

**Committee:** Planning Committee  
**Date:** Thursday 9 July 2015  
**Time:** 4.00 pm  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

### Membership

<b>Councillor Colin Clarke (Chairman)</b>	<b>Councillor Fred Blackwell (Vice-Chairman)</b>
<b>Councillor Michael Gibbard</b>	<b>Councillor Chris Heath</b>
<b>Councillor David Hughes</b>	<b>Councillor Russell Hurle</b>
<b>Councillor Matt Johnstone</b>	<b>Councillor Mike Kerford-Byrnes</b>
<b>Councillor James Macnamara</b>	<b>Councillor Alastair Milne Home</b>
<b>Councillor Richard Mould</b>	<b>Councillor Lynn Pratt</b>
<b>Councillor Nigel Randall</b>	<b>Councillor G A Reynolds</b>
<b>Councillor Barry Richards</b>	<b>Councillor Trevor Stevens</b>
<b>Councillor Lawrie Stratford</b>	<b>Councillor Rose Stratford</b>

### Substitutes

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

## 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 - 18)

To confirm as a correct record the Minutes of the meeting of the Committee held on 11 June 2015.

#### 6. **Chairman's Announcements**

To receive communications from the Chairman.

### **Planning Applications**

- |     |   |                     |
|-----|---|---------------------|
| 7.  | <b>1 Hyde Grove, Bloxham</b> (Pages 21 - 29)  | <b>15/00263/F</b>   |
| 8.  | <b>3 Oxford Road, Kidlington, OX5 2BP</b> (Pages 30 - 39)   | <b>15/00688/F</b>   |
| 9.  | <b>Site C Plougly Road &amp; Site D &amp; E Ambrosden Road MOD Bicester Upper Arccott</b> (Pages 40 - 66) | <b>15/00695/OUT</b> |
| 10. | <b>The Pits, The Moors, Kidlington</b> (Pages 67 - 95)  | <b>15/00723/F</b>   |

### **Review and Monitoring Reports**

#### 11. **Decisions Subject to Various Requirements** (Pages 96 - 99)

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.

## 12. **Appeals Progress Report** (Pages 100 - 104)

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](mailto: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 1 July 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 11 June 2015 at 4.00 pm

Present: Councillor Fred Blackwell (Vice-Chairman, in the Chair)

Councillor Michael Gibbard  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Matt Johnstone  
Councillor James Macnamara  
Councillor Alastair Milne Home  
Councillor Richard Mould  
Councillor Lynn Pratt  
Councillor Nigel Randall  
Councillor G A Reynolds  
Councillor Trevor Stevens

Substitute Members: Councillor Andrew Beere (In place of Councillor Barry Richards)  
Councillor D M Pickford (In place of Councillor Colin Clarke)  
Councillor Nicholas Turner (In place of Councillor Rose Stratford)  
Councillor Barry Wood (In place of Councillor Mike Kerford-Byrnes)

Apologies for absence: Councillor Colin Clarke  
Councillor Mike Kerford-Byrnes  
Councillor Barry Richards  
Councillor Lawrie Stratford  
Councillor Rose Stratford

Officers: Jon Westerman, Development Services Manager  
Bob Duxbury, Development Control Team Leader  
Ross Chambers, Solicitor  
Aaron Hetherington, Team Leader Democratic and Elections

19 **Declarations of Interest**

Members declared interests in the following agenda items:

**10. Former Winner's Bargain Centres, Victoria Road, Bicester, OX26 6QD.**

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

**14. 55 Winchelsea Close, Banbury.**

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

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

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

20 **Requests to Address the Meeting**

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

21 **Urgent Business**

There were no items of urgent business.

22 **Minutes**

The Minutes of the meeting held on 21 May 2015 were agreed as a correct record and signed by the Chairman.

23 **Chairman's Announcements**

The Chairman made the following announcement:

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

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

The Committee considered application 14/01816/F for the erection of 1 no. detached dwelling and detached garage.

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

**Resolved**

That application 14/01816/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, 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.
3. Prior to the construction of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> 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.
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.
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.
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.
7. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to

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

8. Prior to the 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 1<sup>ST</sup> November and 31<sup>st</sup> March and thereafter removed carefully by hand to allow any reptiles to escape.
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.
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.
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.
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.

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

The Committee considered application 14/02132/OUT for an outline application for the development of eight houses and access improvements.

Councillor Simon Holland addressed the committee as Ward member.

Councillor Pickford proposed that application 14/02132/OUT be approved subject to appropriate conditions, with authority for the exact wording delegated to the Head of Development Management. Councillor Hurle seconded the proposal.



In reaching their decision, the Committee considered the officers report, written update and the address of the ward member.

### **Resolved**

That application 14/02132/OUT be approved subject to the following conditions:

1. No development shall commence until full details of the appearance, landscaping, layout and scale (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
2. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form and drawing nos. 1320 002F and 003
5. 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.
6. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing and proposed site levels for the proposed dwellings and community building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.
7. 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.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
9. Retained Tree
- 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 consent.

10. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
11. Prior to the commencement of the development hereby approved, 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)
12. 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.
13. Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.
14. Prior to the commencement of the development hereby approved, 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.
15. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.
16. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of

any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

17. The surfacing to the parking areas should be permeable paving and a condition should be applied to any permission to ensure that prior to occupation the parking area is constructed SUDS compliant.
18. Prior to the first occupation of the development hereby approved car parking spaces shall be provided within the curtilage of the dwellings so that motor vehicles may park off the highway. The car parking spaces shall be retained unobstructed except for the parking of motor vehicles at all times.
19. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved CTMP shall be implemented prior to any works being carried out on site, and shall be maintained throughout the course of the development.
20. Before any of the dwellings hereby permitted are first occupied, the whole of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained and if required temporary or permanent traffic calming shall be put in place in accordance with Oxfordshire County Council's Specifications.
21. Prior to the commencement of the development hereby approved, full details of a scheme for the location of bat, bird, owl and invertebrate boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building, the bat, bird, owl and invertebrate boxes shall be installed on the site in accordance with the approved details.
22. 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.
23. If a potential risk from contamination is identified as a result of the work carried out under condition 22 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.

24. If contamination is found by undertaking the work carried out under condition 23 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.
25. If remedial works have been identified in condition 24 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 24. 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.
26. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
27. Prior to the first occupation of the development hereby approved, the appropriate number of refuse bins required in relation to the dwellings shall be provided.

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

The Committee considered application 15/00307/F for the erection of detached single storey dwelling.

Louise Steele, agent for applicant, addressed the Committee in support of the application.

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

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

**Resolved**

That application 15/00307/F be approved subject to the following conditions:

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered: 5173.01; 02A; 03A
- 3 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.
- 4 Prior to the commencement of the development hereby approved, a stone sample panel (minimum "1 sq m" in size) shall be constructed on site in natural ironstone to match the stonework on the existing building, 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.
- 5 Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to 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.
- 6 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 for the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.
- 7 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.
- 8 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.

- 9 The existing hedgerow along the Banbury Road boundary of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.
- 10 Prior to the construction of the dwelling hereby approved, the existing means of access between the land and the highway shall be improved with geometry as plan, formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.
- 11 Prior to the commencement of the development hereby approved, full specification details of the access driveway including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwelling the development shall be constructed in accordance with the approved details.
- 12 Prior to the construction of the dwelling any undergrowth protruding beyond the stone wall forming the boundary between the site and the public highway shall be cut back so that it no longer overhangs the highway verge.
- 13 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.

27 **Former Winner's Bargain Centres, Victoria Road, Bicester, OX26 6QD**

The Committee considered application 15/00412/F for the redevelopment to form 42 sheltered apartments for the elderly, communal facilities, access, car parking and landscaping.

Chris Geddes, agent for the applicant, addressed the committee in support of the application.

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

**Resolved**

That application 15/00412/F be approved, 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 Head of Development Management, 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.
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.
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.
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.
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.
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.
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 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.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
9. Prior to the commencement of the development 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.
10. 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.
11. 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.
12. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.
13. Provision shall be made within the layout for pedestrian access to serve the land adjoining to Victoria Road West.
14. 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.

15. 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.
16. 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".
17. 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.
18. 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.
19. 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.

20. 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.
21. 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 1<sup>st</sup> March and 31<sup>st</sup> 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.
22. Within three months of the date of this planning permission, 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.
23. No external lights shall be erected on the land without the prior express consent of the Local Planning Authority.

28

### **Land Parcel 6927 Adjacent To The Hale, Chesterton**

The Committee considered application 15/00454/OUT an 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.

Clare O'Hanlon, agent to the application addressed the committee in support of the application.

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

### **Resolved**

That application 15/00454/OUT be refused for the following reasons:

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.

29

### **Land South Of Leycroft Barn, Somerton Road, Souldern**

The Committee considered application 15/00541/F for the erection of a livestock building for the rearing and finishing of pigs.

In introducing the report, the Development Control Team Leader advised the Committee that the officer recommendation had changed from approval to deferral to allow submission of the Odour Management Plan referred to in paragraphs 3.3, 3.4 and 5.31 of the report and a waste management plan.

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

#### **Resolved**

That application 15/00541/F be deferred to allow submission of the Odour Management Plan referred to in paragraphs 3.3, 3.4 and 5.31 of the report and a waste management plan

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

The Chairman advised the Committee that application 15/00604/OUT had been withdrawn by the applicant and would therefore not be considered at the meeting.

31 **55 Winchelsea Close, Banbury**

The Committee considered application 15/00628/F for the change of use of land to residential garden curtilage and erection of a 1.8m fence.

Councillor Turner proposed that the application be refused due to the impact on the street scene. Councillor Milne Home seconded the proposal. The motion was voted on and subsequently fell.

Councillor Hughes proposed that the application be approved. Councillor Blackwell seconded the proposal.

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

**Resolved**

That application 15/00628/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Plan 1.1.
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.

32 **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.

### **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 6.10 pm

Chairman:

Date:

### PLANNING COMMITTEE

9 July 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**

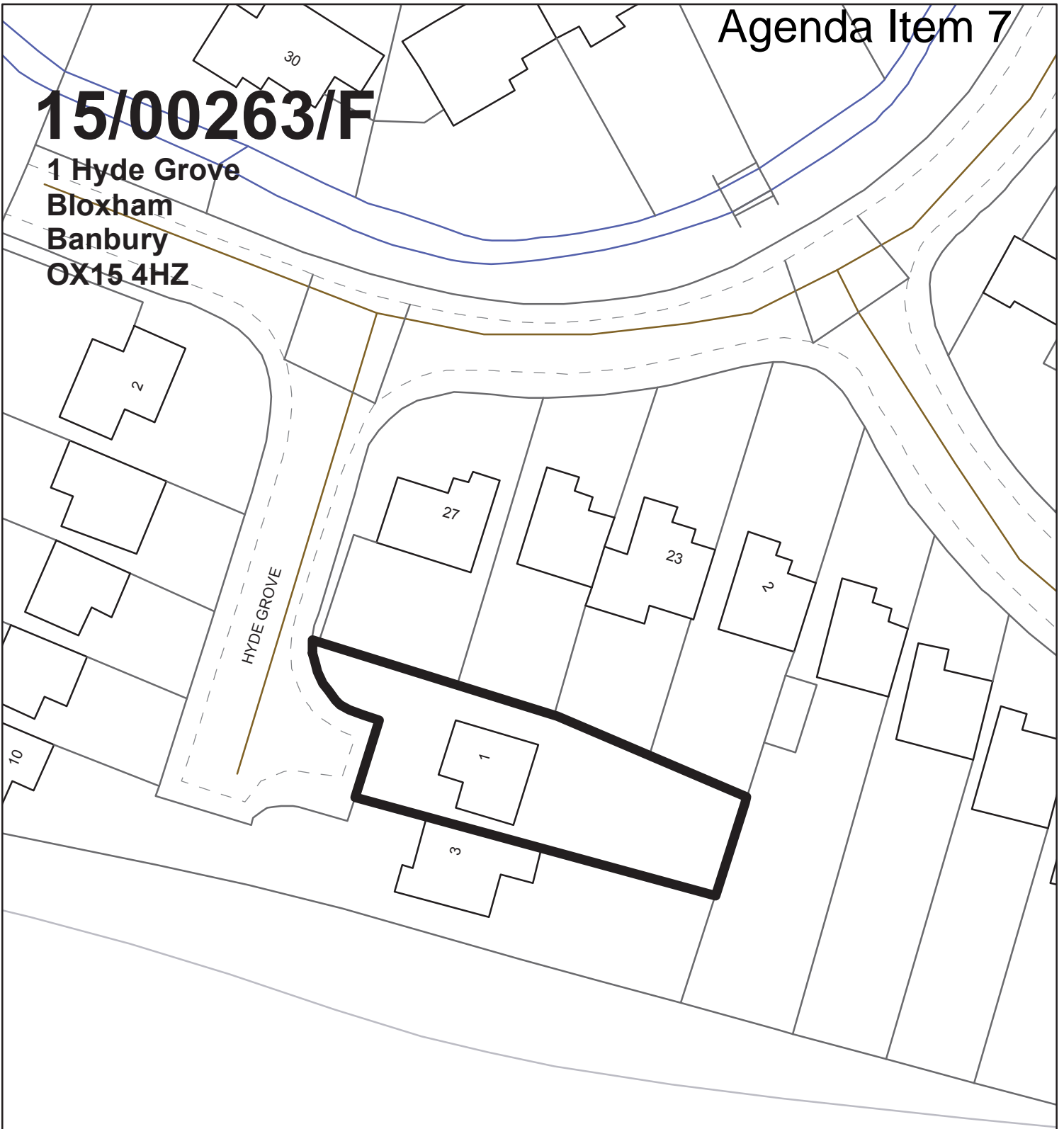
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision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

	<b>Site</b>	<b>Application No.</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
7	1 Hyde Grove, Bloxham	15/00263/F	Bloxham and Bodicote	Approval	Rebekah Morgan
8	3 Oxford Road, Kidlington, OX5 2BP	15/00688/F	Kidlington South	Approval	Stuart Howden
9	Site C Plougley Road & Site D & E Ambrosden Road MOD Bicester Upper Arncott	15/00695/OUT	Ambrosden and Chesterton	Approval, subject to amending the planning obligation associated with the outline planning permission (ref: 11/01494/OUT) to reflect the change to the application site boundary	Alex Keen
10	The Pits, The Moors, Kidlington	15/00723/F	Kidlington North	Approval	Paul Ihringer



**15/00263/F**

**1 Hyde Grove  
Bloxham  
Banbury  
OX15 4HZ**



**NORTH  
Scale 1:500**

# 15/00263/F

1 Hyde Grove  
Bloxham  
Banbury  
OX15 4HZ

(dis)

Playing Field

Playing Field

Bloxham

Surge

Pump

Pavilion

Happy Valley Farm

**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE



Scale 1:5,000

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**Ward:** Bloxham and Bodicote

**District Councillor:** Chris Heath and Lynda Thirzie Smart

**Case Officer:** Rebekah Morgan

**Recommendation:** Approval

**Applicant:** Mr and Mrs Dan McInerney

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

**Committee Referral:** Member Request – Cllr Chris Heath

**Committee Date:** 21<sup>st</sup> May 2015

## **1. Site Description and Proposed Development**

- 1.1 The application property is a detached, two storey dwelling located within a small cul-de-sac. Neighbouring properties are positioned at a 90<sup>o</sup> angle to the site with their rear gardens adjoining the side of the application site.
- 1.2 The application seeks consent for a single storey front extension and two storey side extension. The proposed front extension would measure 8.1m (w) x 2m (d) with a ridge height of 3.5m. The proposed side extension would measure 2.4m (w) x 7.3m (d) with a ridge height of 6m.
- 1.3 This application was deferred at the meeting held on 21<sup>st</sup> May to enable a Members formal site visit to be held. This has been organised for 3.00pm on 9<sup>th</sup> July.

## **2. Application Publicity**

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

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

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

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

- Does not address neighbours' concerns

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

### 3. Consultations

#### 3.1 Bloxham Parish Council: Objects for the following reasons:

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

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

*The close proximity to the Boundary fence would mean the neighbours at No 23 would have to have a conifer removed and the tree roots in their garden protected*

*and No 27 having their wall, garden shed removed and their garden disrupted.*

*All other houses extended in Hyde Grove have used the space over the garage and have not dominated neighbouring properties.*

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

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

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

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

## **Oxfordshire County Council Consultees**

3.2 Highways Liaison Officer: No objections

## **4. Relevant National and Local Policy and Guidance**

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

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

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Local Plan (January 2014)

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

## **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Visual Amenity

- Neighbouring Amenity
- Highway Safety

### **Visual Amenity**

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

### **Neighbouring Amenity**

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

as it looks directly on to the side of 1 Hyde Grove. In terms of actual outlook the view from No 25 would still be of a gable end as it currently is. Although the extension would be closer, I would not consider it to appear significantly more bulky as it has been amended to appear subservient to the original dwelling.

