

Committee: Planning Committee
Date: Thursday 6 August 2015
Time: 2.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

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

Substitutes

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

AGENDA

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

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

3. Requests to Address the Meeting

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

4. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. Minutes (Pages 1 - 6)

To confirm as a correct record the Minutes of the meeting of the Committee held on 9 July 2015.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

- | | |
|--|---------------------|
| 7. Land South of and Adjoining Bicester Services, Oxford Road, Bicester
(Pages 10 - 44) | 15/00250/OUT |
| 8. Land Opposite Unit 1-5 Wildmere Park, Former Plot 10, Wildmere Road, Banbury (Pages 45 - 59) | 15/00476/F |
| 9. Land South Of Leycroft Barn, Somerton Road, Souldern (Pages 60 - 72) | 15/00541/F |
| 10. Yarnton Nurseries, Sandy Lane, Yarnton, OX5 1PA (Pages 73 - 84) | 15/00645/F |
| 11. The Pits, The Moors, Kidlington (Pages 85 - 119) | 15/00723/F |
| 12. Manor Farm Bungalow, Hornton (Pages 120 - 127) | 15/00827/F |
| 13. KM4 South West Bicester Development Site, Wetherby Road, Bicester
(Pages 128 - 136) | 15/00920/F |
| 14. Park Farm, Tadmarton Road, Bloxham (Pages 137 - 143) | 15/00925/F |
| 15. 61 Evans Lane, Kidlington (Pages 144 - 152) | 15/00971/F |
| 16. Land To East Of Webbs Way, Kidlington (Pages 153 - 167) | 15/00979/F |
| 17. 74 - 76 Banbury Road, Kidlington (Pages 168 - 178) | 15/01023/F |
| 18. Land Adj 2 Orchard Way Bicester OX26 2EJ (Pages 179 - 187) | 15/01055/F |
| 19. 2 Orchard Way Bicester OX26 2EJ (Pages 188 - 195) | 15/01057/F |

20. **154 Oxford Road, Kidlington** (Pages 196 - 206)
15/01076/F
21. **131 Oxford Road, Kidlington** (Pages 207 - 217) **15/01106/OUT**
22. **Garage Block Adjacent 29 Westbeech Court, Banbury** (Pages 218 - 234)
15/01144/F

Review and Monitoring Reports

23. **Decisions Subject to Various Requirements** (Pages 235 - 238)

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.

24. **Appeals Progress Report** (Pages 239 - 242)

Report of Head of Development Management

Summary

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

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

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

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 221591 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 Lesley Farrell / Natasha Clark, Democratic and Elections
lesley.farrell@cherwellandsouthnorthants.gov.uk, 01295 221591 /
natasha.clark@cherwellandsouthnorthants.gov.uk, 01295 221589

Sue Smith
Chief Executive

Published on Wednesday 29 July 2015

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 9 July 2015 at 4.00 pm

Present: Councillor Colin Clarke (Chairman)
Councillor Fred Blackwell (Vice-Chairman)

Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Matt Johnstone
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Alastair Milne Home
Councillor Richard Mould
Councillor Lynn Pratt
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Barry Richards
Councillor Trevor Stevens
Councillor Lawrie Stratford
Councillor Rose Stratford

Officers: Jon Westerman, Development Services Manager
Bob Duxbury, Development Control Team Leader
Stuart Howden, Senior Planning Officer
Paul Ihringer, Team Leader, Development Management
Alex Keen, Team Leader, Development Management
Ross Chambers, Solicitor
Aaron Hetherington, Team Leader Democratic and Elections

34 **Declarations of Interest**

Members declared interests in the following agenda items:

7. 1 Hyde Grove, Bloxham.

Councillor Colin Clarke, Declaration, as the applicant was known to him.

9. Site C Plougley Road & Site D & E Ambrosden Road MOD Bicester Upper Arncott.

Councillor David Hughes, Non Statutory Interest, as a Director of Graven Hill Village Holdings Limited.

35 **Requests to Address the Meeting**

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

36 **Urgent Business**

There were no items of urgent business.

37 **Minutes**

Subject to the amendments detailed below, the Minutes of the meeting held on 11 June 2015 were agreed as a correct record and signed by the Chairman.

Apologies for absence – add apologies for - Councillor George Reynolds, Councillor Matt Johnstone

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

After “That application 14/01816/F be approved, subject to”, add/amend as follows:

officers being satisfied there is a lawful vehicular access to the proposed dwelling.

The following conditions

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

After “That application 14/02132/OUT be approved, subject to”, add/amend as follows:

The completion of a satisfactory planning obligation to secure the infrastructure improvements outlined in the report.

The following conditions

Minute 27 – Former Winners Bargain Centres, Victoria Road, Bicester, OX26 6QD:

The following amendments to be made:

Resolution – Delete Part (a)

The reference in Condition 18 to #19, 19 to #21 and 20 to ~21, should be amended to 17, 18 and 19 respectively

Addition of condition 24:

24 Before the development hereby permitted is first occupied the windows in the Bath Terrace facing gable-end elevation shall be glazed with obscure glass (at least Level 3) only, and of restricted opening in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority, and the windows shall be permanently maintained as such at all times thereafter.

38 **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.
2. The Chairman welcomed three new planning officers at the meeting, George Smith, Michael Sackey and Victoria Barrett, who were in attendance at the meeting.
3. The Chairman advised members that due to the anticipated large number of applications at the next planning committee meeting it may be necessary for the meeting to start at 2pm. This would be confirmed in due course.

39 **1 Hyde Grove, Bloxham**

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

Tammy Green, spokesperson for local residents, addressed the committee in objection to the application.

Dan McInerney, the applicant, addressed the committee in support to the application.

Councillor Heath proposed that application 15/00263/F be refused as the proposed extensions would be overly dominant and overbearing to the neighbouring properties. Councillor Reynolds seconded the proposal. The motion was duly voted on and subsequently fell.

Councillor Clarke proposed that the application be approved, subject to the conditions set out in the officers' report. Councillor Lawrie Stratford seconded the proposal.

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

Resolved

That application 15/00263/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, 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.

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.
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.

40

3 Oxford Road, Kidlington, OX5 2BP

The Committee considered application 15/00688/F for alterations to the 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) at 3 Oxford Road, Kidlington, OX5 2BP for Off The Hook.

Patrick Carroll, the applicant, addressed the committee in support to the application.

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

Resolved

That application 15/00688/F is approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application Forms, Cover Letter from applicant's agent dated 15 April 2015 (JPPC ref: AJG/6228) and Drawing Number 01D submitted with the application.
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)

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

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

The Committee considered the application 15/00695/OUT for the variation of condition 2 of 11/01494/OUT to amend the application site boundary for Graven Hill at Site C Plougley Road & Site D & E Ambrosden Road MOD Bicester Upper Arccott for Graven Hill Village Development Company Ltd.

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

Resolved

That application 15/00695/OUT be approved subject to the following conditions:

- 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.

42 **The Pits, The Moors, Kidlington**

The Committee considered application 15/00723/F for a 70 bedroom care home at The Pits, The Moors, Kidlington for CMG (Kidlington) Ltd.

Councillor Gibbard proposed that application 15/00723/F be deferred to explore alternative access arrangements with the applicant. Councillor Richards seconded the proposal.

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

Resolved

That consideration of application 15/00723/F be deferred to explore alternative access arrangements with the applicant.

43 **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.

44 **Appeals Progress Report**

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

Resolved

- (1) That the position statement be accepted.

The meeting ended at 5.22 pm

Chairman:

Date:

PLANNING COMMITTEE

6 August 2015

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

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

	Site	Application No.	Ward	Recommendation	Contact Officer
7	Land South of and Adjoining Bicester Services, Oxford Road, Bicester	15/00250/OUT	Bicester Town	Refusal	Linda Griffiths
8	Land Opposite Unit 1-5 Wildmere Park, Former Plot 10, Wildmere Road, Banbury	15/00476/F	Banbury Glemsbury and Castle	Approval	Nina Sharp
9	Land South Of Leycroft Barn, Somerton Road, Souldern	15/00541/F	The Astons and Heyfords	Approval	Stuart Howden
10	Yarnton Nurseries, Sandy Lane, Yarnton, OX5 1PA	15/00645/F	Yarnton, Gosford and Water Eaton	Refusal	Stuart Howden
11	The Pits, The Moors, Kidlington	15/00723/F	Kidlington North	Approval	Paul Ihringer
12	Manor Farm Bungalow, Hornton	15/00827/F	Wroxton	Approval	Rebekah Morgan
13	KM4 South West Bicester Development Site	15/00920/F	Ambrosden and Chesterton	Approval	Linda Griffiths
14	Park Farm Tadmarton Road Bloxham	15/00925/F	Bloxham and Bodicote	Approval	Matthew Parry
15	61 Evans Lane Kidlington	15/00971/F	Kidlington South	Approval	Aitchison Raffety
16	Land To East Of Webbs Way, Kidlington	15/00979/F	Kidlington North	Approval	Gemma Magnuson
17	74 – 76 Banbury Road, Kidlington	15/01023/F	Kidlington South	Refusal	Aitchison Raffety
18	Land Adj 2 Orchard Way Bicester OX26 2EJ	15/01055/F	Bicester West	Refusal	Aitchison Raffety

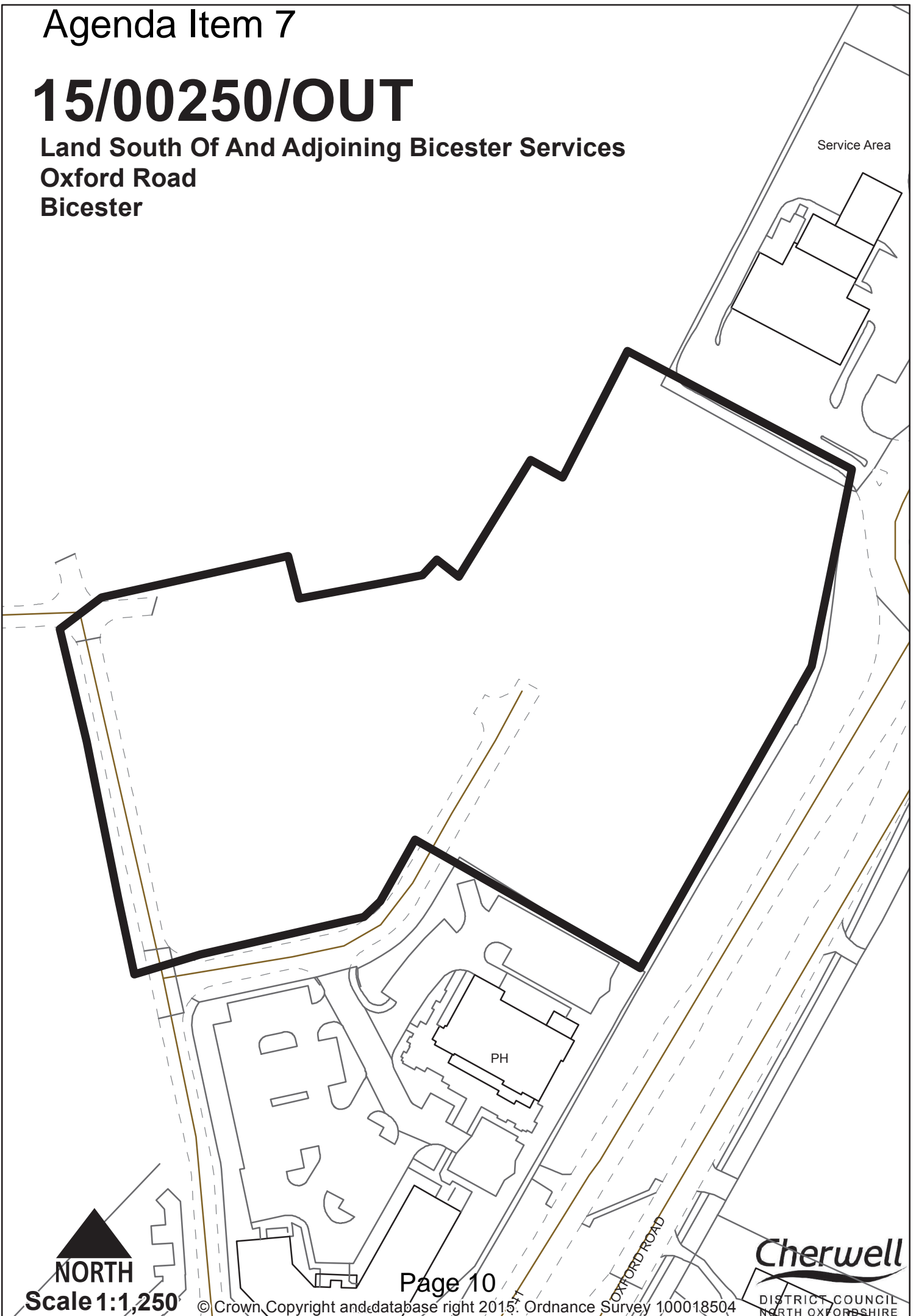
19	2 Orchard Way Bicester OX26 2EJ	15/01057/F	Bicester West	Refusal	Aitchison Raffety
20	154 Oxford Road, Kidlington	15/01076/F	Kidlington South	Refusal	Aitchison Raffety
21	131 Oxford Road, Kidlington	15/01106/OUT	Kidlington South	Refusal	Aitchison Raffety
22	Garage Block Adjacent 29 Westbeech Court, Banbury	15/01144/F	Banbury Easington	Approval	Aitchison Raffety

Agenda Item 7

15/00250/OUT

Land South Of And Adjoining Bicester Services
Oxford Road
Bicester

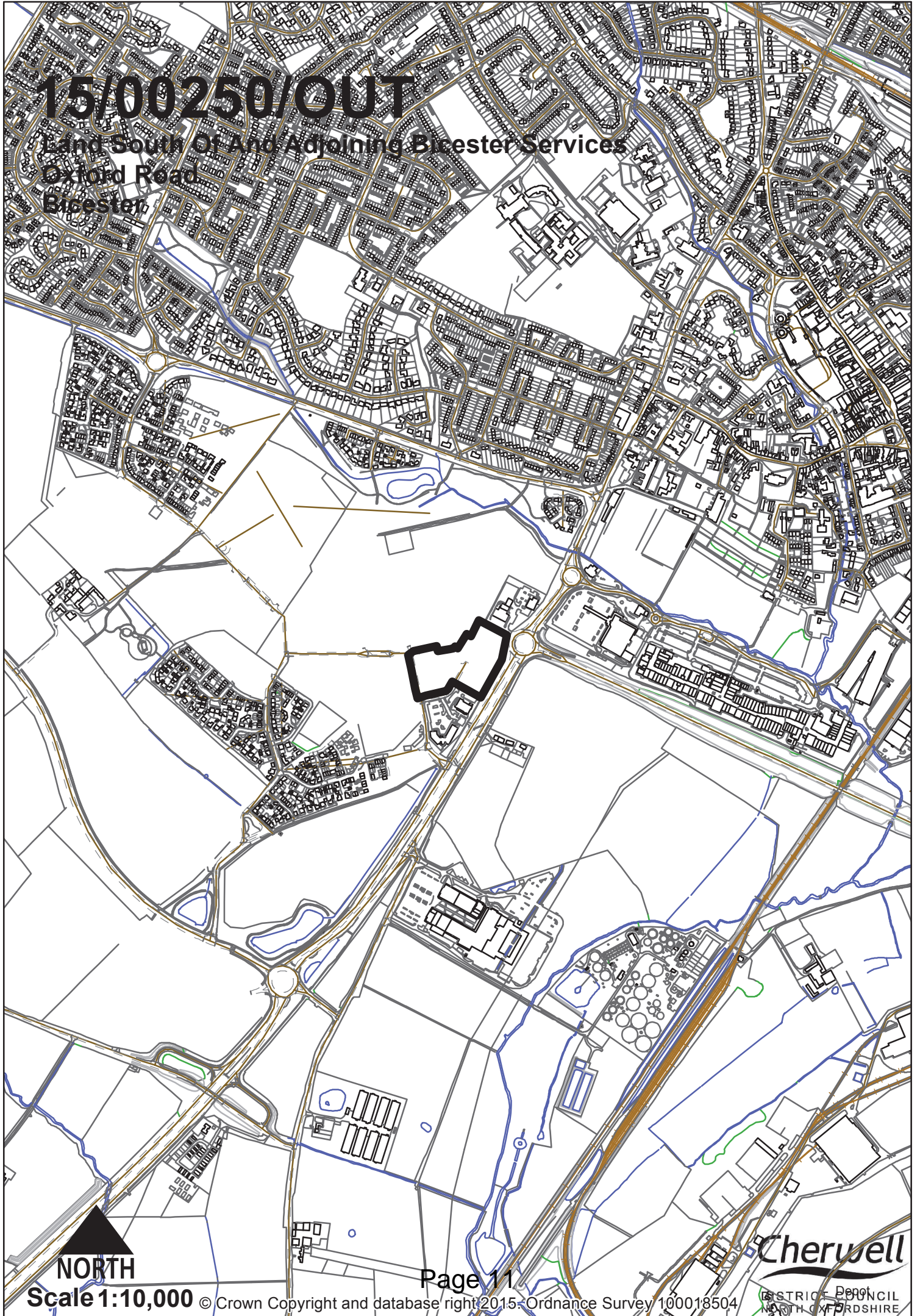
Service Area



NORTH
Scale 1:1,250

15/00 250/OUT

Land South Of And Adjoining Bicester Services
Oxford Road
Bicester



NORTH

Scale 1:10,000

**Site Address: Land South of and
Adjoining Bicester Services, Oxford
Road, Bicester**

15/00250/OUT

Ward: Bicester Town

**District Councillor: Councillor Mould, Councillor
Pickford**

Case Officer: Linda Griffiths

Recommendation: Refusal

Applicant: CPG Development Projects Ltd

**Application Description: OUTLINE: 3 No Class A1 (retail); 3 No Class A3 (café and
restaurants); 1 No Class D2 (gym); surface level car park, servicing and associated
works**

