging Policy ESD13 of the SLP requires development to respect and enhance local landscape character and resists development where it would, inter alia, cause undue visual harm to the open countryside, be inconsistent with local character and/or harm the setting of settlements.
- 5.11 Whilst relatively flat, the application site is open and prominent which provides The Hale with a distinctly rural feel with informal green verges enclosing the narrow lane. Whilst The Hale is subject to regular commuter traffic and therefore greater traffic flows than might be expected for a country lane, it has a particularly remote feel that contributes towards it having a pleasant countryside character that provides a notable natural backdrop to Chesterton including an attractive open agricultural setting on entry to Chesterton from the south. There is very sparse natural boundary vegetation along the site's western boundary with The Hale and this contributes to the remote countryside feel that the lane possesses. Green Lane has a similar narrow country lane character with its combination of open fields and boundary vegetation which reinforces the creation of a remote landscape setting to the entry to Chesterton which

is of significance to its character as a traditional rural village. Whilst the topography of the site and surrounding land is such that the site does not perhaps make a significant contribution within long distance views of the countryside, it forms an important rural frame to Chesterton from the south and west. Whilst the land adjoining to the north has a resolution to approve 45 dwellings, this is a more natural enclosed area of land that integrates more successfully with the existing settlement pattern and provides markedly less contribution to the sense of rural character experienced further south on The Hale. In combination with this development to the north, a suburban housing estate would project along the length of The Hale giving rise to a significant urbanising effect on the character of the informal rural lane that would fundamentally detract from the countryside setting such that the proposals would not be compatible with local landscape character and would significantly harm the setting and character of Chesterton.

- 5.12 To compound this harm to local landscape character, the proposals would necessitate the introduction of sections of formal footways along The Hale and Green Lane to provide safe pedestrian links to ensure a degree of integration with the existing settlement. Formal traffic calming measures and increased road signage would also be required on The Hale itself to enable sufficiently safe vehicular access into the site. The local highway authority confirms that these measures are necessary to enable adequate safe connectivity to the existing settlement and road network. Together these works would further increase the urbanising effect of the proposed development on the character of the existing rural lanes by introducing a formality to the road network that would not be respectful of the remote countryside setting that is important to Chesterton's village character and the wider appreciation of the intrinsic character of the countryside.
- 5.13 Whilst soft landscaping could be proposed along the western boundary with The Hale this would not be able to be of sufficient scale to prevent the overall effect of formalisation and urbanisation on the remote southern part of the lane. In any event, open views of this lower field add to the appreciation of the countryside setting of Chesterton itself and thick native hedge planting would not enhance this character. Consequently officers have concluded that, for the above reasons, the proposals do not represent environmental sustainable development given that they are inconsistent with the intrinsic character of the surrounding countryside and rural setting of Chesterton contrary to the requirements of Policies C7 and C28 of the Local Plan, emerging Policies ESD13, ESD14 and ESD16 of the SLP as well as the key principles embodied in national policy as set out in the NPPF.

Design, Layout and Outdoor Space

- 5.14 Policy C28 of the Local Plan requires new development to be sympathetic to its context in terms of layout, design and external appearance. Emerging Policy ESD16 of the SLP has similar requirements by requiring high quality design in new development that contributes positively to an area's character and identity by reinforcing local distinctiveness and respecting landscape features. These policies are consistent with the NPPF which emphasises the great weight that should be attached to the importance of good design.
- 5.15 The application is in outline only with details of layout, scale, appearance and landscaping reserved for later consideration. Nevertheless, an indicative site layout has been submitted. A surface water attenuation pond is proposed in the south-west corner of the site at the lowest level and a local play area too as required by emerging Policies BSC11 and ESD7. Furthermore, at a density of less than 30 dwellings per hectare there should be an acceptable final layout available that ensures reasonable living conditions for occupiers of the proposed new dwellings. Notwithstanding officers concerns about the principle of the development and its impact on local character, officers do have concerns about the indicative layout shown including the position of the proposed play areas, the proximity of the built development to The Hale, the

inadequacy of proposed boundary landscaping and the rather generic estate road layout. Nevertheless, officers are satisfied that these matters could all be reasonably addressed at reserved matters if this application were to be approved.

Site Access and Traffic Implications

- 5.16 Paragraph 32 of the NPPF states that planning decisions “should take account of whether: *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development*”. The NPPF also states that “*developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones; incorporate facilities for charging plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport*”.
- 5.17 The LHA notes that there are limited facilities in Chesterton and residents would need to travel to Bicester and beyond for shopping, employment and higher order services, as well as secondary school. The proposals include some walking links with the village, which are welcomed, but suitable walking routes do not exist to Bicester. Local bus services to the village are sparse, and as they depend on subsidy, they are likely to become less frequent as a consequence of reductions in local authority funding. However, the site is about 1.4 km from the planned Park and Ride site adjacent to the A41/Vendee Drive junction, where frequent, more direct, commercial public transport will be available for Oxford, Bicester Town Centre and other destinations. Suitable cycling and walking routes between the development and the Park and Ride site do not however exist and the LHA considers that financial contributions would be required to fund improvements to the cycle network in this respect.
- 5.18 The proposed vehicle access from The Hale is considered to be acceptable in principle as a sufficiently safe access by the LHA with vision splays appropriate for actual traffic speeds and officers have no reason to disagree with this assessment. Whilst The Hale is a narrow national speed limit road the proposals are not considered likely to result in a significant increase in traffic using the lane that could prejudice highway safety. In the interests of integrated urban design, community cohesion and promotion of walking, the proposals include a footway to be constructed on The Hale, linking to the access for the adjacent proposed development (with a resolution to approve) to the north thereby providing a continuous footway link to the northern end of the village.
- 5.19 A pedestrian access onto Green Lane to the south of the development is also proposed through the existing hedge line, including a new footway linking with the existing footway in Green Lane further east. The current proposals however do not show the new existing traffic calming build out in Green Lane. The Highways Authority expect this design to be modified in order to provide appropriate cycle access onto the carriageway of Green Lane and to incorporate the existing traffic calming feature. If approved a condition would need to be imposed to address this. There have been local concerns about pedestrians having to walk in the carriageway on The Hale and the proposed development would provide some benefit by providing a safer walking route linking new footways on The Hale and Green Lane through the development.
- 5.20 There have also been local concerns about speeds on The Hale and the developer has proposed to relocate the 30mph speed limit to the south of the site access, and incorporate a traffic calming build out. The LHA considers that this would be more effective if it were to include a speed cushion at the build out, provided it was lit. Traffic calming would enhance the safety of all road users at the site access and therefore the

Highways Authority would support it, subject to approval of the detail. If the application were to be approved, further details of its specification would be required prior to commencement of development.

- 5.21 Consequently, notwithstanding officers' concerns about their associated effects on local landscape character, the proposed access arrangements are considered to be acceptable to serve the development subject to securing financial contributions for off-site works and the submission of further detailed specifications which would need to be secured by planning condition and/or through a legal agreement as appropriate.

Impact on Existing Residential Amenity

- 5.22 Policy C30 of the Local Plan requires new development to safeguard acceptable standards of amenity for existing dwellings which is consistent with the key principles set out in the NPPF. There is a generous separation distance (over 30m) between the area proposed to be developed and existing and planned neighbouring dwellings. In addition, there is significant existing boundary vegetation outside the site to prevent unacceptable overlooking. Therefore an acceptable final detailed scheme is reasonably available that would not cause material harm to neighbouring residential living conditions.

Effect on Community Infrastructure

- 5.23 Emerging Policy INF1 requires development proposals to demonstrate the infrastructure requirements can be met to mitigate the impact of development on local infrastructure. Contributions can be secured via a S106 legal agreement provided they meet statutory tests which means that they 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.*
- 5.24 Whilst the Council can no longer seek tariff style contributions towards generic off-site infrastructure, the proposals would directly impact upon specific off-site local infrastructure to which it is still reasonable and feasible to mitigate through financial contributions. It is also necessary to secure 35% of the new dwellings as affordable tenure as well as the long term maintenance of public space on the site as well as meet costs of providing on-site infrastructure specifically for new residents. Although the applicant has indicated a willingness to enter into a S106 agreement to secure planning obligations it has not yet been determined satisfactorily that such a planning obligation would acceptably mitigate the anticipated infrastructure effects of the development. Therefore, in the absence of such a signed S106 agreement, officers recommend Members resolve to refuse the application due to its likely adverse impact on community infrastructure. However, notwithstanding officers' recommendation, if Members were inclined to approve the application officers would need to negotiate an acceptable S106 agreement prior to issuing a decision.

Ecology

- 5.25 Emerging Policy ESD10 reflects the NPPF by seeking a net gain in biodiversity by protecting, managing and enhancing existing resources and by creating new resources. There is a large population of Great Crested Newts utilising the ponds within the adjacent Golf club and therefore there are likely to be some using the boundary features of this site as terrestrial habitat. As an offence is likely the work will require a protected species licence from Natural England. However, the proposed mitigation within the submitted 'Extended Phase 1 Habitat Survey and Great Crested Newt Mitigation Strategy' is considered to be sufficient such that they are likely to gain a licence. Officers are therefore satisfied that, subject to a condition securing the mitigation measures, the proposals would not have an adverse impact on the conservation status of the Great Crested Newts.
- 5.26 There are few other ecological constraints on the site if the boundary vegetation is retained which should be managed to benefit wildlife (particularly birds). A landscape

and ecological management plan would need to be secured by condition if the application was to be approved. Whilst there are no recorded badgers this aspect will need an update check prior to work commencing which can also be secured by condition. The proposed pond and linear swale as well as additional planting will have some benefits for biodiversity though they should be seeking an overall net gain for biodiversity so these would need detailing at reserved matters stage. A full submitted lighting strategy would also be needed to ensure that the impact on foraging bats is minimised.

- 5.27 Overall however officers are satisfied that, subject to conditions, the proposals would not have an adverse impact on local wildlife or protected species and have the potential to provide a net biodiversity gain in accordance with emerging local policy and the NPPF.

Flood Risk and Drainage

- 5.28 The NPPF resists development where it would result in an increase in the risk of flooding and seeks opportunities to reduce flood risk. All development should be safe for its use for its lifetime taking account of projected climate change. As the site is wholly within a flood zone 1 as defined by the Environment Agency (EA) and it has no known critical drainage problems, there is no objection on flood risk grounds to the principle of development. It is now national policy for all major developments to incorporate sustainable drainage systems (SuDS) which this outline scheme proposes to do. Officers are satisfied that a final detailed scheme would be able to satisfactorily incorporate an acceptable SuDS scheme to mitigate the impact of surface water runoff to at least pre-development levels. Consequently, subject to appropriate conditions, the proposals are considered to be acceptable in this respect.

Trees

- 5.29 Policy C14 of the Local Plan together with its supporting text recognises the important contribution that trees and hedgerows make to the attractiveness of the rural landscape and public amenity. Emerging Policy ESD13 resists undue harm to natural landscape features of importance and where appropriate seeks the planting of new woodlands, trees and hedgerows.
- 5.30 As the application is in outline, the impact of a final detailed scheme on existing trees is not known. However, the indicative masterplan demonstrates with sufficient certainty that new development could be delivered with an appropriate sized buffer to the main southern and eastern boundary vegetation to prevent undue harm to trees of wider landscape and public amenity importance. There are a handful of trees in addition to sparse hedgerows along the western boundary but none of these are individually of particular importance. In any event, as part of delivering an acceptable final scheme, this landscaping would need to be augmented by significant native planting in the interests of minimising harm to local landscape character. The proposed vehicular access on The Hale would not involve the loss of any significant landscape feature and could, subject to preserving adequate vision splays, be bounded by appropriate new planting. Whilst the pedestrian link onto Green Lane would involve the loss of part of the established southern boundary hedgerow, only a limited amount would be lost and this would not in itself be detrimental to landscape character. In any event this impact would probably be outweighed by an appropriate new scheme of planting across the site which could be secured at reserved matters stage.
- 5.31 Consequently officers are satisfied that, subject to conditions, an appropriate final detailed scheme could be delivered that would not have a significant adverse effect on soft landscaping features of importance in accordance with the requirements of adopted and emerging local planning policy.

Loss of Agricultural Land

- 5.32 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 a higher quality”*. The PPG provides further guidance on this matter and states that the Agricultural Land Classification (ALC) system classifies land into five grades. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient to best deliver food and non-food crops for future generations.
- 5.33 An examination of Natural England’s ALC maps indicates that the agricultural land proposed to be developed is of moderate quality and not sufficient to classify it as ‘best and most versatile land’. As a result, in this respect no objection is raised in principle to the loss of this agricultural land.

Land Contamination

- 5.34 An initial desk based assessment has been submitted which concludes that there is moderate potential for contamination of the site stemming from the presence of a former quarry at the southern section of the site which has been filled with unknown deposits. An intrusive geo-environmental ground investigation would now be required in order to try to confirm the findings of the initial assessment and to assist in determining the foundations of the development. The submitted assessment also concludes that basic radon protective measures are necessary in the construction of any new dwellings on the site. These works could be secured by planning condition if the application was to be approved.

Sustainability

- 5.35 Emerging Policies ESD3 and ESD5 of the SLP require all new residential development to incorporate sustainable design and construction technology to achieve zero carbon status. Significant on-site renewable energy provision is also required for developments of over 50 dwellings. These emerging policies are consistent with the NPPF which states that local planning authorities should *“have a positive strategy to promote energy from renewable and low carbon sources and design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”*.
- 5.36 No details are provided at this stage of the sustainability measures included in the design of the proposed development as this will depend upon the form and layout of the final detailed scheme. However, notwithstanding officers’ objections to the proposals more generally, officers are satisfied that these details could be provided by condition as there is little doubt that the site could provide a development of new homes that could feature such low-carbon technology in an appropriate manner. In the event that Members were minded to approve the application, a condition securing this would need to be imposed.

Planning Balance

- 5.37 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development which should be seen as a golden thread running through decision making. The NPPF sets out the three dimensions to sustainable development: economic, social and environmental. These dimensions should not be considered in isolation with a planning balance exercise undertaken taking local circumstances into account. If taken as a whole the adverse impacts of a proposal are outweighed by the benefits, the proposal could still amount to sustainable development.
- 5.38 The proposed development would undoubtedly deliver some social benefits by providing new housing including an element of affordable housing. It also has the potential to create an improved linkage between the approved development to the

north and the existing settlement and may reduce traffic speeds along The Hale as a result of proposed traffic calming measures. Economic benefits would also arise directly from the construction phase of development and indirectly from the contribution of future residents to the local economy. There would also be some limited environmental benefits from the potential to enhance ecological habitat.