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

complies with government guidance within the National Planning Policy Framework.

### **Engagement**

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

## **6. Recommendation**

**Approval**, subject to the following conditions:

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

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

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

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

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

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

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

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

### **Planning Notes**

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right



of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

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

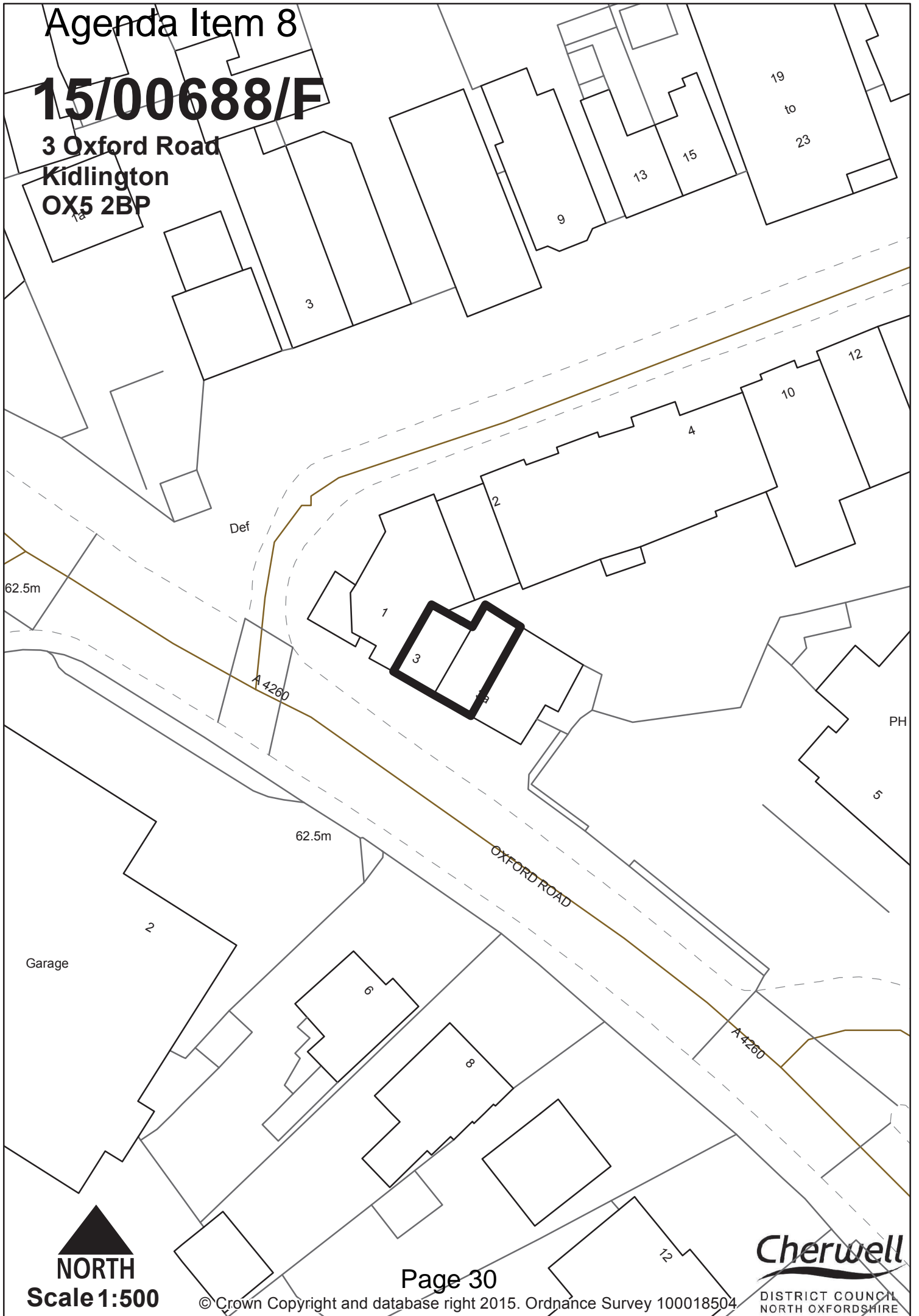
**STATEMENT OF ENGAGEMENT**

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

# Agenda Item 8

## 15/00688/F

3 Oxford Road  
Kidlington  
OX5 2BP



**NORTH**  
**Scale 1:500**

**15/00688/F**

**3 Oxford Road  
Kidlington  
OX5 2BP**

Park Hill Recreation

Exeter Close

Playing Field

Football Ground



**Scale 1:5,000**

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**Cherwell**  
Primary School

Kidlington  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**3 Oxford Road,  
Kidlington,  
OX5 2BP**

**15/00688/F**

**Ward:** Kidlington South

**District Councillor:** Cllrs Billington,  
Griffiths and Prestidge

**Case Officer:** Stuart Howden

**Recommendation:** Approval

**Applicant:** Off The Hook

**Application Description:** Alterations to front elevation including insertion of new openings, erection of brick chimney to roof ridge, installation of extract flue and change of use of premises from Class A3 to Class A5 (Fish and Chip Shop)

**Committee Referral:** Public Interest

**Committee Date:** 09.07.2015

## **1. Site Description and Proposed Development**

1.1 3 Oxford Road is situated within the middle of a terrace building and the unit fronts Oxford Road and is located within the centre of Kidlington. The two storey unit has consent as an A3 use (restaurants and cafes), but the unit is currently vacant. A division has been created at ground floor level separating the vacant space from the existing café (Café Nefis) on the eastern half of the ground floor, but the lawful use of the site is A3. An A5 use (hot food takeaway) is situated next door but one to the site, on the east side to Café Nefis. The site is not within a Conservation Area and there are no listed buildings within close proximity to the site.

1.2 Planning permission is sought for the change of use of the unit from an A3 use to a Fish and Chips Chop (A5 use). The internal layout proposes the provision of the frying counter and serving area at ground floor level with food preparation, stores and staff facilities at first floor level. External alterations are proposed as a result of the proposed change of use. These proposed external alterations include:

- A wider customer entrance door on the front elevation;
- A larger window on the front elevation;
- A replacement chimney on the western end of the building at a height of approximately 1 metre; and
- An extraction duct from the kitchen that would project through the rear roofslope by approximately 2 metres. This would be sited behind the proposed replacement chimney;

## **2. Application Publicity**

2.1 The application has been advertised by way of site notice. The final date for comment was the 4<sup>th</sup> June 2015. A petition with 727 signatures has been received objecting to the application. The reason for objecting to the application is due to opposition to business competition.

8 letters of objection have also been received and the issues raised within these letters are summarised below:

- Other tenants have looked at the site;
- The proposed use would not enhance the vitality or viability of Kidlington centre;

- Kidlington has enough Fish and Chip shops;
- Opposition to business competition.

### 3. Consultations

3.1 Kidlington Parish Council: object to the application of the following grounds:

*“Of there being NO parking provision for this application. [Saved Policy] TR5 of the [adopted] Cherwell Local Plan 1995 details:*

*‘Development likely to attract vehicular traffic will normally be required to:*

- 1) *Accommodate within the site the necessary highway-safety requirements relating to access, turning, servicing and parking provision; and*
- 2) *Include appropriate measures to minimise the visual impact of vehicles and any parking areas.”*

#### **Cherwell District Council Consultees**

3.2 Nuisance Investigation Officer: *“The report recommends an Electrostatic Precipitator ESP3000 configuration with a UV-O500 2 lamp Ozone system which is fine but does the applicant accept to propose to install the plant? That’s not clear within the application. I recommend the second part of my suggested condition be imposed together with a condition on height of flue, namely:*

1. *The extract ventilation and filters shall be installed in accordance with the scheme proposed by Purified Air submitted with the application before the development is brought into use and maintained in accordance with the approved scheme thereafter.*
2. *The height of the extract discharge flue shall terminate at least one metre above the height of the eaves of the building to which the extract flue is attached or one metre above the height of any openable window of a habitable room within 5 metres of the flue, whichever is the greater height.”*

3.3 Ecology Officer: *“The alterations are largely to the exterior ground floor of the property or exterior for ducting attached to the building. The rebuilding of the chimney looks to be more as a masking façade and therefore as far as I can tell does not disturb the roof void itself and is unlikely to involve removal of many tiles. Given this I think it is fairly unlikely that the works will disturb bats even if any are present and therefore I have no concerns on ecological grounds.”*

#### **Oxfordshire County Council Consultees**

3.4 Highways Liaison Officer: No objections.

#### **Other Consultees**

3.5 None.

### 4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- C28: Layout, design and external appearance of new development  
 C31: Compatibility of proposals in residential areas

S21: Development in Kidlington shopping centre  
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 was published on 12<sup>th</sup> June 2015.

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

SLE2: Securing Dynamic Town Centres  
ESD16: The Character of the Built and Historic Environment  
Policy Kidlington 2: Strengthening Kidlington Village Centre

##### Cherwell District Council: Shop fronts and advertising guidance (2002)

##### Kidlington Village Centre Health Check (2007)

### 5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History;
- The Principle of the Change of Use;
- Visual Amenities;
- Environmental Concerns;
- Highways Safety;
- Ecological Impact;
- Other Matters.

#### **Relevant Planning History**

5.2 98/01817/F - Change of use from bookmakers to Class Use A1 (shops) – Permitted.

5.3 98/01818/F – Change of use from bookmakers to Class Use A3, restaurant (excluding take away food) – Refused.

5.4 02/00830/F – Enlarge kitchen area to commercial deli – Permitted.

5.5 04/01052/F – Change of use to restaurant seating area – Permitted.

- 5.6 An application for advertisement consent has been submitted alongside this planning application (see 15/00689/ADV).

### **The Principle of the Change of Use**

- 5.7 Paragraph 6 of the NPPF states that, “The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system. The NPPF goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Section 2 of the NPPF highlights that Local Planning Authorities should ensure the vitality of town centres.
- 5.8 The site is located within Kidlington Shopping Centre, identified in the 1996 adopted Cherwell Local Plan (ACLP), albeit on the edge of its designation. Saved Policy S21 of the ACLP states that: *‘Development proposals in the Kidlington Shopping Centre...that maintain and enhance the vitality and viability of the central shopping area will normally be permitted’*. In the notes supporting this policy it is also stated that: *‘Changes of use at ground floor level to non retail uses (i.e. those not in Classes A1 or A3 of the Town and Country Planning (Use Classes) Order 1987) will not be permitted where they would undermine the vitality and viability of the central shopping area’*. Although takeaways were included in the A3 classification when the Local plan was adopted (A5 was added following an amendment to the Use Class Order in 2005), it is accepted that an over proliferation of non-A1 activities could potentially have a detrimental impact upon the central shopping area. In addition to this, Paragraph 4.75 of the ACLP notes that proposals for hot food takeaway shops in the existing central shopping areas of Banbury, Bicester and Kidlington will normally be acceptable.
- 5.9 The more recent Submission Cherwell Local Plan (SCLP) also identifies the site as being within Kidlington Centre. Policy Kidlington 2 of the SCLP states that *“Shopping, leisure and other ‘Main Town Centre Uses’ will be supported within the boundary of Kidlington Village Centre”*. The NPPF defines ‘Main Town Centre Uses’ as retail, leisure, entertainment facilities the more intensive sport and recreation uses, offices, arts and tourism development. In this definition, the NPPF states that entertainment facilities and recreation uses include: *‘cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls’*. The NPPF does not refer to hot food takeaways in this category, even though such a use shares similarities with some of the uses in the list (for example in terms of operations and opening times). However, the definition in the NPPF refers to ‘including’ and does not say ‘only’. Officers are therefore of the opinion that a hot food takeaway is a ‘Main Town Centre Use’ as defined by the NPPF. It is also questionable whether there is a more appropriate siting for such a use rather than in a town centre.
- 5.10 As part of the Kidlington Village Centre Health Check 2007, an analysis of shopper movements was conducted. This displays the pre-eminence of the High Street in respect of pedestrian movements during the day and in contrast the effect the public houses (Black Horse, Black Bull and the Red Lion) on Oxford Road and Banbury Road have on night time movements.
- 5.11 As the number of shoppers passing 3 Oxford Road is limited, officers are of the opinion that it could not be argued that this row of units on Oxford Road form part of Kidlington’s primary shopping front.
- 5.12 The applicant has not submitted supporting evidence in relation to the marketing of this unit. However, the proposed use is a ‘Main Town Centre Use’ as defined by the NPPF and the unit is within a secondary position in Kidlington’s Shopping centre, and therefore it is considered that the proposed use would not undermine the vitality and function of

Kidlington Centre. There are however, other material planning considerations which are discussed below.

### **Visual Amenities**

- 5.13 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.
- 5.14 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.
- 5.15 The wider customer entrance door and larger window are considered to be minor changes that would have a negligible visual impact. The proposed extension to the chimney is also considered to be a minor change that would have a negligible impact upon the visual amenities of the locality, but would also contribute in screening the proposed extraction duct from the public domain. Whilst the chimney would not fully screen views of the extraction duct, the duct is not considered to be a visually prominent feature from the streetscene given its siting on the rear roofslope behind the proposed chimney extension and because of its proposed scale. For the above reasons, the proposed external changes are acceptable

### **Environmental Concerns**

- 5.16 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 or other type of environmental pollution will not normally be permitted.
- 5.17 Paragraph 4.73 of the ACLP notes that hot food takeaways have the potential to cause nuisance to nearby residential units due to cooking activity. Paragraph 4.76 of the ACLP states that in considering applications for hot food takeaway establishments, the Council will need to be satisfied that the method of mechanical ventilation of the cooking area is of a type and standard that will ensure that emissions are deodorized prior to their discharge to the atmosphere.
- 5.18 There are no residential properties above or next door to the unit. In addition, the Nuisance Investigation Officer has no objections to the proposal in principle. The Nuisance Investigation Officer recommends a condition stating that the extraction ventilation and filters shall be installed in accordance with the plans submitted with the application and that this is installed before the first use of the building as an A5 use. This has been recommended as a condition in order to minimise odours within the vicinity of the site and to prevent detrimental harm to any residential properties in terms of nuisance. In addition, the Nuisance Investigation Officer has recommended a condition stating that: *“the height of the extract discharge flue shall terminate at least one metre above the height of the eaves of the building to which the extract flue is attached or one metre above the height of any openable window of a habitable room within 5 metres of the flue, whichever is the greater height.”* This again has been recommended as a condition for the same reasons as the other condition. Given the above, it is considered that the proposal would not cause detrimental harm to any properties in terms of nuisance, nor would the proposal cause materially detrimental levels of odour.

### **Opening Hours**

- 5.19 Hot food takeaways have the potential to cause nuisance to nearby residents due to general activity, particularly during the late evening. Paragraph 4.74 of the ACLP



advises against restricting the opening hours of takeaway establishments located in areas that are predominantly residential to generally accord with the opening hours of licenced premises. Paragraph 4.75 of the ACLP notes that proposals for food takeaways in the existing central shopping area of Kidlington will normally be acceptable without restriction on hours of opening unless the proximity of an existing residential property is such that such a restriction would be justified in order to protect residential amenity. When looking at nearby existing takeaways (not all in the Kidlington Shopping Centre), it is clear that these stay open after the traditional pub closing time (11pm) (please see below).

Take-Away	Closing Time		
	Thursday	Friday	Saturday
Sami's (3a Oxford Road)	Midnight	1am	1am
The New Star (6 Oxford Road)	11.00pm	Midnight	Midnight
Domino's Pizza (67 High Street)	11.00pm	Midnight	Midnight
Rainbow Takeaway (61 High Street)	11.00pm	11.00pm	11.00pm
Restaurant / Take-Away			
Ovisher (11-13 Oxford Road)	11.30pm	Midnight	Midnight
Tiffin's (63 High Street)	Midnight	Midnight	Midnight

- 5.20 The site is located within the Kidlington Shopping Centre and there are no residential properties above the unit or directly next door to the unit, and Sami's (a takeaway) is located next door but one to the proposed site and is open until relatively late. The applicant's agent notes in the statement supporting the application that the applicant does not expect to be open later than 10.30pm in order to minimize the potential for disturbance at unsociable hours. For the reasons above it is considered that it would be reasonable to restrict the opening hours to require closure at midnight to prevent disturbances at unsociable hours. Subject to this aforementioned condition, it is considered that the proposed use would not cause detrimental harm to residential properties in terms of noise, in accordance with saved Policies C31 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the NPPF.

### Highways Safety

- 5.21 The Local Highways Authority have no objections to the application on the grounds of highway safety. Kidlington Parish Council have objected to the proposal on the basis of there being no parking provision for the proposed use and the Parish Council have referred to Policy TR5 Cherwell Local Plan 1996. However, Policy TR5 is no longer in use. Given that the site is within the Kidlington Centre, which is well connected to public transport, the Local Highways Authority and officers consider that on-site parking is not necessary in this instance. Off-street parking is available in a lay-by nearby to the south and in the main village centre car parks. It is considered that the proposal would not have a detrimental impact upon highway safety in accordance with Government guidance contained within the National Planning Policy Framework.