1. Site Description and Proposed Development

- 1.1 The application site extends to 2.045 hectares and forms part of the development at South West Bicester which is situated between the Middleton Stoney and Oxford roads. The whole site was granted outline planning permission subject to conditions and a Section 106 Agreement for the erection of up to 1585 dwellings, employment, education, health village, employment and supporting infrastructure in June 2008 (06/00967/OUT refers). A land use proposals plan approved as part of the original outline conditions identified this site as part of the employment zone which was also to include the hotel development.
- 1.2 Adjoining the site to the north is the Bicester Service Station, which comprises a petrol filling station together with a Burger King and Little Chef food outlets. The eastern boundary is bounded by the A41, the southern boundary by the Premier Inn and Brewers Fayre Public House and to the west by the proposed primary school and residential development associated with the approved Kingsmere development.
- 1.3 The site will be accessed via the new signalised junction onto the A41 serving the development and the new access road off the main spine road which currently serves the Premier Inn Hotel and Brewers Fayre Public House. Servicing of the retail units is proposed via the Esso Service Station roundabout and service road.
- 1.4 The application site is roughly rectangular in shape, is relatively flat and has no features of note. The A41 signalised junction is one of the key entrances into the development, and has been designed to form an urban square with buildings to its perimeter framing this space. The application is in outline but only landscaping is reserved, all other matters are to be considered as part of this submission.
- 1.5 The proposal seeks consent for the erection of 3 large retail units which are stated in the application to be occupied by Marks and Spencer, TK Maxx or similar and Next and the erection of 3 number A3 units adjacent to the spine road, one of which it is stated will be occupied by Frankie and Bennys and a gym (D2 Use) above. Both Marks and Spencer and Next will have ancillary café space within them and the M&S Store will include a 'Simply Food'.

2. Application Publicity

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

4 letters have been received from nearby residents. The following comments and issues were raised

- Given that overflow vehicles from Bicester Village have already started to be left in dangerous spots on Whitelands Way and with the continued development of Kingsmere, often without sufficient residential parking, creating an additional retail environment with only 266 parking spaces (creating 300 posts, most of whom will drive) will simply drive shoppers to park in more and more risky places within Kingsmere itself. I have no fundamental issues with retail stores being created at the edge of Kingsmere but they must have sufficient parking to accommodate the development. I am keen to understand how you plan to ensure no increase to traffic flow within residential areas and how you will ensure there are sufficient parking facilities for any retail development. I would also be keen to understand how you plan to ensure there are sufficient parking facilities for any retail development. I would also urge you to seriously consider this not as a single development but as a part of the development of the whole locality. Schools, a further development of Bicester Shopping Village, new residential properties, further superstore developments, The Garden City etc will all drive greater traffic volumes and hence greater associated risks. We already see a high volume of accidents on the A34 and M40 in the locality, please ensure that you do not take action that puts the local community at greater risk.
- Although in support of the development, some further thoughts and minor changes are required to make this a good addition to Bicester. It is recognised that this development sits within the area previously identified as the 'commercial centre' as opposed to the 'village centre', the fact that they are close together means consideration should be given to ensure no design or functional clashes that could result in empty units on either centre. It is not clear where staff should park, as should they use the main car park, they would be subject to the ANPR time limit system. I do not see the number of car park spaces to be a problem as the time of day for visitors is likely to be later in the day when the village is quiet. Care needs to be taken to ensure safety, security of and noise pollution to neighbouring schools and properties on KM10 and KM19 land parcels. The operation of the ANPR system is unclear given their locations. What happens when the car park is full and at peak times such as Christmas. Will the shuttle bus between Bicester railway station and the Bicester Village Park and Ride stop here. It would have been helpful to see more detail on the usage models that would have been used to determine the size of the units and the parking provision. Overall the design is ok, however my preference would be to incorporate some of the character of Bicester Town into the design.
- I do not object to the proposal except to say that the height of the main units may look out of place. However, I am concerned that the Transport Assessment does not take account of the volume of motor traffic this development is likely to generate both from Bicester and the surrounding areas. The impression given is that a lot of people will visit on foot. People buying clothing and food will not be walking, cycling etc. Para 1.7 of the Introduction states 'this report utilises parameters that have been agreed with the highways authority for other proposed developments in the recent past to avoid the introduction of new information, wherever possible' – very convenient. It gives the impression that only people from Kingsmere will need to staff the units, and staff car parking is not mentioned although a staff travel plan is referenced. The vehicle movements appear to be based on the original rather than revised Bicester Master Plan and should be declared void and a new transport assessment made.
- Banbury Gateway and TRICS assessments have no bearing on this proposed development as Banbury town centres retail offering is completely different to Bicester and therefore trips to this type of store will be somewhat greater in

Bicester. The TRICS also appear somewhat out of date. There are too many assumptions in the Transport Assessment and appears to have been constructed to present the proposed development as requiring very little or no additional highway infrastructure. I would think that the number of car parking spaces would need to be doubled as an absolute minimum, otherwise it will eventually lead to parking in nearby streets. In addition the A41 in each direction needs widening to three lanes in each direction to cater for this future traffic (1 bus lane, 2 for other vehicles). This needs part funding by developments of this nature. I trust the appropriate OCC highways authority will duly consider and investigate my concerns and not pass this Transport Assessment at face value.

- I support this application, this will be Bicester's only opportunity for a large Next and Marks and Spencer, and I'm hoping for H and M as well – regardless of any traffic concerns. If these shops do not come to Bicester now, it will be another decade (and thousands more houses) before they do.
- In addition I understand that the site of the former Tesco in Sheep Street was never large enough to accommodate either Next or Marks and Spencer and now has been acquired by another retailer. We will once again have a discount store in Sheep Street, part of the reason, in my view, that Bicester is dying is the type of shops on offer in Sheep Street/Market Square – discount, estate agents, charity shops etc, but where is there a large enough space for a proper shop.
- As for the various arguments regarding 'sequential testing' – I do not see how the Bicester sports Association site would be any less problematic regarding traffic – if not more so when one considers the Middleton Stoney Road roundabouts tight configuration.
- I understand Pioneer Square does not have any facility that is large enough in terms of square footage to accommodate either Next or M and S. In other words, if we don't get them at Bicester Gateway, where will we get them? Not at all! Having lived in Bicester for 35 years and still having to drive 30 minutes or more to a decent shop, makes a mockery of our eco status. I therefore urge you to approve this application and at long last bring Bicester into the 21st century.

2.2 A letter has been received from the Kingsmere Residents Association on behalf of Kingsmere residents to express the Association's support

- KRA is the officially recognised voice of the residents of the new development and all the feedback we have had regarding the planning application has been incredibly positive
- Having met with Dan Bramwell to be fully briefed on the proposals, we feel the scheme will be of benefit to the whole of Bicester and will enhance the Town's shopping offer, in particular
- Both M&S and Next brands are particularly welcome in Bicester. Failure to deliver these retailers will mean that local residents have to drive further afield to the new Banbury Gateway development, Oxford or even Milton Keynes to visit the stores
- As immediate neighbours, residents in the Kingsmere development will be geographically adjacent to the proposed scheme and will benefit from the additional restaurants and gym. This will prevent residents having to go further afield to find suitable offers
- The shops and restaurants will create additional employment opportunities and these will be of particular interest to local residents due to the accessibility. There will also be opportunities for local employment during the construction phase
- The scheme is highly accessible by all forms of transport thus making it environmentally friendly
- The additional parking spaces are most welcome
- We feel it will be an impressive and welcoming structure

2.3 An objection has been submitted on behalf of Bicester Sports Association as follows:
Contrary to the council's retail strategy for Bicester
Fails to comply with the NPPF sequential test
Insufficient evidence has been provided to demonstrate compliance with the NPPF impact assessment

- The local plan sets out a retail strategy for Bicester at paragraphs C.63-C.71 and Policy Bicester 5: Strengthening Bicester Town Centre which identifies an Area of Search in the centre of Bicester aimed at supporting the vitality and viability of the existing town centre, encouraging economic activity, assisting with the connectivity between the town centre and Bicester village and improving the character and appearance of the centre of Bicester and the public realm. The site falls outside this area of search and the proposal is in direct conflict with the council's strategy for retailing in Bicester.
- The planning and retail statement prepared by Mango Developments acknowledges the site is out-of-centre and therefore needs to demonstrate compliance with the sequential approach.
- The PRS is flawed as MPDL state that for an out-of-centre site it is not necessary to assess other out-of-centre sites in its assessment. This approach is incorrect and in conflict with the NPPF. This is supported in the High Court Judgement (Telford and Wrekin v S of S)
- Whilst MPDL: undertakes a brief assessment of land at Bessemer Close/Launton Road, it fails to assess (or indeed recognise) the area of search and any sites within it.
- It is believed that there are a number of sites within the area of search that warrant detailed assessment and could accommodate the level of development proposed. For example BSA Oxford Road site falls within the area of search, it is accessible and well connected to the town centre.
- Kingsmere is located outside the area of search and is in excess of 1km from the town centre and cannot be considered to be well connected to the centre nor capable of delivering the connectivity improvements and linkages set out in the emerging Local plan. It is therefore inferior to the BSA site in sequential terms.
- The retail impact assessment undertaken cannot be considered robust. The level of detail provided is wholly insufficient for the Council to understand the potential trade diversion and impact effects of the scheme. As it stands the Council cannot robustly assess and determine the application in retail impact terms.
- It does not comply with the requirements for undertaking an impact assessment as set out in the PPG
- No Flood Risk assessment has been submitted
- Very limited public consultation as set out in the Statement of Community Engagement
- Insufficient evidence that the site has been marketed to robustly demonstrate that B class use of the site will not come forward
- The transport assessment is not robust in terms of trip generation given the location of the site
- Parking requirements cannot accurately be assessed until the mode share and trip rates have been more accurately determined
- No screening opinion request has been submitted by the applicant. Due to the size of the site 2.05 ha, the application needs to be screened in order to establish whether an EIA is required.

2.4 An objection has been received on behalf of Sainsburys as follows:

- The application is out of centre and therefore the application must satisfy the sequential and impact tests and demonstrate that they will not have a significant adverse impact on existing centres The impact assessment

prepared by Mango is insufficient to understand the potential trade diversion and impact of the scheme and therefore does not meet the requirements of the NPPG

- The applicant's assessment of convenience trade draw in respect of the proposed M&S at paragraph 6.24-6.27 is also not supported by any evidence. There is no indication as to how the figures have been calculated and the impact assessment has underestimated the level of trade diversion from the town centre.
- The commentary regarding the cumulative impact of the proposed at paragraph 6.29 is insufficient that the '*application when considered alongside committed proposals will not cause any significant adverse impact*'. However, no assessment has been undertaken to support this. The applicant should undertake a full cumulative impact assessment to take into account all committed development within the catchment area including the consented Tesco and proposed M&S store.
- Given the size of the site a Flood Risk assessment is required
- The submitted Transport Assessment is not robust and makes unfounded presumptions. It suggests that the number of shoppers arriving by car (35% weekday and 33% Saturday) will be similar to the number of shoppers arriving by foot (36% weekday and 29% Saturday). This will impact upon the number of car parking spaces required for the development.

2.5 An objection received on behalf of Ziran Land Ltd and Stockdale Land Ltd comments as follows:

- Traffic issues in this area will be unacceptably compounded by a retail and leisure development in this location
- Opportunities in the town centre with a number of vacant units and there are potentially sequentially preferable sites within the designated town centre capable of development
- Restaurants will increase traffic flows and have a damaging effect on the viability of restaurants within the town Centre where there is vacant restaurant space, both available and coming available
- Cumulative effect of retail and restaurant in this location will damage the town centre which has seen substantial investment in recent years
- Bicester Town Centre could suffer lasting damage if this proposal is approved
- This company and its predecessor, Stockdale Land, have offered to purchase the employment land at Bicester Gateway and develop employment space thereon. The report submitted by VSL dated 10th June 2014 indicates significant demand at that time and it is clear that there is interest in developing the employment land for those purposes which we would be happy to do so, if not discouraged by the site owners from doing so.

2.6 An objection has been received from the Bicester Traffic Action Group as follows:

- The new proposal will have an entirely different traffic generation and peak hour movements to that previously envisaged as commercial and office. From the documents we have seen no amended Transport Assessment has been submitted and therefore consider the application is seriously flawed
- According to national traffic data bases this development, could generate in excess of 9,000 vehicle movements in the peak, in addition to those generated by Bicester Village. The chaos caused by visitors to the village is well known and although improvement works to ameliorate this are planned this proposal will negate any improvement gained
- The main access to this proposal is off the A41 at a signal controlled junction by the Premier Inn. There is an additional access proposed through the residential area currently under construction and the mix of traffic from this proposal and that of the residents would not be seen as good practice in addition to being a potential road safety hazard, especially considering it

passes a proposed secondary school site

- A new access is at present under construction on the other side of the A41, very close to the traffic signals. Although advertised as office development we understand that a large supermarket is also being constructed. This will only serve to generate more traffic in the morning and evening peaks for the office development and the supermarket itself will generate approximately 120 movements per 100 sqm of floor space at peak times
- Car parking from Bicester Village is already a problem with overflow car parks regularly being used. It is probable that shoppers from here will also use the car park proposed for this development when visiting the Village. The new car park of 266 spaces seems very low for a development of this type especially when the available parking is reduced by staff working at these units. It seems likely that shoppers will park in the surrounding residential streets to the detriment of road safety and the annoyance of residents. Bicester Village shows the result of insufficient parking provision and the chaos caused on surrounding roads
- This proposal, if approved, would undermine the District Council's investment in the Town Centre and would further undermine it as a central business district. The developers have overlooked the recently vacated Tesco store in Sheep Street, the Claremont Car park opportunities and other greenfield sites located elsewhere in Bicester. These sites, particularly to the south of the town where development will take place would, we suggest, be more suitable places to locate this development as the traffic impact would be less.