- 5.39 However, in the context of the Council being able to demonstrate an up-to-date five year housing land supply there is not such a significant need for this site to be developed. Indeed, Chesterton has already featured significant new housing development in comparison to its size over the past 1-2 years such that there is not an overriding need for new housing in this location. As a result the weight to be afforded to the social benefits of delivering new housing is reduced.
- 5.40 Irrespective of this, it is quite clear that the proposals would result in significant and demonstrable adverse environmental impacts. In summary, the proposals would result in further major development of a greenfield site on the edge of a village that does not possess sufficient services and facilities or sustainable transport alternatives to accommodate further housing in addition to that recently approved. As a result new residents would be heavily dependent on use of the private car for accessing employment and everyday services leading to an unsustainable increase in undesirable road travel. Moreover, the site contributes positively to the intrinsic beauty of the countryside and the remote rural character of the area as experienced in the pleasant narrow lanes of The Hale and Green Lane such that it makes an important contribution to the setting of Chesterton and its character as a village. It is also likely that the proposals would give rise to adverse social effects as a result of the cumulative significant increase in Chesterton's population and its ability to be able to cohesively integrate the new residents into the local community.
- 5.41 Consequently, for the above reasons officers are satisfied that the proposals represent development on an unsuitable site in an unsustainable location that would give rise to significant environmental harm that would not be outweighed by the benefits of the proposals. For this reason the proposals are found to be contrary to the requirements of both adopted and emerging local plan policies as well as national policy set out in the NPPF.

6. Recommendation

Refusal, for the following reason:

1. As a result of its location on the edge of a village in open countryside in combination with its scale and housing developments already planned in Chesterton, the proposed development would result in an unnecessary and undesirable new housing development in an unsustainable location with residents overly reliant on the private car that would prejudice a more balanced distribution of housing growth across villages in the District as planned for in the Cherwell Submission Local Plan. Consequently the proposal is considered to be unacceptable in principle and contrary to the requirements of Policies H12, H13 and C7 of the adopted Cherwell Local Plan, emerging Policies ESD13, ESD16, Villages 1 and Villages 2 of the Cherwell Submission Local Plan in addition to the National Planning Policy Framework.

2. In combination with planned development to the north and having regard to the open nature of the site and its setting alongside narrow country lanes in a vernacular rural landscape, the proposals would result in the clear suburbanisation of a country lane that would fundamentally and unacceptably diminish appreciation of the characteristic rural setting of Chesterton and the intrinsic natural beauty of the countryside. Consequently the proposals fail to amount to environmentally sustainable development contrary to the requirements of Policies C7 and C8 of the adopted Cherwell Local Plan,

Policies ESD13 as well as the core planning principles set out in paragraph 17 of the National Planning Policy Framework.

3. By reason of a lack of a satisfactory completed S106 legal agreement to ensure that the development adequately mitigates its impact on community infrastructure and secures the provision of affordable housing, the local planning authority cannot be satisfied that the impacts of the development in this respect can be made acceptable. Consequently the proposals conflict with the requirements of Policy H5 of the adopted Cherwell Local Plan, Policies BSC3 and INF1 of the Cherwell Submission Local Plan as well as paragraphs 17, 203 and 204 of the National Planning Policy Framework.

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 the decision has been made in a timely manner.

CONTACT OFFICER: Matthew Parry

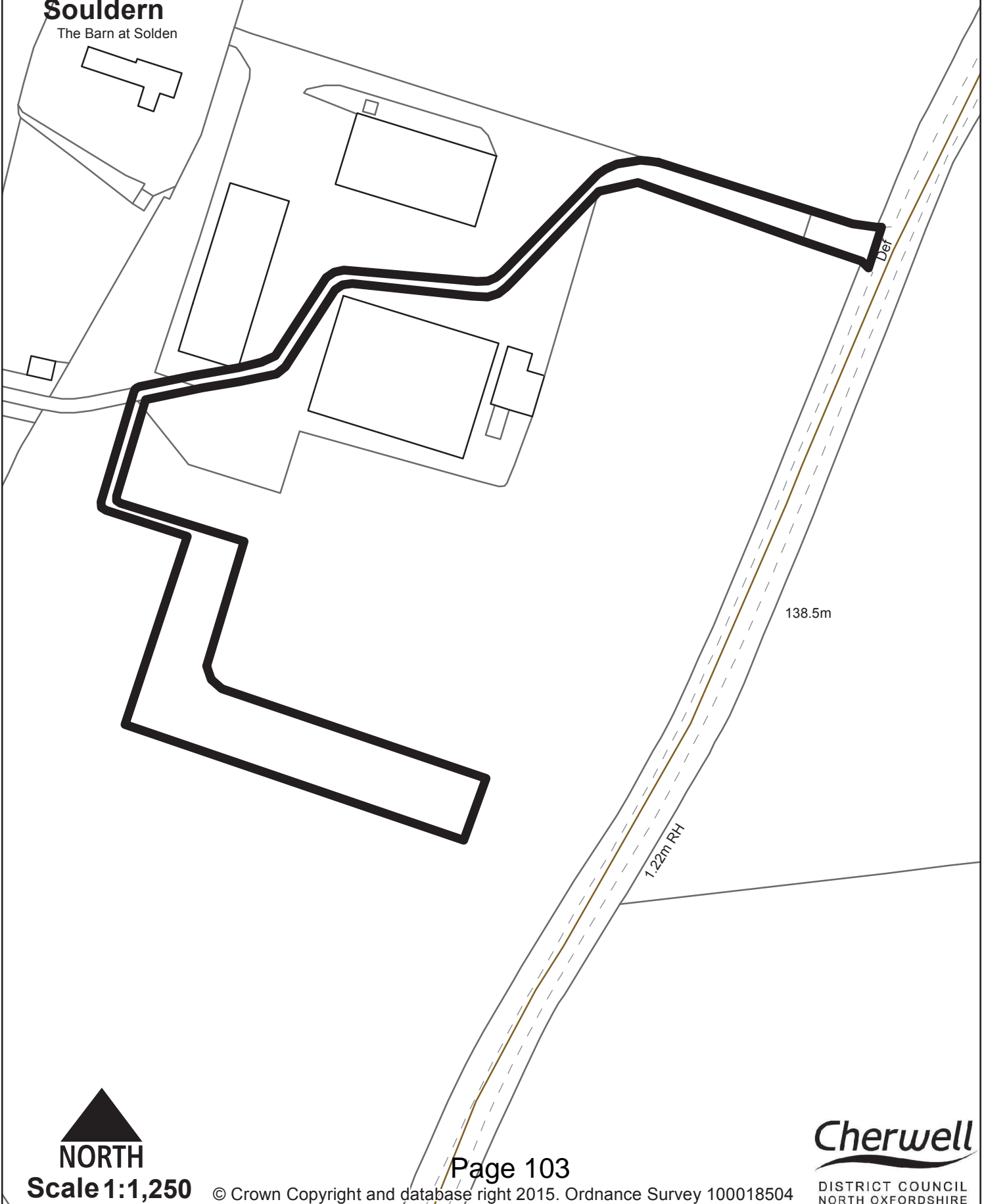
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15/00541/F

Land South Of Leycroft Barn
Somerton Road
Souldern

The Barn at Souldern

Pond

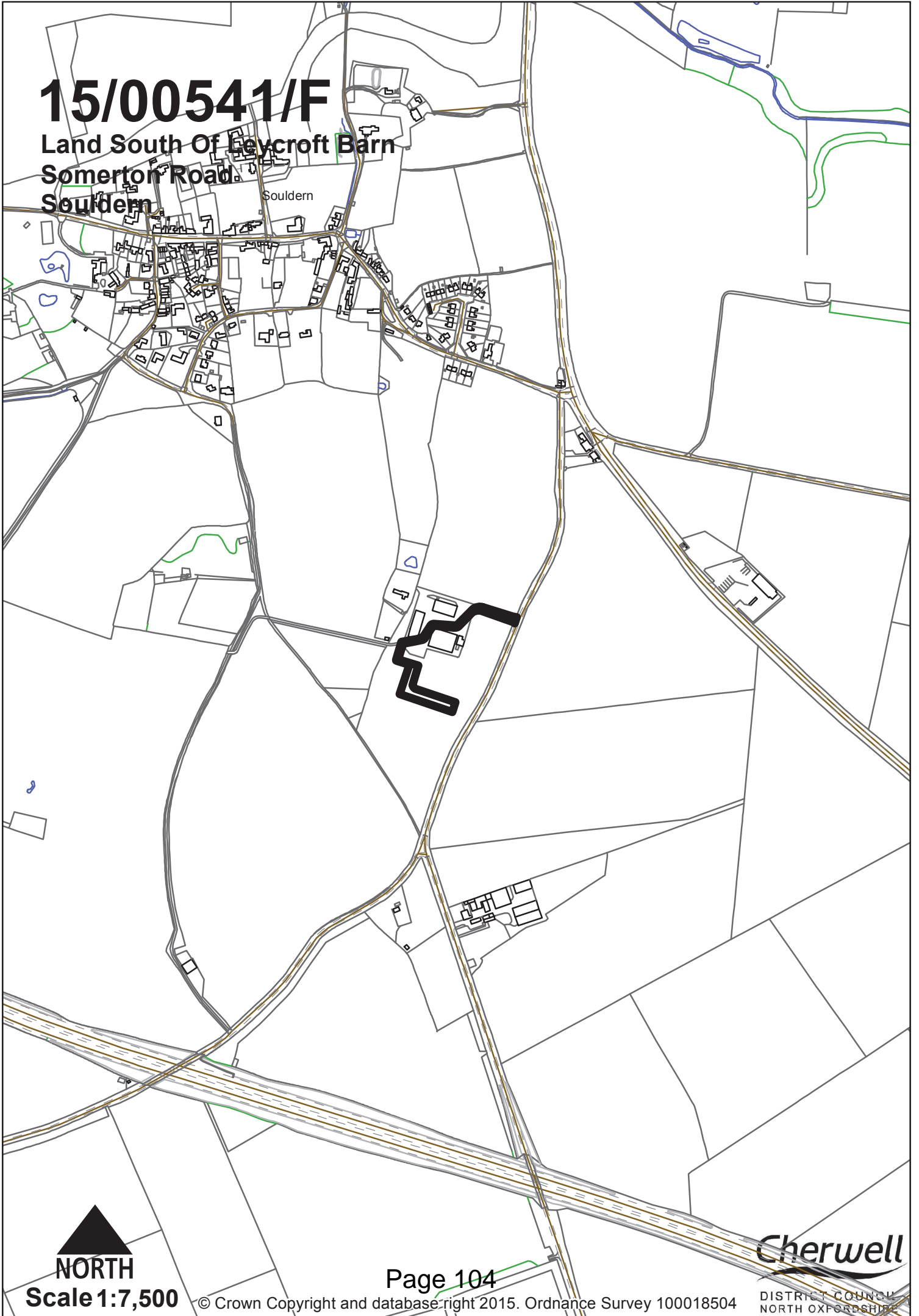


NORTH

Scale 1:1,250

15/00541/F

Land South Of Leycroft Barn
Somerton Road
Souldern



NORTH
Scale 1:7,500

Ward: The Astons and Heyfords

District Councillor: Cllrs Kerford-Byrnes and
Macnamara

Case Officer: Stuart Howden

Recommendation: Approval

Applicant: WS Deeley & Son

Application Description: Erection of livestock building for the rearing and finishing of pigs

Committee Referral: Public Interest

Committee Date: 11.06.2015

1. Site Description and Proposed Development

- 1.1 The application site is located to the south of the village of Souldern and is accessed directly from the Somerton Road. The area is highly rural in character. An established farming business operates from Leycroft Barn and is isolated from other forms of development. Three agricultural buildings used as grainstores are located at the site and consent was granted last year for a livestock building for the rearing and finishing of pigs at the site (14/00466/F), but this building has not been built (however the ground works for this building was in preparation on the 13th May 2015).
- 1.2 Planning Permission is sought for the erection of a further agricultural building for pig rearing and finishing and this would be highly similar in terms of design and scale to the livestock building which was approved last year. The building is proposed to be sited to the south of the existing soil bund and the proposed siting of the approved livestock building. The building is proposed to be orientated on an east west axis and would run parallel to the other livestock building which was approved on site. The structure is proposed to be a length of approximately 61 metres, a width of approximately 15 metres and a height of approximately 7.5 metres. The walls are proposed to be constructed from concrete panels and adjustable gale breaker curtains in juniper green. The roof is proposed to be constructed from fibre cement sheeting in standard grey.
- 1.3 Like the previously approved building at the site, the structure is proposed to house 995 pigs on a straw based rearing system. The approved livestock building directly to the north of the site and the proposed livestock building could therefore cumulatively hold a maximum of 1,990 pigs at any one time. It is proposed that the pigs would be reared to finishing weight for British Quality Pigs (BPQ). Pigs would arrive part weaned at the age of three to four weeks and would normally be finished at around 22 weeks. Feeding will be by an automated auger system and the interior temperature of the building will be regulated by computer controlled gale breaker-style automatic ventilation. The proposal includes a hardstanding area for parking and turning to the west of the building. It is proposed that a stockman would be employed to manage the pig rearing unit.
- 1.4 At the end of the batch of pigs, the straw bedding is proposed to be removed and the building washed out and prepared for the next batch of pigs. A dunging area is proposed within the building and the manure deposited within the dunging area would be scraped into a concrete manure pad at the east end of the building. The manure pad would be enclosed by a catchment drain, and dirty water arising from the manure pad would be collected within a sealed concrete tank underneath the manure pad. All muck, solid and liquid within the livestock units, are proposed to be spread on the

arable land at Leycroft Barn. It is envisaged that some 120 acres of land at land at Leycroft Barn will be utilised for spreading. The manure from the pigs is proposed to be a substitute for sewage cake which the applicant currently imports and spreads on their land holding.

- 1.5 No listed buildings are located within close proximity to the site and the site is not within a Conservation Area. The site is located within an Area of High Landscape Value.
- 1.6 A screening opinion in May 2015 (15/00041/SO refers) concluded that an EIA was not required for the proposed development.

2. Application Publicity

2.1 The application has been advertised by way of site notice and press notice. The final date for comment was the 28th May 2015. 19 Letters have been received from 14 people who object to the proposal. The concerns from these letters are summarised below:

- A decision should not be made and the applicant should wait until the first livestock building is constructed so an assessment can be made in to what the impacts of a second livestock building will be;
- Detrimental harm to the character and visual appearance of the landscape;
- Smell from the pigs and waste/muck - the site is not remote and is within close proximity to residential properties;
- There is a lack of information in relation to the treatment of waste;
- Noise from pigs and traffic;
- The proposal is contrary to saved Policy AG3 of the adopted Cherwell Local Plan;
- Adverse impact upon Highway Safety given the number of movements of large vehicles on a road that is unable to accommodate these type of vehicles;
- According to DEFRA there has to be a 600 metres separation distance between an intensive pig unit and the nearest dwelling;
- This is a nitrogen area sensitive zone which means that the muck has to be stored at certain times of the year as it cannot be spread in the winter months;
- The application form notes there is no provision for storage or collection of waste, but this is incorrect;
- The supporting statement by the applicant's agent is factually incorrect;
- Impact upon house prices.

2.2 2 letters from 2 people who support the application have been received. The points raised in these letters are summarised below:

- Two sheds will create enough work for a full time additional member of staff;
- The proposal complies with the National Planning Policy Framework 'Supporting a prosperous rural economy';
- Diversification is required within working farms to enable them to make profit;
- As the wind flows in a southern direction away from the village, the smell should be minimal;
- The smell is not an unusual one within a rural area;
- Any noise from the site will be drowned out by the motorway;
- The business is also environmentally friendly as the muck is going to be used as fertiliser (instead of the use of granular fertiliser and human waste).

3. Consultations

3.1 Souldern Parish Council: Object to the proposal on the following grounds:

"The parishioners of the village feel strongly that approval for this building to be erected should not be granted. Permission has already been granted for a building (application 14/00466/F) on this site, which has not yet become operation. Without the benefit of an environmental impact assessment on the first building on the local area there is a good deal of unrest.