### Ecological Impact

- 5.22 The Ecology Officer has no objections to the proposal and is of the opinion that the works proposed will not disturb bats even if any are present. It is therefore considered that the proposal would not cause detrimental ecological harm.

### Other Matters

- 5.23 Third parties have raised objections to the proposal on the grounds of business competition, but opposition to business competition is not a material planning

consideration in this case.

## Engagement

- 5.24 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. The agent was made aware of the recommended conditions and has no objections to these. The application has exceeded the target determination date due to being referred to planning committee.

## Conclusion

- 5.25 The principle of the development is considered acceptable and it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposal is also considered not to have an adverse impact upon the neighbour amenity, highway safety or ecology and the proposal is therefore considered compliant with the policies outlined in section 4 of this report. Overall, the proposal is considered to have no significant adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

## 6. Recommendation

**Approval**, subject to the following conditions:

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

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

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application Forms, Cover Letter from applicant's agent dated 15<sup>th</sup> April 2015 (JPPC ref: AJG/6228) and Drawing Number 01D submitted with the application.

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

3. The hours of opening of the premises shall be restricted to the following times:-

Monday-Friday – 10am to 12.00pm (Midnight)  
Saturday – 10.30am to 12.00pm (Midnight)  
Sunday and Public Holidays – 10.30am to 12.00pm (Midnight)

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

4. The extract ventilation and filters shall be installed in accordance with the scheme proposed by Purified Air (dated 17<sup>th</sup> February 2015) submitted with the application before the first use of the operation hereby approved and maintained in accordance with the approved scheme thereafter.

Reason - In order to minimise the risk of a nuisance arising from smells and to

ensure that any concentration of air pollutants in the vicinity is minimised in accordance with saved Policies C31 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. The height of the extract discharge flue shall terminate at least one metre above the height of the eaves of the building to which the extract flue is attached or one metre above the height of any openable window of a habitable room within 5 metres of the flue, whichever is the greater height.

Reason - In order to minimise the risk of a nuisance arising from smells and to ensure that any concentration of air pollutants in the vicinity is minimised in accordance with saved Policies C31 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **PLANNING NOTES**

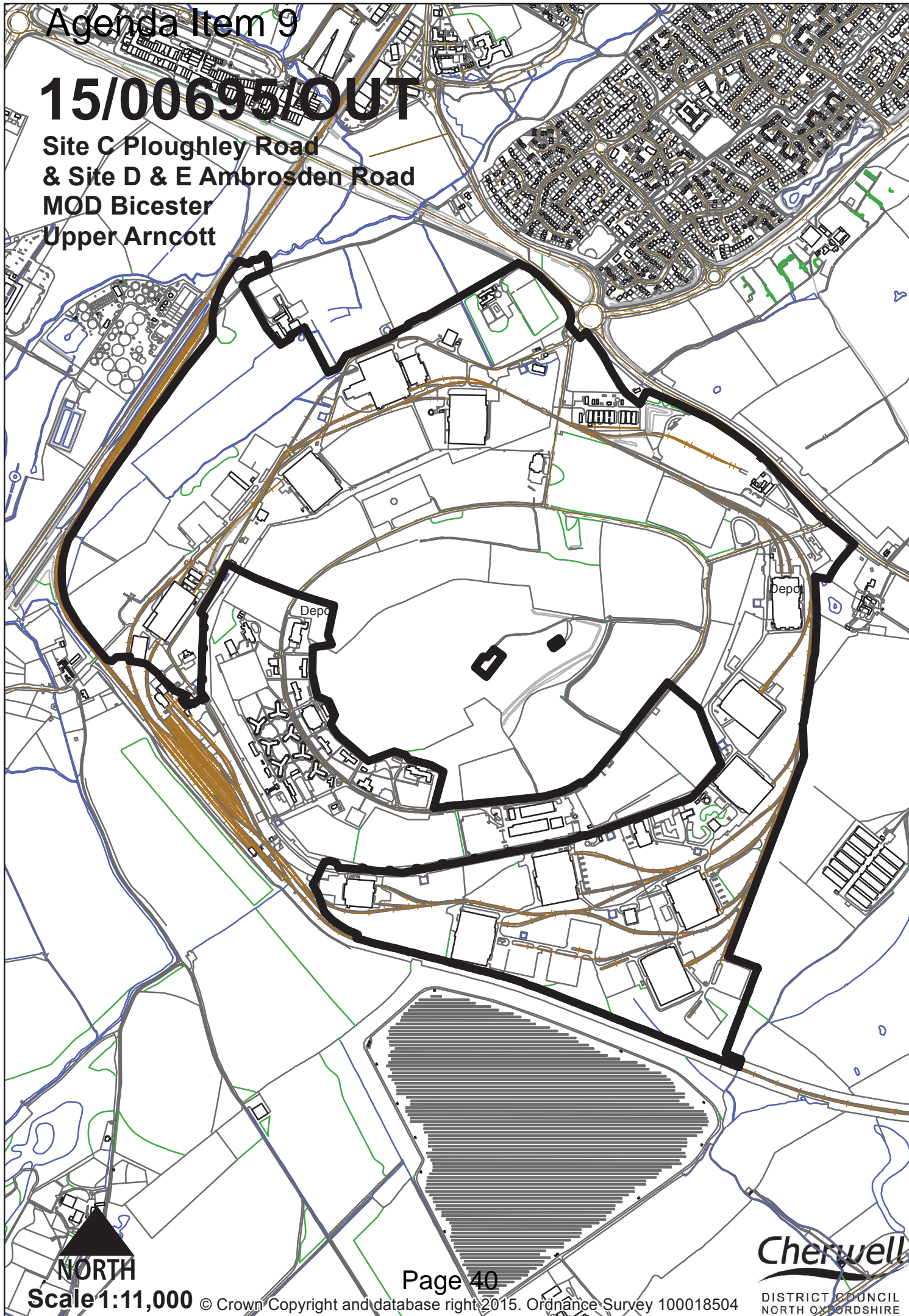
1. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
2. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

### **STATEMENT OF ENGAGEMENT**

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

# 15/00695/OUT

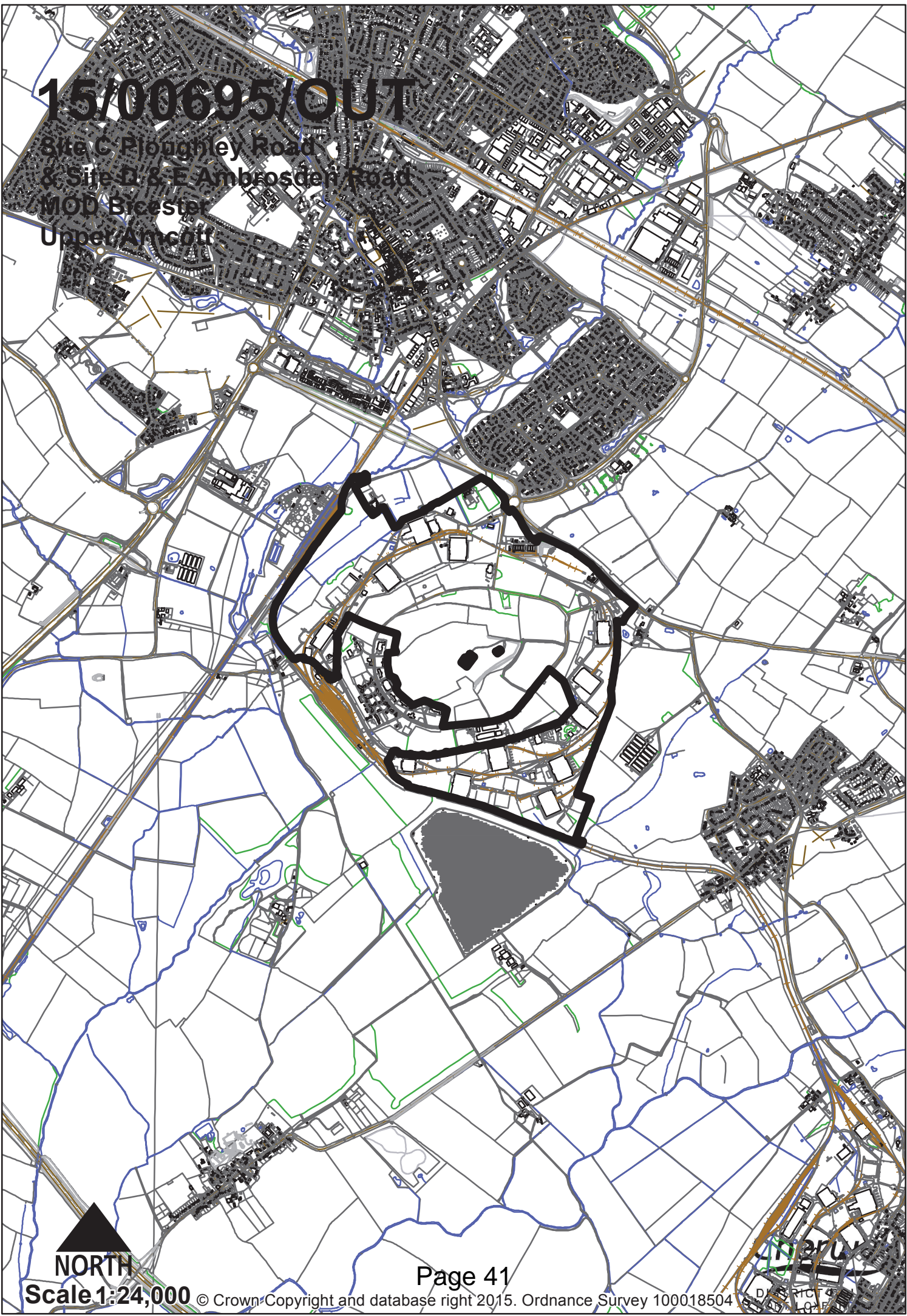
Site C Ploughley Road  
& Site D & E Ambrosden Road  
MOD Bicester  
Upper Arcott



**NORTH**

# 15/00695/OUT

Site C Ploughley Road  
& Site D & E Ambrosden Road  
MOD Bicester  
Upper Arncott



**NORTH**

**Scale 1:24,000**

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15/00695/OUT

**Site Address: Site C Plougley Road &  
Site D & E Ambrosden Road MOD  
Bicester Upper Arccott**

**15/00695/OUT**

**Ward:** Ambrosden and Chesterton

**District Councillor:** Lynn Pratt

**Case Officer:** Alex Keen

**Recommendation:** Approval, subject to amending the planning obligation associated with the outline planning permission (ref: 11/01494/OUT) to reflect the change to the application site boundary

**Applicant:** Graven Hill Village Development Company Ltd

**Application Description:** Variation of condition 2 of 11/01494/OUT – amend the application site boundary for Graven Hill

**Committee Referral:** Major application

**Committee Date:** 9 July 2015

**1. Site Description and Proposed Development**

- 1.1 The application site is a large area of land circling Graven Hill, to the south of Bicester town. It is currently used as part of the MOD logistics, commodities and service operations at Bicester and comprises a mix of commercial and industrial uses, primarily B8 storage and distribution. The site is identified by the MOD as sites D and E of their Bicester operations. The site is accessed off the A41 Aylesbury Road to the north, and is also serviced by rail with the Oxford to Bicester rail line to the west of the site. There is agricultural land within the site, and also to the south and east. St. David's Barracks, to the south of Graven Hill, is outside the application site boundary.
- 1.2 Outline planning permission (ref: 11/01494/OUT) was granted in August 2014 for the redevelopment of sites D and E including the demolition of existing buildings and the erection of up to 1900 new homes along with a local centre comprising a primary school, community hall, shops and retail services, employment development comprising a mix of B1 (light industrial), B2 (general industrial) and B8 (storage and distribution) uses, and associated public open space, highway works, sustainable drainage systems etc. A copy of the planning decision notice is attached as Appendix A to this report.
- 1.3 That decision also granted outline planning permission for the erection of a new logistics, commodities and services building at MOD Bicester's site C at Upper Arccott. It is anticipated that the operations currently taking place at sites D and E would be rationalised and relocated to the new building at Site C.
- 1.4 The current application seeks to vary condition 2 of the outline planning permission, to amend the plan showing the 'red line' application site boundary for sites D and E at Graven Hill (drawing ref: 1982-A-L-005-B [MOD Bicester Application Site Red Line]). The amended 'red line' would reduce the site area so as to reflect the area of land being transferred from the MOD to the Graven Hill Village Development Company. The areas of land affected are to the north of St. David's Barracks, a strip of land running alongside the internal access road to the south side of Graven Hill, an area of land to the south-east corner of the site, and two parcels of land in the centre of Gravenhill Wood.
- 1.5 No changes are proposed to the approved development and no amendments or variations are proposed to any other condition of the outline planning permission.

## **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 21 May 2015. One response has been received expressing confusion about what is proposed and concern about whether the variation relates to or affects the route of the proposed Bicester south-east link road.

## **3. Consultations**

- 3.1 AMBROSDEN PARISH COUNCIL: **no objections**

### **Oxfordshire County Council Consultees**

- 3.2 HIGHWAYS: **no objections** provided the amendments to the 'red line' do not prejudice or affect the delivery of the Bicester south-east link road.

- 3.3 ARCHAEOLOGY: **no objections**

### **Other Consultees**

- 3.4 NATURAL ENGLAND: **no comments**

- 3.5 NETWORK RAIL: **no comments**

- 3.6 CHILTERN RAILWAYS: **no comments received**

## **4. Relevant National and Local Policy and Guidance**

- 4.1 Subject to the changes detailed at paragraphs 4.2 to 4.5 of this report (below), the relevant national and local policy and guidance remains as detailed at section 4 of the officer's report in respect of the original outline planning application, which was considered by the Council's Planning Committee on 11 April 2013.
- 4.2 The South East Plan 2009 was revoked by the Secretary of State in 2013 and so no longer forms part of the development plan.
- 4.3 The Examination Inspector's report on the Cherwell Submission Local Plan was published on 12 June 2015, and concludes that the Plan is sound subject to recommended modifications. It is anticipated that the Inspector's report and a modified plan will be presented to a meeting of the Council on 20 July 2015. In view of the advanced progress made toward adoption, the relevant policies of the submission Local Plan can now be afforded significant weight.
- 4.4 In March 2014 the Government launched the Planning Practice Guidance. The guidance considered most relevant to this application to vary condition 2 are the sections relating to making and determining an application, planning obligations, and flexible options for planning permissions.

## 5. Appraisal

### The impact of the proposed change to the application site boundary

- 5.1 The proposed change to the 'red line' application site boundary should not adversely affect or prejudice the implementation of the development, and no changes are proposed to the approved development itself. As such the proposed change to the site boundary is not expected to result in any new, different or additional material planning impacts.
- 5.2 With regard to the comments concerning the route of the Bicester south-east relief road, it is noted that the proposed amendments would result in the site boundary abutting the northern side of the proposed route of the relief road. However this amendment should not prejudice the delivery of the relief road, and in any case condition 61 of the outline planning permission (see Appendix A) requires a safeguarding route to be identified on the masterplan to be submitted and approved under condition 26, and the agreed route kept free from development thereafter.
- 5.3 No other conditions of the outline planning permission are proposed to be varied, removed or amended. Therefore officers are satisfied that the proposed change to the 'red line' application site is acceptable as a minor amendment to condition 2 of the outline planning permission. This permission will become the new substantive permission for the site and all other conditions will be re-imposed.
- 5.4 If the Planning Committee resolves to approve the amendment to the application site boundary, then for the avoidance of doubt, the planning obligation entered into in association with the outline planning permission should be varied to refer to the amended application site boundary.

### **Engagement**

- 5.5 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**

- 5.6 The application proposes amending the 'red line' application site boundary so as to reduce the overall site area, to reflect the area of land to be transferred from the MOD to the Graven Hill Village Development Company. This change is not considered to result in any new, different or additional material planning impacts and so is considered acceptable as a minor amendment to the outline planning permission.

## 6. Recommendation

**Approval**, and re-issue the outline planning permission subject to:

- a) Amending condition 2 of outline planning permission 11/01494/OUT (attached as Appendix A to this report), to replace "1982-A-L-005-B [MOD Bicester Application Site Red Line]" with "1982-A-L-560-F [MOD Bicester Application Site Red Line]".
- b) Amending the planning obligation entered into in respect of outline planning permission 11/01494/OUT to refer to the amended application site boundary.