2.7

An objection on behalf of Bicester Office Park comments as follows:

- TIA is flawed and inadequate when it suggests that traffic generation for the employment site will be the same as the retail scheme. Employment development has an entirely different peak hour traffic profile to that of a retail scheme and this has not been assessed or looked at within these proposals.
- Retail would generate peak flows on a Saturday, Sunday and possibly Friday pm, precisely at the time when the traffic in this immediate vicinity is already at its peak and already suffers from well recorded severe traffic congestion
- No assessment has been provided showing the effect of Saturday and Sunday peak hour flows and how it might further affect the existing congestion on the current highway network during peak hour flows
- The application has assumed that the proposed highway improvement works for the future expansion of Bicester Village have been undertaken, which is not the case when this application is being considered, nor has the Highway Authority suggested any conditions to limit the implementation of this development until such improvements have been completed.
- The assessment by OCC of the TIA is inadequate and does not pick up the discrepancies above
- OCC has not sought any financial contribution towards highway improvements, sustainability, rail infrastructure, public transport etc. Furthermore, no highway improvements have been suggested or offered by the applicants in order to mitigate its traffic impact
- The scheme is wholly reliant on car-borne access and no attempt has been made to provide for sustainable and public transport facilities
- Will encourage 'rat-running' through the Kingsmere residential development to access this new retail development, raising issues of safety for both residents and school children in the vicinity.
- Inadequate marketing effort in respect of the business space, a full and comprehensive marketing effort has not been undertaken in order to implement the approved scheme
- In view of the size of the employment units, it would be normal for a developer to undertake a small starter block as a first phase of the development, and in this manner they would be able to fully test the real market for such

accommodation. This has not occurred and, accordingly the proposed business space has not been marketed to its full potential

- A more appropriate alternative development would be further residential units
- Retail development in this location is piecemeal and purely opportunistic in its location without consideration of a sequential test nor the needs of connecting it with the wider Bicester Community and without giving thought to the wider and future requirements of Bicester as it grows
- The last retail assessment was undertaken in October 2012 by CBRE which is clearly out of date and would not have taken into account the Garden City status
- Is premature, not in accordance with the emerging Local Plan and has considerable highway and traffic deficiencies which have not been adequately assessed by either the applicants or OCC as Highway Authority

2.8

A letter received on behalf of Value Retail comments as follows:

- The emerging Local Plan identifies an area of search, within which retail and other main town centre uses will be supported if they form part of the new schemes which help to deliver the aims of central Bicester. The Inspectors Report, dated 9th June concludes at paragraph 77 that identified sites should provide sufficient capacity to deliver all the new retail floor-space deemed necessary in the 2012 Retail study. Paragraph 78 supports the areas of search for additional floor-space, which do not include the application site.
- The application proposals are for mainstream comparison retailers, provisionally expected to comprise M&S, Next and TK Maxx, which is expected to compete directly with the town centre
- Contrary to Policy SLE2 of the emerging Local Plan.
- The proposal fails to satisfy the sequential test and are likely to have a significant adverse impact on nearby centres and should therefore be refused
- The proposal cannot be regarded as an extension to Bicester Village. There are no effective linkages and the proposals involve mainstream high street uses which, in contrast to Bicester Village, will compete directly with the town centre.
- The applicants approach fails to consider alternative options, including sites within the area of search identified in the emerging Local Plan, and in other centres within the likely catchment area of the proposals. The applicant has failed to consider whether there are other, more accessible/better connected out of centre sites, as required by policy.
- Impact assessment is likely to have understated the potential turnover of the proposed development, and materially underestimated the proportion of the proposals turnover likely to be diverted from Bicester town centre
- No cumulative impact assessment has been undertaken. Therefore the assessment is not credible or robust
- Loss of employment and inadequate marketing of the site
- TIA – no details of any scoping discussions with OCC and therefore a risk that an insufficient scope of assessment has been undertaken within the TA
- Applicant has failed to robustly assess the traffic changes arising from the consented employment use
- The application relies heavily upon pedestrian linkages that would be delivered by way of the Bicester Village Phase 4 Highway Works. Without the provision of suitable non-car linkages, the scheme would be reliant upon the private motor car as the principle means of access to the site, the implications of which have not been fully assessed. Given the absence of these linkages, the level of traffic associated has been underestimated
- Unclear what committed developments have been allowed for in the assessment
- Insufficient evidence within the TA to demonstrate that the application is capable of mitigating traffic increases on the highway network during the

weekend periods in isolation. Should the applicant be of the view that development traffic during the weekend assessment period can be accommodated upon the highway network, it should be demonstrated using detailed modelling

- Site access junction from A41 would come under pressure as a consequence of the application traffic being unable to satisfactorily reach the development from this direction
- Close to the new primary school
- Relies on the delivery of the highway works that would be brought forward by the extension to Bicester Village, but there is a risk that this could come forward in advance of the Bicester Village highway works
- Given the absence of a robust TA it cannot be taken at face value that there is sufficient parking provision, resulting in parking in the nearby streets
- Service yard has not been designed to accommodate articulated delivery vehicles, given that such vehicles would not appear to be capable of being accommodated within the site, then it is expected that delivery vehicles would queue back onto the adjacent highway network
- There is no certainty that Bicester Village highway works can accommodate the traffic arising from the proposal
- No contributions offered or requested to Bicester Area Transport Strategy
- Contrary to NPPF paragraph 32.
- Proposal should be refused in line with national and local policy as the applicant has failed to clearly identify capacity to support the scale of retail proposed

All of the comments made above can be read in full on the application file.

3. Consultations

- 3.1 Bicester Town Council: resolved that Bicester Town Council has concerns that whilst we welcome the addition of retail brands being promised it is felt that this development is in the wrong area due to problems with car parking and access on an already very busy A road. It is felt that this development should consider a different location within the town centre.

Cherwell District Council Consultees

- 3.2 **Planning Policy Officer:** The application site is part of a larger site for which planning permission was granted for circa 1800 homes and other uses. The application site is located on land which is zoned for employment use (B use classes) in this planning application. The larger site is currently under construction and fairly well advanced. There are new homes being constructed in close proximity to the application site and there is a recently completed hotel adjacent to the site. The application site is in an out of centre location but it is acknowledged that new development at Bicester would bring the site within Bicester's urban area.

Main Development Plan Policies

The application site is not allocated for development in the Cherwell Local Plan (1996) (saved policies). The main policies relevant to this proposal are as follows:

The adopted Local Plan seeks to maintain a compact shopping centre at Bicester. Policy S25 applies to retail development in the rural areas but this policy should be considered in the context of on-going development of the wider South West Bicester site and development in southern Bicester generally.

NPPF

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

Paragraph 14 the 'presumption in favour of sustainable development'

Paragraph 19 relating to encouraging economic growth

Paragraphs 23 to 27 of the NPPF (which relate to ensuring the vitality of town centres). In particular the requirements relating to the production of a sequential test and impact assessment should be observed. Annex 2 provides further information.

The transport and traffic impacts of the development will need to be considered against the requirements in Section 4 the NPPF. Paragraph 32 of the NPPF stated that development should only be prevented or refused on transport ground where the residual cumulative impacts of development are severe.

Paragraphs 56 to 67 on Requiring Good Design are also relevant.

PPG

PPG should be considered including in relation to guidance on the sequential test and impact assessment.

Non-Statutory Cherwell Local Plan 2011

Whilst some policies in the Non-Statutory Cherwell Local Plan may remain material, other policies have in effect been superseded by those of the Submission local Plan (January 2014).

The NSCLP seeks to maintain a compact shopping centre at Bicester. Policy S2 applies to retail development in the rural areas. Recognising there may be size constraints, for this application Policies S16, S17 and S17a are of relevance for the sequential test. These are for sites identified in the NSCLP in central Bicester to accommodate development uses including town centre uses.

Policy H1b and H13 identify the land at South West Bicester for 1585 homes and other uses including employment land. Policy H13 states that a comprehensive scheme should be provided for and criterion (xiv) provides for '*an appropriate range of local shopping facilities, including a public house, to be provided on a commercial basis*'. Supporting paragraph 3.113 states that retail, public house, primary education, community and health care facilities will be grouped into a neighbourhood centre and that retail development of a greater scale than that to serve the day to day needs of the neighbourhood will not be acceptable. Policy S18 also makes provision for the local centre (which has yet to be provided).

Submission Local Plan 2011-2031 (January 2014) As proposed to be modified (as at 6 February 2015)

A new Local Plan was submitted to the Secretary of State in 2014 for Examination. Hearings took place in June and December 2014 and the Inspectors report is expected in spring 2015. (at the time of writing the report, the Inspector's Report has now been received). There are outstanding objections to some policies which have yet to be resolved. A schedule of hearing minor modifications was submitted to the Council on 6th February as requested by the Inspector. A number of related documents were also submitted. These are available on the Council's website on the Local Plan examination web page. The main policies relevant to this proposal are as follows:

The application site is on land identified as an approved housing site (South West Bicester development) on Key Policies Map 5.2: Bicester.

Objective SO1 sets out that the objectives for developing a sustainable local economy include; to facilitate economic growth and a more diverse local economy with an emphasis on attracting and developing higher technology uses.

Paragraph B.46 of the Submission Local Plan states that the provision of jobs will be a material consideration for determining planning applications for any use classes.

Paragraph B.48 states that the Council is determined to secure dynamic town centres as the focus for retail development. Paragraph B.53 explains that new retail development will continue to be focused in the town centres and all new development will be required to be built to high design and building standards.

Policy SLE1 sets out the requirements for planning applications for existing employment sites and these should be met by the applicant. Paragraph B.46 explain that Policy SLE1 applies to sites which have planning permission for employment uses. There are other sites allocated in the Local plan to deliver future employment needs.

Policy SLE2 states that retail and other main town centre uses will be directed towards the District's town centres. The policy reflects the NPPF and requires a sequential test and impact assessment for applications for main town centre uses outside the town centre.

The uses proposed in the application are 'main town centre uses' as defined in Annex 2 of the NPPF and paragraph B.54 of the Local Plan.

Policy Bicester 5 states that shopping, leisure and other town centre uses will be supported within Bicester town centre. An 'area of search' is identified in Bicester and shown on Inset map Bicester 5. Paragraph C.66 explains how growth can be achieved at Bicester.

Strategic Objective 13 of the Submission Local Plan aims to reduce the dependency on the private car as a mode of travel and increase opportunities for travelling by other modes. Policy ESD1 sets out an aim to mitigate the impact of development on climate change by delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce the dependence on private cars. Policy SLE4 will also apply and has similar objectives.

Policy ESD16 will also apply.

Policy Observations

The NPPF requires a town centre first approach that directs retail and other town centre uses towards town centres and encourages the growth of centres. The Submission Local Plan is consistent with this approach and aims to support Bicester town centre's viability and vitality. In the 'area of search' town centre uses will be supported if they help deliver the aims for central Bicester. The growth of the town centre will be explored further in Local Plan Part 2 including the potential of sites for town centre uses in accordance with the approach in the NPPF and the submission Local Plan. The application proposals are outside the town centre and the 'area of search' in an out of centre location and therefore inconsistent with local planning policy in terms of the strategy for accommodating town centre uses and supporting the growth, viability and vitality of central Bicester.

The proposals are located in an area of Bicester where commercial and residential development already exists in close proximity, is taking place or is planned, providing some opportunities for sustainable modes of travel. This should be a consideration in determining the application, however proposals alternatively located in the town

centre, and potentially in edge of centre or other out of centre locations, would also be in an area of Bicester where new development is taking place and is planned. For example, as demonstrated by proposals set out at Policy Bicester 6: (Bure Place redevelopment) of the Submission Local Plan.

A detailed and comprehensive sequential test and impact assessment should be provided supporting the planning application. The 'area of search' at Policy Bicester 5 of the Submission Local Plan provides an indication of locations that should have been explored for the sequential test. However, the sequential test should include consideration of all potential sites within the urban area of Bicester, including out of centre sites with consideration of accessibility and connections to the town centre.

In terms of land uses in close proximity to the application site, a new large Tesco food store has planning permission on the eastern side of the A41 opposite the site. Land is also allocated to the south of the application site for employment uses (see Policy Bicester 10 in the Submission local Plan) and construction has started opposite the application site to the east of the A41 on land identified in the Submission Local Plan (see Inset Map Bicester 4).

Bicester Village has planning permission to expand on the existing Tesco food store site. The Submission Local Plan identifies the potential for improved connectivity between Bicester Village and the town centre. Planning permissions granted at Bicester Village have associated conditions which restrict the type of retail development. If planning permission is granted for the application site it should be explored as to whether conditions should be applied.

Wyvale Garden centre and the new hotel are located further from Bicester town centre than the application site. However a hotel was required by the Non-Statutory Cherwell Local plan (Policy H13). Conditions are in place for Wyvale Garden Centre.

The proposals would lead to loss of employment land for B use classes. However, the site is not an operational site or allocated for employment uses.

In accordance with Policies ESD1, SLE4 and the NPPF the traffic impacts and potential for sustainable modes should be examined. Sustainable travel patterns may be difficult to achieve and the potential for effective links to the town centre should be considered. It should be recognised that the site is within walking/cycling distance of the town centre and other existing and planned uses.

Any particular circumstances which may apply in relation to the operation and function of the proposal should be considered.

It will be relevant to examine whether the proposals would compromise the delivery of satisfactory proposals for South West Bicester set out in the Non-Statutory Cherwell Local Plan including the provision and operation of the proposed local centre at South West Bicester which will make an important contribution towards sustainability of the new development.

Proposal would increase the retail offer and create jobs in retailing to support the growth of Bicester generally. However, importantly the proposals are inconsistent with local planning policy which directs town centre uses to the town centre and planning policy relating to the growth of the town centre.

Since the above comments were received, the Inspector's Report has been received and the Submission Local Plan is now the adopted Cherwell Local Plan 2001-2013.

3.3 **Design and Conservation Officer:** no comments received

- 3.4 **Ecology Officer:** Included within the documents is an ecological monitoring report for the wider site (which reveals that it is not being managed as per an agreed EMP – with cuttings at the wrong time of year, not removing arisings etc., and that many habitats are degrading). This point aside I could not find anything in this report about the specific area of this application site. I may have missed something but there does not appear to be a survey or comment of this area. I appreciate this is part of a much wider development plan and therefore wondered if this is elsewhere under a different application number.

There does not look to be anything immediately of concern on site, however I don't know if there is any botanical interest or hedgerows which need preserving, badger setts (although unlikely given surrounding developments, we do have records along this road). There are also adjacent records of wintering birds. The design and access statement refers to biodiversity being a key element but does not elaborate on any of their plans in this regard.

Without further information it is difficult to assess the need for mitigation however a full scheme of biodiversity enhancements within the proposed new buildings and surrounding landscaping should be submitted. This should include provisions for birds built into the fabric of the buildings. I see a green wall proposed in one of the design pictures and such features would be a welcome addition throughout the site (although it does not show it fully lit which may limit its value). We should be seeking a net gain for biodiversity on site in line with NPPF recommendations and the current layout leaves little room for this.

- 3.5 **Economic Development Officer:** I have concerns that it has not been presented effectively to the market and should therefore not simply be granted change of use.

For instance, yesterday I was approached by a growing Bicester business that is seeking around 6,000 sq ft. A developer needs to respond to this market interest. All local commercial agents are aware of the shortage of modern and refurbished b-class premises. I have not been contacted by the land owner or agent to indicate a lack of demand or to ask for the help of our services. On the contrary; I am being contacted by Bicester businesses that are struggling to expand locally.

The site is therefore important to retain for b-class employment as an important balance to the residential and retail development that has been completed and continues nearby. This should contribute to the availability of local employment opportunities to reverse out commuting to higher paid employment areas beyond Bicester and therefore serve the needs of Bicester residents and businesses whilst contributing to the sustainable goals of the One Shared Vision.

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

Oxfordshire County Council Consultees

- 3.7 **Transport:** The Local Planning Authority should consider the sustainability of the development given the loss of employment land and resulting out-commuting.