Noise and Smell pollution are the obvious key issues, and are likely to have impact on the village despite assurance to the contrary. There are a number of properties that lie within 500 metres of the proposed building.

The increased traffic movements required for a site that will double in size will be significant. The junction of the B4100 at the entrance to the village is a well established "rat run", and this will only exasperate that situation.

The development of this site will not have a material benefit to the wider local economy but could have a detrimental effect on local house values within the immediate vicinity.

The negatives far outweigh the positives for this particular application, and for this reason the Soule Parish Council objects to its approval being granted".

Cherwell District Council Consultees

3.2 Ecology Officer: No objections.

3.3 Anti-Social Behaviour Manager: *"One of the main issues with this type of proposal is how wastes are kept/handled, whether dry or wet or mixed because this is typically the source of odours. There is some information in the Design and Access Statement regarding waste handling, and ventilation and also that it will be a straw based system. However, given the size of the unit and the potential for nuisance I would have expected more detail. Fly nuisance could be an issue depending on how wastes are managed but this has not been addressed. It mentions that feed will be delivered but it is not clear if any feed grinding will take place on site which can be noisy.*

Further information is required in respect of waste and odour management from the proposed unit. I would therefore recommend that an Odour Management Plan and a Waste Management Plan are submitted. Although this application is for one unit the odour and waste management plans would need to address the cumulative impact of both units.

The waste management plan should also address the potential for fly nuisance, and if feed grinding is to take place on site a noise assessment would be required."

3.4 Nuisance Investigation Officer: *"I note an EIA is not considered necessary for this development. I also note that the design and access statement does not address the issue of odour which is going to be an issue here that needs to be addressed. Pig manure and muck spreading can give rise to offensive smells and nuisance. I note a number of objections have been made on the grounds of possible odour.*

Environment Agency advice is that an odour management plan (OMP) is required where a site is within 400m of a sensitive receptor such as a neighbour; this is generally for sites of more than 2,000 pigs that require an Environmental Permit (EP). As this proposal will increase the number of pigs to 1,900, just below the number for which an EP will be required I would suggest the applicant be requested to submit an

odour management plan as part of their planning application submission which can be considered prior to a decision being made.”

- 3.5 Landscape Officer: *“Given that this site is in an Area of High Landscape Value and there is going to be a significant effect on the landscape and visual receptors it is important to mitigate this development with woodland planting to the southern and eastern elevations. This would reinforce/enhance the existing woodland/rural character of the adjoining landscape. This woodland will mitigate views of the development from users of the Souldern to Fritwell Road to the east and the PRow to the southwest (rc: 351/8/10).*

A minimum 5m wide woodland belt adjacent to the southern and eastern elevations keeping in mind of the appropriate distances between the foundations and large trees to prevent future structural damage to the structure. Native Oak, Common Cherry and small leaved Lime are to be used with understory of Hawthorn, Blackthorn, Hazel and Wild Private and Holly (evergreen cover).

The existing hedgerow and trees to the west of the development are to be retained and reinforced with hedgerow trees for the purpose of visual mitigation from the aforementioned PRow – this to be shown on landscape proposals. A minimum maintenance height is to be proposed; I recommend 3 m.

The retained structural vegetation is to be shown on landscape proposals. All landscape details to show Latin names of plants, sizes (10 -12 cm standards for trees), locations, planting densities, percentages and numbers. Rabbit guards will be required.

All operations are to accord with the National Plant Specification, in respect of plant supply, handling, planting operations (cultivation) and aftercare – refer to <http://www.gohelios.co.uk/about.aspx>”

Oxfordshire County Council Consultees

- 3.6 Local Highways Authority: *“Regarding the above named planning application, 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.”*

Other Consultees

- 3.7 Council’s Agricultural Advisor: No objections, subject to the conditioning of an Odour Management Plan and a Muck Management Plan.
- 3.8 Thames Water: No objections in relation to sewerage infrastructure capacity and water infrastructure capacity.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- AG2: Construction of farm buildings
- AG3: Siting of new or extension to existing intensive livestock and poultry units
- AG4: Waste disposal from intensive livestock and poultry units
- C2: Legally protected species

- C7: Landscape conservation
- C8: Sporadic development in the open countryside
- C13: Area of High Landscape Value
- C28: Layout, design and external appearance of new development
- C31: Compatibility of proposals in residential areas
- ENV1: Development likely to cause detrimental levels of pollution

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance (2014)

Submission Cherwell Local Plan (2015)

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

The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

- PSD1: Presumption in Favour of Sustainable Development
- 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

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History;
- Principle of the Development;
- Design & Landscape Impact;
- Residential Amenities;
- Highways Safety;
- Ecological Impact;
- Other Matters.

Relevant Planning History

5.2 14/00466/F – Erection of livestock building for the rearing and finishing of pigs – Planning permission granted.

5.3 13/00032/AGN – Extension to existing grain store – Agricultural prior approval granted.

5.4 08/02577/F – Detached cart shed style garage/log store – Planning permission

granted.

- 5.5 08/02475/F – Erection of agricultural building for grain drier and a building for electric control gear (part retrospective) – Planning permission granted.
- 5.6 08/00444/F – Proposed agricultural buildings – Planning permission granted.
- 5.7 08/00443/F – Proposed earth bunds, landscaping and attenuation pond for surface water – Planning permission granted.
- 5.8 04/00025/F - Erection of a double open garage – Planning permission granted.
- 5.9 96/00597/F - Erection of a double open garage – Planning permission granted.
- 5.10 95/00143/F - Conversion of barn to dwelling with garaging and access – Planning permission granted.

Principle of the Development

- 5.11 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.
- 5.12 The NPPF advocates the support of the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings. This also includes the diversification of agricultural and other land-based rural businesses.
- 5.13 As noted in the Agricultural advisor's report, in 2014 the applicant decided to move into stock farming based on pig rearing in response to pressure on farm margins due to the long term outlook for arable commodity prices. The Agricultural advisor notes that the building proposed will enable the applicant to double the proposed pig production thus providing a better economic proposition in terms of overall farm income with the added benefit of providing employment for a dedicated stockman. The proposal would therefore lead to the diversification and expansion of an established agricultural business within a rural area. Thus, it is considered that the proposed development could be acceptable in principle. However, the principle of the proposed development in this case is clearly also dependent upon it being capable of not causing detrimental harm to the character and appearance of the landscape, the amenities of any residential properties, highway safety and ecology. These issues are discussed below.

Design & Landscape

- 5.14 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 5.15 Saved Policy AG2 of the adopted Cherwell Local Plan notes that farm buildings and associated structures requiring planning permission should normally be so sited that they do not intrude into the landscape or into residential areas.
- 5.16 Saved Policy C28 of the adopted Cherwell Local Plan exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

- 5.17 Saved Policy C13 of the adopted Cherwell Local Plan states that the council should seek to conserve or enhance an Area of High Landscape Value. Saved Policy C7 notes that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape. Saved Policy C8 of the adopted Cherwell Local Plan notes that sporadic development in the open countryside will generally be resisted if its attractive, open and rural character is to be maintained. Policy C8 applies to all new development proposals beyond the built up limits of settlements, but will be reasonably applied to accommodate the needs of agriculture. The NPPF also advises that the open countryside should be protected for its own sake.
- 5.18 Whilst the proposed building would not be within the built up limits of any settlement, Officers are of the opinion that the proposed development would not be sporadic development given that the site is situated within an established farm complex which accommodates other agricultural buildings.
- 5.19 The Council's Agricultural advisor is of the opinion that the proposed siting of the livestock building is appropriate and notes that the building would be in line with the permitted pig rearing building and the location off the existing hardcore yards will facilitate loading and unloading of pigs, strawing down, etc. The design of the proposed livestock building is considered to be agricultural in appearance and the scale of the proposed agricultural structure is not considered to be unusual.
- 5.20 Officers hold the view that the proposed livestock building would be visible from the public domain of the Souldern/Somerton and Souldern/Fritwell roads to the south and south west of the site and Public Bridleways 351/8 and 351/13 where they run to the south and south west of the site. However, landscaping to the west of the proposed siting of the livestock building would partially screen the proposed structure from these two Bridleways where they run to the west of the site. Where Somerton/Souldern road runs to the east of the proposed siting of the livestock building, the existing landscaping on the highway boundary would screen a large proportion of the proposed building from this road. Due to the topography of the landscape and intervening structures the proposed livestock building would not be clearly visible from Souldern village to the north of the site.
- 5.21 Officers conclude that there would be a notable visual impact from Public Bridleways 351/8 and 351/13 and Souldern/Somerton and Souldern/Fritwell roads to the south and south west of the site given that the proposed building would not be screened by other structures at the site and due to the topography of the area. That said, a tree belt has already been planted along the eastern boundary of Public Bridleway 351/8 from the Souldern/Fritwell Road to the north west for approximately 200 metres and these trees are maturing.
- 5.22 Whilst the Landscape Officer has recommended woodland planting to the southern and eastern elevations of the proposed siting of the livestock building to screen views of the development from the public domain, Officers are of the opinion that it would be unreasonable to attach this as a condition to any consent. This is because it is considered that existing landscaping to the east of the site would screen these buildings to a large extent from the public highway to the east of the site and because a tree belt has already been planted to the south of the site that will contribute in screening views from the Souldern/Somerton and Souldern/Fritwell roads to the south and south west of the site and Public Bridleways 351/8 and 351/13 to the south and south west of the site.
- 5.23 As noted above, the existing tree belt runs adjacent to Public Bridleway 351/8 for approximately 200 metres and then a hedgerow borders to the Public Footpath further to the north west of this right of way. However there are gaps within this

hedgerow and given the proximity of this section of the bridleway to the proposed siting of the livestock buildings, Officers are in agreement with the Landscape Officer who recommends that the existing hedgerow and trees to the south west of the proposed siting of the livestock building are retained and reinforced and allowed to grow taller. A minimum height of 3 metres is considered acceptable in order to mitigate views from the bridleway.

- 5.24 For the reasons above it is considered that the proposed livestock building would not have a detrimental impact upon the character and visual appearance of the landscape, subject to the aforementioned condition.

Residential Amenity

- 5.25 Saved Policy C31 of adopted Cherwell Local Plan notes that in existing and proposed residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted. Saved Policy ENV1 of the adopted Cherwell Local Plan states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other type of environmental pollution will not normally be permitted.
- 5.26 Saved Policy AG3 of the adopted Cherwell Local Plan notes that in the interests of the avoidance of pollution, new intensive livestock and poultry units or extension to existing units that require planning permission will be resisted where they would have a materially detrimental effect on nearby settlements or dwellings due to smell. Saved
- 5.27 The cumulative impact of this proposed unit together with the approved unit, which has yet to be constructed, is a key consideration when assessing nuisance and pollution, and this has been assessed.
- 5.28 One of the main issues with this type of proposal is how wastes are kept/handled, whether dry or wet or mixed because this is typically the source of odours.
- 5.29 The village of Souldern is located approximately 450 metres to the north of the proposed site for the pig rearing building and approved site for the other pig rearing building and the Council's Agricultural advisor notes that the prevailing wind direction is westerly therefore residents within Souldern should not be unduly affected by the operation of what is a straw based system of rearing. The site is relatively isolated with no immediate neighbours and there are no residential properties directly to the west of the site for more than 1KM. Furthermore, the Agricultural advisor states that if the unit is not operated correctly, action will be taken by BPQ and it is therefore in the interest of the applicant that the units are operated without causing detriment to the local population. Whilst it is acknowledged that there will be periods when the prevailing wind changes therefore creating the possibility of some odour (particularly when batches are cleaned out), the Council's Agricultural advisor states that this should be short lived.
- 5.30 There is the potential for odour to arise during periods of spreading the solid and liquid manure. Our agricultural advisor notes that the applicant has some 700 acres of owned land in their control and it is likely that the applicant would spread manures on the land where it will cause fewest problems for property owners. The Agricultural advisor states that odour from spreading will be short lived and that it is normal practice to spread manures after the harvesting of arable crops and for the manure to be incorporated into the soil during ploughing and tillage operations.
- 5.31 It is considered that the issue of odour has not been fully addressed by the applicant in his submission. Furthermore, as noted by the Nuisance Investigation Officer, the Environment Agency states that where sites accommodate more than 2000

pigs an Odour Management Plan (OMP) should be required where a site is within 400m of a sensitive receptor such as a neighbouring property. As the proposal would increase the number of pigs to 1,990, just below this Environment Agency threshold and given that there are neighbouring properties less than 400 metres away, Officers are in agreement with the Nuisance Investigation Officer and Anti-Social Behaviour Officer who recommend that an OMP is required as a condition of any permission granted. The Council's Agricultural advisor also recommends an OMP is submitted. The OMP would need to address the cumulative impact of both units.

- 5.32 In addition, limited detail has been submitted with the application in relation to the management of waste. For example, the Anti-Social Behaviour Manager notes that fly nuisance could be an issue depending on how wastes are managed but this has not been addressed therefore more information is required. Officers are therefore in agreement with the Agricultural advisor and the Anti-Social Behaviour Officer who recommend the requirement of a Waste management Plan to be submitted. The Waste Management Plan should also address the cumulative impact of both units
- 5.33 The Anti-Social Behaviour Manger has raised concerns in relation to feed grinding taking place on site and the potential noise that this could cause. However, feed grinding would not take place on site and feed would be delivered off-site and the pigs would be on permanent ad lib feeders. It is considered that the noise from the pigs or transport entering and leaving the site would not be so significant so as to unduly affect the amenities of any residential properties.
- 5.34 It is therefore considered that the proposal would not cause detrimental harm to the amenities of any residential properties in terms of smell, odour or nuisance subject to the aforementioned conditions. Furthermore, the proposed livestock unit would be sited so as to prevent detrimental harm to any residential property in terms of loss of light and overdomination.

Highways Safety

- 5.35 The Local Highways Authority have no objections to the proposal from a traffic and highway safety point of view. Officers see no reason to disagree with the Local Highways Authority in this instance. The vehicular movements associated with the proposal are likely to increase the number of vehicles using Somerton Road, however, these are not considered to be of a significant level to recommended refusal to the proposal based upon the National Planning Policy Framework. It is therefore considered that the proposal would not cause detrimental harm in relation to highway safety.

Ecological Impact

- 5.36 The Ecology Officer notes that the area of land proposed for the pig unit is an arable field with little potential to support protected species, therefore the Ecology Officer has no objections to the proposal. It is therefore considered that the proposal would not cause detrimental ecological harm.

Other Matters

- 5.37 Policy AG4 of the adopted Cherwell Local Plan notes that proposals for new intensive livestock or poultry units or extensions to existing units as may be permitted in the plan area will be required to include suitable provision for waste disposal. A third party has highlighted that this is a Nitrogen Vulnerable Zone and that the spreading of waste could have an impact upon the water. Given the above and the lack of detail in relation to waste management, a condition requesting a Waste Management Plan is therefore recommended in order to prevent the proposal having an adverse impact to watercourses.

hedgerow which, within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species 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). Thereafter the new planting shall 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 saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, an Odour Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out and maintained in accordance with the approved details.