**STATEMENT OF ENGAGEMENT**

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



**NOTICE OF DECISION**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**(AS AMENDED)**

**Name and Address of Agent/Applicant :**

Secretary Of State For Defence  
c/o Defence Infrastructure Organisation  
Ms Ellen O'Grady  
St George's House  
Kingston Road  
Sutton Coldfield  
Birmingham B75 7RL

**Date Registered :** 3rd October 2011

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**Proposal :** Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling up to 1358sqm, up to 1000sqm gross A1 uses, a pub/restaurant/hotel (class A4/A3/C1) up to 1000sqm and parking areas; employment floorspace comprising up to B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520sqm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. Erection of a 70400sqm fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking and circulation areas

**Location :** Site C Ploughley Road & Site D & E Ambrosden Road MOD Bicester Upper Arccott Oxfordshire

**Parish(es) :** Arccott

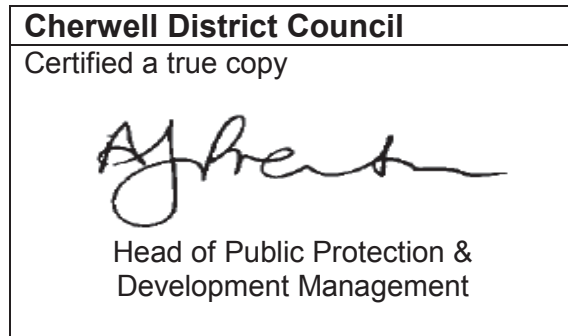
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**OUTLINE PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS**

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** outline planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
Oxon  
OX15 4AA



**Date of Decision :** 8th August 2014

**Head of Public Protection  
& Development Management**

## SCHEDULE OF CONDITIONS

### Outline permission time limits and plan details

- 1 No development shall commence on any part of the site until full details of the internal access roads, layout, scale, appearance and landscaping for that part of the site (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Environmental Statement and drawings numbered:

- o 1982-A-L-005-B [MOD Bicester Application Site Red Line]
- o 1982-A-L-010-C [Proposed Master plan]
- o 1982-A-L-011-B [Proposed Master plan Northern Area]
- o 1982-A-L-012-B [Proposed Master plan Southern Area]
- o 1982-A-L-030-C [Building Height Constraints]
- o 1982-A-L-035-B [Building Density Constraints]
- o 1982-A-L-040-H [Land Use Diagram]
- o 1982-A-L-050-F [Land Transfer Areas]
- o 1982-A-L-060-B [Commercial Areas Sheet 1]
- o 1982-A-L-061-B [Commercial Areas Sheet 2]
- o 1982-A-L-551-G (19.05.14) [Proposed phasing boundaries - Land transfer 1]
- o 1982-A-L-073-G (3.3.14) - [Primary School Plan]
- o 1982-A-L-074-D (19.5.14) - [Primary School Title plan Land Transfer 1]
- o 1982-A-L-075-D (19.5.14) [Primary School Title Plan Land Transfer 2]
- o 1982-A-L-550 (16.5.14) [Proposed Bus Route Land Transfer 1 and 2]
- o 1982-A-L-542 (7.2.14) [Indicative Peripheral Road Position]
- o 1982-A-L-553 (19.5.14) [Spine Road Location Land Transfer 1 and 2]
- o 27808-L508a (December 2012) - Landscape Screening Proposals
- o 27808-LEA520a (December 2012) - C Site strategic masterplan
- o 27808-L509 (December 2012) - C Site: Proposed Sections
- o 27808-L506 (December 2012) - C Site: Screen planting to west boundary
- o 27808-L415 (September 2011) - MOD Bicester application sites
- o 27808-L464.dwg.smitv (September 2011) - A41/Pioneer Road mitigation scheme
- o 27808-L463 (September 2011) - A41/Gravenhill Road/B4100 mitigation scheme (signal)

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.

### C Site

- 3 In the case of the reserved matters for C site, as identified on the attached plan 27808-L415.dwg.smitv (September 2011) - MOD Bicester application sites, applications for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 4 The first reserved matter application for C site including the new building or part thereof, shall also include the landscape reserved matters. These details shall include;

a) the location and extent of landscape areas, which shall be no less than those detailed on 27808-L506 (December 2012).

b) the construction details of landscape bunds including their profile and make up

c) details of the planting including the size, location and species together with necessary protection

d) details of fencing or other measures to protect planted areas whilst they become established

e) programme for delivery of the landscaping

f) 15 year management programme to establish and maintain the landscape areas.

g) an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 5 The development on C site to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 6 The Fulfilment Centre on C Site shall not exceed 18.6m to ridge height, 14.6m to external eaves height, or have a dimension that exceeds 320m x 220m. A distance of at least 60m shall be maintained between the proposed building and the existing residential properties on Green Lane.

Reason: To ensure high quality development in accordance with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 7 The building hereby permitted on C site shall be constructed to DREAM excellent standard. Written confirmation, from a suitably qualified person, that the building has been constructed to DREAM excellent shall be provided to the local planning authority prior to the first occupation of the building.

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

- 8 The permission for the building hereby granted for C site shall only be occupied by the Ministry of Defence for purposes associated with national defence.

Reason: In the interests of highway safety and to safeguard the amenities of the occupants of adjacent dwellings, in accordance with Policy C30 of the Adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

- 9 A cladding colour scheme, including the material finish for the building(s) on C site, to mitigate the impact of the building in views to the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on C site. The cladding shall thereafter comply with the approved scheme.

Reason: To ensure high quality development in accordance 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 development at C site 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 prior to the first occupation of the building.

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

- 11 The building hereby approved on C site shall not be occupied until such time as a routing agreement is in place identifying routes for commercial traffic to and from the site.

Reason: In the interests of highway safety and sustainability, in accordance with Government guidance contained in the National Planning Policy Framework.

- 12 The development hereby approved shall be carried out strictly in accordance with the mitigation proposals laid out in table 3.3, Chapter 3, page 30 of the Environmental Statement set submitted with the application, which was prepared by AMEC dated September 2011.

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.

- 13 If the development of C Site hereby approved, does not commence within 1 year from the date of this decision, revised species surveys as set out in table 12.3, Chapter 12, Volume 2 of the Environmental Statement shall be undertaken within the 12 months prior to the commencement of the development to establish changes in the presence, abundance and impact on badgers, bats, dormice, great crested newts, reptiles, birds and invertebrates. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority prior to the commencement of development. Thereafter, the development shall be carried out in accordance with the approved details.

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.

- 14 Construction Environment Management Plan (CEMP) for the development on C site shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the permission for C Site. Thereafter, the development shall be carried out in accordance with the approved CEMP.

Reason: To ensure the environment is suitably protected during construction in accordance with Policy ENV1 of the Adopted Cherwell Local Plan and Government guidance contained the National Planning Policy Framework.

- 15 Prior to the commencement of the development hereby approved at C site, including any demolition, any works of site clearance and prior to the introduction of any construction machinery onto the site, protective fencing and warning notices shall be erected on the site in accordance with the approved ecological mitigation and approved CEMP. All protective fencing and warning signs shall be maintained in accordance with approved details for the entirety of the construction phase.

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.

- 16 Prior to the commencement of the development on C site 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.

- 17 If contamination is found by undertaking the work carried out under condition 16 prior to the commencement of the development on C site 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.

- 18 If remedial works have been identified in condition 17, the development at C Site shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 17. 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.

- 19 No development shall commence on C Site until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase 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 and routes to the Graven Hill development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason - In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of Bicester, Ambrosden and Arncott during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

- 20 The building hereby approved at C site shall not be occupied until such time as a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall thereafter be implemented as approved.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government advice contained in the National Planning Policy Framework.

- 21 Development at C site shall not commence until a drainage strategy detailing any on or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: The development may lead to sewerage flooding; to ensure that sufficient capacity is made available to cope with new development; and in order to avoid adverse environmental impact upon the community in accordance with guidance set out in the National Planning Policy Framework.

- 22 Development at C site shall not be commenced until: impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand in accordance with guidance set out in the National Planning Policy Framework.

- 23 The development of C Site permitted by this planning permission shall only be carried out in accordance with the approved drainage strategies BIC/OPA/DOC/15 dated Sept 2011, and following mitigation measures detailed within the FRA:

1. Surface water discharge rates from the site shall be limited to those set out in Table 4.7 of document BIC/OPA/DOC/15
2. Surface Water discharge rates from the site shall be limited to those set out in Tables 4.5 and 4.6 of document BIC/OPA/DOC/17

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, in accordance with guidance set out in the National Planning Policy Framework.

24 In relation to C Site, 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 or group of trees which shall be retained in accordance with the approved plans and particulars as set out in the C Site: Tree Survey (BIC/OPA/DOC/20, September 2011); and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this consent.

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.

25 Prior to work commencing on C site, a habitat creation plan, identifying how existing bio diversity on the site will be maintained and a net bio diversity gain will be delivered, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall thereafter be implemented in accordance with the phasing set out in the plan.

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.

## Graven Hill

26 Prior to the submission of reserved matters for Graven Hill, a master plan and design code shall be provided covering at least such matters as the distribution of land uses, character areas, forms of buildings, street hierarchy, measures to support sustainable travel, strategic landscape, building typology, materials, servicing, parking and sustainability features. The Design Code shall be approved in writing prior to the submission of reserved matters and thereafter the reserved matters shall be made in accordance with the agreed Code.

Reason: To ensure high quality development in accordance with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

27 In the case of the reserved matters for Graven Hill, reserved matters applications for approval for the first phase, which shall include a minimum of 100 residential properties, shall be made not later than the expiration of four years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

28 In the case of the reserved matters for the remaining phases at Graven Hill, provided condition 27 has been complied with, applications for the approval of reserved matters shall be made not later than the expiration of eight years beginning with the date of this permission.



Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

29 The development on Graven Hill to which this permission relates shall be begun not later than;

i) the expiration of two years from the final approval of the reserved matters for phase 1 or, in the case of approval on different dates, the final approval of the last reserved matters to be approved for phase 1.

ii) provided i) has been complied with, expiration of two years from the approval of the reserved matters for the remainder of the site, or, in the case of approval on different dates, the final approval of reserved matters.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

30 Prior to the commencement of development hereby approved on Graven Hill, a phasing plan covering the entire Graven Hill site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

31 No development shall be occupied on the Graven Hill site identified on the attached drawing 27808-L415.dwg.smitv (September 2011) - MOD Bicester application sites, until a programme of highway improvements has been fully implemented at M40 Junction 9 that are sufficient to mitigate the impacts of the development and this has been agreed, in writing, by the Local Planning Authority, in conjunction with the Highways Agency.

Reason: To ensure the safe and efficient operation of junction 9 of the M40 and in accordance with central Government guidance contained in the National Planning Policy Framework.

32 Building heights for residential properties on Graven Hill site shall not exceed those denoted on plan 27808-L389d ai (April 2013) - Graven Hill Building Heights, except those specifically restricted by condition 33. Those buildings located above the 80m contour shall not exceed 5.4 metres in height.

Reason: To ensure the satisfactory appearance of the completed development and prevent visual encroachment above the base of the tree line on the Graven Hilltop and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

33 Building heights for residential properties on Graven Hill site adjacent to the A41 frontage (referred to as the Westacott Woodland Park area on the Landscape Masterplan/Major Open Spaces on page 165 of the Design and Access statement) shall be restricted as follows:

o The maximum ridge height of no more than 80% of dwellings shall exceed 8.5 metres

o The maximum ridge height of no more than 20% of the dwellings shall exceed 10.5 metres

Reason: In order to achieve a varied roofscape and satisfactory appearance of the development to mitigate the impact of the development on the rural peripheral landscape, in accordance with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

34 The maximum height of any new commercial building at Graven Hill site shall not exceed 15 metres to the ridge.

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

35 Prior to the commencement of each phase relating to the Graven Hill site, details of existing and proposed levels shall be submitted to and approved in writing by the local planning authority. The details shall include measures to deal with any arisings on site wherever possible.

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

36 That prior the first occupation of any part of the Graven Hill development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason - To secure the provision of essential community infrastructure on site in accordance with Government guidance contained within the National Planning Policy Framework.

## Energy

37 Prior to the commencement of development at Graven Hill, a feasibility assessment for district heating and/or combined heat & power to serve the site, including the consideration of bio mass, shall be carried out by a suitably qualified person and submitted to and approved in writing by the local planning authority.

Reason: To achieve a high quality, sustainable development that mitigates the impacts of climate change, in accordance with Government guidance contained in the National Planning Policy Framework.

38 Should the feasibility study required by condition 37 identify the potential for district heating or combined heat and power, an energy plan shall be produced and be submitted to and approved in writing prior to the commencement of development. The plan shall thereafter be implemented to serve the development in accordance with the approved details.

Reason: To achieve a high quality, sustainable development that mitigates the impacts of climate change, in accordance with Government guidance contained in the National Planning Policy Framework.

39 Prior to the first occupation of any dwelling on the site at Graven Hill, either a final Code Certificate, certifying that the dwellings in question achieve Level 5 of the Code for Sustainable Homes, or a 'passivhaus' certificate including reduced water use (to meet code for sustainable Homes level 4) shall be issued proof of which shall be submitted to and approved in writing by the Local Planning Authority.

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

- 40 All non residential buildings hereby approved on Graven Hill shall be constructed to at least a BREEAM 'Excellent' standard.

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

## Housing

- 41 No more than 1900 houses shall be provided on the Graven Hill site. The market housing shall comprise no less than;

5% maximum 50sqm  
5% maximum 83sqm  
34% maximum 98sqm

Reason: In order to provide a mix of homes to meet current and expected future housing requirements, in the interests of meeting housing need and creating socially mixed and inclusive communities, in accordance with Government guidance contained in the National Planning Policy Framework.

- 42 Prior to commencement of development at Graven Hill, a housing plan shall be submitted to and approved in writing by the Local Planning Authority identifying how the dwellings identified in condition 41 shall be distributed through the phases of the development. The development shall thereafter be carried out in accordance with the approved housing plan.

Reason: In order to provide a mix of homes to meet current and expected future housing requirements, in the interests of meeting housing need and creating socially mixed and inclusive communities, in accordance with Government guidance contained in the National Planning Policy Framework.

## Employment

- 43 Prior to work commencing at Graven Hill, an employment strategy for the site, carried out by a suitably qualified person, shall be submitted to and approved in writing by the local planning authority. The employment strategy shall;

- i) address the local employment situation, identify the areas of need and opportunity for the site to address them.
- ii) include initiatives to attract and develop knowledge and high technology industries to Bicester.
- iii) include initiatives to reduce out commuting from Bicester.
- iv) provide an assessment of the rail freight opportunity of the site and its potential to attract employment to the site and reduce road transport.
- v) address the wider Local Enterprise Partnership priorities and the opportunity for the site to contribute to their aims.
- vi) the rail lines serving the commercial units on Graven Hill shall not be removed until the assessment of the rail freight opportunity required by this condition has been submitted to and approved by the Local Planning Authority.

Reason: To secure sustainable economic growth in order to create jobs and prosperity in accordance with Government advice contained in the National Planning Policy Framework.

- 44 The local shops or facilities at Graven Hill (use classes A1, A2, A3, A5 or D1) shall not exceed 1358m<sup>2</sup> in total or comprise of any single unit exceeding 150m<sup>2</sup> in area, with the exception of a single additional retail unit (use class A1) which shall not exceed 1000m<sup>2</sup> gross area. The local shops and facilities thereafter shall not be amalgamated to form larger units without the prior written consent of the Local Planning Authority. The 1000m<sup>2</sup> retail unit shall not be used for any purpose outside of use class A1.

Reason: To ensure the provision of appropriate local community facilities to serve the development in accordance with Government advice contained in the National Planning Policy Framework.

- 45 Notwithstanding the provisions of Class J of Part 4, schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and its subsequent amendments, the approved B1 (a) development on Graven Hill shall not be converted to provide residential accommodation, without the express planning consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of the Graven Hill site, in order to ensure an appropriate level of services and amenities will remain for the development, in accordance with central Government advice contained the National Planning Policy Framework.

### Construction

- 46 All services serving the proposed development shall be provided underground unless details have first been submitted to and approved in writing by the Local Planning Authority. Details of any necessary above ground infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended) shall be submitted concurrently with the details of the development they serve.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Adopted Cherwell Local Plan and Government advice contained in the National Planning Policy Framework.

- 47 A Construction Environment Management Plan (CEMP), in relation to Graven Hill, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development on Graven Hill. Thereafter, the development shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the environment is suitably protected during construction in accordance with Policy ENV1 of the Adopted Cherwell Local Plan and Government guidance contained the National Planning Policy Framework.

### Landscape

- 48 Notwithstanding the details submitted, no development shall take place on Graven Hill until a Strategic landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include;

- i) identification of strategic landscape areas which shall accord with the approach set out in the Design and Access Statement
- ii) phasing of the provision
- iii) key principles for the laying out and management of each area
- iv) protection of habitat and open space areas pre and post laying out, whilst development takes place on the site.
- v) fifteen year management plan for the maintenance of the area.

vi) an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions

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

49 In relation to Graven Hill, 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 or group of trees which shall be retained in accordance with the approved plans and particulars as set out in the Graven Hill: Tree Survey (BIC/OPA/DOC/19, September 2011); and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this consent.