CDC Local Plan seeks to address the issue of significant out-commuting from Bicester through the provision of employment land. Whilst A1 and A3 land uses will provide some food/non-food retail employment, there is already a range of similar employment opportunities within walking/cycling distance of the site. The loss of the currently approved B1 and B2 employment use could result in an increase in out commuting from Bicester reducing the potential sustainability benefits of the approved site.

The principle of development in this location within the context of a wider development and transport mitigation for the site has been secured through planning application 06/00967/OUT. The traffic generation patterns for retail are different to employment land uses. However, impact upon junctions adjacent to the site would not be significant when considered against the permitted use.

The proposed parking, circulation and manoeuvring arrangements appear appropriate but I do not have a scalable plan to verify this matter. Detailed plans will be required for all access, pedestrian, cycle and vehicular. Cycle and pedestrian provision must link to the existing network. All surface water management on this part of the development will need to adhere to the agreed Kingsmere Design Code Document.

A Framework Travel Plan is required for this development setting out the overall objectives for the promotion of sustainable travel. Each of the proposed units will need to produce a supplementary plan that is linked to objectives in the framework travel plan and pay the required monitoring fee prior within 3 months of the units being occupation. These travel plans should be produced in accordance with the Oxfordshire County Council's Transport for New Developments: Transport assessments and Travel Plan Guidance (March 14) and agreed with Oxfordshire County Council's Travel Plans Team.

To encourage walking and cycling to the site from the wider area, good quality access points need to be provided on direct routes linking in to the walking and cycling networks. The current outline drawings do not show the layout of any walking or cycling routes. Covered secure cycle parking must be provided in permanent locations for each of the units, for staff and customer use.

Oxfordshire County Council maintains the Oxfordshire liftshare portal to match up people who are making similar journeys and would like to liftshare. If the development contributes to the on-going maintenance of this site then they can use this portal to encourage staff and visitor liftshare and reduce the number of single occupancy car trips. All surface water management on this part of the development will need to adhere to the agreed Kingsmere Design Code Document.

A good quality bus service between Oxford and Bicester Town Centre operates along the A41, but there are no stops within convenient walking distance of this development. Convenient access to public transport is essential and this site will require a new pair of bus stops, at the cost of the developer. These bus stops should include lay-bys, hard-standing areas, shelters, Premium Route flag/pole/information case units and electronic real-time information units. Bus stop laybys and hard-standings should be delivered by the developer to an agreed design, with shelters, flag/pole/information case units and real time information displays to be secured through a Section 106 Agreement.

3.8 **Drainage Officer:** No comments received

3.9 **Economy and Skills:** the developers will be required to prepare and implement, with local agencies and providers, an Employment and Skills Plan (ESP) that will ensure, as far as possible, that local people have access to training (including apprenticeships) and employment opportunities available at the construction and end user phases of this proposed development.

Loss of Skilled Jobs

Bicester is identified as a key location for employment growth on the Oxfordshire Knowledge Spine through the City Deal and Strategic Economic Plan (SEP). The SEP looks to support significant increases in employment at Bicester through infrastructure improvements and land availability.

If retained for B1 and B2 uses, this site could make a valuable contribution to the generation of quality, high tech employment opportunities and provision of a comprehensive range of employment opportunities in the town. The supporting statement to the existing outline permission (06/00967/OUT) estimates that the current approved use would accommodate 992 jobs, many of which could be highly skilled. The supporting statement to the retail proposal estimates that around 300 jobs would be created, few of which are likely to be highly skilled. Moreover, there are already considerable retail employment opportunities within Bicester with more anticipated from the expansion of Bicester Village. It is important to the success of the employment strategy for Bicester that other employment land, including this site, remains available for B1 development.

The impact of the development on the town centre and local centre

This is an out of centre site although potentially with reasonable access to the town centre. A1 Retail and A3 restaurants are town centre uses. It would be better for these uses to be located in Bicester town centre where they can contribute to town centre vitality and viability, help improve the image of Bicester town centre in line with Bicester Master Plan objectives and where there is good access by public transport. Further justification should be provided to explain how the proposals address the strategic objectives for economic growth and for a thriving town centre.

The current proposals for A1 and A3 use are likely to impact on the viability of the retail element of the local centre approved as part of this outline consent.

3.10 **Overall view of Oxfordshire County Council:-**

This application is for a 2.045 hectare retail development on part of the South West Bicester Phase 1 (Kingsmere) strategic site allocation in the emerging Cherwell local plan. The site currently has outline planning permission for B1 and B2 employment use as part of the wider Kingsmere development. The County Council has the following concerns:

- The loss of skilled jobs that the current approved use could provide for
- The potential increase in out commuting from Bicester as a result of losing a key employment site
- The impact of the development on the town centre and local centre
- The proposals are contrary to the emerging Cherwell local plan and the Draft Bicester master Plan

In addition to the above points, the County Council's Local Members also have the following concerns:

- Increased traffic along the A41 corridor and the cumulative impact with Bicester Village, Tesco and Bicester Avenue
- Increased traffic on the Middleton Stoney Road
- Inadequate parking provision
- Impact on the health village

Loss of Skilled Jobs

Bicester is identified as a key location for employment growth on the Oxfordshire Knowledge Spine through the city Deal and Strategic Economic Plan (SEP). The SEP looks to support significant increases in employment at Bicester through infrastructure improvements and land availability.

If retained for B1 and B2 uses, this site could make a valuable contribution to the generation of quality, high tech employment opportunities and provision of a comprehensive range of employment opportunities in the town. The supporting statement to the existing outline permission (06/00967/OUT) estimates that the current approved use would accommodate 929 jobs, many of which could be highly skilled. The supporting statement to the retail proposal estimates that around 300

jobs would be created, few of which are likely to be highly skilled. Moreover, there are already considerable retail employment opportunities within Bicester with more anticipated from the expansion of Bicester Village. It is important to the success of the employment strategy for Bicester that other employment land, including this site, remains available for b1 development.

Potential increase in out commuting from Bicester

The emerging Cherwell Local Plan seeks to address the issue of significant out-commuting from Bicester through the provision of employment land. The loss of the currently approved B1 and B2 employment use could reduce containment and result in an increase in out commuting from Bicester thus reducing the potential sustainability benefits of the approved site.

Impact of the development on the town centre and local centre

This is an out of centre site although potentially with reasonable access to the town centre. A1 Retail and A3 Restaurants are town centre uses. It would be better for these uses to be located in Bicester town centre where they can contribute to town centre vitality and viability, help improve the image of Bicester town centre in line with Bicester master Plan objectives and where there is good access by public transport. Further justification should be provided to explain how the proposals address the strategic objectives for economic growth and for a thriving town centre.

The current proposals for A1 and A3 use are also likely to impact on the viability of the retail element of the local centre approved as part of the outline consent.

The proposals are contrary to the emerging Cherwell local Plan and the Draft Bicester Master Plan

Paragraph C56 of the emerging Cherwell local plan states that 'South west Bicester will provide 1,742 new homes, new primary and secondary schools, public open space, health and sports facilities, **employment land**, a hotel and other local facilities'. Removal of the employment land is not in accordance with the Local Plan. Further, the current proposals are contrary to paragraph B.53 of the plan which states that 'new retail development will continue to be focused in our town centres'.

The retail proposals are also contrary to the Draft Bicester master Plan (August 2012) which states that

'Any further retail development and improvements to car parking should take place on the south eastern side of Sheep Street to anchor this end of the main retail street and provide improved facilities closer to the railway station' (Draft Bicester master Plan August 2012 p43)

Other Consultees

- 3.11 **Environment Agency:** have no objection subject to the inclusion of a condition relating to contamination. Without the condition the development would pose an unacceptable risk to the Environment.

The proposed development is located in Flood Zone 1 (low probability) based on our Flood Zone map. Whilst development may be appropriate in Flood Zone 1, paragraph 103 (footnote 20) of the National Planning Policy Framework sets out a Flood Risk Assessment should be submitted for all developments over one hectare in size. We note that a Flood Statement has been produced, but a comprehensive FRA has not been submitted in support of the proposed development.

The West Thames Area (Environment Agency South East) is operating a risk based approach to planning consultations. As the site lies in Flood Zone 1 and is between 1

and 5 hectares we do not intend to make a bespoke response to the proposed development. The following standing advice is provided as a substantive response.

In order for the development to be acceptable in flood risk terms we would advise the following:

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

SUDS for roads/car parking areas should incorporate appropriate design mechanism to minimise the potential that hydrocarbons or other contaminants may be mobilised into ground water. The base of SUDS should be sufficiently above typical winter groundwater levels to allow the attenuation of any residual contaminant. They should not routinely discharge direct to groundwater (ie above typical winter GW levels).

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 1996 (Saved Policies)

- C28: Layout, design and external appearance of new development
- C31: Development in residential areas
- TR1: Transportation funding

Non-Statutory Cherwell Local Plan 2011

Policy H13: Bicester Urban Extension: South West Bicester

4.2 Other Material Policy and Guidance

National Planning Policy Framework (March 2012)

National Planning policy Guidance

Cherwell Local Plan 2011-2031

The Submission Local Plan has been through public consultation and was submitted to PINS in January 2014, with the examination beginning in June 2014. The Examination was suspended by the inspector to allow further work to be undertaken by the council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. The examination reconvened and closed in December 2014. The Inspector's Report was published 12th June 2015. The report was presented to Members at a meeting of the Full Council on 20 July 2015. Members endorsed the Plan and it is now adopted and forms part of the development Plan. The policies listed below

are considered to be material to this case:

SO1: objectives for a sustainable economy
SLE1: Employment development
SLE2: Securing dynamic town centres
SO13: Reduced dependency on the private car
ESD1: climate change
ESD3: sustainable construction
ESD7: Sustainable drainage systems
ESD10: Protection and enhancement of biodiversity and the natural environment
SLE4: improved transport and connections
ESD16: character of the built and historic environment
Policy Bicester 5: Strengthening Bicester Town Centre

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Policy and the principle of development
- Sequential test and retail impact
- Loss of employment land
- Transport impact
- Sustainability
- Design and layout
- Ecology
- Flood risk assessment
- Planning obligation

Relevant Planning History

5.2 The application site forms part of the wider mixed use development at South West Bicester (now known as Kingsmere). Outline planning permission was granted, subject to conditions and a Section 106 Agreement for up to 1585 dwellings, employment, education, health village, leisure and supporting infrastructure in June 2008 (06/00967/OUT refers). A land use proposals plan approved as part of the outline conditions identified this site as part of the employment zone which was also to include the hotel development.

5.3 The construction of the wider South West Bicester development began in July 2010. The major infrastructure has been provided and a number of residential parcels have either, been completed and occupied or currently under construction following the granting of the relevant reserved matters consents.

5.4 Reserved matters consent was granted for the hotel and Brewers Fayre Public House in May 2012 (12/00063/REM refers). The hotel and pub are now trading well. The developers of the South West Bicester site are required by the terms of the Section 106 to market the application site for employment purposes.

Policy and the Principle of Development

5.5 The development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell local Plan 1996 and the adopted Cherwell local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan, so far as is material to the

application, and to any other material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF).

Non-Statutory Cherwell Local Plan 2011

- 5.6 The site in question was an allocation within the Non-Statutory Cherwell Local Plan (policy H13), as part of the wider mixed use development of south west Bicester, but is not allocated for development in any adopted plan. As part of the planning permission granted under Policy H13, the site is identified for employment purposes.
- 5.7 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to:
- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
 - Proactively drive and support sustainable economic development
 - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - Support the transition to a low carbon future in a changing climate
 - Encourage the effective use of land by reusing land that has been previously developed
 - Promote mixed use developments
 - Conserve heritage assets in a manner appropriate to their significance
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant developments in locations which are, or can be made sustainable
 - Deliver sufficient community and cultural facilities and services to meet local needs
- 5.8 The NPPF at paragraph 14 states 'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both planning and decision taking.....For decision taking this means
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted
- 5.9 The NPPF further advises that a sequential test should be applied to planning applications for main town centre uses such as retail. Only if suitable sites are not available should out of centre sites be considered, and preference should be given to accessible sites that are well connected to the town centre. Impact Assessments are also required for developments over 2,500sqm. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact, then it should be

refused.

5.10

The Planning Practice Guidance advises on the sequential test and impact assessment, but also advises that if a required development cannot be accommodated in the town centre, that the local planning authority should plan positively for such needs having regard to the sequential and impact tests. Policy Bicester 5 of the adopted Cherwell Local Plan 2001-2031 seeks to do this by proposing an 'Area of Search' to ensure that any proposed main town centre uses which are not in the existing town centre are in the best locations to support the vitality and vibrancy of the town centre, and that no likely significant adverse impacts on existing town centres arise as set out in the NPPF.

Adopted Cherwell Local Plan 2011-2031

5.11

The Cherwell Local Plan has been through Examination and has been considered by Full Council. This plan has now been adopted by the Council. The Local Plan is consistent with the NPPF in that it requires a town centre first approach that directs retail and other town centre uses towards town centres and encourages the growth of such centres and aims to support Bicester town centre's viability and vitality.

5.12

Policy SLE2 of the adopted Local Plan 2011-2031 'Securing Dynamic Town Centres' seeks to ensure that Bicester's role is strengthened in terms of achieving economic growth, as a destination for visitors and in serving their rural hinterlands. The policy further advises that proposals for retail and other Main Town Centre Uses not in a town centre should be in 'edge of centre' locations, and only if suitable sites are not available in edge of centre locations should out of centre sites be considered; and, when considering edge of centre or out of centre proposals, preference will be given to sites that are well connected to the town centre. An impact assessment will also be required in accordance with requirements in the NPPF. It states that the council will consider if the proposals satisfy the sequential test and if they are likely to have significant adverse impact on one or more factors in the NPPF. This policy also requires that all proposals should comply with Policy SLE 4 which relates to improved transport and connections.

5.13

Policy Bicester 5 'Strengthening Bicester Town Centre' aims to support the viability and vitality of the existing town centre, encourage economic activity, assist with the connectivity between the existing town centre, a new Bicester Town Railway Station; Bicester Village; and adjoining and proposed residential areas; and, improve the character and appearance of the centre of Bicester and the public realm. Partial redevelopment of the town centre has been achieved with the recent Bure Place scheme and a second phase of development is planned through Bicester Policy 6. Work for the emerging Bicester Masterplan has identified how the area to the south of the town centre could be improved to consolidate and expand the town centre to provide space to help accommodate Bicester's growth need, this area is annotated on the plan as 'An Area of Search'. Remaining relevant policies in the plan largely concentrate on seeking a sustainable form of development through other disciplines such as SUDS, flood management and design.

5.14

The application site is not within Bicester Town Centre as defined in Policy Bicester 5 or within the 'Area of Search' identified in that policy, and is not allocated for retail development as part of the Development Plan.

5.15

Sequential Test and Retail impact Assessment

The NPPF advises states that Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and, create attractive, diverse places where people want to live, work and visit. It also states that Local Planning Authorities should

assess and plan to meet the needs of main town centre uses in full, in broadly the same way as for their housing and economic needs, adopting a 'town centre first' approach and taking account of specific town centre policy.