Reason - In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with saved Policies AG3 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason – To ensure that proper arrangements are made for the disposal of manure/slurry/waste, to ensure the creation of an environment free from intrusive levels of odour/flies/vermin/smoke/litter and to prevent the pollution of adjacent ditches and watercourses, in accordance with saved Policy ENV1 and AG4 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

- 1 Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
- 2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public

sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

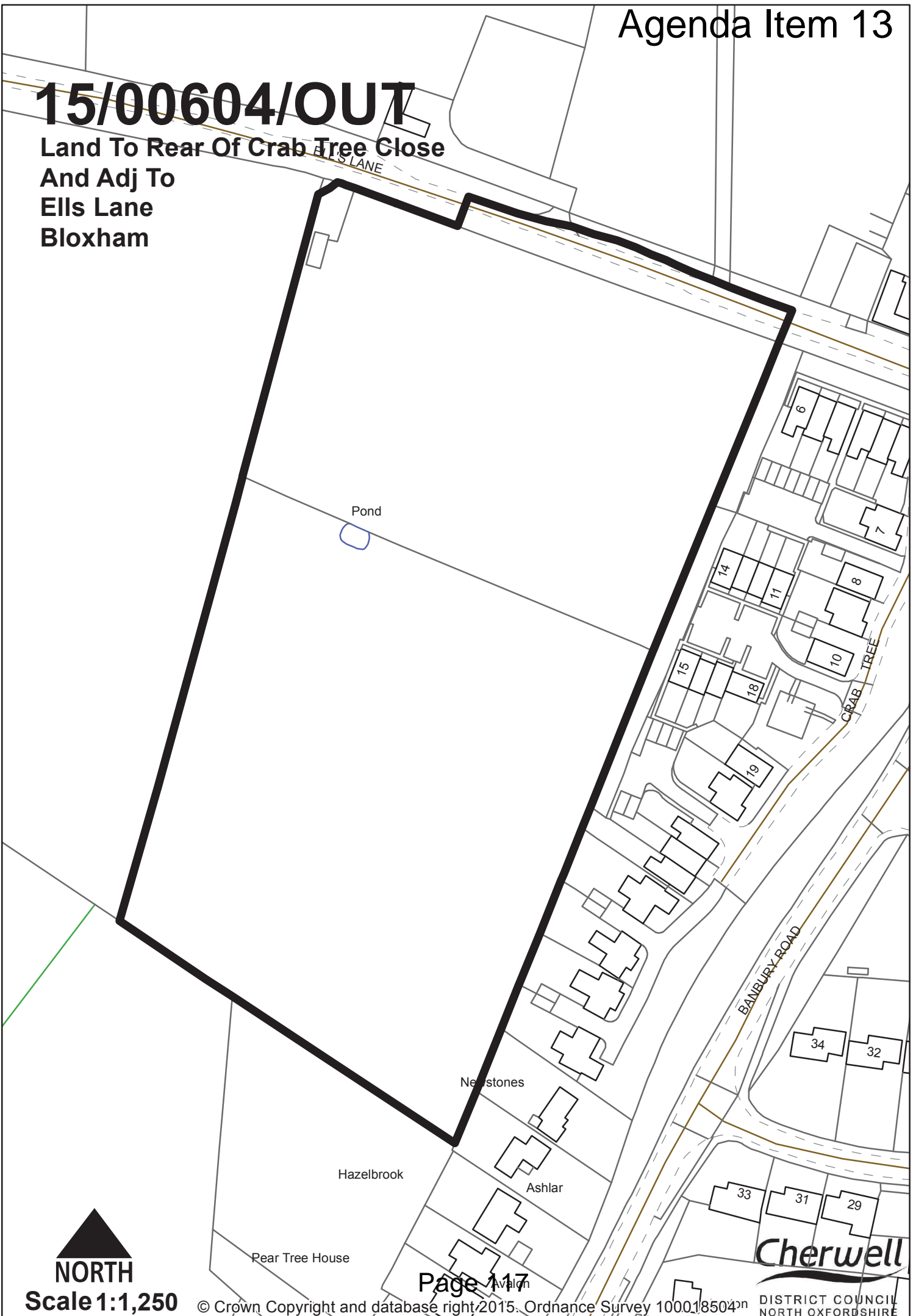
- 3 In relation to Conditions 4 and 5, the Odour Management Plan and Waste Management Plan should address the cumulative impact of both livestock units

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.

15/00604/OUT

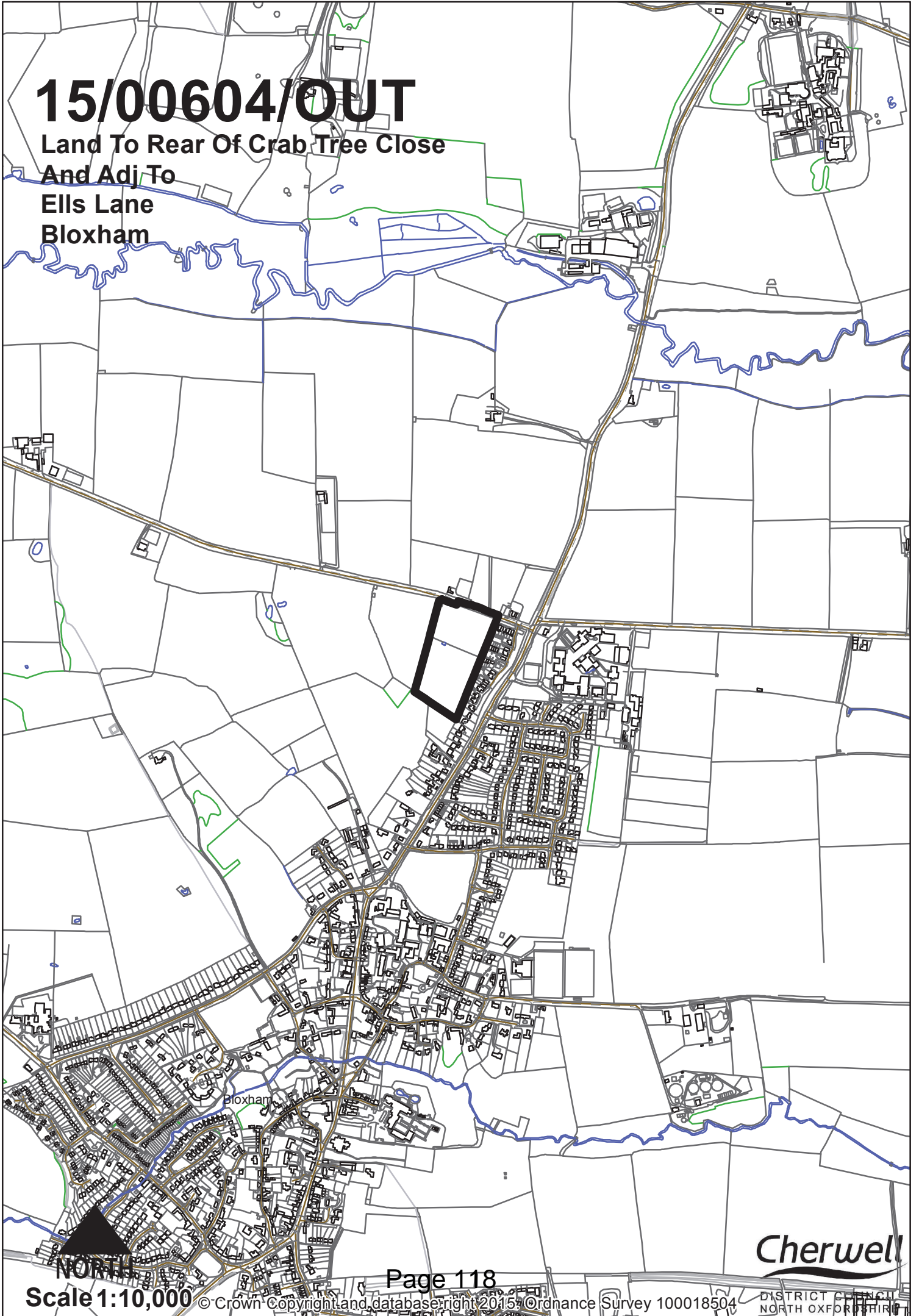
Land To Rear Of Crab Tree Close
And Adj To
Ells Lane
Bloxham



NORTH
Scale 1:1,250

15/00604/OUT

Land To Rear Of Crab Tree Close
And Adj To
Ells Lane
Bloxham



Cherwell

**Land To Rear Of Crab Tree Close And Adj To
Ells Lane, Bloxham****Ward : Bloxham****District Councillors ; Cllrs Heath and Thirzie Smart****Case Officer:** Nathanael Stock**Recommendation:** Refuse**Applicant:** CALA Homes (Midlands) Limited**Application Description:** Erection of up to 30 residential dwellings and associated infrastructure works**Committee Referral:** Major development**Committee Date:** 11.06.2015**Report Type: Committee Decision****1. Site Description and Proposed Development**

- 1.1 The application site is comprised primarily of two fields forming grassed, agricultural pasture land divided by the existing hedgerow vegetation. The site, which is partly Grade 2 agricultural land and partly Grade 4 agricultural land, is accessed via Ells Lane, a classified road, immediately to the north. No public rights of way cross the site or are affected by the proposal. The northern field is relatively flat, rising gently from north-east (121.3m AOD) to south-west (124.2m AOD), while the southern field rises steeply from north (122m AOD) to south-west (138.5m AOD).
- 1.2 The site, which in total measures approx. 2.7 ha, is bounded to the east by new residential properties on Crab Tree Close, to the north by Ells Lane, and to the west and south by open countryside, with trees and other vegetation lining the latter boundaries.
- 1.3 The current application seeks outline consent for the erection of up to 30 dwellings and associated infrastructure, with means of access to be assessed. Access is proposed to be taken north from Ells Lane.
- 1.4 The application is accompanied by drawings "C.0542_03" (Illustrative Masterplan) and "7641a" (topographical survey), a Site Location Plan, Design & Access Statement, Planning Statement, Flood Risk Assessment and water management plan (Transport Planning Associates, March 2015), Ecological Appraisal (FPCR, Jan 2015), Landscape and Visual Assessment (Pegasus, March 2015), and transport assessment (Transport Planning Associates, March 2015).
- 1.5 There is no relevant planning history to the site.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter (x35), site notice (x3) and press notice. The final date for comment was 14.05.15.

22 letters of objection received; issues raised include:

Principle

- (1) Too many developments already in Bloxham; Rural North Oxfordshire, especially Bloxham is in danger of being lost to overbuilding on Greenfield sites. Already a successful petition to parliament has been made with over 1000 signatures.
- (2) Impact on village identity and character; Bloxham is struggling to retain its identity and environment; its identity is already threatened from existing developments
- (3) Proposal is contrary to the Bloxham Neighbourhood Plan (BNDP); this site is not allocated for development by the BNDP; the BNDP should be supported / respected through refusal of this application. Significant weight should be attached to the BNDP. Approval of this development would further go against the wishes of the Bloxham community in this respect.
- (4) Greenfield site beyond the built up limits of the village – to develop would be contrary to CDC policy and create urban sprawl
- (5) To extend the built form of the village is unnecessary - infill sites are a better choice to avoid encroaching upon open countryside.
- (6) Bloxham has already contributed significantly to Cherwell's development targets - Bloxham should not be seen as an 'easy option' to schedule-in further developments to enable Cherwell targets to be met - focus should be given to other sites within the Banbury Area eg. towards the M40 corridor. Infill along the M40, to supplement ongoing development at Longstone Park etc would see Cherwell meet it's targets without detracting from village locations which currently make Cherwell special. Joining Bloxham to Banbury via a conjoining housing development would not be seen by future generations as a wise use of precious natural resources.
- (7) Loss of agricultural land
- (8) Loss of night time peace and tranquillity, and sense of remoteness on Ells Lane
- (9) Contrary to Cherwell Local Plan Policies H13 and H18 – the proposal does not meet the restrictions of these policies
- (10) The application does not make a commitment to providing 35% on-site affordable housing and therefore is contrary to Policy BSC3 of the Submission Cherwell Local Plan (Feb 2015)

Infrastructure

- (11) Overdevelopment of Bloxham, whether by CDC or at appeal, has had a severe impact on village infrastructure
- (12) The primary school is at capacity, and cannot be extended; local schools will likely not be able to accommodate the extra numbers generated by the existing developments.
- (13) The Warriner School is at capacity; the addition of more houses will just make an existing situation a major problem.
- (14) No capacity in the village doctor's or dental surgery; The doctors and dentist are full and although the shops seem to be thriving, there is no car parking and so shoppers cause a bottle neck on the A361. All will get worse if this application goes ahead.
- (15) Impact on infrastructure, which is already under strain / inadequate – water, sewerage, electricity, etc. Residents suffer regularly from power cuts and water leakages
- (16) The submitted plans show that the play area on Crab Tree close would be used by families of the proposed housing; however, this play area is very small and not adequate for the current residents to use; and its maintenance is paid for by the current residents.

Transport / Access

- (17) Local traffic congestion will be a problem; the current proposal would exacerbate this issue

(18) Inappropriate additional development for Ells Lane; Ells Lane is a small country lane that already sees a high volume of traffic generated from The Warriner School, and is too narrow for another junction or the additional traffic from the proposal; Ells Lane cannot sustain any increase in road traffic and is an inappropriate location for any additional development

(19) Impact on Ells Lane / Banbury Road junction; the junction is inadequate to cater for existing traffic; the junction between Ells Lane and the A361 is already an accident hot-spot which is likely to be more dangerous with increased traffic levels. This is a particular problem when parents are dropping off and collecting pupils at the Warriner School. A study on the traffic impact and accident risk would highlight the severity of this issue. There is insufficient space for cars travelling north or south on Banbury Road to pass a car waiting to turn right into Bloxham Grove Road without encroaching into the slip road and stop line of Ells Lane.

The Transport Assessment of the Ells Lane/Banbury Road junction confirms that it is nearing capacity now and *"is forecast to be over capacity in the 2021 base scenario."* Approvals for more than 220 homes have recently been granted in the village and these will be built-out before 2021, the traffic from which will add yet more chaos at this junction.

The Transport Assessment anticipates the widening of Ells Lane at the junction with Banbury Road. It further advocates the provision of *"a 1.2 metre wide footway on the southern side of the carriageway between the site access and Crab Tree Close."* In order to achieve this, hedgerows along Crab Tree Close and a portion of this development site will be destroyed. The proposed footway would need to be at least 2.5m wide in order to comply with Cala's assertion, in their DAS at p 4.18, *"that All pedestrian links will be suitable for use by disabled people."*

(20) Inappropriate position for proposed entrance to site; is immediately opposite the new nursery entrance

(21) Detrimental impact on pedestrian safety / Inappropriate pedestrian link shown through to Crab Tree Close – the Close is private and owned by the residents, this access will not be allowed and so ALL pedestrian traffic to and from the new site would have to go on the narrow and at times congested and dangerous Ells Lane

(22) Crab Tree Close residents would not allow a footpath across their private land, for which they pay an annual maintenance fee.