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.

50 No enclosures shall be erected within 5 metres of the retained barracks, without the prior express planning consent of the Local Planning Authority.

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

## Highways

51 That prior to the first occupation of the Graven Hill development the proposed Entrance Works (A41/Graven Hill Road/B4100/A4421 roundabout) as shown on Figure 11.3 in the accompanying Transport Assessment, drawing reference 27808-L463 (September 2011) – A41/Gravenhill Road/B4100 mitigation scheme (signal), between the land and the highway shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken.

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

52 That prior to the first occupation of the Graven Hill development, a construction timetable for the proposed works at Pioneer/A41 roundabout, as shown on Figure 11.4.3 in the accompanying Transport Assessment and drawing reference 27808-L464 (September 2011) – A41/Pioneer Road mitigation scheme, between the land and the highway shall be agreed. The agreed timetable shall thereafter be adhered to and the works shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken. There shall be no occupation of phase 2 (residential) or phase 1, 2 or 3 of commercial land, as set out in the phasing plan on page 178 of the Design and Access statement, until the agreed works have been implemented in accordance with the timetable, unless otherwise agreed in writing by the Local Planning Authority.

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

53 No development shall commence on site within each agreed phase for the Graven Hill development until the internal vision splays for all vehicle access and pedestrian crossing points for the development are submitted to and approved in writing by the Local Planning Authority. Such vision splays shall be formed, laid out and constructed in accordance with the approved plan and shall not be obstructed by any object, structure, planting or other material at any time.

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

54 No development shall commence on site within each agreed phase for the Graven Hill development until the tracking manoeuvres for refuse vehicles, fire tenders etc are submitted to and approved in writing by the Local Planning Authority.

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

55 No development shall commence on site within each agreed phase for the Graven Hill development until details of the pedestrian, cycle and vehicle routes are submitted to and approved in writing by the Local Planning Authority. Such routes shall be formed, laid out and constructed strictly in accordance with the approved details.

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

56 No development shall commence on site within each agreed phase for the Graven Hill development until a lighting scheme for the pedestrian, cycle and vehicle routes are submitted to and approved in writing by the Local Planning Authority. Such lighting shall be formed, laid out and constructed strictly in accordance with the approved details.

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

57 No development shall commence on site for the Graven Hill development until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase 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 and routes to the Graven Hill development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason - In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the Bicester, Ambrosden and Arncott during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

- 58 That, before any of the dwellings within each agreed phase of the Graven Hill development are first occupied, the whole of the estate roads, bridges, footways, cycleway and other pedestrian/cycle routes (except for the final surfacing thereof) shall be laid out, constructed, lit and drained to Oxfordshire County Council's specifications

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice contained in the National Planning Policy Framework.

- 59 That, before any of the dwellings are first occupied within each agreed phase of the Graven Hill development, the proposed vehicular accesses, driveways, parking courts, parking areas and turning areas that serve those dwellings shall be constructed, laid out, surfaced and in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice contained in the National Planning Policy Framework.

- 60 That, before the non-residential elements of the Graven Hill development are first occupied, the parking areas shall be constructed, surfaced, laid and marked out, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice contained in the National Planning Policy Framework

- 61 A safeguarded route for a South Eastern relief road shall be identified on the master plan for the site (maximum width 15 metres) which shall be submitted to and approved in writing prior to work commencing at Graven Hill. The safeguarded area shall thereafter remain free of built development.

Reason: In order to safeguard the possible provision of a new relief road, in accordance with the Bicester Movement Study, Proposed Submission Cherwell Local Plan 2013 and guidance set out in the National Planning Policy Framework.

### **Drainage Conditions**

- 62 No development shall commence until full details of a scheme for the provision of mains foul water drainage and treatment, including any improvements or other works to existing off site drainage and treatment infrastructure ('the drainage scheme'), has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include details of the drainage and treatment works to be provided for each phase of the development set out in the Phasing Plan approved under condition 30. No dwellings in any phase of the development shall be occupied until that part of the drainage scheme for the relevant phase(s) of the development has been implemented in full.

Reason: To ensure that sufficient capacity is made available to dispose and treat the foul flows discharged from the development. This condition is imposed in light of policies set out within the NPPF.

- 63 Development shall not be commenced on the Graven Hill site until: impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason - To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

- 64 Prior to the commencement of development on the Graven Hill site, a scheme to ensure that no surface water from the Graven Hill development shall be discharged onto the adjoining highway shall be submitted to and approved in writing by the Local Planning Authority and constructed in accordance with the approved scheme, prior to the commencement of each agreed phase.

Reason - In the interests of highway safety and mitigating flood risk and to comply with Government advice contained in the National Planning Policy Framework.

- 65 Prior to the commencement of development at Graven Hill, a surface water drainage strategy based on Sustainable Urban Drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority and constructed in accordance with the approved scheme, prior to the commencement of development. The approved scheme shall then be implemented and maintained in accordance with approved details.

Reason; To prevent the risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure maintenance of the scheme.

- 66 Prior to the development of each phase, the related Sustainable Drainage Systems (SUDS) shall be laid out, constructed to Oxfordshire County Council's specifications.

Reason - In the interests of highway safety and mitigating flood risk to comply with Government advice contained in the National Planning Policy Framework.

- 67 No development on any phase or parcel at Graven Hill shall commence until a detailed scheme for disposal of surface water, including phased works and maintenance thereof, attenuation and storage and on site balancing arrangements reflecting current best practice for sustainable urban drainage, have been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with approved scheme.

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

- 68 The development permitted by this planning permission shall only be carried out in accordance with the approved drainage strategy CIV15119 DR 002 Rev A03, dated November 2013 and the following mitigation measures as stated on the email dated 20 November 2013 from Peter Johnson (Waterman Transport and Development Ltd).

- o Discharge rates limited to 2l/s/ha during a 1 in 1 year storm event and 11l/s/ha during a 1 in 100 year plus climate change storm event.
- o Attenuation provided for up to the 1 in 100 year (plus 30% for climate change) event using swales and ponds.

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



## Historic Environment

- 69 No development shall take place on Graven Hill until the applicant, or their agents or successors in title, has secured the implementation of a programme of recording in accordance with a written scheme which has been submitted to and approved by the Local Planning Authority.

Reason: To secure the proper recording of buildings which are of national significance, forming part of the former Central Ordnance Depot, to comply with Government advice contained in the National Planning Policy Framework.

- 70 No development shall be occupied Graven Hill until the programme of recording as set out in condition 69 has been completed and the provision made for publication and dissemination of the results and archive deposition has been secured.

Reason: To secure the proper recording of buildings which are of national significance, forming part of the former Central Ordnance Depot, to comply with Government advice contained in the National Planning Policy Framework.

- 71 Prior to any demolition and the commencement of the development at Graven Hill a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the Graven Hill application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

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

- 72 Prior to any demolition on the Graven Hill site and the commencement of the development hereby approved on Graven Hill, and following the approval of the Written Scheme of Investigation referred to in condition 71, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

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

## Ecology

- 73 The development of Graven Hill hereby approved shall be carried out strictly in accordance with the mitigation proposals laid out in table 3.3, chapter 3, page 30 of the Environmental Statement set submitted with the application, which was prepared by AMEC dated September 2011.

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.

- 74 If the development of Graven Hill hereby approved does not commence within 1 year from the date of this decision, revised species surveys as set out in table 12.3, Chapter 12, Volume 2 of the Environmental Statement shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on badgers, bats, dormice, great crested newts, reptiles, birds and invertebrates. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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.

- 75 Prior to work commencing on Graven Hill, a habitat creation plan, identifying how existing bio diversity on the site will be maintained and a net bio diversity gain will be delivered, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall thereafter be implemented in accordance with the phasing set out in the plan.

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.

- 76 Prior to the commencement of the development hereby approved at Graven Hill, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority for each phase of development. Thereafter, the development shall be carried out in accordance with the approved CEMP.

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.

## Contamination

- 77 Prior to the commencement of the development on any phase hereby permitted on Graven Hill, 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. The report shall identify clearly the phase to which it relates and the relationship to remediation of phases already completed and to those remaining to be undertaken. 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.

- 78 If contamination is found by undertaking the work carried out under condition 77, prior to the commencement of the development hereby permitted on Graven Hill, 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.

- 79 If remedial works have been identified in condition 78, the development of Graven Hill shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 78. 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.

## PLANNING NOTES

1. All historic reports completed as part of condition 70 shall be made publically available through the Local Historic Environment Record and the National Monuments Record.
2. The construction or alteration of any culverting or dam or weir like structure on a watercourse, requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Environment Agency resists culverting on conservation and other grounds and consent for such works will not normally be permitted.
3. Permission is required before removing hedges that are at least 20 metres in length, over 30 years old and containing certain species of plant.
4. 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.
5. Attention is drawn to the attached advice for applicants from the Environment Agency
6. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
7. Please note all the internal vision splays must be dedicated as public highway land to maintain the vision splays for safety reasons.

**STATEMENT OF ENGAGEMENT**

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 through the approval of a sustainable form of development and ongoing dialogue with the applicants during pre-app and throughout the course of the application, in accordance with the guidance set out in the NPPF.



**NOTICE OF DECISION**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**(AS AMENDED)**

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**NOTES TO THE APPLICANT**

**TIME LIMITS FOR APPLICATIONS**

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply :

**Where planning permission is given in outline** subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

**Where the planning permission is complete and is not in outline**, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

**OTHER NECESSARY CONSENTS**

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before considering work on site.**
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 0300 0030 200 , fax 0300 0030 201 or E-mail at [building.control@cherwellandsouthnorthants.gov.uk](mailto:building.control@cherwellandsouthnorthants.gov.uk)
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion

of a public footpath.

- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

## **APPEALS TO THE SECRETARY OF STATE**

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

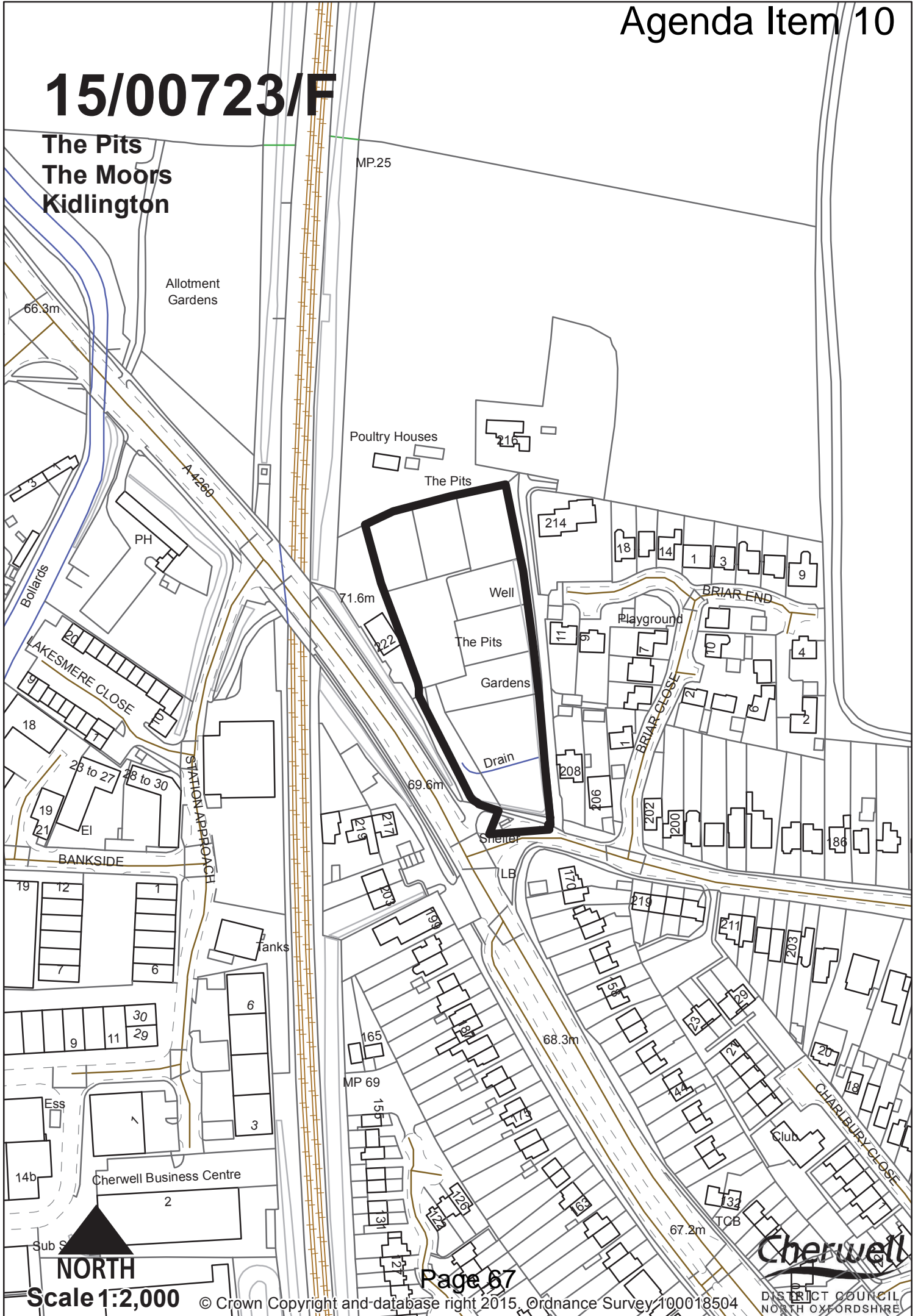
## **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

# 15/00723/F

The Pits  
The Moors  
Kidlington



Allotment Gardens

MP.25

Poultry Houses

The Pits

Well

The Pits

Gardens

Drain

Shelter

LB

BRIAR END

Playground

BRIAR CLOSE

CHARLBURY CLOSE

Cherwell Business Centre

**Cherwell**

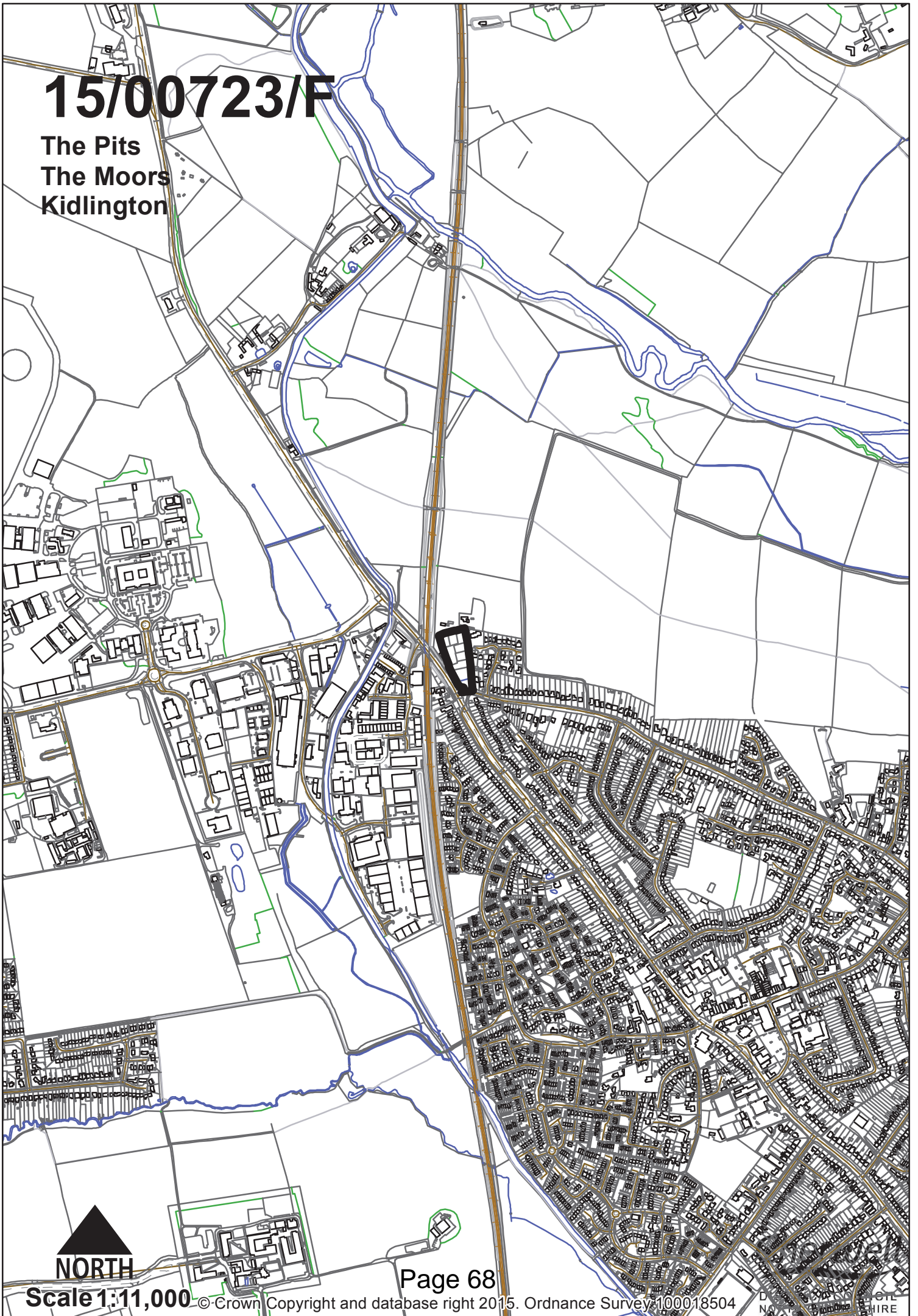
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**NORTH**