- 5.16 The NPPF sets out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accord with an up to date Local Plan – the sequential test and impact test.
- 5.17 The sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses. The sequential test will identify development that cannot be located in town centres, and which then would be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres.
- 5.18 The application submission has been supported by a Planning and Retail Statement prepared by Mango Planning and Development Ltd on behalf of the applicants which also includes an assessment of how the site has been sequentially tested, together with an Assessment of its Impact. This submitted planning and retail assessment produced by Mango Planning concludes that the proposed development satisfies the sequential test and will not have a significant adverse impact. This has been independently critiqued by CBRE on the council's behalf as part of the application process.
- 5.19 In considering the sequential test, the applicant must demonstrate that there are no sites within the town centre that are suitable and available and upon which the proposed development would be viable. The application proposes approximately 10,000sqm of floorspace with 266 car parking spaces on a site of 2.045 hectares. The sequential test has assessed the sites as follows:
- 5.20 Land at Crumps Butts, stating that this land is in multiple occupation and too small to accommodate the scale and format of the application proposal and that GVA Grimley in its consideration of the Aldi proposal on behalf of the Council stated in their critique 'that the site is better suited to smaller retailers, given its size, proximity to residential dwellings and the limited scope for comprehensive development to provide a larger format. The applicant's agent therefore concludes that this site is therefore unsuitable.
- 5.21 An assessment of Bicester Town Centre carried out by Mango Planning and Development Ltd in December 2013 identified 22 vacant units, with an update in January 2015 identifying 17 units, the vast majority of which are very small and therefore do not provide sufficient floorspace to accommodate the application proposal or a flexible interpretation of them. Whilst it was acknowledged that the Tesco Metro in Sheep Street was to close, it was also stated that this unit was too small to accommodate the proposal. It is understood that this unit has now been taken by another retailer.
- 5.22 Land at Victoria Road is located to the rear of Sheep Street and extends to approximately 0.8ha. The applicants agent concludes that the site is not only too small but a comprehensive retail proposal in this location would attract the same issues as the dismissed appeal for 36 live work units and the site is therefore unsuitable.
- 5.23 Claremont car park is stated by the applicant's agent to be unavailable and in physical terms too small to accommodate the application proposal and does not offer the frontage or prominence that the development would require and is therefore also considered to be unsuitable and unviable. The sequential test submitted as part of the application therefore concludes that there are no sequentially preferable sites

available within Bicester town centre.

- 5.24 Moving further out of the town centre, the only suitable edge of centre site identified by the sequential test is the Cattle Market car park which is owned and managed by the District Council, concluding that it would create a large and prominent structure incompatible with surrounding buildings and residential properties.
- 5.25 The only out of centre site highlighted is the former Lear Corporation site at Bessemer Close. The site extends to 1.2ha and currently comprises a vacant industrial unit and associated car parking. The applicants state that this site is no longer available and moreover, the application proposal is for a high quality design with modern sustainable credentials. The ability to provide such a modern development is facilitated by the development of a cleared site. The cost of site clearance and remediation of the Bessemer Close site would reduce the amount of finance available for a high quality sustainable development. As such the sequential test considers the site to be unsuitable and unviable for the development proposed. An application is currently with the Council for consideration relating to the redevelopment of this site for residential (15/01043/F refers).
- 5.26 The submitted sequential test concludes that given recent acceptance of compliance with the sequential test for similar out of centre retail proposals and adopting a common sense approach to the sequential test, the application site, located on an established commercial area and accessible by a range of modes of transport is compliant with the sequential test. The sequential test however fails to specifically address and assess the potential availability or appropriateness of sites within Policy Bicester 5 'Area of Search'.
- 5.27 Following an assessment of the above sequential test by the Council's retail consultant, the applicants were requested to clarify matters further in respect of the number of vacant units within the town centre, including the recently vacated Tesco unit and in respect of the site at Bessemer Close, as it was considered that the sequential test had not satisfactorily demonstrated that there were not sequentially preferable sites either within or closer to the town centre.
- 5.28 The subsequent response from the Mango Planning concludes that the available units within Bicester town centre are too small to accommodate the application proposal or even a flexible interpretation of it and that the Bessemer Close site is unsuitable as it is too small for the proposed development and that the site is unavailable and is now the subject of an application for 58 dwellings. Having regard to the above, it is considered that the sequential test has been satisfied. The application must therefore now be considered further in terms of its impact and this is considered in detail below.
- 5.29 The NPPF states at paragraph 24 that only if suitable sites in main town centres or edge of centre locations are not available, should out of centre sites such as the application proposal be considered. The purpose of the impact test is to ensure that the impact over time (up to five years or ten for major schemes) of certain out of centre and edge of centre proposals on existing town centres is not significantly adverse. The impact test only applies to proposals exceeding 2,500 square metres gross of floor space, (such as the application proposal), unless a different locally appropriate threshold is set by the Local Planning Authority, with impact assessed on a like-for-like basis. Where evidence shows that there would be no likely significant impact on a town centre from an edge of centre or out of centre proposal, the local planning authority must then consider all other material considerations in determining the application.
- 5.30 In terms of assessing the impact of the development, the NPPF states at paragraph 27 that an application should only be refused if it is likely to have 'significant adverse

impact' on the vitality and viability, of the town centre.

- 5.31 In 2010 the council commissioned an update to its 2006 PPS6 Retail Study. In 2012 a further study was commissioned which examined the capacity for comparison and convenience floorspace in the District. This study identified no additional capacity for convenience retail floorspace for Bicester on top of the floorspace as part of the Bicester town centre expansion. However, the study does identify more need for comparison retail within the town. The conclusions of that study found that overall, Bicester town centre is a healthy town centre which is well patronised with a good quality environment. Convenience retail floorspace relates to food, and comparison retail relates to non-food retail.
- 5.32 The Impact Assessment which has also been produced by Mango Planning as part of the Sequential Test, seeks to assess the potential impact of the development on Bicester town centre. In terms of the comparison goods assessment, whilst the like-for-like approach taken to the trade draw by the submitted impact assessment may be reasonable, the Council's independent assessor expressed a concern that the trade draw taken from Bicester town centre had been underestimated, as the submitted report anticipates that only 1% of the total turn-over of the new development would be drawn from Bicester town centre. The report also acknowledges that Bicester town centre offers a range of low to mid-range clothing retailers such as Dorothy Perkins, M&Co, New Look and Peacocks and it is unlikely that a TK Maxx store turning over at £4.7m would draw only 1% from the town centre. Further justification and clarification was sought from Mango on this matter. Mango have responded by noting that the number of clothes shops in the town centre is limited, hence trade diversion of £0.2m or 1%. However, Mango then point out that the existing stores trade at £1.81m (assuming they are trading at benchmark level), and that if the diversion was exclusively from these stores that would represent a 'sectoral impact' of 11%. They dismiss those as 'entirely reasonable' before going on to suggest that trade diversion would be 0.15% of total comparison turnover.
- 5.33 Level of trade diversion is not a test in itself, in fact, a quantitative trade diversion assessment simply informs, alongside other information, an assessment of (a) likely impact on investment, and (b) likely impact on town centre vitality and viability. A key consideration in the latter case is the likely impact on vacancies. An 11% impact on these stores could leave one or more of them in danger of closing, particularly if any of these stores are trading below company average. Closure is even more likely under Mango's sensitivity test which implies trade diversion of 22%.
- 5.34 In short, even if the trade draw from Bicester town centre is as low as Mango suggest, there is a potential significant impact on a small number of existing stores. If one of the larger stores, or two or three of the smaller stores were to close, which is a realistic scenario if they face trade diversion of 11 to 22%, that would have a significant impact on town centre viability, particularly in the light of the recent closure of the Tesco Metro store in the centre.
- 5.35 Mango Planning were asked to clarify whether, were the proposed development to be approved, the M&S Simply Food store would remain in the town centre. Mango have advised simply that the applicant has no control over M&S and any decision they may take. This only serves to give further cause for concern, as the loss of M&S from the town centre would have further adverse impact.
- 5.36 Mango Planning were also requested to address the impact of the development on the possible future delivery of the Local Centre on the Kingsmere Estate. Mango Planning have provided information from Countryside which satisfactorily demonstrates that the delivery of the Local Centre is being progressed and will be delivered in any case.

- 5.37 In respect of the various objections received in respect of the sequential test and impact test, it should be noted that whilst the BSA land is within the 'Area of Search' identified in Policy Bicester 5, no planning application relating to the redevelopment of that site for retail purposes is currently with the council for consideration, and furthermore if such a proposal in this location was to be considered acceptable in principle, the loss of these sports pitches within Bicester would need to be suitably replaced.
- 5.38 As a response to the objections received in respect of the sequential test and the impact assessment, the submission has been assessed by CBRE who agree that there are no sequentially preferable sites within the town centre or in edge of centre locations. Further evidence was requested in respect of the former Lear Corporation at Bessemer Close. Clarification from the applicants has confirmed that this site is no longer available and has been removed from the market. It is now considered that the sequential test is satisfied and that there are no suitable alternative sites capable of viable development and out of centre sites must therefore be considered.
- 5.39 In conclusion therefore, it is considered that the sequential test has been met and that there are no sequentially preferable sites within or adjacent to Bicester town centre. The proposal would however, have a significant adverse impact on the vitality and viability of Bicester town centre and as such is contrary to the Development Plan which seeks to direct town centre uses to the town centre and planning policy relating to the growth of the town centre and advice within the NPPF and therefore fails in this respect.

Loss of Employment Land

- 5.40 The application site is not specifically allocated for employment use within the development plan. It is however, identified for employment purposes as part of the overall mixed use development at South West Bicester allocated as a strategic urban extension under Policy H13 of the Non-Statutory Cherwell Local Plan. Bicester currently suffers from out-commuting and the provision of this land for employment purposes as part of the wider SW Bicester development sought to address this issue.
- 5.41 Bicester is identified as a key location for employment growth on the Oxfordshire Knowledge Spine through the City Deal and Strategic Economic Plan (SEP), which looks to support significant increases in employment at Bicester through infrastructure improvements and land availability. If retained for employment purposes OCC consider the site could make a valuable contribution to the generation of quality, high tech employment opportunities and provision of a comprehensive range of employment opportunities in the town.
- 5.42 The Council's Economic Development Officer raises concerns that this site has not been presented effectively to the market and that there is a shortage of modern and refurbished b-class premises, and that the site is therefore important to retain for b-class employment as an important balance to the residential and retail development that has been completed and continues nearby. He states that this should contribute to the availability of local employment opportunities to reverse out commuting to higher paid employment areas beyond Bicester and therefore serve the needs of Bicester residents and businesses whilst contributing to the sustainable goals of the One Shared Vision for Bicester.
- 5.43 Oxfordshire County Council have also expressed concerns with the proposal in terms of loss of skilled jobs that the current approved use could provide and the potential increase in out commuting from Bicester as a result of losing a key employment site.
- 5.44 Consideration must also be given to the current employment conditions and the strong message from Central government that we should be doing all we can to

promote jobs to the area and boost the local economy. The applicant's agent argues that the job numbers initially envisaged by Countryside on this site (929 jobs) is not actually achievable and that this proposal will generate across the development in excess of 300 positions. There is however no analysis of how many of these will be permanent full time positions and how many will be temporary or on a part-time basis, and how this actually compares with business employment use on the site. There are already a considerable number of retail jobs in Bicester, with more being provided as part of the expansion of Bicester Village.

- 5.45 As stated above, the application site is currently identified as employment land as part of the overall South West Bicester strategic urban extension. The Section 106 Agreement accompanying the outline planning permission (06/00967/OUT refers), requires that this land be set aside for employment purposes until the first occupation of 1,500 dwellings. During that period the site must be marketed to the 'best endeavours' in accordance with the marketing strategy, the details of which is specified in the agreement, and to use all 'reasonable endeavours' to agree the sale of the site for employment purposes. The proposal is contrary to the provisions of the Section 106 Agreement entered into by the developers Countryside Properties (Bicester) Ltd.
- 5.46 As a result of the above, marketing information and statement were submitted as part of the application, but it was considered that these were not sufficient evidence to show that the site was being actively marketed using 'best endeavours'. Indeed the Council's Economic development Officer in his consultation response stated that he had not been contacted by the land owner or the agent to indicate a lack of demand or to request help in marketing the site, and that he is being contacted by Bicester businesses that are struggling to expand locally.
- 5.47 The applicant's agent was therefore requested to justify the above further. A response has been received in the form of a Supplemental Marketing Statement which has been prepared by VSL and Savills on behalf of Countryside Properties (Bicester) Ltd. The report can be viewed in full on the application file and includes a response to the issues raised by the Council's Economic Development Officer and Ziran Land. The report concludes that the evidence set out demonstrates that the Kingsmere Commercial Centre site has been marketed in accordance with the Marketing Strategy as required by the Section 106 Agreement. It should be noted in this respect that If the application is approved, the Section 106 Agreement attached to the outline consent will need to be varied accordingly.
- 5.48 However, notwithstanding the above, the critical shortage of employment land in Bicester is not currently or wholly borne out by the evidence of the Employment land Study and the adopted Cherwell Local Plan 2011-2031 seeks to allocate strategic sites for employment use in Bicester, these being Bicester Business Park, Bicester Gateway, North East Bicester Business Park and South East Bicester. Having regard to the amount of land allocated for employment uses, along with land which already has consent, the level of harm in respect of the loss of this site for employment purposes requires careful assessment. It is considered that having regard to the above and the information submitted as part of the application that a refusal based on the loss of employment land cannot be justified in respect of this site on loss of employment land.
- 5.49 **Transport Impact**
The application has been submitted with a Transport Assessment produced by Turner Lowe Associates on behalf of the applicant which assesses the traffic and highway issues associated with the proposed development. The report states that it utilises parameters that have been agreed with the Highway Authority for other proposed developments in the recent past to avoid the introduction of new

information wherever possible. Vehicular access to the development will be taken via the new signalised junction on the A41 serving the Kingsmere development and via the new access road which currently serves the Premier Inn and Brewers Fayre Public House. Servicing of the retail units is proposed from a dedicated service area via the Esso Service Station access from the A41 roundabout and the servicing for the A3 uses is proposed from the proposed car park within the development. A total of 266 car parking spaces are indicated within the original submission to be provided as part of the development. It is suggested that there will need to be some control over the use of the car park to avoid abuse of its use by those visiting Bicester Village.

- 5.50 The Transport Assessment concludes that the site is accessible on foot (especially considering the new footway to be provided) and its location in relation to the surrounding areas is likely to encourage trips to be made on foot and therefore a potential reduction in car use. The Assessment also states that the site is well served by public transport.
- 5.51 The proposed submission and the submitted Transport Assessment have been assessed by the highway Authority who advises that whilst the traffic generation patterns for retail are different to employment land uses, the impact upon junctions adjacent to the site would not be significant when considered against the permitted use.
- 5.52 The highway Authority also advise that a Framework Travel Plan would be required for the development setting out the overall objectives for the promotion of sustainable travel and to encourage walking and cycling to the site from the wider area, good quality access points need to be provided on direct routes linking in to the walking and cycling networks. Conditions are recommended in these respects.
- 5.53 In terms of public transport, a good quality bus service between Oxford and Bicester town centre operates along the A41, but there are no stops within convenient walking distance of this development. The highway authority would therefore require through a Section 106 Agreement, the provision of a new pair of bus stops, including lay-bys, hard-standing areas, shelters, premium Route flag/pole/information case units and electronic real-time information units by the developer.
- 5.54 In terms of the proposed layout, the primary vehicular route into the site will be via the A41 signalised junction and the already constructed access road which currently serves the Premier Inn and Brewers Fayre Public House. A second vehicular access however was indicated to the western side of the car park onto the adjacent residential side street. This was not considered appropriate and has since been omitted although a pedestrian/cycle access still remains. It is considered that this is essential in terms of promoting convenient walking and cycling access to the development from adjacent residential areas. The highway authority have not commented on the internal car park layout, however, the car parking spaces appear to be smaller than the councils standard of 2.5m x 5m with 6m manoeuvring between. Whilst a tracking plan for servicing has been submitted, if the parking spaces are short, the tracking will not work. In terms of the council's adopted car parking standards for such a proposal, the number of spaces generated by the retail units is approximately 396, significantly greater than the 266 indicated (a revised landscape plan indicates that this number has now been reduced to below 250).
- 5.55 A number of objections have raised concerns regarding the likely traffic to be generated by the proposal and therefore its impact on the local highway network and the adequacy of the Transport Assessment. A number of concerns have been raised by third parties regarding the adequacy of the submitted TA and the likely traffic that will be generated by the proposal and therefore its impact upon the surrounding road network. The various objections were passed to OCC as highway authority and your

officers therefore requested that the submitted TA was re-assessed in the light of those objections. These objections together with the TA have been re-assessed by OCC as Highway Authority who confirms that the original highway response which did not raise objections to the Transport Assessment remains appropriate. In terms of servicing access to the retail units, they also confirm that tracking has been supplied for the HGV's and is acceptable to the highway authority.