(23) Impact on parking provision on Crab Tree Close

(24) Development should only be permitted if the developer pays for improvement of the entire length of Ells Lane, adding planning is only approved if the developer fully pays for a total improvement of the entire length of Ells Lane, (1) adding a pavement to walk/run along, (2) adding grass verges for the horses that use the fields off Ells Lane and (3) increase the width of the carriageway for traffic to pass safely

(25) The traffic survey was conducted on Ells Lane beyond Chequer Tree Farm, resulting in submission of flawed evidence. The submitted document records '0' cars queuing at the A361 junction, whereas all residents know the problems with this junction; the peak traffic times were given as 8.40 – 9.0 and 5 – 6, but in reality the peak times are 8.0 – 8.40 and 2.15 – 3.45. The submitted transport document must be reviewed.

(26) The submitted traffic statement underplays the likely number of vehicular movements arising from the proposed development; the assessment should be based on real time data, e.g. survey of Crab Tree Close, rather than figures obtained from a very generic model based on similar developments from across the UK

(27) Doubts about the accuracy of the Personal Injury Accident data; objectors have witnessed several rear end shunts at the junctions which don't appear to

have been recorded by OCC. The accidents frequently occur when a car is waiting to turn right onto either Ells Lane or Bloxham Grove.

(28) Adverse impact on A361 through the village, which is already an extremely busy road that meets a bottleneck in the centre of the village, and already failing under the strain of rush hour traffic; it would not cope with additional traffic brought by additional housing.

The A361 is already extremely busy through the centre of Bloxham and this results in congestion at certain times adjacent to the few shops (Post Office, convenience store, pharmacy etc.) where the parking is restricted. The width of the road at this location is inadequate to cater for the many wider vehicles using this route, which results in delays and tailbacks. Any increase in local traffic or parking at this location will certainly add to this problem

(29) The increase in traffic congestion would be contrary to policy 1G of the Emerging Bloxham Neighbourhood Plan (2015 -2031), and therefore the proposal cannot be deemed a 'sustainable development' as defined within paragraph 7 of the Framework; and that the proposed development is contrary to the second bullet of Paragraph 49 of the Framework

Accessibility

(30) The bus service does not operate on Sundays or past c.7pm, thus creating a dependency upon the car

(31) The DAS implies the site has good access to village services. However, the recently completed Sustrans report for Bloxham notes:-

Para 3.3 *"Sub-standard footways on all the main corridors - the A361, and the key minor roads - mean that people will encounter footways of a sub-standard width, at some point, on any journey across the village."*

Para 3.4 *"The centre of the village, in particular, lacks continuous footway routes - and where footways do exist, they are often narrow, with no room for people to pass one another. Critical stretches of footway around the primary school, and the recreation ground on South Newington Road, are also of sub-standard width."*

Visual impact

(32) Detrimental (visual) impact on countryside and the local landscape; this Adverse Impact would significantly outweigh the benefits of developing this site.

(33) Impact of wider road on character of countryside; a wider road would result in loss of ancient hedgerow

(34) The increase in traffic and further development would adversely affect the rural setting and tranquillity along Ells Lane

(35) The elevated position of the site would mean that the development would be visible from afar and would detract from the rural situation and amenity that Bloxham currently enjoys.

Paragraph 4.21 – Policy ESD13 identifies that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape cannot be avoided. The encroachment of development along Ells Lane, which is a rural lane and a very distinctive feature of the local landscape, will experience significant negative effects as the sense of travelling along a rural lane will be lost. The visual connectivity between the villages of Bloxham, Broughton, Bodicote and Banbury continues to increase; the consequence of this is that the sense of separate remote rural villages, set within a localised landscape, is very much diminished. This is considered to have a significant negative effect on local landscape character. The design of the proposed development does not set out landscaping measures which will mitigate this negative effect. Therefore the proposed development does not comply with

Policy ESD13 or Paragraph 109 of the NPPF which asserts that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing “valued landscapes”. Paragraph 4.22 – Policy ESD15 identifies that proposals for development on the edge of built up areas 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. The design of the proposed development does not appear to be carefully designed and landscaped to soften the built edge that fronts onto Ells Lane and does not provide green infrastructure above and beyond the existing hedge that will positively contribute to the rural setting of the edge of Bloxham. Therefore the proposed development does not comply with Policy ESD15.

Paragraph 4.39 makes reference to Paragraph 109 of the NPPF which asserts that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing “valued landscapes”. Having reviewed the planning application, the proposed development does not contribute to and enhance the natural and local environment and does not protect and enhance the “valued landscape”. Therefore planning permission should not be granted.

Neighbour impact

(36) Impact on residents’ amenity: There is no footpath and the kerb of the block-paved pedestrian/ vehicular access to adjacent houses is 120cms from the front windows and door of our house. Another 30 households passing by would be an unacceptable invasion of privacy.

(37) The proposed informal open space facility on the upper field would cause undue overlooking of all gardens and bedroom windows of 15-27 Crab Tree Close, plus houses on the A361; at present the only onlookers are sheep

(38) Air pollution / Serious concerns about air quality

(39) Light and noise pollution; at present there is none

(40) Overbearing and loss of privacy to Crab Tree Close residents

(41) Submitted documents underplay impact on neighbours’ visual receptors

(42) Adverse effect on the operation of local businesses, e.g. the nursery and local farms; the increase in traffic on Ells Lane would compromise the ability to access the farm with large agricultural machinery during peak times and the reduced operating width of the carriageway.

Drainage

(43) Insufficient information to demonstrate satisfactory drainage

(44) The existing local drainage system cannot cope with the current number of properties and any increase in properties will only make this worse

(45) Water comes off the hill and used to flood the area; developers had to build a live drain running the entire length of the Crab Tree Close development as well as a culvert and pumping station to cope with this. When the culvert was blocked by the developer’s building materials, it resulted in houses and the Wariner School being flooded.

(46) The pumping station at Crab Tree Close, which continually breaks down, would not cope with any further water

Ecology

(47) Impact of widening of Ells Lane – would destroy the habitat of birds and animals, many of which were not registered on the limited environmental survey.

(48) The submitted Ecology Appraisal does not include a reference to the Slade Nature Reserve, past records of the Great Crested Newts at the Primary School, or the results from Cherwell's Swift Conservation Project which show that the highest level of "Swift" activity across the whole of the District is in Bloxham.

Lack of pre-application consultation

(49) Within the DAS, the Introduction at para 1.5 notes that, "Section 4: *Involvement and Evolution – outlines the stakeholder participation and consultation undertaken as well as its key findings*". But Section 4 does not set out this information as there has been no stakeholder participation and consultation with residents or the Parish Council. No reasons are given for this significant omission.

(50) The role of community involvement in the planning process is supported by the Government in the National Planning Policy Framework (NPPF) which expects applicants to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. The NPPF considers that 'proposals that can demonstrate this in developing the design of the new development should be looked on more favourably' (Paragraph 66). CALA has clearly chosen to ignore "the views of the Bloxham community".

Other

(51) Use of the larger field as "retained green space" with a possible play area seems totally unnecessary; it is already a field / open space; this appears to be a ruse to obtain the land for future housing development; why else is it included in the application; this part of the proposal should be seen as a 'trojan horse' for further incremental development

(52) Errors in submitted documents, e.g. (i) Cala Homes state that the boundary to the south of the proposed development is owned by Wadebridge School and Primary Academy. That Academy is situated in Cornwall; (ii) the Planning Statement (section 4) refers to the Cotswold District Local Plan (2006).

Non-planning issues raised

Impact on property values; loss of uninterrupted views; questions re whether the application fee submitted is good use of 'community charge money'

3. Consultations

3.1 Bloxham Parish Council – Objects:

- 1 There has been **no** pre-application consultation or engagement with the residents of Bloxham or the Parish Council. This is Contrary to NPPF Para 66
- 2 The National Planning Policy Framework at Paragraph 49 states that "*housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*". Cherwell District Council **can** demonstrate a 5 year housing land supply without inclusion of this site. Paragraph 49 should **not**, therefore, be engaged.
- 3 The site comprises of Agricultural land of both Grade 2 and 4.
- 4 This application is contrary to saved Policy H13 of the adopted Local Plan "whereby new dwellings are restricted to infilling, minor developments comprising small groups of dwellings within the built-up area of the settlement and the conversion of non-residential buildings".
- 5 Bloxham has previously been classed as an "area of High Landscape Value" this term has been replaced by "distinctive local character". and CPRE's Tranquillity Maps. To allow further development alongside a rural village lane that thankfully does not at present suffer from undue light pollution would cause significant harm and be detrimental to not only the local wild life habitat

but also to the human habitat.

- 6 This application is contrary to NPPF para 109 it is **not** enhancing the local environment, it is **not** protecting the valuable agricultural soil, it is **not** offering any net gains in bio diversity, it **will impact** on the water and soil instability.
- 7 The site **does not** appear on either the Cherwell District Council's proposed or committed housing sites. In the 2014 SHLAA it is identified as *"having a poor relationship with the rest of the village, therefore not suitable"*
- 8 The application assumes that further development in Bloxham is sustainable. Bloxham's infrastructure has been shown to be at capacity, the **Primary School is not suitable for expansion**. Refer to OCC's response to Cherwell District Council's ELP. Cherwell District Council's ELP is to concentrate development in truly sustainable areas of the district including Banbury and Bicester. This applicant does not provide any evidence of the Sustainability of Bloxham. It is not enough to say there is a local facility if that facility is not available for use.
- 9 Whereas there are proposals to improve road infrastructure in Banbury and Bicester it is not possible to improve the A361 running through Bloxham without demolishing existing houses.
- 10 The Strategic Objective (SO12) of the Proposed Submission Local Plan is *"to focus development in Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the countryside and landscape and setting of its towns and villages"*. This application **is contrary to** SO12. It does **not** conserve or enhance the local landscape. On the contrary it degrades it.
- 11 Policy ESD13 of the Submitted Local Plan seeks to conserve and enhance the distinctive and highly valued local character of the entire district and states that *development will not be permitted if it would: - Cause undue visual intrusion into the open countryside - Cause undue harm to important natural landscape features and topography - Be inconsistent with local character - Impact on areas judged to have a high level of tranquillity - Harm the setting of settlements, buildings, structures or other landmark features, or - Harm the historic value of the landscape*. **This application is contrary to this policy**.
- 12 The development would have an adverse impact on the view from the public right of way along Hobb Hill. It will adversely affect the existing residents of Crab Tree Close.
- 13 The application proposes that in order to necessitate the provision of a site entrance, a section of existing hedgerow along the country lane will be removed (page 27 Design Access Statement). This cannot be seen as an enhancement of the countryside. Following a Hedgerow survey undertaken as part of Cherwell District Nature Conservation, the hedgerows in this area are noted to be of significant importance.
- 14 Page 18 of the Design Access Statement (DAS) indicates that there would be pedestrian access through Crab Tree Close. However, this is a private road.
- 15 The DAS indicates that the vehicular entrance to the site would be on Ells Lane, which would be close to the garden nursery already on Ells Lane. This would result in three commercial accesses onto Ells Lane and two residential accesses within a short stretch from the Ells Lane junction with the A361. The widening of a short section of the road would not address this problem.

- 16 For a previous application 14/00349/F concerning Ells Lane the Oxfordshire County Council Highways department noted that there was evidence of verge parking on Ells Lane. It was considered important that any development **did not** add to this. This evidence provided by OCC is ignored by the Developer in their calculations.
- 17 Parish Councillors have noted up to 10 cars regularly parked along the verges at weekends. At the beginning and end of school days Ells Lane is gridlocked due to parents leaving and picking up their children from school. The corner of Ells Lane and the A361 is known to be an area where road traffic accidents occur, resulting in damage to cars.
- 18 The traffic assessment carried out by the Applicant did not accurately reflect these times of congestion.
- 19 The DAS (page 27) indicates that vehicular access is to be provided via a new priority junction with Ells Lane, approximately 90 metres west of the junction with Crab Tree Close. The carriageway on Ells Lane is approximately 3.4 metres wide along the site frontage. It is therefore proposed to widen the carriageway to 5.5m between Crab Tree Close and the proposed site access. In addition to the widening of the carriageway, it is proposed to provide a 1.2m wide footpath on the southern side of the carriageway between the site access and Crab Tree Close. This footpath would, it is proposed, provide pedestrians with a continuous footway between the development site, Bloxham village centre and via a controlled crossing, the Warriner School. This will, however, create a bottleneck further up Ells Lane. A 1.2 m wide footpath is contrary to National Guidelines of 2.5m to allow safe access for wheelchair users and children in pushchairs.
- 20 The DAS indicates that parking courts are to be provided. This is contra to the Bloxham Neighbourhood Development Plan in which parking courts are considered to be impractical and unsafe for users who would need to park away from their homes at night or when returning with small children.
- 21 The development would achieve an average net density of 37 dwellings per hectare (dph) when excluding the southern field and the sustainable urban drainage area. This is contrary to CDC Proposed Submission Local Plan.
- 22 Oxfordshire County Council's Archaeology has objected to the application on the grounds that the site is located in an area of archaeological interest adjacent to a Middle Iron Age settlement site. It is stated that "Romano British finds including the upper part of a cone-shaped quern, bones, coarse potsherds and a spindle-whorl were recovered from a clay pit 300m south of the site. No archaeological investigation was carried out on site at the time but the pottery was dated to the Roman period and the finds suggest nearby Roman and Iron Age occupation."
- 23 It is not clear from the DAS who would retain ownership of the southern field and local play areas.
- 24 If this field, that is significantly higher than adjacent land, is retained as a play area it will be intrusive to the dwellings in Crab Tree Close and Banbury Road. Page 26 of the DAS shows the site to be higher than the existing Crab Tree Close development.
- 25 The DAS (page 30) proposes 2.5 storey buildings adjacent to Crab Tree Close. As the site is higher than Crab Tree Close this is likely to be intimidating for the existing residents. The existing properties will be overlooked.

- 26 The Planning Statement at 4.39 records that the emerging Bloxham NDP does not include this site in its "green space" allocation. This site is one of many green fields that still surround the village of Bloxham, to have identified all these green fields as "green space" would have not been a practical exercise.
- 27 The Planning Statement at 5.3 maintains that this proposal conforms to Policy C28 and C 30 of the Adopted Local Plan, how can this be as no mention is made of details, layout design and material appearance of the proposed development.
- 28 Planning Statement (page 5) reference is made to the **Cotswold District Local Plan**. Does the developer intend that the Policies contained within that Plan to apply here?
- 29 The planning statement at 4.29 – 4.32 purports to consider the emerging Bloxham Neighbourhood Development Plan. If it had considered the BNDP then it would have noted the need for the specific type of housing shown to be required. However, the developers have made no effort to contact the villagers to discuss housing needs or preferred type of housing. If this applicant had fully considered the emerging BNDP, then they would have noted that the BNDP does not identify a need for the proposed type of housing. The Planning Statement (5.8) references that Policy C28 identifies that standards of layout, design and external appearance, including the choice of external finish materials are sympathetic to the character of the urban or rural context, Policy C30 also identifies that new housing developments must be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity. The application is in Outline and only including access. All other matters are for a Reserved Matters Application, however the DAS submitted identifies how the indicative master plan accords with both C28 and C30 and that stone will be used (4.29) yet the application form indicates only brick.
- 30 In the event that this site was considered suitable for development then the BNDP has already identified specific housing needs, including the need for suitable accommodation for the ageing population. This need has been consistently ignored by developers within Bloxham, resulting in a mismatch between the housing requirements of people within Bloxham and the houses constructed. BNDP identifies a need for housing suitable for both an aging and generally less mobile population.
- 31 The Transport Assessment submitted has results that demonstrate that the junction of Ells Lane and the A361 is forecast to operate within theoretical capacity during the 2016 design year with the addition of development traffic. However, this junction is forecast to be over capacity in the 2021 base scenario. The Parish Council ask CDC to take note of comments from residents as to **how** this survey was undertaken.
- 32 The mini roundabout has been modelled as a **standard** roundabout rather than a mini-roundabout. "This is because when modelled as a **mini** roundabout, the results are inconsistent with the operation and queues observed as part of the base traffic surveys, outlined in Chapter 2. This is not the case when modelled as a **standard** roundabout and the base queue results are generally consistent with the observed queue lengths." **This is not consistent with previous reports or indeed OCC's own views. OCC refer to the roundabout as a "mini roundabout " and there are consistently lengthy queues. Bloxham Parish Council would justifiably expect CDC to discount this data and seek accurate data for a mini roundabout..**
- 33 In addition Bloxham Parish Council questions why the requirement to test

Wykham Lane and Courtington Lane junctions appears to have been dropped?