Scale 1:2,000

**15/00723/F**

**The Pits  
The Moors  
Kidlington**



**Scale 1:11,000**

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OS  
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# The Pits, The Moors, Kidlington

15/00723/F

**Ward:** Kidlington North

**District Councillor:** Cllr Rhodes  
Cllr Williamson

**Case Officer:** Paul Ihringer

**Recommendation:** Approval

**Applicant:** CMG (Kidlington) Ltd.

**Application Description:** 70 bedroom care home

**Committee Referral:** Major

**Committee Date:** 9<sup>th</sup> July 2015

## 1. Site Description and Proposed Development

- 1.1 The application site (referred to as both The Pits and The Gravel Pits) is an elongated strip of land located on the northern edge of Kidlington near the junction of The Moors and Banbury Road. These two roads abut the southern and part of the western boundaries of the site respectively (the train line between Oxford and Banbury also passes close to the western boundary). The eastern flank of the plot runs parallel with a single track road which serves three properties and a caravan park. To the north of the site is 216 The Moors with an agricultural field beyond. The boundary with the field demarcates the boundary Oxford Green Belt.
- 1.2 The proposed development site, 0.73 hectares (1.8 acres) in area, was until recently used as allotments (Gravel Pits Allotments) and was sub-divided into 22 individual plots. With a few old sheds remaining *in situ*, the plots are starting to get over grown having been vacated at some point in the last year. The site is well screened by trees from both the Banbury Road and The Moors, but is exposed when viewed from the track on the eastern boundary.
- 1.3 The allotments were accessed via an unmade track which emerges very close to the junction of The Moors and the Banbury Road. The track still serves the occupiers of 222 The Moors, a large two storey house located between the allotments and the Banbury Road. The rear garden of this property is screened from the allotments by a mature row of evergreen trees running along the side boundary.
- 1.4 As a result of its former use as a gravel pit, the majority of the application site is on lower ground (up to 2.5m) than the land surrounding it. Notwithstanding its most recent use, the fact that it was formerly a gravel pit means that the land could be potentially contaminated. The only other notable site constraints relate to the sighting of a number of protected species within the vicinity and the proximity of a SSSI (Shipton on Cherwell and Whitehill Fern Quarries is within 2km).
- 1.5 In order to raise additional revenue and rationalise the number of allotment sites that it operates, Kidlington Parish Council, who own the site, has resolved to sell off the allotment site. Those people who previously worked the

allotments have been found alternative plots at the Station Road (200m to the north east) and the Bicester Road sites.

- 1.6 The potential purchasers of the site are seeking planning permission to erect a 70 bedroom care home which would provide support for the frail elderly including people suffering with dementia. The two storey building would have an 'L' shaped footprint with a maximum length of 83m running along the eastern boundary and would have an elevation of just over 50m facing the northern boundary. The applicant is proposing to use two different types of brick as well as rendered sections in order to try and provide some visual interest to what is an elongated structure. A number of differently proportioned gables are also included in the design to try and further soften the appearance of the building with some articulation. As the depth of the main body of the building is just over 10m the applicant has opted for a false roof pitch to limit the overall height (5.5m - 7.2m) of the care home.
- 1.7 The home would feature en-suite bedrooms, 24 hour on site nursing provision, a cafe, hair salon and cinema. Other shared facilities include lounges, dining rooms and day spaces. The surrounding green space would be made up of landscaped garden areas linked by a perimeter path. A native hedge running along a large proportion of the site boundary would help to enclose the care home with strategically placed fencing and railing further ensuring that residents are prevented from being able to easily wander outside the confines of the site.
- 1.8 The facility would be served by 32 parking spaces to the front (western elevation) of the building and would be linked to the Moors via a new access point which currently forms part of a bus stop and is just to the west of the access serving the caravan park. The applicant has come to an agreement with OCC to find an alternative location for the bus stop.
- 1.9 Given the difference in levels, the track between the access point and the car park would be on an engineered slope (the parking area would be 1.8m below the access point). As part of the landscaping scheme, the row of conifers fronting The Moors would be removed. Other than the communal garden areas, planting would be focused on the addition of new trees and hedging, principally running along the site boundaries.
- 1.10 The applicant's agent states that the care home, aside from 'knock-on' employment benefits to businesses directly or indirectly servicing the facility (including 80 temporary jobs during the construction phase), would create 70 full-time jobs.
- 1.11 This proposal was submitted in conjunction with an advertisement application, 15/0752/ADV.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 5<sup>th</sup> June 2015.

9 letters have been received. The following issues were raised

Material planning comments:

- Speed (above limit) of vehicles going down The Moors
- Conflict with other existing accesses in close proximity
- Inappropriate location of access
- Conflict with caravans (using adjoining access)
- Conflict with pedestrians
- Number of movements increasing
- Danger associated with junction onto Banbury Road
- Existing access to allotments not shown on the plans
- Existing properties inaccurately plotted
- No context plan
- Possible alternative access off Briar Close
- Appropriateness of the travel assessment
- Swifts nesting nearby – boxes required
- Some allotment holders unable to take up new sites (age and health issues)
- Ecology report inadequate
- Habitats should be conserved particularly as Green Belt under pressure
- Travel plan overstates public transport frequency
- Number of people likely to travel on foot overstated
- Travel plan will only receive limited funding (five years)
- Housing scheme refused on this site in 1987 (CHS.825/87) – highway safety grounds
- Briar End safe way into the allotment site
- Changes recommended by Highways Authority will be positive, but could be further improved
- Insufficient parking proposed
- Loss of allotment site

Non material comments:

- Three weeks not long enough consultation time
- Kidlington PC had advised that land would be used for housing
- No contact with the neighbouring residents

The applicant sought the opinions of the local residents by undertaking a public exhibition at Exeter Hall on the 8 April 2015. The event was advertised by way of a leaflet drop. Local politicians were also invited to the event which resulted in feedback forms being filled in, by nine of those attending. The only concern that resulted from this consultation exercise related to traffic flows and the access.

### **3. Consultations**

#### **3.1 Kidlington Parish Council: Comments as follows:**

“KPC are unable to comment due to vested interest.”

## **Cherwell District Council Consultees**

### **3.2 Planning Policy Officer:** Comments as follows:

#### Five year housing land supply and need for extra care and specialist housing for older people

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 NPPF, 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.

#### Loss of Allotments

The Planning Policy Statement supporting the application indicates that the Parish Council have confirmed that all Gravel Pits tenants were offered a choice of alternative provision at either the Station Fields or Bicester Road sites in Kidlington and that all tenants have now being relocated.

The assessment of need in the evidence supporting the application and that supporting emerging Local Plan policies is not directly comparable but by using an approximate ratio of 8 plots to 0.2 ha as indicated in Green Space Strategy Background document (LEI01 page 100) the analysis of allotment space need supporting the application's case can be assessed against the context of the emerging Local Plan standards.

CDC's 2011 Open Space Update (LEI02 Appendix 3) indicated an allotment shortfall of 0.38 ha (circa 15 plots) at Kidlington.

The application's Planning Policy Statement indicates the Parish Council has during 2014 added 58 new plots to Kidlington's' allotment stock: 23 new plots at Station Fields located in close proximity to Gravel Pit, and 35 temporary plots at Bicester Road.

The application proposal would result on the loss of 22 allotment plots. However, the applicant indicates that these have been replaced in close proximity to the site and that allotment users have been relocated.

It is also noted that the application's Planning Policy Statement indicates the economic and community benefits of the proposed care use.

### Overall Policy Observations

The proposal site is well located in relation to services, facilities and public transport as encouraged by saved Policy H4 of the adopted Local Plan and emerging Policy BSC4. The emerging policy (Local Plan 2031) 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.

The application site is a designated green space in the emerging Local Plan (5.4 Key Policies Map) and its loss would be contrary to Policy BSC10 which protects against the loss of existing open space, outdoor sport and recreation sites. In addition, Policy Villages 4 indicates a shortfall of allotments in Kidlington.

Policy R17 of the NSCLP provides the relevant criteria to assess development proposals until development management policies are adopted in Local Plan Part 2

Paragraph 74 of the NPPF indicates that open space, sports and recreational buildings and land should not be built unless proposals comply with a set of criteria.

Policy R17 and paragraph 74 of the NPPF both allow for development of allotment land if suitable replacement is provided.

The application evidence indicates that the loss resulting from the proposed development (22 plots) has been replaced by suitable provision (23 plots at Station Fields) and all allotment users relocated.

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.

A number of other policies are also of relevance when determining this application in particular with regards to:

- design: saved policies C28, C30 and C31, NSCLP policies D3 and D4 and emerging policy ESD16.
- environmental mitigation: NSCLP policies EN15 and D9 and emerging policies ESD1, ESD3 and ESD7.
- transport: saved policies TR1 and TR7, NSCLP policies TR3, TR4, TR5, TR9, and TR11, and emerging policy SLE4.

### Policy Recommendation

Although the loss of green space would be contrary to Policy BSC10 supporting evidence indicates that suitable alternative allotment provision has been made and the proposal is broadly in accordance national policies, and adopted and emerging Development Plan policies.

**3.3 Design and Conservation Officer:** Comments as follows:

Recommendations based on the originally submitted plans:

Roof: Request contextual views.  
The gable roofs should match the pitch of the main roof.

Design context: The plan form and modelling of the façade should lead to interesting architecture.  
The design statement needs to justify or explain the design.  
The plans and elevations should be reviewed to produce a building of integrity.  
Consider the sustainability of the building in terms of lighting and ventilation, coupled with the positive effects of natural light and ventilation. Is it possible to incorporate further windows in the long corridors and to the nursing stations?

D&A Statement: The proposal needs to enhance the area which is currently lacking an identity, we need to create a sense of place rather than make it more piecemeal.

It does not follow that the sometimes banal norm for retirement homes cannot be challenged in an effort to make our built environment better.

**3.4 Arboricultural Officer:** Comments as follows:

“Generally, I have no significant arboricultural issues regarding this application and I concur with the classifications, findings and recommendations within the submitted arboricultural report.

“The vast majority of vegetation on-site is of low amenity value and should not be considered a constraint to the proposals. One tree however, a sycamore identified as T1 (cat ‘B’ retention) should be retained due to it’s ‘Good’ condition, prominence / visibility and bio-diversity value. This tree is shown on Landscape drawing No 706-001B as being removed with a replacement feature tree planted in close proximity. I would insist that T1 is retained alongside a new planting as proposed with appropriate protective measures recommended within an agreed AMS.

“There are a number of trees located in neighbouring properties outside of the red-line boundary. To reduce any risk of construction damage, protection of these trees should also be included within an agreed AMS.”

**3.5 Landscape Officer:** Comments as follows:

“The care home is sited on land which lies at a lower level than the surrounding ground. The site looks to be at least 2m lower in places. As a result the impact of the building on surrounding dwellings will be reduced.

“The layout works in terms of the building having a face to The Moors and the car parking being largely concealed from the frontage

### Landscaping proposals

“These show some thought has gone into the proposals. There is a good mix of ‘public’ and ‘private’ provision with the opportunity for horticultural therapy, group seating outdoors as well as the provision of patio areas to individual rooms. Staff and vehicular areas are segregated.

“Slopes to the east of the site are steep and a slope of max 1:4 should not be exceeded for grass cutting. There is room to adjust path alignments if necessary so it shouldn’t be a problem.

“The entrance to the site from The Moors seems a little bare compared to the attractive landscape within the development. I wouldn’t want to replicate the current high hedge and close off views into the site, but a little more framing of the view in may fit better with the existing street scene.”

### 3.6 **Ecology Officer:** Comments as follows:

I am pleased to see the applicant has now submitted updated information including a reptile survey and carried out a further check of the site. I am satisfied that sufficient ecological information has now been submitted at this stage.

The site supports a population of slow worms and common lizards. An outline scheme for mitigation is proposed but a full mitigation scheme with identification of appropriate receptor site and working methods needs to be conditioned prior to any works commencing on site.

Breeding bird populations are present and therefore site clearance needs to avoid the breeding season unless prior checks by an ecologist have been carried out.

Currently badgers look to be unlikely to be affected by the works however an update check should be carried out prior to works commencing and should any badgers have moved onto the site, or within the recommended distance to be disturbed by works, a licence may be required. Access for badgers to forage and cross the site should be maintained and factored into fencing choices.

The proposals for biodiversity enhancement on site within the ecological assessment are generally good. A full scheme needs to be submitted with details of location and a planting plan with proposed management. I would also request that the applicants take notice of the suggestions for swift boxes/bricks on the development made by Chris Mason in his comments. There are records of swifts nesting in the vicinity of this site and therefore this provision could be very beneficial and in line with NPPF recommendations will go a long way to achieving a net gain for biodiversity on site when taken with the suggestions already made in their report. I would advise contact with the Swift Conservation Coordinator to discuss appropriate locations and types.

It can be presumed that bats are likely to use the boundaries of the site for foraging and commuting therefore maintaining dark corridors around the site is important. Any lighting scheme must ensure that lighting is directed away

from vegetation and that unnecessary light spill is minimised by the use of baffles or design in line with Bat Conservation Trust Guidelines.

**3.7 Environmental Protection Officer:** Comments as follows:

Land

"I have reviewed the SLR Preliminary Land Quality Risk Assessment (reference 402-03762-00002, date February 2015) submitted with this application. This assessment has identified several pollutant linkages for further investigation. The findings of the report are acceptable and section 5 of the report includes proposed further investigation works. I can confirm these proposals are acceptable and as such recommend applying the following conditions relating to land contamination (set out in recommended conditions below)

Air

"It's noted that this development is quite close to the A4260. There isn't an air quality assessment submitted with this application but based on the traffic generation figures given in the transport assessment (and accepted by OCC as reasonable), I don't recommend requesting an air quality assessment is provided. I would recommend that air quality is referred to in the travel plan requested by OCC. The site is close to residential properties so to ensure that air quality mitigation is incorporated into the construction phase of the development, I recommend a construction environment management plan is required by condition" (set out in recommended conditions below)

**3.8 Anti-Social Behaviour Officer:** No comments received

**Oxfordshire County Council Consultees**

**3.9 Highways Liaison Officer:** Comments as follows:

*Access road and parking*

"The plans submitted with the planning application showing the layout of the parking and access road and its junction with The Moors are considered to be acceptable – full details will need to be submitted and approved by the Local Planning Authority (LPA) in consultation with the highway authority. This is to ensure that the arrangements are suitable to accommodate the needs of the development and therefore keep any overspill car parking onto the public highway to an absolute minimum.

"The crossing from the care home side of the car park to the footway leaving the development alongside the access road could be better differentiated to help pedestrians and alert drivers to the need to drive at an appropriate manner. This will also help visually impaired residents walking to and from the development. This could be achieved using a different colour surfacing material or some form of concrete blocks suitable for over running by large vehicles. A ramp on either side of the crossing would help reduce vehicle speeds as they enter/leave the car park, for the benefit of pedestrians and cyclists.



#### *New junction with The Moors*

“The proposed junction of the access road with The Moors will be delivered by a S278 agreement. Contrary to what is said in paragraph 2.5.2 of the Axis Transport Assessment, the bus stop that is proposed to be removed as part of the new junction with The Moors is currently used by up to 2 buses an hour. As such, the bus stop will need to be replaced in the near vicinity – it is acknowledged that the developer has committed to pay for this replacement. Plans for its replacement will need to be developed as part of the new junction arrangements, bearing in mind the potential constraints of the existing highway and private residential driveways. The plans for the junction and replacement bus stop will need to be approved before commencement of the development and delivered by means of the S278 process. The work will need to be completed before first occupation of the care home.