5.56 In response to the specific points raised by Bicester TAG, the highway authority provide the following additional comments:

- They state that no amended transport assessment has been supplied. A TA was provided with this application, specifically assessing the uses proposed. It was carried out by Turner Lowe Associates, Traffic Engineering Consultants dated February 2015.
- They state that the development could generate 9000 movements in the peak. This is way in excess of the stated generation, which is based on accepted TRICS data and assumptions about shared, pass-by and transferred trips which are related to rates accepted at Banbury Gateway. The total weekday pm peak generation is set out in table 6.1 of the TA, page 16
- They state that the development will have entirely different traffic generation and peak hour movements. The TA finds that the impact of the development will not be significant enough to alter the peaks on the adjacent network, which are the usual pm Mon-Fri peak, and a Saturday lunchtime peak. Both peaks have been assessed.
- They express doubt that the highway works designed to address the needs of the Bicester Village extension and the new Tesco development will cope with the traffic generated from this development. The assessment against which the highway works were modelled and predicted to operate with spare capacity, allowed for the traffic from the previously consented employment site. When these flows are subtracted and the flows predicted from the current proposal are added, the highway scheme is still predicted to operate with spare capacity
- They express concern about the car park access being through residential streets and close to a secondary school. Details of the vehicular accesses should be conditioned and the safety of the design of the accesses will be assessed. However, the additional traffic in itself is not necessarily a safety hazard – it is down to the design.
- They express concern about overspill parking. The parking is well below the parking standards for the uses proposed and I would question whether the standards for these uses should be considered maximum standards – perhaps you could check what it says in CDC policy. Although of course, the more parking there is, the more vehicle trips are encouraged. The parking management plan proposes a 2 hour maximum stay to deter Bicester Village customers but does say that this might have to be revised if insufficient for the proposed development. I would suggest that the parking management needs to be strengthened with an alternative proposal – perhaps a ticket system requiring validation from one of the outlets? The developer could be required to provide a sum for the introduction of residents' parking controls in adjacent streets if overspill parking becomes an issue, but this would need further discussion.
- The modal share data is based on Bicester shopping habits as a whole and it will be challenging to achieve this from an edge of town shopping development. Stringent targets should be set as part of the travel plan, based on predicted mode share.

5.57 Having regard to the advice from the County Council as highway authority, it is concluded that the proposal is not detrimental in highway terms and therefore a refusal on highway grounds is not justified.

Sustainability

- 5.58 Sustainability is one of the key issues at the heart of the NPPF and the proposal must therefore demonstrate how it achieves sustainable objectives, including the need to show how it promotes sustainable transport bearing in mind that this is an out of centre location. The sequential test however, does demonstrate that there are no sequentially preferable sites for a development of this nature and so access by other means than the private car must be explored. The submitted transport assessment states that 36% weekday and 29% Saturday of customers will arrive on foot. A Framework Travel Plan is required setting out the overall objectives to the promotion of sustainable travel, and each of the units will need to produce a supplementary plan that is linked to the objectives in the framework travel plan. This requirement can be dealt with by condition. In terms of cycle and footpath links, the Design and Access Statement advises that proposed footpaths to the north of the site will provide accessible pedestrian links to the Kingsmere development which provide connections into Bicester centre. Along the Oxford Road it is proposed that the development will tie into the proposed pedestrian and cycle works as part of the new Tesco Superstore which in turn will provide links to Bicester Village and Bicester town centre. It also states that through the site there are generous footways and areas of public realm.
- 5.59 Guided by the NPPF, the principles of sustainable development are in three dimensions. The economic role can be demonstrated by ensuring that the development is of the right type and in the right place, that is, is it a sequentially acceptable site. Socially, the development should be of a high quality built design and be accessible, reflecting the community's needs. In terms of the environment the development should contribute to protecting and enhancing the environment. These aspects are all considered elsewhere within the report.
- 5.60 Measures have also been taken in terms of the design and method of construction of the buildings and the submitted Design and Access Statement advises that the development is intended to meet the sustainability standards set out in the Kingsmere Design Code. Policy ESD 3 of the Cherwell Local Plan requires that all new non-residential development will be expected to meet at least BREEAM 'very good' and therefore, should the application be approved, it is considered that this condition should be imposed.

Design and Layout

- 5.61 Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'
- 5.62 Paragraph 61 states 'although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'
- 5.63 Paragraph 63 states 'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'
- 5.64 Paragraph 65 states 'Local Planning Authorities should not refuse planning permission for buildings or infrastructures which promote high level of sustainability because of concerns about compatibility with the existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or

its setting which is not outweighed by the proposal's economic, social and environmental benefits)

- 5.65 Policy ESD 15 of the newly adopted Cherwell Local Plan 2011-2031 advises that design standards for new development whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policy C28 which states that 'control will be exercised over all new development, including conversions and extensions to ensure that the standards of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of that development'.
- 5.66 The Design Code which was approved in July 2008 and relates to the development at South West Bicester, sets out the key issues to be addressed by developers and their agents. The Design Code seeks to ensure consistency throughout the development and to ensure that specific requirements are adhered to. Whilst this is a new outline application, it is considered that the principles of the Design Code remain a material consideration in shaping the proposed development on the site, and should be an initial starting point for designing and formulating the proposal and are important in ensuring an appropriate scheme which pays due regard to its location and the adjacent uses within the Kingsmere development. It was understood from Countryside, that previous interest in the land for employment purposes had been rejected on the grounds that a large building was sought rather than a series of smaller units and that this was not what was considered appropriate for the site. The scheme submitted for consideration essentially proposes a single large building, contrary to the aspirations of the Design Code.
- 5.67 The Design Code identifies what from the development on the employment site should take, requiring buildings to front the boundaries of the site and to pay proper regard to the residential properties opposite. A maximum height of 14.5m is also specified, and surveillance of the adjacent streets from the development is also required.
- 5.68 Whilst it is noted that the application is in outline, the only matter being reserved for future consideration is landscaping, and therefore the scale, form and design of the proposal must be considered as part of this submission. As stated above, it is considered that the existing Design Code for this Kingsmere development remains an important consideration, and ought to be the starting point for the design and layout of the development.
- 5.69 The application is accompanied by a Design and Access Statement. Policy ESD 15 of the adopted Cherwell local Plan 2011-2031 advises that the design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design and Access Statement.
- 5.70 The appearance of new development and its relationship with its surroundings and built and natural environment has a significant effect on the character and appearance of an area. Securing new development that can positively contribute to the character of its local environment is therefore of key importance. The Design Code states that the inspiration behind the design approach was a collection of juxtaposed furniture pieces. Each item has a unique identity which relates to the integrity of the whole composition. The forms comprise of a variety of angles and

alternating heights and widths which allow for a rhythm that can be sculpturally translated into a building façade. The Design and Access Statement goes no further however in explaining how this translates into the wider area and why this is an appropriate form of building and development for this site and the town of Bicester generally. The Design and Access Statement also lacks detail and fails to justify why the site has been identified, why it is suitable for the development proposed and how the concept of the proposal has evolved to seek to justify the scale of the buildings, the choice of materials and how the final designs taking into consideration the immediate development together with the site's opportunities and constraints. No specific design principles have been set to guide the design approach and there is very little graphic support to show the development or test the design principles.

- 5.71 The three larger retail units which are located at the north eastern end of the site and serviced via the adjacent Esso Garage and restaurant access are proposed to be constructed of a mix of modern cladding systems, composite metal cladding systems and large areas of glazing to the front elevations which face out into the internal car park. The roofs vary in height to help try to break up the size and scale of the building, indicating a variety of flat roofs and mono-pitch butterfly roofs. Some glazing is also proposed to the A41 Oxford Road to provide some visual relief to the building from this significant frontage. In terms of scale, the buildings are significantly larger than envisaged by the Design Code, being 12.0m high to their flat roof elements and 17.0m at the highest point of the butterfly roofs. The A3 and Gym building which is located adjacent to the Primary Street which serves the Kingsmere development are slightly smaller in scale, having a general flat roof height of 12m and a maximum height of 15m. The proposed materials for this building, are again a mix of modern cladding systems, although the latest set of revised plans now include brick as a material.
- 5.72 The approved Design Code for the Kingsmere development envisages a modern development constructed of modern cladding systems with some brick, render and timber. It is considered that the principles behind the design proposals, seeking to create a clean, modern development are generally what would be expected for such modern retail units, but, there is concern that the scheme is inappropriate for this location having regard to its prominent location and the form and nature of the immediately adjacent development. The Design Code specifically requires the development on this site to create enclosure along the streets and for buildings to provide surveillance to those residential streets adjacent. The initial scheme failed in this respect, providing blank elevations to the main streets and a poor outlook for the occupiers of the proposed residential units. Similarly the A3 units turned their back on the primary street, one of the main access routes into the Kingsmere development, with a delivery layby indicated and servicing of these units from this street. This was not considered acceptable in terms of providing an active frontage to the street, natural surveillance over the street and an appropriate relationship with the adjacent residential development and primary school site. This was also contrary to the aspirations and requirements of the Design Code which states that no external storage, servicing or working areas will be acceptable to these street frontages. The applicants were advised that any development must define the frontages and contribute to the attractiveness, life and security of the adjoining street by incorporating windows and doors into facades where possible to ensure natural surveillance.
- 5.73 Following a meeting and discussions with the agents, revised plans have been received. The main amendments relate to the A3 and gym block to the Primary Street frontage which has been revised to include larger areas of glazing and relocation of the service/bin store areas to ensure a more active frontage to this street with access into the restaurant areas and a narrow seating area along this frontage. Whilst the revised scheme is an improvement and has addressed some of the issues raised in respect of creating a more active frontage, the outdoor seating area is very narrow

and will effectively result in very little interaction with the adjacent primary street frontage. Furthermore, no soft landscaping is provided along this frontage resulting in a very hard and urban form. Any landscaping shown is to such small areas it will likely be impractical to provide and maintain effectively. In terms of the larger retail building to be occupied by M&S, Next and TK Maxx, it is considered that this remains unfortunate in terms of its scale, form, relationship and visual appearance to the adjacent residential street. The building is set back from the back only 7.5m from the back edge of the pavement and whilst it is proposed to landscape this area to provide some soft relief, the space is not sufficient to provide any substantial and meaningful planting.

- 5.74 As previously stated, whilst this application is in outline only, the only matter for future consideration is landscaping, and therefore, access, scale and layout must be considered in respect of this application. Having regard to this, whilst the finer details of the landscaping scheme are reserved for later consideration, the development and the layout must ensure that there will be sufficient space for meaningful landscaping. Due to the form and scale of the buildings proposed and the car parking provision, there is very little scope for any meaningful planting, and Unit 3 is positioned so close to the boundary with the A41 that it is likely that much of the existing hedge would be lost during construction. Furthermore, the servicing area to the rear of these units will be visible from the A41 roundabout, and the proposed scheme proposes to reduce the height of the existing hedge to the A41 boundary to allow clear views to the development from passing traffic. As stated above, the indicative landscaping to the residential street would be wholly inadequate in terms of providing an effective screen to the buildings and the proposed servicing area. Having regard to the shortfall of car parking provision as identified in paragraph 5.54 above, and the lack of space for any meaningful landscaping, together with the scale and form of the development proposed, including the proximity of the buildings to all boundaries of the site, the proposal is considered to be an unacceptable overdevelopment of the site.
- 5.75 Having regard to the above therefore, it is considered that the scheme proposed fails to adequately address the key principles of the Kingsmere Design Code and the NPPF in seeking to ensure that the new development contributes positively to making places better for people, would be contrary to Policy C28 of the adopted Cherwell Local Plan 1996 and Policy ESD15 of the Adopted Cherwell Local Plan 2001-2031 and would result in an overdevelopment of the site and an inappropriate form of development on this prominent A41 frontage which is out of scale and character with the locality and proposed residential properties.

Ecology

- 5.76 The NPPF – Conserving and enhancing the natural environment requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government’s commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 5.77 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity’ and;
- 5.78 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where European protected Species are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that ‘a competent authority, in exercising their functions, must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions’

- 5.79 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.80 Under Regulation 41 of the Conservation Regulations 2010, it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if three strict derogation tests are met:-
1. Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
 2. Is there a satisfactory alternative
 3. Is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 5.81 Therefore where planning permission is required and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the Conservation Habitats and Species Regulations 2010 provides that a local planning Authority must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 5.82 In respect of this application site, the constraints have highlighted that there are Northern Lapwing and Eurasian Badger within proximity of the site, and whilst these are not specifically protected species as identified by the Regulations, they are Notable, UK BAP Priority and Section 41 Species.
- 5.83 The Council's Ecologist has assessed the ecological information submitted with the application which is a monitoring report for the wider site, which reveals that it is not being managed as per the agreed ecological management plan, which as a result, many habitats are degrading. No survey has been specifically submitted in respect of the application site, and the design and access statement submitted with the application refers to biodiversity being a key element but does not elaborate on any of their plans in this regard. The applicants have been requested to address this issue and an ecological appraisal has since been carried out.
- 5.84 A Phase 1 Habitat Survey was carried out on 17 July 2015 in order to ascertain the general ecological value of the site and to identify the main habitats and features present. The vast majority of the site itself (including all internal areas) was recorded to comprise recolonizing ground/ruderal vegetation with other features limited to the recently constructed access road leading to the site, along with associated pavements, lighting and sub-station. The only habitats present are restricted to the vegetation to the northern and eastern boundaries.
- 5.85 On the basis of the survey work, the report considers that the habitats present within the site offer no more than low ecological value and any opportunities for faunal species (including protected, rare or notable species) are extremely limited and there would appear to be no over-riding ecological constraints on the proposed redevelopment of the site. Accordingly it states that suitable mitigation and compensation measures are largely limited to:
- Minimising any loss of eastern boundary vegetation and installation of protective fencing to safeguard retained boundary vegetation
 - Mitigation measures in regard to nesting birds (suitable timing of vegetation clearance)
 - General construction safeguards

- Although areas are limited, where possible new planting should use native species of wildlife value
- Where possible a variety of bat and bird boxes be incorporated into the development.

5.86 All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). The appraisal and recommendations above are considered appropriate in this respect. In terms of net gains in biodiversity, it is regrettable that the submission does not provide sufficient space for any significant areas of new planting, however, it is suggested that bird and bat boxes can be incorporated into the building construction. It is suggested that this can be dealt with by condition.

5.87 The Council's ecologist has assessed the report and further comments are awaited.

5.87 Consequently it is considered that article 12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected or other species found to be present on the site will continue, and will be safeguarded notwithstanding the proposed development. The proposal therefore accords with the NPPF and Policies within the adopted Cherwell Local Plan.

Flood Risk Assessment

5.88 The Environment Agency has not objected to the proposal as the application site is not within a high risk area, being located within Flood Zone 1. However, as the site exceeds 1 hectare in size, the NPPF sets out a Flood Risk Assessment should be submitted for all developments. The application was accompanied by a Flood Statement and Drainage Strategy Statement which are not considered sufficient. A Flood Risk Assessment has been requested and is awaited.

Planning Obligation

5.89 The proposal generates a need for infrastructure contributions to be secured through a planning obligation, to enable the development to proceed. These contributions relate to the provision of bus stops along the A41 which will be secured through an agreement with OCC.

5.90 In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:

- Necessary to make development acceptable in planning terms
- Directly related to the development, and
- Fairly and reasonably related in kind and scale to the development

5.91 It is considered that without the bus stop provision above there would be a detrimental effect on local amenity and the quality of the environment and the need to ensure that all new development is sustainable.

Engagement

5.92 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 efficient and timely determination of the application and through seeking to work with the applicants to enable them to provide sufficient information and revised plans and seek to address issues raised.

Conclusion

5.93 Having regard to the assessment above, it is considered that the development proposed would have a significantly adverse impact on the vitality and viability of Bicester Town Centre, and furthermore represents an inappropriate form of development and an over-development of the site which would be out of keeping with the character of the locality and detrimental to the residential amenities of the

adjacent residential development. The application is therefore recommended for refusal on the following grounds.