- 34 It is the view of Bloxham Parish Council that no accurate assessment of the infrastructure in the village can be undertaken until the developments on Barford Road, Milton Road and Tadmarton Road, together with other minor developments in the village have been completed. It is already the case that the A361 is dangerous and congested in the village, that the primary school is full and that other services are over stretched. Failing this then the Parish Council ask that the Traffic Assessments submitted by both Gladman's (Barford Road) 12/00926/OUT and Frampton (Milton Road) (12/01139/OUT) together with the Traffic Survey commissioned by Bloxham Parish Council and submitted to both Inquiries be included in the assessment of this application.
- 35 Thames Water has requested both a "Grampian Condition" before development can commence and an Impact Study. Unfortunately the experience of the Parish Council is that these statements are not given due weight and as such do not appear to be fully considered when approvals have been given in the past. This has lead to several drainage strategies having to be revised after approvals and as in the case of Crab Tree Close, a secondary ditch had to be created, post development, to accommodate the flooding experienced in 2007.
- 36 The proposal is for the attenuation pond on the site to drain into the existing culvert in Crab Tree Close. Foul water is proposed to be discharged from the site via a pumping station to the foul gravity sewer on the Banbury road, that Thames Water have indicated could be at capacity.
- 37 Residents of Crab Tree Close have highlighted the problems experienced with the pumping station located in Crab Tree Close together with the ditch alongside Ells Lane.
- 38 *Bloxham Parish Council submit together with this application, a copy of the traffic survey commissioned by the Council.***

Milcombe Parish Council – Objects: wishes to object to this application because it is seriously concerned about any further development in Bloxham, which has already had more than double its allocation to 2031. Milcombe has also had a development of 29 properties in 2014, when it was originally only allocated infill and extensions/alterations to existing properties.

This application is totally unsustainable with regard to infrastructure – both villages suffering low water pressure, frequent power cuts, a sewage system causing problems – all outdated and unable to cope with the current number of properties without further development.

Both villages suffer traffic congestion, particularly from HGV's as many use the main road through Milcombe either via their 'sat.nav.' systems or by local companies making their way to the A361 and then on through Bloxham. There is little likelihood of any highway improvements for either village.

However, besides transport problems, the main concern is that of shared facilities between the villages, i.e. Doctors, Dentist and Schools, which are already full to capacity. The Horton General Hospital has been saved for the immediate future but will be hard pressed to cope with all the additional approved developments in the Cherwell pipeline.

Milcombe children are now having to attend schools in Hook Norton and Deddington when they should be accommodated at Bloxham Primary which is the closest school to Milcombe and part of the Bloxham Benefice and for which there is also school transport.

The Parish Council also has concerns regarding the single track of Ells Lane, which is used as a parking lot for parents dropping off and picking up from the Warriner and the dangers of having another access onto this country lane which this development will bring. There have been a number of accidents in recent years at the adjacent crossroads with Banbury Road and Grove Lane and this development will only add to the problem.

Any further developments in Bloxham will cause serious impact on the residents of Milcombe and therefore Milcombe Parish Council urges Cherwell Planning officers and the Planning Committee to refuse permission of this application.

Thames Water – No objections subject to condition requiring drainage strategy.

Cherwell District Council Consultees

- 3.2 **Housing** – This application for 30 units will require a 35% affordable housing provision to be made on site. This equates to 11 affordable units (not 10 as the applicant has stated). There should be a tenure split of 30% (3 units) shared ownership or some other form of intermediate housing agreed with the Council and 70% (8 units) affordable rented. The affordable homes should meet the HCA's Design and Quality Standards including the necessary HQI requirements. 50% (4 units) of the rented element should also meet the lifetime homes standards and one unit is to meet full wheelchair standards.

There is expected to be a range of house types made available for the affordable housing provision, the detail of which will be determined at reserved matter stage should this outline application be approved.

An indicative mix is proposed as follows:

Rent

- 4 x 1 bed (2 person) maisonette units
- 1 x 2 bed (3 person) bungalow
- 2 x 2 bed (4 person) houses
- 1 x 3 bed (5 person) house

Shared Ownership

- 2 x 2 bed (4 person) houses
- 1 x 3 bed (5 person) house

The affordable housing should be transferred to an RP which is agreed with the Council.

Landscape Officer – No stated objection. Comments as follows:

In respect of any important vantage points for visual receptors on local public rights of way the intervening topography, vegetation and existing residential development obscures the application site with its 'imagined' development. The proposed dwellings and road infrastructure will be contained behind existing structural vegetation and Crab Tree Close residential development. To the south and west the topography provides additional containment.

The main issue is the visual harm that this development will give to resident receptors on Crab Tree Close, specifically dwelling nos. 1 -14. With the proposed building line only 8 m from the resident's boundaries, in my estimation at year 1 and year 15 there will be a **Major adverse** and **major/medium adverse** effects respectively, to these residential receptors (as opposed to moderate adverse and minor adverse effects for VP 1 indicated in the LVIA. The proposed trees will have minimal mitigation effect culminating in light reduction/and shade to properties (during the early/late evening), even structural damage resulting in insurance claims against the party that owns the intervening buffer/POS.

The northern hedgerow to Ellis Land is to be retained and maintained to 3 m above ground level to provide screening from the lane.

The close proximity of the hedgerow on west facing elevations are going to exacerbate problems of light reduction to windows, over shading and other tree related issues. A 12 metre wide landscape/highway access buffer between the plots and the proposed trees of hedgerow/hedgerow trees [is] necessary in order to mitigate these problems, and enable the hedgerow to retain its informal outline and mature height to screen the development from Ells Road receptors

The southern hedgerow, again will give light reduction and issues to dwellings, if the intervening highway proposal is changed, especially as informal outline and mature height must be maintained to screen the built development from residences on Crab Tree Close, specifically between no 15 and 'New stones'. Reinforcement planting is required.

In order to ensure that the integrity of the field boundary hedgerows and trees a comprehensive tree survey is to be carried out by a qualified arboriculturalist in accordance with BS 5837. Canopy extents and root protection areas are to be indicated on a survey plan. This information should be submitted as early as possible...

The location of the play area (a LAP) means that it is disconnected in terms of physical and visual accessibility: the facility should be integrated and therefore connected to the housing infrastructure where children and carers have a minimum 1 min walking distance from the furthest dwelling. For reason of improving safety of young children natural surveillance is required from dwellings and adjacent footways. For a reduction in disturbance to the lives of residents the facility must have a minimum 5 m landscape buffer zone between frontages and play activity area. CDC current Developer Obligations SPD should be consulted in respect of quality and standards.

With consent the aforementioned hedgerows are to be retained under the relevant planning conditions.

If consented the field parcel to the south must be retained as POS in perpetuity to protect the intrinsic landscape character and prevent further residential development. This POS will be fully accessible for all users in this respect DDA compliant paths will have to be considered.

Full hard and soft landscape proposal details along with maintenance and future management proposals are required for all landscape/POS/play areas, including the street scene.

Recreation, Health And Communities – Makes Section 106 contribution requests towards public art provision (£150 per dwelling) and community hall

provision (to be used to enhance facilities at Jubilee Hall, Bloxham) on the following basis:

Size of property	Contribution per dwelling based on figures @2014/15 and subject to inflation as appropriate @ April 2015
1 bed	£103.30
2 bed	£149.14
3 bed	£232.16
4 + bed	£319.26

The given justification for community hall contribution is Planning Obligations SPD (Section 6, Section 14, Appendix I (i), Appendix B (ii), Appendix I (ii) (2010 figures plus annual RPI).

Oxfordshire County Council Consultees

3.3 **Highways** – No objections subject to conditions requiring access details, visibility splays, estate roads, drainage strategy, construction traffic management plan and public rights of way; and makes Section 106 contribution requests towards transport infrastructure (£41,354), local bus service (£30,044), bus passenger facilities (£8,000), improvements to public rights of way in vicinity (£15,000). Also advises that there would need to be a Section 278 agreement catering for various off site highway improvements – localised widening of carriageway including new access and ‘Speed Limit Review’ (60mph/30mph relocation) involving Traffic Regulation Order.

Archaeology – Objects: The site is located in an area of archaeological interest adjacent to a Middle Iron Age settlement site. Further information, in the form of an archaeological evaluation, will need to be provided ahead of the determination any planning permission for the site in order that the impact on any surviving features can be assessed.

Detailed comments: The building concerned lies within an area of some archaeological interest located adjacent to the site of an excavated middle Iron Age farmstead and isolated features dating to the middle Bronze Age or Early Iron Age. These features consisted of an Iron Age round house and a number of linear features along with a cremation burial. Further Iron Age material and features were recorded 180m south east of the proposed site.

Romano British finds including the upper part of a cone-shaped quern, bones, coarse potsherds and a spindle-whorl were recovered from a clay pit 300m south of the site. No archaeological investigation was carried out on site at the time but the pottery was dated to the Roman period and the finds suggest nearby Roman and Iron Age occupation.

These features could continue into the site and therefore further information in the form of an archaeological evaluation will need to be submitted in order that the impact of this development on any survive archaeological features can be taken into account as set out in the National Planning Policy Framework (2012) paragraph 128. In accordance with the National Planning Policy Framework (NPPF), we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation.

This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

Education – Objects, on the grounds of the proposal's impact on grounds of lack of primary school provision and the resultant impact on community cohesion and sustainability. Any further housing development beyond that already approved will result in a significant risk that even some children living within the village, applying on time for a school place, may not be able to secure a place at the school. No further housing development should be permitted unless a feasible and viable solution to primary school capacity in the village can be provided. Such a solution would be expected to include additional site area being provided for the school, and also significant additional accommodation for the school.

In addition, Expansion of secondary school capacity in the area would be necessary as a direct result of housing development. This area feeds to the Warriner School, which is regularly oversubscribed, and effectively full.

Should the LPA grant this application against this objection, OCC (Education) makes Section 106 contribution requests towards primary school expansion (£175,699) and secondary school expansion (£203,361).

Comments that a special educational needs (£9,089) would normally be required, but cannot be required in this instance due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended).

Property – No objection subject to conditions requiring fire hydrants; and makes Section 106 contribution requests towards Administration and Monitoring (£3,750).

Comments that contributions would normally be sought towards local Library (Adderbury) (£6,874.80), Central Library (£1,387.09), Waste Management (£5,176.32), Museum Resource Centre (£404.40), Integrated Youth Service (£1,423.62) and Adult Day Care (£6,655.00), but cannot be required in this instance due to the pooling restrictions contained within Regulation 123 of the Community Infrastructure Regulations 2010 (as amended).

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H5: Affordable housing provision

H13: The Category 1 settlements

H18: New dwellings in the Countryside

R12: Provision of open space

C7: Landscape conservation

C8: Sporadic development in the open countryside

C13: Areas 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

4.2 Other Material Policy and Guidance

National Planning Policy Framework (“the Framework”)

Paragraphs 6 – 9, 13, 14, 17 (presumption + core planning principles), 18, 19, 20 (economy), 29 – 36 (transport), 47, 49, 50, 52 (housing), 56 – 66 (design), 69, 70, 75 (healthy communities), 93 – 104 (climate change and flooding), 109 – 125 (natural environment), 126 – 139 (historic environment), 186 – 206 (decision taking) and 216 (weight given to policies in emerging plans)

National Planning Practice Guidance (“the PPG”)

Submission Cherwell Local Plan (January 2014)

The Submission Local Plan has been through public consultation and was submitted to PINS 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 SCLP 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 Framework. The policies listed below are considered to be material to this case:

Submission Cherwell Local Plan Policies:

BSC3: Affordable Housing

BSC4: Housing Mix

BSC10: Open space, outdoor sport and recreation provision

BSC11: Local Standards of provision – outdoor recreation

ESD3: Sustainable construction

ESD7: Sustainable Drainage Systems

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

Policy Villages 1: Village Categorisation

Policy Villages 2: Distributing Growth Across Rural Areas

Strategic Housing Land Availability Assessment Update 2014 (SHLAA)

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

The site is included in the SHLAA Update 2014 (Aug 2014) with the site reference BL044. The site was in the list of rejected sites due to *“Due to its location, residential development at the site would likely have a poor relationship with the existing village and be incongruous to the existing settlement pattern, and therefore would not be suitable.”*

5. Appraisal

5.1 The key issues for consideration in this application are:

- District housing land supply

- Principle of development
- Pre-submission Bloxham Neighbourhood Plan
- Impact on the character of the area
- Heritage impact
- Residential amenity
- Accessibility
- Transport impact
- Biodiversity impact
- Loss of agricultural land
- Flood risk and drainage
- Pollution control
- Community infrastructure impact
- Affordable Housing
- Planning balance

District housing land supply

- 5.2 The five year land supply was comprehensively reviewed for the 2014 Annual Monitoring Report (“the AMR”) which was published on 31 March 2015. The AMR concluded 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 is 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 of 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. The presumption in favour of sustainable development, as advised by the Framework, will therefore need to be applied in this context.

Principle of development

- 5.3 Paragraph 11 of the Framework 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 a green field site outside the built-up limits of the village, in open countryside. The proposal is for a large scale residential development with associated infrastructure, and would result in a substantial change to the character and appearance of the site and its surroundings. The proposal would therefore 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.
- 5.5 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.
- 5.6 The need to have regard to the development plan is qualified by the presumption in favour of sustainable development at Paragraph 14 of the Framework. 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 Framework] 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 Framework

clarifies that: *due weight should be given to relevant policies in existing plans according to their degree of consistency with [the Framework].*

- 5.7 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 Framework, the relevant saved policies of the Cherwell Local Plan relevant to the supply of housing are 'out-of-date'.
- 5.8 The 2014 AMR shows that the Council can now demonstrate a defensible five year housing land supply as well as meeting the Local Plan housing requirement of 22,840 dwellings by 2031 as set out in the 2014 Oxfordshire SHMA, and it is therefore considered that the relevant policies of the Local Plan are no longer 'out-of-date' for the purposes of Paragraph 49 of the Framework.
- 5.9 However, 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 Framework. 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 Framework, these Policies cannot be afforded full weight.
- 5.10 Nevertheless, officers consider those policies can still be afforded some weight insofar as they are broadly consistent with Paragraph 17 of the Framework, 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."*
- 5.11 The Submission Cherwell Local Plan (SCLP), 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 SCLP are a material consideration in determining planning applications.
- 5.12 There are a number of unresolved objections in respect of the housing policies contained in the SCLP, 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.
- 5.13 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"*. Bloxham is identified as a Category A village, and so is considered suitable in principle to accommodate some additional housing under draft Policy Villages 2.
- 5.14 However, the Council's 2014 AMR (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 a residual unmet allocation of

275 homes to be delivered across the Category A villages under draft Policy Villages 2.