“Overall, the proposals for the new access junction that accompany the planning application appear to be an improvement on the current arrangements, assuming that the bus stop can be replaced satisfactorily nearby – currently, for most of the time when the bus stop is not in use, vehicles turning into The Moors from the Banbury Road can avoid the existing speed hump to the left and their speed and behaviour is therefore not modified positively as originally intended by the traffic calming scheme. The narrower new arrangement will require all vehicles to drive over the speed hump which will have a positive impact on driver behaviour. This is especially welcomed given the fact that the new access junction will result in more vehicle turning movements on and off the Moors compared to now. It will also see much more pedestrian activity with staff, residents and visitors crossing the Moors to/from the bus stops on Banbury Road; a higher than usual proportion of these movements will be elderly pedestrians with mobility and/or visual impairments. How the existing speed hump is affected by the new junction arrangement, particularly in relation to drainage, will need to be considered as part of the detailed design undertaken by the developer.

“To further reduce speed of vehicles turning left into The Moors from Banbury Road (whether or not they are accessing the care home), the kerb line on the northern side of the junction should be realigned – the junction is currently excessively wide and is more than likely laid out like it is as a hangover from when the A4260 was a Trunk Road. It certainly was laid out when the speed limit of the A4260 was higher than at present – a reduction from 40mph to 30mph was carried out in around 2002. This work should form part of the care home access that will be delivered by the S278. This change is particularly important given the increase in movements to and from the care home including by pedestrians crossing the Moors to get to Banbury Road bus stops. A higher than normal proportion of these pedestrians will be by more vulnerable pedestrians e.g. people with mobility and visual impairments, those using wheelchairs, scooters etc.

“To help staff, residents and visitors get to and from the bus stops on Banbury Road more safely and comfortably, the alignment of the footway as it emerges from Banbury Road onto The Moors should be improved and proper dropped kerbs with appropriate tactile paving provided – this should be carried out as part of the new junction on The Moors (*The HLO attached a plan to illustrate what was required*)”

### *Traffic impacts*

“Overall, the traffic impacts set out in the Transport Assessment accompanying the planning application appear logically calculated and acceptable. It is predicted that a maximum of 19 two way vehicle trips will be generated in the pm peak which we agree will have a very limited impact on the highway network – this additional traffic is unlikely to cause any significant capacity or safety issues at local junctions. However, please see above for details of a required change to the kerblines of the junction of the Moors with Banbury Road to reduce vehicle speeds turning left into The Moors

### *Walking and cycling*

“Whilst the site is not very close to the centre of Kidlington, it is accepted that in terms of residents, there will be limited demand for them to walk to the shops and services that are located there. It is more likely that residents fit enough to make trips to the shops and library etc would be doing so on the bus, in which case there are bus stops within a very short walk of the care home – on the Moors and (for a much more frequent service) Banbury Road.

“The TA demonstrates that the care home is located within reasonable walking and cycling distance for a large area of the residential population of the northern part of Kidlington.

“8 cycle parking spaces are proposed for the site. Given that there are 70 bed spaces and 70 staff on a three shift pattern, and the site has the potential to attract a higher than average level of cycling by staff and visitors as a result of its location close to a large residential area with relatively high levels of existing cycling, this appears to be a very low number. The county council does not have adopted standards for cycle parking for residential care homes. It is considered that a minimum of 25 secure cycle parking spaces should be provided. These should be located more attractively than is shown on the site layout plan at present – it is shown on the far side of the car park from the entrance. For it to be as attractive as possible it should be directly outside the main entrance (or very close by). The details of the number, location and design of the cycle parking will need to be the subject of a condition attached to any planning permission should it be granted. The preferred design of the cycle parking would be for Sheffield type stands to be used spaced 1000mm apart and covered.

### *Bus services*

“The proximity of a good choice of bus services to the care home will mean that staff will be able to travel to and from work by bus – at least during the day. Similarly, people visiting care home residents will easily be able to travel by bus as long as they live within walking distance of the Oxford to Kidlington bus service – this covers a large area of population.

“However, the frequency of the bus service 2C and 2D drops off dramatically in weekday evenings and on Saturdays during the daytime and does not run at all on a Sunday. Given that staff need to travel to the care home 7 days a week, this will hamper staff from travelling to the care home by bus outside of weekday daytimes. Many visitors will want to travel to the care home at weekends. It is also likely that a reasonable proportion of visitors and staff will either be unable to drive or have no access to a car. Therefore, in the interests of ensuring access to the care home is as sustainable as possible

right throughout the week, a contribution of £500 per bed space by means of a S106 agreement is considered to be reasonable to help improve the frequency/hours of operation of the bus services on the Banbury Road.

#### *Bus shelter*

“Up to two local buses per hour operate along the Moors, linking nearby villages and parts of Kidlington with its centre. The bus shelter facility should be replicated in a nearby location, once the necessary consents have been achieved for its relocation. The county council can assist with advice regarding a site meeting for the relocated bus stop, and in contacting the relevant stakeholders.

#### *Travel planning*

“To ensure as much travel as possible to and from the development is sustainable, the developer will submit a travel plan to the Travel Plan Team at Oxfordshire County Council, for approval before first occupation.

#### *Drainage*

“The planning application submission assumes that infiltration will be possible for the entire site and the drainage strategy is based on it. However there is no evidence that the infiltration potential of the ground will be suitable as no testing has been carried out. Ground water issues have also been mentioned in the flood risk assessment which may well affect the infiltration drainage solutions.

“In order to back up the strategy and eventual final design of the surface water drainage system, trial holes and infiltration tests will be required. To satisfy the county council a full drainage strategy will need to be submitted.

#### *Construction Travel Management Plan*

“A Construction Travel Management Plan will be required for this site.”

### **3.10 Ecology Officer:** Comments as follows:

“The District Council should be seeking the advice of their in-house ecologist who can advise them on this application.

“In addition, the following guidance document on Biodiversity & Planning in Oxfordshire combines planning policy with information about wildlife sites, habitats and species to help identify where biodiversity should be protected. The guidance also gives advice on opportunities for enhancing biodiversity:

### **Other Consultees**

3.11 **Thames Water:** No objections subject to condition

3.12 **Environment Agency:** No objections subject to condition

3.13 **Canal and River Trust:** “No comments”

## **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 and disabled

TR1: Transportation funding

C2: Development affecting protected species

C4: Creation of new habitats

C28: Layout, design and external appearance of new development

C30: Design of new residential development

ENV12: Contaminated land

### **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

Planning Practice Guidance

Submission Cherwell Local Plan (February 2015)

The Submission Cherwell Local Plan (February 2015) 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, shortly after commencing in June 2014 to allow further work to be undertaken by the Council. Modifications were required to meet the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA). The proposed modifications were subject to public consultation, from 22nd August to 3rd October 2014. The examination reconvened in December 2014 and the Inspector's report was published in June 2015 and is due to go before the Council's Executive in July. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The following policies are considered to be relevant:

BSC 2: The Effective and Efficient Use of Land – Brownfield land and Housing Density Policy

BSC4: Housing Mix

BSC 10: Open Space, Outdoor Sport and Recreation Provision

ESD5: Renewable Energy

ESD 13: Local Landscape Protection and Enhancement

ESD16: The Character of the Built and Historic Environment

SLE4: Improved Transport and Connections

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved

the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

H6: Sheltered accommodation  
R17 Allotments  
TR3: Transport assessments and travel plans  
TR4: Mitigation measures  
TR5: Road safety  
TR9: Cycle  
TR11: Parking

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning History
- The Principle
- Design and Neighbour Impact
- Highway Safety and Parking
- Other Matters
- Planning Obligations

### Planning History

5.2 CHS.825/87 – Outline application for low cost housing – refused on the grounds that there was sufficient housing allocated and highway safety grounds in respect of the proximity of the access to the junction of The Moors and Banbury Road.

### The Principle

- 5.3 Kidlington, along with all other settlements within the district, does not have a delineated boundary. Officers are, however, satisfied that notwithstanding its edge of village position, it is reasonable to conclude that the site lies inside the built up limits of Kidlington. Aside from its position between housing, the site, and indeed the majority of the rest of the village, has been excluded from the Oxford Green Belt.
- 5.4 Having established that the site lies with the settlement boundary, the first test the development needs to overcome is the principle of allowing a change of use. In the absence of any relevant saved development plan policy, when considering the loss of allotment land, the Council relies on Policy R17 of the Non-Statutory Cherwell Local Plan (NSCLP) and Policy BSC10 of the Submission Cherwell Local Plan (SCLP)
- 5.5 The remit of Policy R17 of the NSCLP specifically seeks to protect allotment land and reads as follows:

DEVELOPMENT ON ALLOTMENT LAND WILL NOT BE PERMITTED  
UNLESS IT CAN BE DEMONSTRATED THAT:

(i) REASONABLE REPLACEMENT CAN BE MADE IN A SUITABLE LOCATION; OR

(ii) THERE IS NO DEMAND FOR THE ALLOTMENTS AND EXISTING ALLOTMENT PROVISION IN THE AREA IS SUFFICIENT; AND

(iii) THE LAND IS NOT OF VALUE, OR POTENTIAL VALUE TO THE COMMUNITY, TAKING INTO ACCOUNT THE ADEQUACY OF OPEN SPACE PROVISION IN THE AREA.

5.6 Whilst the general thrust of the guidance set out in Paragraph 74 of the NPPF, which focuses on open space and community assets, reflects the above policy, it is less onerous in that there is no requirement to assess the 'value or potential value' to the community land as set out bullet point (iii) of Policy R17. Given the relative planning weight that is attributed to the two documents (i.e. the NPPF takes precedence over the NSCLP), it is considered that the principle of development is acceptable providing that the applicant demonstrates that there is either a lack of demand or that an appropriate alternative is made available.

5.7 In their submission, the applicant's agent states that all the allotment holders have been found alternative plots at either the Station Fields or Bicester Road sites. Given the close proximity to Station Fields (Bicester Road is approximately 2.5km away - abuts the eastern edge of the village) unsurprisingly most people elected for closest option. According to the applicant the allotment holders all got their preferred location. There have been no public comments that would bring the validity of this statement into question (other than one objector asking that the status quo remain unaltered).

5.8 As regards the provision of allotments, the applicant provided the following table of existing plots within the village:

Allotment Site	Number of Plots
Station Fields	47
Yarnton Road	44
Hazel Walk	29
Blenheim Road	13
Bicester Road	35
<b>Total</b>	<b>168</b>

5.9 Although the closure of the Gravel Pits site resulted in a loss of 22 plots, the Parish Council added an additional 58 plots during 2014. This figure, however, includes the Bicester Road site which only benefits from a temporary permission (land forms part of Parish Council's new cemetery). The other 23 plots resulted from an 'extensive site clearance' at the Station Fields site which doubled the number of plots available.

- 5.10 The applicant acknowledges that for the purposes of calculating whether there are sufficient plots to meet the needs of a settlement the size of Kidlington, it would be inconsistent to include the plots at the Bicester Road site. The National Society of Allotment and Leisure Gardeners (NSALG) suggest that there should be a minimum national standard of 20 allotments per thousand households. The applicant estimates that there are approximately 6,000 households in Kidlington (the census reveals that there were 5,542 households in 2011). Whilst no information has been provided in respect of plot size, officers, including the Planning Policy Officer, are nonetheless satisfied that sufficient evidence has been provided to conclude that Kidlington retains enough allotment space and that the development therefore accords with Government guidance contained within paragraph 74 of the NPPF.
- 5.11 Turning to the issue of whether a care home would be appropriate in this location, saved Policy H4 of the CLP states that *housing for the elderly and people with disabilities will be encouraged on sites within convenient reach of shops, community facilities and public transport and proposals that do not meet these criteria will normally be resisted*. Policy BSC4 of the SCLP has similar requirements (see also paragraph 50 of the NPPF) and also emphasises the current and growing need for such accommodation as set out in paragraphs B.124 and B.125 and also in a needs report commissioned by the applicant which analysed the local market.
- 5.12 Whilst within one of the most sustainable settlements in the district, its location on the northern edge does not make it particularly accessible to many local community facilities, which are mainly centrally located. However, given that the business would target the frail and those with dementia, it is unlikely that any of the future residents are going to leave the confines of the home, on foot, to visit local amenities.
- 5.13 In terms of accessibility for those working at the care home and those visiting their relatives, the site enjoys good road links and is accessible by public transport. Officers are therefore satisfied that the principle of a care home is acceptable and accords with the aforementioned Policy.
- 5.14 Although the Planning Policy Officer confirms the current five year housing land position (5.1 years with a 5% buffer) and that the Council therefore has a defensible position, approving this application would help to further bolster the Council's figures. This is because following the introduction of the Planning Practice Guidance last year, the Government now allows local authorities to count C2 housing when calculating their five year housing land supply (Paragraph: 037 Reference ID: 3-037-20150320). Another benefit of the proposal is the new employment opportunities that would be created, including the addition of 70 jobs (full-time equivalent) and the care home itself.

#### **Design and neighbour impact**

- 5.15 The Council's Design and Conservation Officer (DCO) raised a number of concerns in respect of the originally submitted scheme. Whilst it could not be said to be a sensitive part of the built environment (the site is not in a conservation area or within the setting of a listed building) the DCO criticised the fact that it would not make as positive a statement in this part of the village as it perhaps could. She also picked upon some of the detailing and design elements which were open to improvement. Most notably criticism was levelled

at inconsistencies between the various roof pitches, the lack of natural light to the main corridors and an absence of contextual plans and appropriate justifications.

5.16 In response, the applicant revised the scheme in an attempt to address the DCO's misgivings. The applicant summarises the changes as follows:

- The roof form has been revised to equalise the roof pitch throughout.
- The ridge lines to the roof have been lowered.
- The roof in the north west corner has been lowered. This creates a lower eaves and ridge line with dormer windows facing the car park.
- The northern quiet lounge has been relocated on the plan to allow more daylight to the corridors.
- Extensive internal glazing has been introduced into the day space internal walls to allow more daylight in the corridors.
- The northern quiet lounge now benefits from a larger, wider bay window to allow more light.
- Bay windows have been added to bedroom 3, 6 & 9 to justify the gable to these elevations.

5.17 The DCO welcomed a number of the revisions and the further design justification contained within the supplementary design and access statement. However, it was felt that further minor modifications could be made to improve the appearance of the building. Given that the applicant has shown a willingness to meet the recommendations of the various consultees, officers are satisfied that the remaining issues can be resolved prior to Committee. Therefore, subject to the receipt of acceptable revised plans, it is concluded that the development accords with Policy C28 of the CLP and Government guidance contained within the NPPF.

5.18 As regards neighbour impact, there are windows in the side elevation of 222 The Moors that face into the site. However the minimum distance to the western elevation of the care home is 28m, well beyond the required 22m set out in the Council's Home Extensions and Alterations Design Guide (2007). The proposed boundary treatment and tree planting on the site's eastern boundary should help to mitigate any disturbance from the parking area. As mentioned previously, this neighbour's rear garden is already well screened from the development site by a row of leylandii trees. It is however considered necessary to ensure that the first floor windows in the facing northern wing of the care home are obscurely glazed in order to ensure that the amenities of these neighbours are protected in perpetuity (this elevation of the building is within 5m of the boundary).

5.19 The closest properties to the east would be less affected given the topography and the limited number of facing windows. Obscure glazing is however recommended in the first floor of the eastern elevation of the north wing to ensure that the amenities of the occupiers of 214 The Moors are not compromised.

5.20 With these conditions in place, and in the absence of any other neighbours that would be unduly affected, it is concluded that the development would accord with Policy C30 of the CLP and the NPPF.



### **Highway Safety and Parking**

- 5.21 Those members of the public who took the opportunity to comment on the proposal flagged highway safety concerns as the principal issue with the application. They argue that there would be potential conflict with the track running along the site's eastern boundary which provides and access to three properties and a camping site, and the vehicles exiting Briar Close (which also serves Briar End). Objectors also cite the 1987 refusal (CHS.825/87 refers) for low cost housing on the site. One of the reasons for refusal was on highway safety grounds (proximity of the access to the junction of The Moor and Banbury Road). It has been further suggested that it would be preferable to access the site from Briar Close/Briar End which it has been previously established, as part of the original permission, could accommodate more traffic associated with a new housing development.
- 5.22 The Highways Liaison Officer (HLO) reaches a different conclusion arguing that the new access junction would actually represent an improvement in highway safety terms. This is because the scheme would require a reconfiguration of the road layout resulting in the loss of a bus lay-by (these works would be delivered by a S278 agreement). The lay-by is misused by many drivers as they avoid the adjacent speed hump – this is something that would not be possible with the revised arrangement proposed. Safety would also be improved by a required reworking of the junction of the Banbury Road and The Moors which would reduce the speed of vehicles turning left onto The Moors from the Banbury Road (it is worth noting that the 1987 refusal pre-dated a change in the speed limit on Banbury Road). Improvements to the pavement linking the site to the bus stop on the Banbury Road are also being sought.
- 5.23 The HLO is satisfied with the proposed parking provision although contributions are being sought to improve the frequency of the bus services in the area, during weekday evenings and at the weekend, to ensure that those wishing to travel to the care home by public transport are able to do so outside normal working hours. The HLO is recommending that a minimum of 25 secure cycle parking spaces are provided (the applicant only calculated a need for 8 spaces) in order cater for the expected higher than average number of people (visitors and staff) that are likely to cycle to the care home. The cycle parking would be secured by condition.
- 5.24 Following revisions to the scheme, based on the comments made by the HLO and subsequent discussions with the applicant's transport advisor, officers are satisfied that the scheme complies with Policy TR1 of the CLP, transport policies set out in the NSCLP and Government guidance contained within the NPPF relating to parking and highway safety.