6. Recommendation

Refuse:

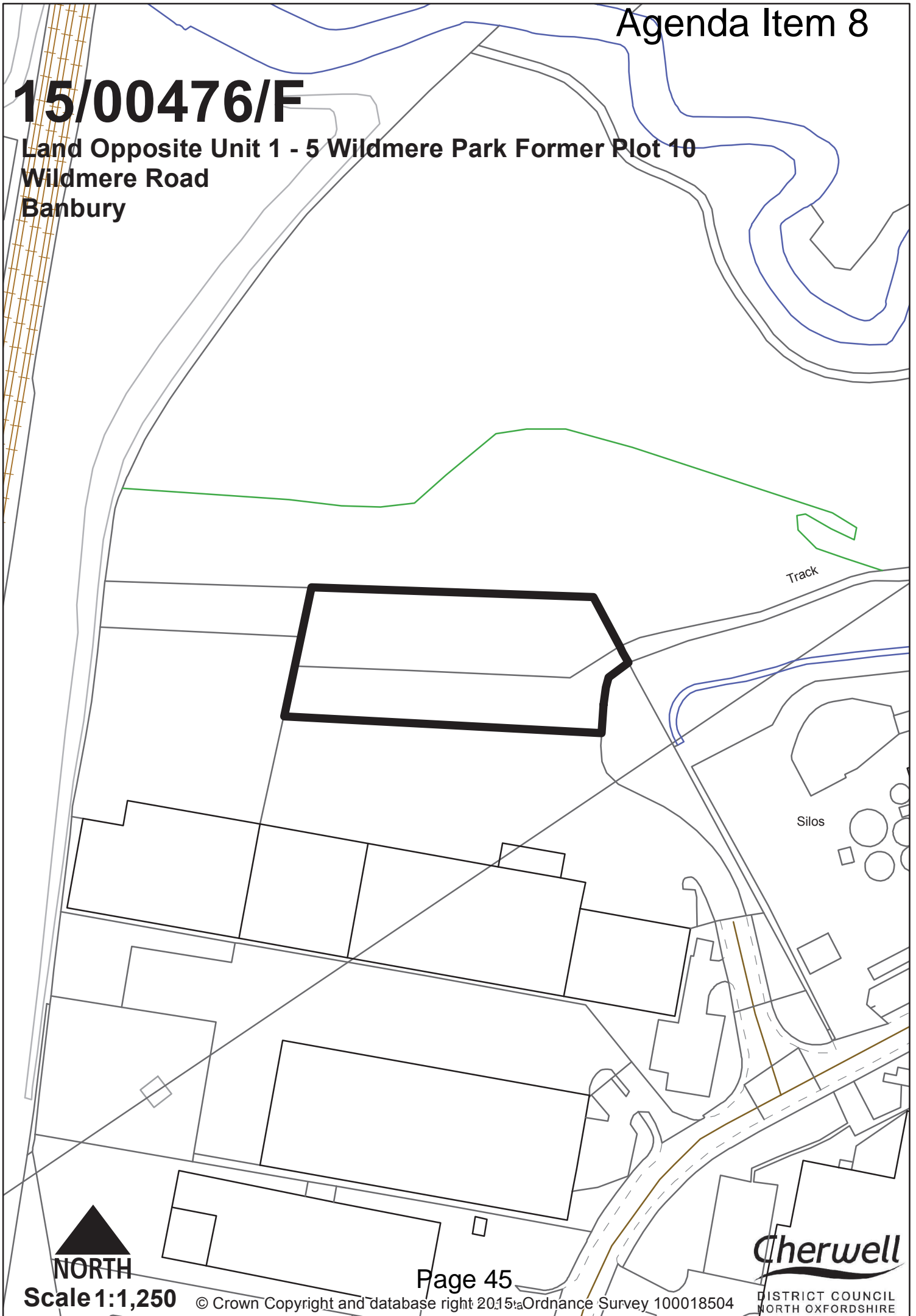
1. The development proposed will have a significant adverse impact upon the vitality and viability of Bicester Town Centre, contrary to Policies SLE2 and Bicester 5 of the adopted Cherwell Local Plan 2011-2013 and Paragraphs 26 and 27 of the National Planning Policy Framework.
2. The development proposed, by virtue of its form, scale and height, and inadequate car parking and landscaping provision, represents an over-development of the site, which would be detrimental to the visual amenities of the street scene, and of the locality and result in a poor relationship with the adjacent residential development, contrary to saved Policy C28 of the adopted Cherwell Local Plan 1996 and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.
3. In the absence of a satisfactory planning obligation, the Local Planning authority is not convinced that the necessary infrastructure directly required as a result of this scheme will be delivered. This would be contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

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

15/00476/F

Land Opposite Unit 1 - 5 Wildmere Park Former Plot 10
Wildmere Road
Banbury



Track

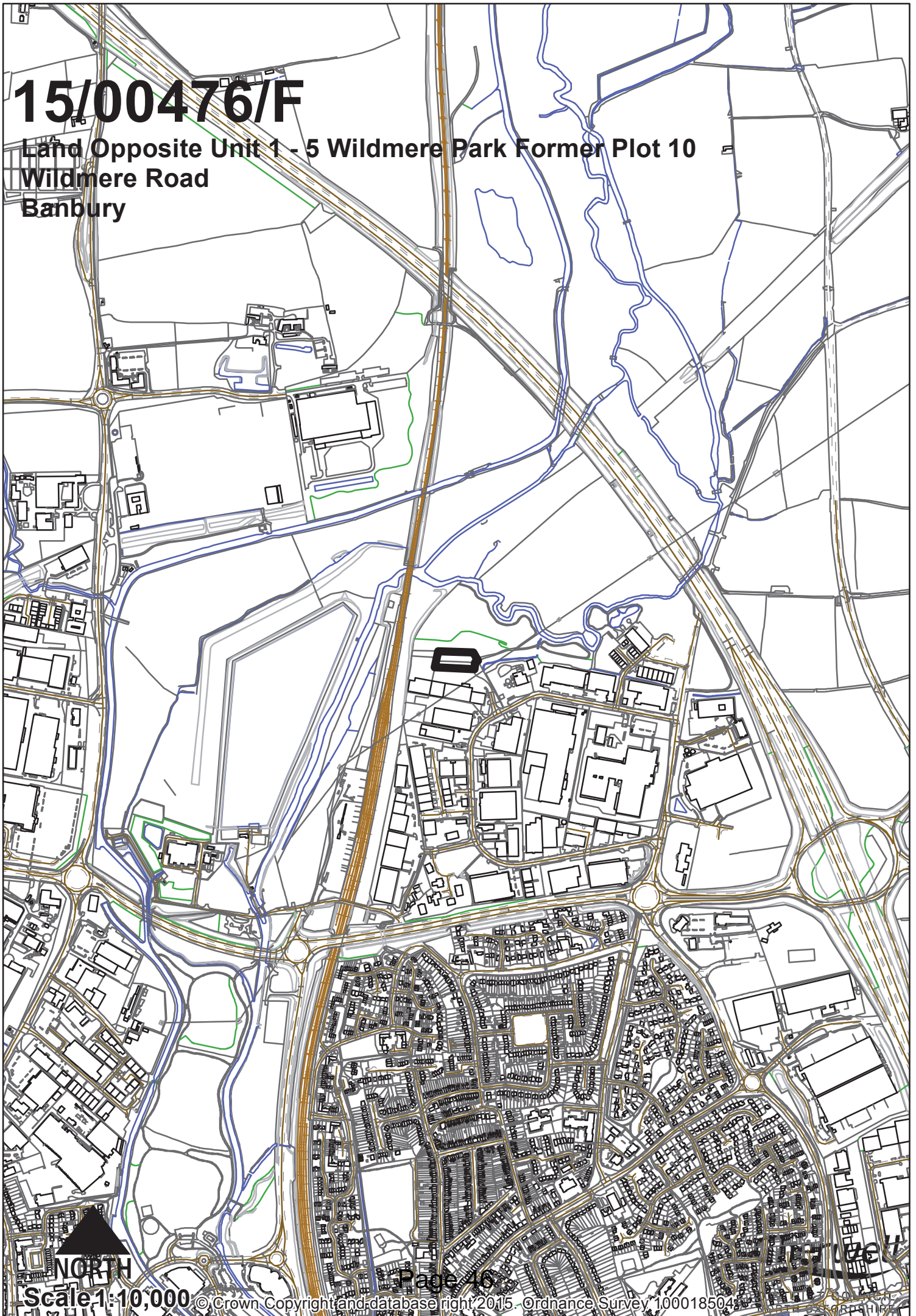
Silos



Scale 1:1,250

15/00476/F

Land Opposite Unit 1 - 5 Wildmere Park Former Plot 10
Wildmere Road
Banbury



 NORTH

Scale 1:10,000

Page 40

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**Site Address: Land Opposite Unit 1-5
Wildmere Park, Former Plot 10,
Wildmere Road, Banbury**

15/00476/F

Ward: Banbury Grimsbury and
Castle

District Councillor: Cllr Beere, Cllr Bonner, Cllr
Cullip, Cllr Hussain

Case Officer: Nina Sharp

Recommendation: Approval

Applicant: Apperly Estates Ltd

Application Description: Erection of 3 no industrial units with B1, B2 and B8 use with trade counters.

Committee Referral: Major

Committee Date: 06th August 2015 @16:00

1. Site Description and Proposed Development

- 1.1 The site is situated in an existing industrial employment area off Wildmere Road in north east Banbury with existing access situated adjacent to Brady Europe. The site is bounded by landscaping to the north and east, existing industrial warehousing to the south and the railway line to the west. The site is currently hard surfaced and used as an informal HGV parking area. Also incorporated within the site is a further three industrial units which will share access to the south and east.
- 1.2 Planning permission is sought for the erection of three industrial units; Unit 6 is 380 Sq.Metres, Unit 7 is 509 sq.metres and Unit 8 is 637 sq.metres 636.8m². The proposed use is B1 (Business), B2 (General Industry) and B8 (Storage or Distribution). The height of the units will be approximately 8.4 metres in height and the block would have a total length of 72 metres. The development incorporates parking provision and pedestrian access.
- 1.3 The site falls within flood zone three, the land is potentially contaminated and there have been notable and UK BAP Priority and Section 41 Species identified in close proximity to the site. A Screening Opinion has been conducted (reference 15/00025/SO) and concluded that an Environmental Impact Assessment is not required for this application.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 11th June 2015. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Banbury Town Council: No Objections - Banbury Town Council would like to support Cherwell District Council's Officers in requesting trees be planted to mitigate the visual impact of the development.

Cherwell District Council Consultees

- 3.2 **Planning Policy Officer:** The application site is not allocated for employment development. However proposals are consistent with Local Plan (2011-2031) Policy SLE1 which states that employment development will be focused on existing

employment sites and on existing operational or vacant employment sites employment development, including intensification, will be permitted subject to other policies in the Local Plan. The proposals are consistent with the NPPF and local planning policy in terms of providing jobs and securing economic growth. Policy SLE2 states that retail development will be directed towards Banbury town centre. The application site is in an out of centre location. It will need to be considered as to whether conditions are required relating to the trade counter uses proposed and the retail use should be ancillary to the employment uses. The application site is located close to the river Cherwell, within flood zone 3, and close to Wildmere wood and therefore proposals will need to be considered in relation to potential adverse impacts.

3.3 **Economic Development Officer:**

The proposed development would support the principles of the Council's adopted Economic Development Strategy by providing additional premises for businesses to operate from, creating employment opportunities for local residents. Through the Cherwell Investment Partnership, the lack of small business units has been raised as a concern by the business community and the future development of sites in Banbury such as Canalside will mean that alternative, affordable units such as those proposed will be required to allow local businesses to relocate within the town.

3.4 **Landscape Officer:**

Given that public access is the objective for the CDC-owned Wildmere Wood (as the designated Cherwell Country Park) immediately north the industrial units (at 7 m plus) will experienced by future visual receptors. Therefore mitigation tree planting is required in the area to the north of unit 8. A native hedgerow is required on the eastern boundary between the Environment Agency's maintenance access and the existing vegetation. 3 trees are required north of unit 8. I recommend 2 Field Maple, Acer campestre a Mountain Ash, Sorbus aucuparia (subject to structural engineers' report). All trees are to be supplied as robust 12 -14 cm standards. With the removal of native trees/thicket to accommodate the footprint replacement planting is required.

The existing structural vegetation on the northern boundary provides a screen from the Wildmere Wood side and must therefore be protected during the course of the building and ground works with a defined root protection zone, with no ground level changes (the bund is probably inappropriate), and protected with robust fencing – all requirements in accordance with BS5837.

A standard landscape condition is required where plant species, planting distances and nursery-supplied sizes are to be indicated on a landscape proposal drawing. All plant supply, handling, soil cultivations, planting operations and aftercare are to be in accordance with the Horticultural Trade Association's National Plant Specification.

It is important to note that there is a right of access to the west of the site for CDC officers and the Environment Agency and their contractors to maintain Wildmere Wood and the flood alleviation bund. The EA own the land between the site and Wildmere Wood. The right of access should be kept open and in an acceptable condition at all times, especially during the course of the construction works.

The applicant is to ensure that the red line application boundary is accurate in respect of the adjoining EA land ownership. HMS Land Registry plans are to confirm this.

3.5 **Environmental Protection Officer:**

I have no objections to this development but recommend the full contaminated land conditions are applied to this development requiring a phased risk assessment. I have read the design and access statement which accompanies the application and this isn't sufficient to constitute a desk study and site walkover to demonstrate the site

is safe from land contamination. There are aspects shown on my historical records which haven't been referred to i.e. the use of the concrete hard standing area on, and adjacent to the site which may have been for vehicle refuelling, the only source of contamination considered seems to be from vehicles parked on the area and inferences made relating to an absence of phytotoxic substances to the rear isn't an absolute that the risk to the development from land contamination has been adequately considered.

I have no objection to this development in relation to air quality given the scale of the development if the proposed number of vehicle movements referred to in the design and access statement are deemed by the LPA and highways to be an accurate assessment i.e. 9 trade customers across three units, and 12 staff across the three units, utilising seven cars. It is noted this site is close to one of the existing air quality management areas (on Hennef Way) and vehicles travelling to and from this site are likely to travel through the area. As the traffic to the site is likely to be contributing to the air quality issues but there is not an air quality action plan in place for this area yet, it may be prudent to apply a condition which allows for air quality to be taken into account during the process.

3.6 **Ecology Officer:**

No objections to the proposals on ecological grounds however I have a number of queries/comments which need to be addressed:

The outline of the site appears to include some substantial vegetation (shrubs/trees) on my database. This is referred to as low vegetation on a bund in the text. Some banking to the back seems to be being retained in the proposed plans but they do not mention landscaping of this or any planting which would be expected. Where trees or shrubs are being removed they should be done so outside of the bird breeding season and replacement planting should be carried out on site.

There is some possibility of reptiles utilising this piece of land and the applicant should be aware of their legal protection. I would recommend all initial vegetation removal should be carried out in a directional manner at a time when reptiles are active (March – October) to ensure they can move on.

The site backs onto Wildmere wood one of the aims of which is to increase biodiversity value. I would be concerned that the proximity of these industrial units may impact this aim either through noise and in particular lighting at a later date and would like there to be conditions regarding the minimal lighting of the units and in particular the North of the buildings where light would spill onto the woodland vegetation which could disturb or dissuade bats from utilising the wood. The woodland edge will need to be protected during all works by appropriate fencing. The fencing should allow access for badgers underneath however.

There are no biodiversity enhancement proposals which in line with the NPPF recommendations we should be seeking. Currently, due to removal of vegetation and proximity of the buildings to the woodland this development represents a net loss for biodiversity. The landscape officer's recommendations regarding the planting of replacement trees and a hedgerow to the east for visual reasons would have equal benefits as regards offering some enhancement for wildlife if managed appropriately (allowed to reach a height of 2m) and I would therefore recommend these proposals are put in place.