- 5.15 In addition, Bloxham has seen a higher level of growth compared to other Category A villages such as Adderbury, Deddington and Hook Norton. For the period 2011 to 2014 there has been 72 completions at Bloxham compared to 5 completions at Adderbury, 6 at Deddington and 5 at Hook Norton. When considering further historic completions, Bloxham has provided more housing completions than other Category A villages.
- 5.16 As at 31 March 2014 planning consents have been given for 6,522 dwellings across the district, of which 236 were located at Bloxham. The total number of commitments at Bloxham, on sites of 10 or more, is 220 dwellings: Land South of Milton Road (85 dwellings); Land adjoining and South of St Christopher Lodge, Barford Road (75); and Land to the South West of Tadmarton Road (60).
- 5.17 It is considered that to permit a further 30 homes to be developed would amount to an undesirable over-concentration of new housing development in Bloxham 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 Bloxham Neighbourhood Plan (BNDP).
- 5.18 Therefore, and in the context of the Council being able to demonstrate an up-to-date 5 year housing land supply, it is considered the current proposal is unnecessary, undesirable, unsustainable and unacceptable in principle in this rural location.

Pre-submission Bloxham Neighbourhood Plan

- 5.19 A pre-submission Bloxham Neighbourhood Plan was published for public consultation between 10 January 2015 and 22 February 2015. The Parish Council will consider the representations prior to amendments and submission of the Plan to Cherwell District Council where further consultation will take place.
- 5.20 It is considered that the BNDP has not yet reached a stage in the plan process where it can be given any significant weight. This point will have been reached when the draft BNDP, taking account of the comments received to the Pre-submission version, has been through a six week formal consultation and is ready to be submitted to an Examiner for consideration against the basic conditions of the Neighbourhood Plan regulations.

Impact on the character of the area

- 5.21 It is noted that the Parish Council and a significant number of local residents have also raised objections on the grounds of landscape and visual impact.
- 5.22 The site is in open countryside and contributes to the rural character, quality and amenity of the area, in particular the rural character and setting of Bloxham 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.
- 5.23 The Illustrative Masterplan shows development confined to the flatter, northern field, and the application is assessed on this basis.
- 5.24 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."*

- 5.25 The Landscape and Visual Impact Assessment (LVIA) 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,

"...magnitude of impact on the landscape character of the site will be medium. Assessed alongside the medium sensitivity, this will result in a moderate adverse effect at a site level" (para 5.21), and,

"...the site forms only a very limited area of the Ironstone Hills and Valleys LCA and due to the scale and containment of the site, the relationship between the site and the wider LCA is limited. Therefore the magnitude of impact on the wider area of the Ironstone Hills and Valleys LCA overall will be negligible. Assessed alongside the medium sensitivity, this will result in a neutral/negligible effect on the LCA." (para 5.22)

- 5.26 Although the Council's landscape officer disagrees with the some of the LVIA's conclusions on the proposal's impact on local residents' outlook, he does not disagree with the overall conclusions quoted above and does not object to the application on grounds of landscape impact.

- 5.27 Overall, on the basis that development would be confined to the flatter, northern field, it is considered that the site is relatively visually contained and the proposal would not adversely affect the wider landscape.

- 5.28 However, it remains the case that the site lies outside the built-up limits of the village, would extend development into the countryside and as such is contrary to saved policies in the adopted Local Plan for protection of the countryside. Officers consider this to be a significant and demonstrable harm to be taken into account in the planning balance.

- 5.29 In addition, it is considered that, having regard to its location, residential development at this site would have a poor and incongruous relationship with the form, character and pattern of the existing settlement. Whereas the Crab Tree Close is directly adjacent to, and relates well to the Banbury Road, the application site fronts onto Ells Lane, effectively turning the corner away from Banbury Road and heading west into the countryside, relating much more to the countryside than to the built form of the village. Its development would therefore have an adverse effect on the character and appearance of the countryside.

- 5.30 This impact would be emphasised by the proposed improvement works required to Ells Lane which, it is considered, would in themselves have a detrimental impact on the character and appearance of the area.

- 5.31 The landscape officer advises that the local area of play (LAP) must be sited within the development rather than the adjacent field, and this would need to be required by way of a legal agreement.

Heritage impact

- 5.32 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”*.
- 5.33 Paragraph 132 of the Framework 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.”*
- 5.34 In this instance, the proposed development would undoubtedly diminish the countryside setting of the historic village, in views along one of the primary routes into the village, but would not have a significant impact on either the designated Bloxham Conservation Area or any listed buildings, and overall the proposal is considered acceptable in this regard.
- 5.35 However, the site is located in an area of archaeological interest adjacent to a Middle Iron Age settlement site, and it is considered that further information, in the form of an archaeological evaluation, would need to be provided ahead of the determination any planning permission for the site in order that the impact on any surviving features can be assessed.
- 5.36 Paragraph 128 of the Framework 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. This weighs significantly against the proposal.

Residential amenity

- 5.37 Local residents have raised objections in this regard, and the proposal would have a discernible impact on the outlook of neighbouring residents, particularly nos. 1 to 18 Crab Tree Close.
- 5.38 However, having regard to the Illustrative Masterplan, it is considered that there would be 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. This conclusion is based on the premise that the indicative

development block closest to Crab Tree Close would include blank side elevations facing eastward towards to Crab Tree Close.

- 5.39 With regard to the amenity of the proposed residents, the Design and Access Statement (paragraph 4.2, page 25) suggests a density of 37 dwellings per hectare, based on a developable area of 0.81 ha. This is considered to be a high density for an edge of village location, but adequate to ensure a satisfactory standard of amenity (e.g. distances between facing windows, outdoor amenity space) can be provided. This conclusion is based on the premise that the 'middle' block as shown on the Illustrative Masterplan would have the highest density, while the countryside edge block and the block closer to Crab Tree Close would have a lower density.
- 5.40 Overall, having regard to the above, and subject to the provisos noted above, the proposal is considered acceptable in residential amenity terms and would thus comply with CLP Policy C28 and SCLP Policy ESD16. This weighs in favour of the proposal.

Accessibility

- 5.41 The representations of several Crab Tree Close residents give the strong impression that pedestrian access from the site to the Close would not be possible as intended by the applicant. This would have a negative implication for the site's accessibility credentials.
- 5.42 The site is located more than 800m (15mins) walking distance from the village centre, and none of the key amenities in the village (e.g. food shop, post office, primary school, GP surgery, public house) are within this recognised walking distance. Only the secondary school (approx. 320m) is within walking distance.
- 5.43 For these reasons, it is considered that the proposal would not be well connected to existing development, and future occupiers would be overly reliant on the use of the private motor vehicle, which would not be in the best interests of sustainable development. This weighs significantly against the proposal.
- 5.44 The pedestrian link through Crab Tree Close would need to be provided for the development to be adequately connected to existing development, and the applicant would need to demonstrate that this connection could be achieved.

Transport impact

- 5.45 Concerns have been raised by the Parish Council and local residents with regard to the proposal's potential transport impacts, in particular the impact of additional traffic flows on the local road network.
- 5.46 The local highway authority (LHA) advises that, subject to conditions requiring access details, visibility splays, estate roads, drainage strategy and construction traffic management plan, and a Section 278 agreement to provide for various off site highway improvements (inc. localised widening of carriageway including new access and 'Speed Limit Review' (60mph/30mph relocation) involving Traffic Regulation Order), the proposal is acceptable in highway safety terms.
- 5.47 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 Section 106 legal agreement, as recommended in OCC Highways' response.

Biodiversity impact

- 5.48 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”*.
- 5.49 A detailed Ecological Appraisal has been submitted with the application. The Council’s Ecology officer has not objected to the application and it is therefore considered that, 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

- 5.50 The Council’s records and the Planning Statement submitted with the application indicate that the proposal would result in the loss of approx. 3.2 ha of best and most versatile agricultural land. The Framework 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 partially comprises grade 2 land.
- 5.51 Paragraph 112 of the Framework 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”.
- 5.52 It is the case that most of the agricultural land surrounding Bloxham 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 Bloxham in the next 5 years.
- 5.53 In particular, in respect of the remaining balance of 275 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

- 5.54 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.
- 5.55 A detailed Flood Risk Assessment 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

- 5.56 Having regard 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.
- 5.57 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

- 5.58 Having regard to the scale and residential nature of the proposed development, 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 responses have provided evidence that this would indeed be the case, with requests for contributions to be secured via a Section 106 legal agreement, to mitigate the impacts of the development in this respect.
- 5.59 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 Section 106 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”*.
- 5.60 Although the applicant has indicated a willingness to enter into a Section 106 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.

Education provision in Bloxham

- 5.61 With particular regard to primary education in Bloxham, Bloxham Primary School has been expanded to the full extent of its site capacity, and further population growth in the village is likely to mean that not all children who live within the catchment will be able to secure a place at the school. However, some parts of the Bloxham catchment area are shared with three other schools. Although these schools are also under pressure, one (Hook Norton) is planned to expand in 2015, and at least one other school is expected to expand subsequently.
- 5.62 The County Council (OCC) has advised that the residential development already granted in Bloxham is expected to mean that, (a) children moving in already of

primary age are likely to have to travel to another school, with the consequent travel costs and inconvenience to parents; (b) the school will have to turn away younger siblings of out-of-catchment children who were able to get in while local demand was lower, with the consequent loss of amenity to existing residents; and (c) in the smaller villages surrounding Bloxham, which have historically fed to Bloxham Primary School, it is likely that children will need to attend a different primary school, this being made possible by the expansion of that school.

- 5.63 In addition, OCC advises that further housing development would bring a significant risk that even some children living within the village, applying on time for a school place, may not be able to secure a place at the school. This would be detrimental to community cohesion and sustainability.
- 5.64 On these grounds, OCC therefore recommends that no further housing development should be permitted, unless a feasible and viable solution to primary school capacity in the village can be provided. Such a solution would be expected to include additional site area being provided for the school, and also significant additional accommodation for the school.
- 5.65 Officers note this is a materially and significantly different position to that taken by OCC at the time of previous applications for residential development in Bloxham.
- 5.66 With regard to secondary education provision in Bloxham, expansion of secondary school capacity in the area would be necessary as a direct result of housing development. This area feeds to the Warriner School, which is regularly oversubscribed, and effectively full.
- 5.67 Paragraph 72 of the Framework makes clear that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to expand schools to maintain, or widen choice in education. Without expansion of the Warriner School, housing development would adversely impact on the operation of parental preference and result in a loss of amenity to young people already living in the area, who would be less likely to secure a place at their first preference school as a direct result. As such it would go against the intention of Framework para 72 by reducing the choice of school places available to meet the needs of existing and new communities.
- 5.68 If the Warriner School is not expanded, children who would otherwise have attended the school would be displaced to other schools in nearby Banbury. These schools currently have spare places, but these places will be filled as a result of the population growth which is already evident in the local primary schools. Secondary school capacity in Banbury will need to be expanded as these higher pupil numbers feed through, and therefore should the schools also be required to accommodate growth as a result of housing development in Bloxham, the scale of expansion would be greater as a consequence. Expansion of secondary school capacity either at the Warriner School or at schools in Banbury is therefore necessary to ensure the needs of the current and future populations can be met, and to ensure the council can meet its statutory duty to ensure sufficient school places.
- 5.69 While the effects on secondary provision can be met through financial contributions secured via Section 106 agreement, it is considered that the position on primary education is materially different (as at para 5.79 above). The proposal's impact on primary education provision weighs significantly against the proposal.

Affordable housing

- 5.70 The applicant proposes 10 units of affordable housing (AH), whereas the Council's Housing Officer advises that 11 AH units will be needed in order to achieve the requisite 35% AH provision. The Housing Officer advises on the required tenure split and mix (see para 3.2 of this report), and comments that a range of house types will be expected for the AH provision, the detail of which would be determined at reserved matter stage should the outline application be approved.
- 5.71 Subject to the applicant's agreement to 11 AH units rather than 10, the provision of affordable housing weighs significantly in favour of the proposal.

Planning balance

- 5.72 Paragraph 14 of the Framework 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 Framework 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.
- 5.73 The proposed development would undoubtedly deliver social benefits in terms of meeting housing need, including the provision of on-site affordable housing and public open space – subject to the applicant's agreement to changes to the submitted proposal in the case of both. 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.
- 5.74 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.
- 5.75 In summary these are an over-concentration of new housing in Bloxham 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 site's poor and incongruous relationship with the form and pattern of the settlement, significant and demonstrable harm to the character and appearance of the area compounded by the engineering works required to Ells Lane, the site's relatively poor accessibility to the village's key amenities, the loss of some of the best and most versatile agricultural land, and an adverse effect on education provision in the village,
- 5.76 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.
- 5.77 In the context of the Council being able to demonstrate an up-to-date 5.1 year housing land supply there is a 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.

5.78 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.

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 Bloxham 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 National Planning Policy Framework in particular paragraphs 7, 8, 9, 10, 14 and 17 and section 7 'Requiring good design', and the national Planning Practice Guidance.
2. By reason of its location, the proposal would have a poor and incongruous relationship with the form, character and pattern of the existing settlement. Whereas the Crab Tree Close is directly adjacent to, and relates well to the Banbury Road, the application site fronts onto Ells Lane, effectively turning the corner away from Banbury Road and heading west into the countryside, relating much more to the countryside than to the built form of the village. Its development would therefore have an adverse effect on the character and appearance of the countryside. This identified harm would be emphasised by the proposed improvement works to Ells Lane - required to make the highway safe for additional residential development - which would in themselves have a detrimental impact on the character and appearance of the area. 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 National Planning Policy Framework, in particular paragraph 17 'Core planning principles' and section 7 'Requiring good design', and the national Planning Practice Guidance.
3. By reason of the lack of primary education places available and the quantum of development already permitted in Bloxham, the proposal would result in a significant risk that even some children living within the village, applying on time for a school place, may not be able to secure a place at the school. This would be detrimental to the cohesion and sustainability of Bloxham as a community. Therefore the proposal conflicts with the National Planning Policy Framework, in particular paragraphs 14 (the presumption in favour of sustainable development), 17 (core planning principles), 72 (choice of school places), and the national Planning Practice Guidance.

4. By reason of its location more than 800m walking distance from the village centre and any key amenities in the village (e.g. food shop, post office, primary school, GP surgery, public house), the proposal would be poorly connected to existing development, such that future occupiers would not have a realistic choice of means of travel, and would have an adverse impact on the character of the area. Therefore the proposal conflicts with Policies C27, C28 and C30 of the adopted Cherwell Local Plan, draft Policies ESD13 and ESD16 of the Cherwell Submission Local Plan, the National Planning Policy Framework, in particular paragraph 17 'Core planning principles' and section 7 'Requiring good design', and the national Planning Practice Guidance.
5. By reason of the siting and size of the development and the resulting loss of some 3.2 hectares of grade 2 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 National Planning Policy Framework, in particular paragraphs 17, 28, and 112, and the national Planning Practice Guidance.
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 national Planning Practice Guidance.