### **Other Matters**

- 5.25 Given the former use as a gravel pit, the applicant was advised to submit a report assessing the potential contaminated land risks. The Council's Environmental Protection Officer (EPO) is happy with the scope of the report and its recommendations (further investigative works required). As for air quality, the EPO notes the proximity to the A4260 but as the traffic generation figures contained within the transport assessment are not queried by the HLO it has been concluded that this matter can dealt with as part of the construction environmental plan condition rather than requiring an air quality assessment at

the application stage. The development therefore accords with Policy ENV1 of the CLP.

- 5.26 The Council's Ecologist was pleased with the approach taken by the developer in providing all the preliminary ecology reports, including updates to the pre-app surveys of the site. Although further investigative work would be needed, the Ecologist describes the suggested biodiversity enhancement as 'generally good'. On the basis of this assessment and subject to condition it is therefore concluded that the development accords with Policy C2 of CLP as well as the NPPF and the relevant EU directives.
- 5.27 There are a number of trees on and abutting the site. However as most are considered to be of little value, the Council's Arboriculturalist only concern, other than ensuring that the trees outside the red line aren't unduly affected during construction, was that the tree identified as T1 (a sycamore in the south west corner of the site) should be retained. The applicant has amended the scheme accordingly.
- 5.28 The Landscape Officer is largely supportive of the proposal stating that there is *a good mix of 'public' and 'private' provision with the opportunity for horticultural therapy*. The one negative observation was the absence of much planting on the boundary with The Moors. The retention of the sycamore as part of a minor revision to the landscaping scheme would address this criticism.

#### **Planning Contribution**

- 5.29 Cherwell's financial contribution requirements can be dealt with by condition (bins). The County Council originally sought a total of £35,000 (£500 per unit of accommodation) – see section 3.9 above - which following discussion with the applicant was eventually lowered to £28,000 (£400 per unit). In addition, £6,000 has been earmarked to contribute to a replacement bus shelter. £1,240 is required to monitor the travel plan. Other works to improve the road layout, referred to under the sub-heading Highway Safety and Parking above, would be dealt with by a S278 agreement.

#### **Consultation with applicant**

- 5.30 Good communications were maintained with the agent to ensure that the issues that arose during the application process were successfully dealt with.

#### **Conclusion**

- 5.31 Based on the assessment above and subject a satisfactory S106, this application for a care home is recommended for approval as it is concluded that the development accords with the policy set out in section 4 of this report.

## **6. Recommendation**

**Approval**, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the County Council to secure financial contributions as outlined in paragraph 5.29,

b) the following conditions:

- 1 That 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 conditions attached to this permission, the development shall be carried out strictly in accordance with the:

Transport Assessment produced by Axis and dated April 2015;  
Preliminary Land Quality Risk Assessment produced by SLR and dated February 2015;  
Preliminary Ecological Appraisal produced by SLR and dated February 2015;  
Flood Risk and surface Water Drainage Statement produced by SLR and dated April 2015;  
Design and Access Statement dated 20 April 2015;  
Supplementary Design and Access Statement dated June 2015;  
Landscape Design Statement produced by Alsfa and dated 13 April 2015;  
Arboricultural Assessment and Protection Method Statement produced by ACS Consulting and dated 15 April 2015;  
Statement of Community Involvement;  
Planning Policy Statement;  
Comprehensive Market Survey produced by Carterwood and dated December 2014

and the following approved plans: 14-078-100 Rev. B; 14-078-110 Rev. N; 14-078-120 Rev. M; 14-078-121 Rev. L; 14-078-135 Rev. A; 14-078-150 Rev. B; 14-078-151 Rev. B; 14-078-152 Rev. B; 14-078-160 Rev. A; 706 001 Rev. C.

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

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

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

4 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, 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.

5 That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

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

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

(c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

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

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

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.

7 Prior to the first occupation of the development hereby approved, details of refuse bins and their housing shall be submitted to and approved in writing by the Local Planning Authority. The approved bins and housing shall be provided prior to the first occupation of the building.

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

Policy Framework.

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

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

- 9 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) Applicant to confirm in writing the contact and qualification details of the project arboriculturalist employed on behalf of the Applicant to undertake the supervising and monitoring 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

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

- 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, vision splays and pedestrian provision 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 Retained Tree

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.

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

12 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, vision splays and pedestrian provision 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.

13 Prior to the commencement of the development hereby approved, full details of improvements to the pedestrian route between the development and Banbury Road 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 - To ensure safe and suitable access to the development for all persons.

14 Prior to commencement of the development the developer shall submit for approval in writing by the Local Planning Authority full details of the location and layout of the new bus stop and shelter proposed as a replacement for the one being removed as part of the new access of the development with The Moors. These details will have been subject to consultation with local residents, Kidlington parish Council and the county council. The developer

will make arrangements with Kidlington Parish Council to choose an appropriate style of shelter which the parish council is prepared to maintain. The agreed replacement must be introduced and operational before first occupation of the development.

Reason - to encourage as much use of the buses that serve The Moors for those people already living within the vicinity as well as those new residents and staff at the proposed care home.

- 15 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and 32 parking spaces within the curtilage of the site, arranged so that motor vehicles (including refuse, fire tender and delivery vehicles) may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

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

- 16 Prior to commencement of the development, full details of the number, location and design of cycle parking serving the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason - to encourage as much cycling to the development by staff and visitors as possible in accordance with the national Planning Policy Framework.

- 17 The developer will submit a travel plan to the Travel Plan Team at Oxfordshire County Council, for approval before first occupation.

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

- 18 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason: in the interests of highway safety and consideration for local residents

- 19 Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect

residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 20 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance or the translocation of any reptile, a strategy for the translocation of reptiles, which shall include the identification of receptor sites, any management scheme or landscaping and the arrangements for implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out strictly in accordance with the approved details.

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.

- 21 No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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.

- 22 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, the results of an updated walkover survey for badgers (no older than three months), whether a development licence is required and where necessary the location and timing of the provision of any protective fencing around setts/commuting routes or other mitigation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To 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.

- 23 Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a full scheme of



enhancements for biodiversity on site including locations and types of habitat boxes, timing of provision, planting and management as appropriate with reference to Section 6.5 of the Ecological Impact Assessment, prepared by SLR, dated June 2015, 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 conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

- 24 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- 25 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.

- 26 If contamination is found by undertaking the work carried out under condition 25, 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.

- 27 If remedial works have been identified in condition 26, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 26. 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.

- 28 If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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

- 29 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.

- 30 That the first floor windows in the western (facing the rear garden of 222 The Moors) and eastern elevation (facing the side elevation of 214 The Moors) of the northern wing shall be glazed at all times with obscured glass

that achieves a minimum of level 3 obscurity and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. The window shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason - To safeguard the privacy and amenities of the occupants of the neighbouring properties and to comply with Policy C30 of the adopted Cherwell Local Plan.

### **Planning Notes**

1. Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.

For guidance and information on road adoptions please contact the County's Road Agreements Team on 01865815700 or email [Road.Agreements@oxfordshire.gov.uk](mailto:Road.Agreements@oxfordshire.gov.uk)

### **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 11

## Cherwell District Council

### Planning Committee

9 July 2015

<b>Decisions Subject to Various Requirements - Progress Report</b>
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### Report of Head of Development Management

This report is public

#### Purpose of report

This report aims to keep members informed upon applications which they have authorised decisions upon to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

#### 2.0 Report Details

10/00640/F (re-affirmed 24.5.12)	<b>The following applications remain outstanding for the reasons stated:</b>  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	

14/01482/OUT (27.11.14)	Banbury AAT Academy, Ruskin Road , Banbury Subject to legal agreement tying in previous agreement to this permission
14/01816/F (11.6.15)	Land SE Blinking Owl PH, North Newington Subject to confirmation of rights of access
14/01843/OUT (19.2.15)	Land W of Great Bourton Subject to legal agreement to secure infrastructure contributions and affordable housing
14/02132/OUT (11.6.15)	Land at Bunkers Hill, Shipton on Cherwell Subject to legal agreement concerning on-site infrastructure delivery
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
<b>3.0</b>	<b>Consultation</b>  None
<b>4.0</b>	<b>Alternative Options and Reasons for Rejection</b>
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
<b>5.0</b>	<b>Implications</b>
5.1	<b>Financial and Resource Implications</b>  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, <a href="mailto:Kate.Crussell@cherwellandsouthnorthants.gov.uk">Kate.Crussell@cherwellandsouthnorthants.gov.uk</a>
5.2	<b>Legal Implications</b>  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

5.3	<p>221687, <a href="mailto:nigel.bell@cherwell-dc.gov.uk">nigel.bell@cherwell-dc.gov.uk</a></p> <p><b>Risk Management</b></p> <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, <a href="mailto:nigel.bell@cherwell-dc.gov.uk">nigel.bell@cherwell-dc.gov.uk</a></p>	
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## 6.0 Decision Information

### Wards Affected

All

### Links to Corporate Plan and Policy Framework

A district of opportunity

### Lead Councillor

None

## Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 <a href="mailto:bob.duxbury@cherwell-dc.gov.uk">bob.duxbury@cherwell-dc.gov.uk</a>

# Agenda Item 12

## Cherwell District Council

### Planning Committee

9 July 2015

<b>Appeals Progress Report</b>
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### Report of Head of Development Management

This report is public

#### Purpose of report

This report aims to keep members informed upon applications which 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

**14/00382/LB – Little London, Sibford Ferris, OX15 5RG** – appeal by Miss Helen Priestley against the refusal of Listed Building consent for the replacement of rear window with French doors.

**14/01809/F – Land to West of No 28 The Green and Adjacent to Vespasian Way, Chesterton** – appeal by Mr Nick Parkinson against the refusal of Erection of 10 no. dwellings with associated means of access, car parking and landscaping.

**15/00439/F – 41 Chatsworth Drive, Banbury, OX16 9TT** – appeal by Mrs Kochurani Shaju against the refusal of two storey side extension.



## 2.2 **Forthcoming Public Inquires and Hearings between 9<sup>th</sup> July and 6<sup>th</sup> August 2015**

**Public Inquiry commencing Tuesday 14<sup>th</sup> July 2015 at 10:00 am in the Council Chamber at Bodicote House, White Post Road, Bodicote.** Appeal by Gladman Developments Ltd against the refusal of application 14/01531/OUT for proposed demolition of existing bungalow and agricultural buildings and residential development of up to 95 dwellings including highway works, landscaping and public open space, at Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington

## 2.3 **Results**

Inspectors appointed by the Secretary of State have:

- 1) **Dismissed the appeal by Mr Miller against the refusal of a retrospective application 14/01437/F for a bio-mass burner with flue at Fir Tree Farm, Northampton Road, Weston on the Green, Oxfordshire, OX25 3QL (Delegated)** – The Inspector concluded that the proposed is not inappropriate development in the Green Belt; although there would be some effect on openness it would not cause material harm to the Green Belt. However, the Inspector found that the flue would be harmful to the character and appearance of the building, the surrounding area and nearby heritage assets all of which add significant weight. Moreover the Inspector was not satisfied based on the information submitted, that the level of smoke emanating from the flue would not be harmful to the living conditions of neighbouring residents. The Inspector is mindful that the harm identified would be permanent and in this particular case is not outweighed by any benefits the use of a sustainable energy source affords.
- 2) **Dismissed the appeal by Mrs Marion Mason-Curtis against the refusal of application 14/01853/LB for a proposed installation of a cat flap in the front door at 1 Building 29, The Parade, Caversfield, Bicester, Oxfordshire, OX27 8AD (Delegated)** – The Inspector concluded that the proposed works would have an adverse impact on the historic significance and character of the Grade II Listed Building and in turn would neither preserve nor enhance the character or appearance of the RAF Bicester Conservation Area.
- 3) **Dismissed the appeal by Mr Bliss and Mrs Hope against the refusal of application 13/01941/OUT for the erection of 7 dwellings at Land to the rear of Valley View and Orchard View, St Thomas Street, Deddington, Oxfordshire OX15 0SY (Delegated)** – The Inspector concluded that proposal would fail to preserve either the setting of Deddington Castle or the character and appearance of the Deddington Conservation Area. It would result in harm to the significance of these designated heritage assets.  
Paragraph 134 of the Framework requires this harm to be weighed against the public benefits of the scheme, including heritage benefits and other benefits. The Inspector attached little weight to the claimed heritage benefit of enhancing the view of the castle from St Thomas Street. The castle is already visible to some extent and the benefit of any additional visibility would be outweighed by the impact of the proposed development. That said, the delivery of 7 dwellings was seen as an important benefit. However the Inspectors concluded that it was insufficient to outweigh the harm that would be caused to the significance of the castle and the conservation area, whether considered individually or collectively.

Whilst the Inspector noted that the Council at the time of the appeal could not demonstrate a 5 year supply of housing sites, the presumption in favour of sustainable development set out in paragraph 14 of the Framework does not apply because the proposal would conflict with the policies of the Framework relating to designated heritage assets.

- 4) Allowed the appeal by Mr Michael Hawkins against the refusal of proposed barn/ stables at The Old Wharf, Aynho Road, Adderbury, Banbury, OX17 3NT (Delegated)** – The Inspector concluded that the main issue in the case was the effect of the proposed development on the character and appearance of the area. The Inspector noted the land lies in an isolated countryside position and that previous planning permission have been granted for alterations and extensions to the Old Wharf including the replacement of a block of stables with garaging. The proposal that forms the subject of the appeal is for stabling to replace those that will be lost plus storage for, amongst other things, machinery associated with the maintenance of the land.

The Inspector goes on to say the land that the proposed barn/stables is sited upon would not occupy an open position but instead, from long range views would be viewed against the backdrop of the vegetation, and would be partly screened by the new planting in front of it. As such the building would not be a prominent feature in the landscape. The Inspector accepts that in winter months tree coverage may not be as dense, however in her judgement the position of the building and the level of screening is sufficient to prevent the building appearing exposed.

- 5) Allowed the appeal by Mr Terry Mason against the refusal of application of Proposed extension and alterations to disused telephone exchange to form 1 bed dwelling at Telephone Exchange, Stratford Road, Drayton, Banbury, OX15 6EF (Delegated)** – The Inspector concluded that the main issue is the effect of the proposal on the character and appearance of the Drayton Conservation Area.

The appeal building is located on the edge of the village with open fields to the rear and on the eastern side. On the western side there is a group of 3 modern houses built in a traditional style. The telephone exchange probably dates from the 1950-1960's. The Inspector notes that the exchange is small, rectangular brick building under a pitched roof. It has no particular architectural interest and neither the design nor the materials are characteristic of the Conservation Area. The Inspector concluded that the proposal would not be harmful to the character and appearance of the conversation area. The character and appearance of the Conservation Area would be preserved and its significance as a designated heritage asset would be unharmed. Policy C27 of the Cherwell Local Plan (LP) seeks to ensure that developments in villages respect the historic settlement pattern. The appeal scheme would not change the siting of the building or its relationship with the settlement pattern of Drayton to any material extent. LP Policy C28 seeks to ensure that the design of development is sympathetic to its context. In this case the design would maintain the simple character of the building and it is the Inspectors view that there would be no conflict with these policies. Nor would there be any conflict with the policies of the National Planning Policy Framework (the Framework).

### **3.0 Consultation**

None

### **4.0 Alternative Options and Reasons for Rejection**

- 4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

### **5.0 Implications**

#### **Financial and Resource Implications**

- 5.1 The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Nicola Jackson, Corporate Finance Manager, 01295 221731  
[nicola.jackson@cherwellandsouthnorthants.gov.uk](mailto:nicola.jackson@cherwellandsouthnorthants.gov.uk)

#### **Legal Implications**

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

Comments checked by:

Nigel Bell, Team Leader – Planning, 01295 221687,  
[nigel.bell@cherwellandsouthnorthants.gov.uk](mailto: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](mailto:nigel.bell@cherwellandsouthnorthants.gov.uk)

### **6.0 Decision Information**

#### **Wards Affected**

All

## Links to Corporate Plan and Policy Framework

A district of opportunity

### Lead Councillor

None

## Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Tom Plant, Technical Support Officer, Development Directorate
Contact Information	01295 221811 <a href="mailto:tom.plant@cherwell-dc.gov.uk">tom.plant@cherwell-dc.gov.uk</a>