Planning Notes

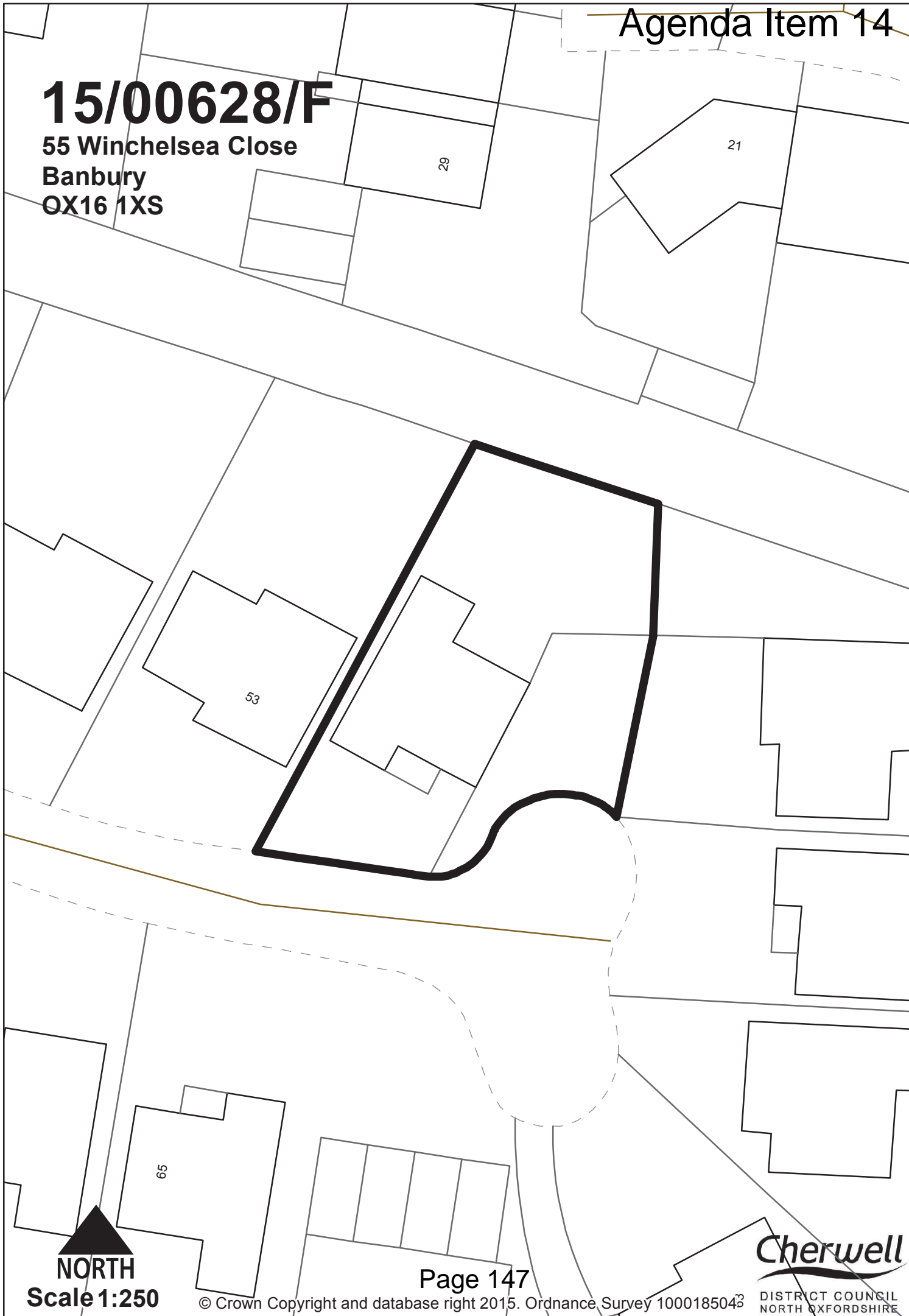
1. The plans and documents relating to this decision are: Drawing Nos. "C.0542_03" (Illustrative Masterplan) and "7641a" (topographical survey), a Site Location Plan, Design & Access Statement, Planning Statement, Flood Risk Assessment and water management plan (Transport Planning Associates, March 2015), Ecological Appraisal (FPCR, Jan 2015), Landscape and Visual Assessment (Pegasus, March 2015), and transport assessment (Transport Planning Associates, March 2015).

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.

15/00628/F

**55 Winchelsea Close
Banbury
OX16 1XS**



NORTH

Scale 1:250

15/00628/F

55 Winchelsea Close

Banbury

OX16 1XS



Cherwell



NORTH

Site Address:
55 Winchelsea Close, Banbury

15/00628/F

Ward: Banbury Hardwick

District Councillor(s): John Donaldson, Tony Ilott and Nicholas Turner

Case Officer: Matthew Parry

Recommendation: Approval

Applicant: Mr Ryan Jarvis

Application Description: Change of use of land to residential garden curtilage and erection of a 1.8m fence

Committee Referral: Applicant is a relative of a Council employee

Committee Date: 11th June 2015

1. Site Description and Proposed Development

1.1 The application site relates to part of a corner of grassland set in between houses in a cul-de-sac of a modern suburban residential area of North Banbury. The site lies within the ownership of its adjoining property, 55 Winchelsea Close, but it does not form part of its residential curtilage despite it occasionally being used for the storage of domestic paraphernalia.

1.2 The application seeks consent for the change of use of part of the land to a residential garden in connection with 55 Winchelsea Close. A 1.8m high close boarded fence is proposed around the land. As part of the application process amended plans have been submitted that reduce the area of land for which the change of use is sought so that it does not include the land immediately adjacent to the estate road. These amendments reduced the impact of the development and so were not subject to separate public consultation.

2. Application Publicity

2.1 Neighbour notification letters have been sent out and a site notice displayed near to the land allowing at least 21 days for public comments.

One third party objection received from No. 57 Winchelsea Close citing the following concerns:

- Elimination of open space environment of the estate;
- Would create "Box Type" environment with a danger of precedent being set changing the appearance of the road;
- Restrict views from neighbouring property.

3. Consultation Responses

3.1 Banbury Town Council – Support the proposals

3.2 Local Highway Authority (Oxfordshire County Council) – No objection

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4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policies

Adopted Cherwell Local Plan (LP) (Saved Policies)

- C28: Layout, design and external appearance of new development
C30: Design of new residential development

4.2 Other Material Planning Considerations:

Cherwell Submission Local Plan (SLP)

The Cherwell Submission Local Plan (February 2015) (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 SLP 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. A schedule of minor modifications and other documents arising from the hearings were submitted to the Inspector on 6th February 2015 and the Inspector's report is due to be published in June 2015. Although the SLP does not have Development Plan status, it is a material planning consideration which gains in weight as it advances through the preparation process. The following policy in the SLP is considered to be relevant to this application:

ESD16: Character of the built environment

National Planning Policy Framework (NPPF) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (PPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

5. Appraisal

5.1 Officers' consider the key issues for consideration in this application to be:

- Effect on the Character and Appearance of the Area;
- Impact on Neighbouring Amenity.

Effect on the Character and Appearance of the Area

5.2 Policies C28 and C30 of the Adopted Cherwell Local Plan (LP) require new housing development to be compatible with the appearance, character and layout of the surrounding residential area. Emerging Policy ESD16 of the SLP has similar requirements and states that development of all scales should be designed to improve the quality and appearance of an area and the way it functions. Both adopted and emerging policies are consistent with national policy set out in the NPPF.

5.3 The suburban character of the housing development results from, in part, the gaps between and around houses. Whilst houses generally features typical close boarded fences between their gardens this is not replicated along the street frontage where houses tend to be set back within their plots to allow for off-street car parking and small gardens.

- 5.4 Within Winchelsea Close the density of development increases a little though there is a small open area of grassland to the side of the application property which softens the transition around the curved turning head. This land abuts the front garden of 57 Winchelsea Close. Whilst the land is within the ownership of residents of 55 Winchelsea Close it does not form part of their enclosed garden and is not bounded by a fence for privacy.
- 5.5 The formal change of use of the land would not in itself necessarily have an effect on its appearance, but a 1.8m high close boarded fence is also proposed around it. However, the application only seeks the change of use of part of this land so the fence is shown to be erected approximately half-way back into the site. This ensures that a meaningful grass covered gap would remain such that the proposals would not unduly detract from the contribution that the open corner makes to the suburban character of the cul-de-sac. In any event, a similar fence could be erected at any time without the benefit of planning permission and weight should be given to this possibility.
- 5.6 Having said that, conversion to residential use would bring eligibility for permitted development rights to construct potentially significant sized garden buildings which, as a result of the site's corner location, could make them quite prominent. To ensure that control is retained over such buildings a condition is recommended to be imposed removing permitted development rights to construct incidental outbuildings on the land.
- 5.7 Subject to this condition, officers are satisfied that the proposed development would be visually appropriate to the site's suburban context in accordance with the requirements of the aforementioned planning policies.

Impact on Neighbouring Amenity

- 5.8 Policy C30 of the LP requires acceptable standards of residential amenity to be provided as part of new development which is consistent with the core principles of the NPPF. Whilst some concern has been raised by an occupier of a neighbouring property that the erection of a fence could detract from the outlook from the front of No. 57 Winchelsea Close, now that the position of the fence has been set back significantly from the road frontage it would not result in an undue feeling of enclosure for the neighbouring dwelling that would be out of character with the typical density and layout of the estate. As set out previously, it should also be recognised that a similar fence could be erected at any time without being subject to planning control and weight should be afforded to this potential fallback position. For these reasons officers are therefore satisfied that the proposals would not have a significant adverse effect on neighbouring living conditions.

Conclusion

- 5.9 The proposals would not have a material adverse effect on the suburban character of the area and similarly would not cause significant harm to neighbouring living conditions. As a result the proposals are considered to accord with the requirements of all relevant development plan policies and Government guidance such that officers recommended approval accordingly.

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: Plan 1.1.

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

3 Notwithstanding the provisions of Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no structure shall be erected on the land without the prior express planning consent of the Local Planning Authority.

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.

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 the decision has been made in an efficient and timely way.

CONTACT OFFICER: Matthew Parry

TELEPHONE NO: 01295 221837

Cherwell District Council

Planning Committee

11 June 2015

<p>Decisions Subject to Various Requirements - Progress Report</p>

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 :	
	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	
13/01811/OUT	Land at Dow Street, Heyford Park, Upper Heyford Subject to legal agreement with CDC/OCC	
14/00697/F (21.5.15)	Land off Skimmingdish Lane ,Bicester Subject to legal agreement to secure infrastructure contributions and affordable housing	
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	
14/00962/OUT (27.11.14)	Land S of High Rock, Hook Norton Rd. Sibford Ferris Subject to legal agreement to secure the affordable housing	
14/01205/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	

14/01762/F (19.3.15)	Swalcliffe Park, Equestrian, Grange Lane, Swalcliffe Subject to finalisation of the noise management plan Permission issued
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
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 to Members information only
5.0	Implications
5.1	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
5.2	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 and Litigation, 01295 221687, nigel.bell@cherwell-dc.gov.uk
5.3	Risk Management

6.0	<p>This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.</p> <p>Comments checked by: Nigel Bell, Team Leader – Planning and Litigation, 01295 221687, nigel.bell@cherwell-dc.gov.uk</p> <p>Decision Information</p> <p>Wards Affected</p> <p>All</p> <p>Links to Corporate Plan and Policy Framework</p> <p>A district of opportunity</p> <p>Lead Councillor</p> <p>None</p> <p>Document Information</p>	
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Appendix No	Title
None	
Background Papers	
None	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 bob.duxbury@cherwell-dc.gov.uk

Cherwell District Council

Planning Committee

11 June 2015

Appeals Progress Report

Report of Head of Development Management

This report is public

Purpose of report

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

2.1

14/01827/OBL – The Tally Ho In, 45 Ploughley Road, Arncott, OX25 1NY – appeal by Mr John Attley against the refusal of a variation of planning obligation to approved application 13/01576/OUT.

14/01861/F + 14/01862/LB – The Malt House, Weston Road, Bletchingdon, OX5 3DH – appeal by Mr A Jordan and Ms N Roberts against the refusal of planning and listed building consent for the erection of two storey rear extension and first floor side extension including works to adapt dwelling. Raising roof of outbuilding to rear garden. Widening of existing entrance in frontage wall and provision of off-street car parking area.

15/00244/PAMB – Barn West of North Aston to Somerton Road, OX25 6HX – appeal by Mr Clive Busby against the refusal of Change of Use of agricultural building to a dwellinghouse (Use Class C3) and for associated operational development.

Results

Inspectors appointed by the Secretary of State have:

Allowed the appeal by Ms Juliana Duka against the refusal of application 14/01848/F for a single storey garden room at 4 Axtell Close, Kidlington, Oxfordshire, OX5 1TW (Delegated) – The Inspector concluded that the main issue was the effect of the proposal on the character and appearance of the area. However considering the site locality and similar boundary treatments in the area, the Inspector did not consider that the fence would be either inappropriate or unduly prominent in the street scene. As such the proposal would not harm the character and appearance of the area and there would be no conflict with Policy C28 of the Cherwell Local Plan.

Dismissed the costs application made by Ms Juliana Duka against the refusal of application 14/01848/F for a single storey garden room at 4 Axtell Close, Kidlington, Oxfordshire, OX5 1TW (Delegated) – The Inspector concluded that they did not find any evidence of unreasonable behaviours resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Allowed the appeal by Mr and Mrs P Kyte against the refusal of 14/00447/LB and 14/00448/F for planning and Listed Building consent to build 1 no. new dwelling and repositioning of front boundary wall without complying with conditions 2 and 10 attached to planner permission 12/00059/F, dated 22 March 2012 at 17 Freehold Street, Lower Heyford, Bicester, OX25 5NS (Delegated) – The Appeal was split into Appeal A for planning permission and Appeal B for listed building consent.

The main issues, that the Inspector took into consideration were regarding the listed boundary wall should be retained in its current form and regularised; secondly, the suitability of the vehicular access to the appeal property.

The Inspector concluded that the heritage benefits of retaining the boundary wall its current position outweigh the limited worsening of visibility on leaving the appeal site. The appeal proposal preserves the special architectural and historic interest, or the significance, of the curtilage listed wall and preserves the character and appearance of the Rousham Conservation Area. It therefore accords with Government guidance set out in the Framework and the similar objectives of Policy ESD16 of the Submission Cherwell Local Plan (January 2014) which seeks to conserve the character of the built and historic environment, including the respecting landscape features for high quality design set out in Policy C28 of the Cherwell Local Plan which is also broadly consistent with the Framework. Accordingly conditions 2 and 10 are varied in accordance with the submitted details and listed building consent is granted for the boundary wall as detailed in both applications. As the works have already been carried out there is no need for any conditions.

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.

Kate Crussell, Service Accountant, 01327 322188,
Kate.Crussell@cherwellandsouthnorthants.gov.uk

Legal Implications

- 5.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

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

Risk Management

- 5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

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

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Appendix No	Title
None	
Background Papers	
None	
Report Author	Tom Plant, Technical Support Officer, Development Directorate
Contact Information	01295 221811 tom.plant@cherwell-dc.gov.uk