Oxfordshire County Council Consultees

3.7 **Highways Liaison Officer:**

Initially objection was recommended on the basis that the application did not include

a full assessment of the impact it may have on the local transport network, and it did not demonstrate that safe and suitable access can be provided for all people. However, it is anticipated that these deficiencies can be overcome if further information is supplied.

Key issues:

- Flexibility of use
- Traffic impact: inadequate assessment provided – trip generation likely to be underestimated.
- Car parking – insufficient depending on final use
- Concerns over displaced HGV parking.
- Safe pedestrian/cycle route across the site not indicated
- Cycle parking location unsuitable
- HGV tracking not supplied
- Drainage – more detailed strategy required
- New bus stops and hard standing required
-

Legal agreement required to secure:

Should the Local Planning Authority be minded to grant permission, a Section 106 contribution of £5000 would be required towards the provision of a hard-standing area and two bus stop pole/flag/information case units.

Depending on the scale and nature of displaced HGV parking, it may be necessary for the developer to provide alternative facilities.

There would also be a requirement to provide a designated safe pedestrian and cycle route from Wildmere Road to the units.

Flexibility of use:

The flexibility of use is of concern unless the categories are restricted by condition. If they were to be fully B1 for example, the peak hour trip generation could be much greater and the parking and cycle parking would be significantly inadequate. If they were to be fully B8, the goods vehicle trip generation could be much greater.

Assessment of traffic impact:

To fully appraise the transport impact of the proposed development, more information needs to be provided on the likely traffic movements from the development and existing traffic flows for Wildmere Road. Vehicles going to and from the site will inevitably travel through the M40 Junction 11 and the Ermont Way / Wildmere Road / Hennef Way / A422 roundabout. Hennef Way has also been declared an Air Quality Management Area. It is important that transport implications (great or small) are detailed in full within the Transport Statement so an assessment of the impact on the surrounding highway network can be carried out.

Estimated trips per day have been provided in the Design and Access Statement, with no justification. It is assumed that half the employees will cycle to work, which is highly unlikely at this location. A quick comparison with the TRICS database suggests that trip generation is underestimated, although peak hour impact is unlikely to be severe.

Assessment of parking provision:

The parking as shown would be well below the maximum standards for some combinations of use. Justification of the amount of car parking space is required.

Displaced HGV parking:

The proposed development is to be built on land which is currently used as an overflow/temporary parking for HGV's. Whilst some mention is made in the Transport Statement as to the lack of impact on the use of parking of industrial units on the south side of the application site, I have concerns regarding where the displaced HGV's will go to park if the informal overflow site is no longer available. There is currently a lack of HGV parking and welfare facilities in the area, and HGVs regularly

park on street overnight in the area. Clarification on this matter (and on how many HGV's are currently using the site as a place to park) is needed.

Safe pedestrian/cycle route:

There do not appear to be defined safe routes to the development from Wildmere Road, and pedestrians and cyclists would need to cross an open expanse of hard standing, mixing with HGV traffic. Safe routes should be indicated and should be provided by the developer, including appropriate lighting.

Cycle parking:

The cycle parking is located at the rear of the building in a very isolated position. This could result in concerns over personal safety and risk of theft, which may discourage people from cycling to the site. The cycle parking should be close to the main entrance, overlooked and lit. It should be of the Sheffield stand variety and the number of stands should meet the Oxfordshire cycle parking standards.

HGV tracking:

The site is currently open but it is not clear whether it would be fenced off. Clarification is required, as well as HGV tracking to demonstrate that vehicles can enter and exit in forward gear.

Public transport:

The site is remote from the current public transport network. However, a new bus service will commence in autumn 2015 between Banbury Town Centre and the Gateway retail park currently being constructed. This will provide access to the Wildmere industrial area for future employees and visitors.

To provide this public transport access, a pair of bus stops is required near to the Acorn Way/Wildmere Road junction. However, there is no footpath on the eastern side of the road, so the construction of a hard-standing area is required. The developer would be expected to provide this.

Drainage:

The information supplied is insufficient to make a proper assessment of this development.

3.8 Ecology Officer:

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

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

<https://www.oxfordshire.gov.uk/cms/content/planning-and-biodiversity>

Other Consultees

3.9 Thames Water:

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

3.10 Environment Agency:

We object to the application and recommend refusal of planning permission on this basis for the following reasons:

The site lies within Flood Zone 3 defined by the Technical Guide to the National Planning Policy Framework as having a high probability of flooding where the risk to life and property, both within the development and in upstream and/ or downstream locations from fluvial inundation would be unacceptable if the development were to be allowed. In particular the proposed development will impede flood flow and reduce

storage capacity thereby increasing the risk of flooding.

It needs to be shown that any increase in built footprint within the 1 in 100 year plus 20% allowance for climate change flood extent can be directly compensated for. This is necessary to prevent the new development reducing floodplain storage and displacing flood waters, thereby increasing flood risk elsewhere. Level for level floodplain compensation is the preferred method of mitigation because voids, stilts or undercroft parking tend to become blocked over time by debris or domestic effects leading to a gradual loss of the provided mitigation. If it is not possible to provide level for level floodplain compensation then other forms of mitigation may be considered if agreed with the local planning authority. The FRA must demonstrate that level for level compensation has been considered, explain why it was not possible to provide it and detail how any associated risks from the chosen form of mitigation can be minimised. In addition to this the Local Authority must be satisfied that they can enforce a condition to maintain these voids as designed and that an adequate maintenance plan is in place to ensure the voids remain open for the life time of the development.

We would also expect that finished floor levels for the proposed development are raised 300mm above the 1 in 100 year with an allowance for climate change flood level, OR, where this is not practical, incorporate flood resilience/resistance measures up to the 1 in 100 year with an allowance for climate change flood level, This is to protect the proposed development from flooding.

If the Local Authority are not satisfied that alternative mitigation measures are appropriate then the applicant should revise their development proposals to ensure that there will be no increase in built footprint on this site.

- 3.11 **Network Rail:**
No comments

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

4.1 Development Plan Policy

Cherwell Local Plan (2011-2031)

- SLE1: Employment
- SLE2: Retail
- ESD6: Sustainable Flood Risk Assessment
- ESD7: Sustainable Drainage System
- ESD10: Protection and Enhancement of Biodiversity and the natural environment
- ESD13: Local Landscape Protection
- ESD16: Character of the Built and Historic Environment
- ESD18: Green Infrastructure

Adopted Cherwell Local Plan (Saved Policies)

- C5: Nature Conservation
- C14: Trees and Landscaping
- C28: Layout, design and external appearance of new development
- ENV12: Contaminated land

4.2 Other Material Policy and Guidance

5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle
- Highways
- Flood Risk and drainage strategy
- Landscape, Ecology and Contaminated Land
- Other Matters

Principle

5.2 Wildmere Road is an established out of centre industrial area situated in north east Banbury. The proposal consists of three Warehouse type units varying in floorspace and approximately 8.5 metres in height. The design, scale and siting of the proposal is appropriate to its context and benefits from existing access of which is also utilised by the adjacent units. The site, although is not allocated for employment development, it is situated within an area of land which is currently an employment site with similar use class and is considered a very obvious extension to the that use.

5.3 Land situated to the north of the site is subject to planning permission 12/00302/CDC which permitted a change of use incorporating flood alleviation methods.

There is no planning policy objection to these proposals in principle subject to no unacceptable impacts on the natural environment or in relation to flood risk being identified.

Highways

5.4 The initial comments as detailed in section 3.7 of this report were based on information submitted with the application. Amendments have been forthcoming which are considered to adequately address the concerns initially raised.

5.5 Flexibility of use and traffic impact concerns have been addressed through the amended scheme to incorporate parking and manoeuvring provision based on maximum trip generation anticipated to be achieved through all three units being used for B1 use (the worst case scenario in parking terms).

5.6 The car parking provision has been increased from 23 to 40 spaces suitable to accommodate B1 use across all three units. Secure cycle parking has been increased and relocated to the front of the units which significantly reduces the concerns relating to personal safety and theft. A safe pedestrian and cycle route has been created off Wildmere Road to the site.

5.7 The HGV tracking and manoeuvring has been demonstrated and does not interfere with car parking spaces or compromise the existing parking and manoeuvring established at the adjacent industrial units.

5.8 As previously identified, a new bus route which will in part serve Wildmere Road will commence in autumn 2015 providing access to the industrial area for staff and visitors. It is considered that the proximity to the nearest intended bus stop is sufficiently close, and as such there is not a necessity to provide an additional stop.

5.9 In conclusion, it is considered that the scheme in its current form has adequately addressed the concerns raised in relation to transport. Further details are required which will be obtained via condition pertaining to construction, layout, surfacing and drainage incorporating a full drainage strategy.

Flood risk and drainage strategy

5.10 The site falls within flood zone 3 which is defined as land assessed as having a 1 in 100 or greater probability of river flooding. The appropriate uses suggested for flood zone 3 are water compatible and less vulnerable uses should only be permitted. Government Guidance contained within Planning Practice Guidance Flood Risk and Coastal Change paragraph 66 Table 2 defines the use classes identified in the proposal as Less Vulnerable. Notwithstanding this, it is considered that a full flood risk assessment is required together an appropriate drainage strategy. Furthermore, it is considered necessary that the flood alleviation methods proposed as described in section 5.3 of this report be considered and related to the scheme to satisfy Environment Agency concerns. The EA's conclusions are awaited

Landscape, Ecology and Contaminated Land

5.11 The existing topography within the curtilage of the site is relatively flat and screened to the north and east with vegetation. Immediately beyond the north and east boundaries is land allocated as a Country Park. In response to both the Landscape and Ecology Officer I concur that it is necessary to reinforce this boundary treatment so as not to compromise the integrity of the Country Park's visual or ecological status.

5.12 Whilst there are no objections on the grounds of contaminated land, historically there have been uses identified on adjacent sites that have not been considered and which potentially could have contaminated the land. With regards to this, and in the absence of a land contamination study submitted with the application it therefore necessary to require further information to ensure the safety of the users on and adjacent to the site.

Other Matters

5.13 The design and layout is considered to be appropriate given the character of its context. The locality is characterised by buildings of a similar height and function with variety in finishing including material and colour. With regards to the amendments to site layout it is considered not to adversely affect the periphery units by parking, manoeuvring, design, siting and proposed uses.

Engagement

5.14 With regard to the duty set out in paragraphs 186 and 187 of the Framework, it was considered necessary to contact the agent with regards to consultation responses. Amendments were forth coming and it is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

5.15 The proposal has undergone significant layout amendments in response to consultation concerns. Whilst there are still outlying concerns relating to flooding and landscaping, however it is considered that these concerns can be overcome by requesting additional information through conditions.

6. Recommendation

Approval, subject to the Environment Agency and OCC highways formally withdrawing their objections:

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 conditions attached to this permission, the development shall be carried out strictly in accordance with the application form documents, Design and Access Statement and drawing numbers 214645-01 and 214645-03 submitted with the application and 214645-07A submitted via email on 02/07/2015 and 214645-02B submitted via email on 15/07/2015.

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

3. Prior to the commencement of the development hereby approved, full specification details of the parking and manoeuvring area shall be provided including pedestrian access and relationship between hard surfacing and built form including any changes in floor levels. This shall include 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 industrial units the development shall be constructed in accordance with the approved details.

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

4. Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, detailing all on and off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the

adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. If a potential risk from contamination is identified as a result of the work carried out under condition 5, 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.

7. If contamination is found by undertaking the work carried out under condition 6, 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.

8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. 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.

9. 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.

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

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies C1 and C7 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a lighting strategy, to include details of locations, designs, light spill and hours of operation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out strictly in accordance with the approved details.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies C1 and C7 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on 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.

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

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

- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of

each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

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

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

14. 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.

15. 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.

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 this 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.

16. 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. until the expiration of five years from the date of this 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.

17. Any showroom element of the trade counter use hereby approved shall be limited to be no more than 15% of the floorspace of the unit to which it relates unless otherwise first agreed in it writing by the Local Planning Authority

Reason – To retain the preponderance of the use in the B uses classes and to prevent unrestricted retail use which would be sequentially preferable in town centres as specified in the National Planning Policy Framework and Policy SLE 2 of the adopted Cherwell Local Plan 2011-31

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

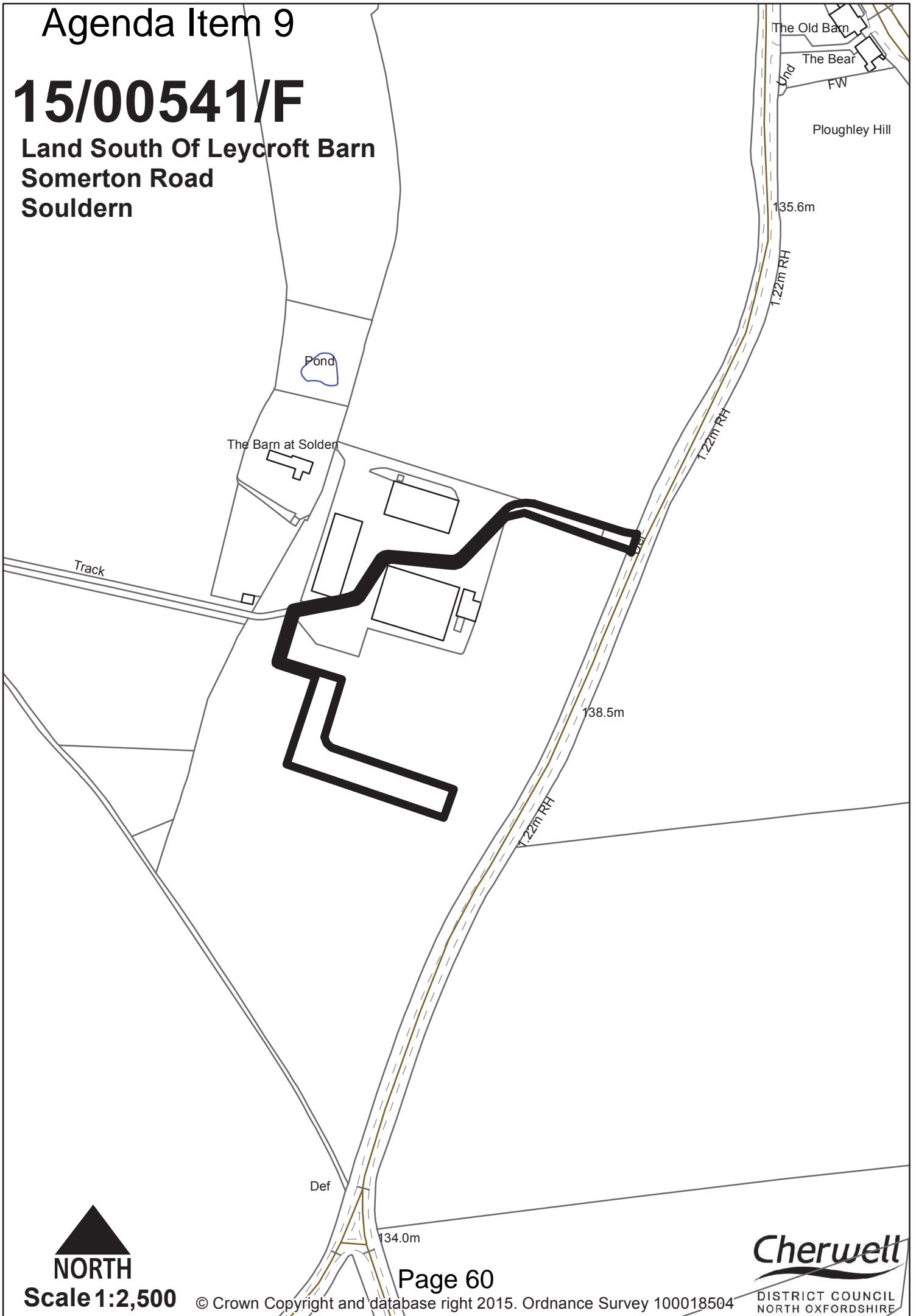
STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the Framework, it was considered necessary to contact the agent with regards to consultation responses. Amendments were forth coming and it is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Agenda Item 9

15/00541/F

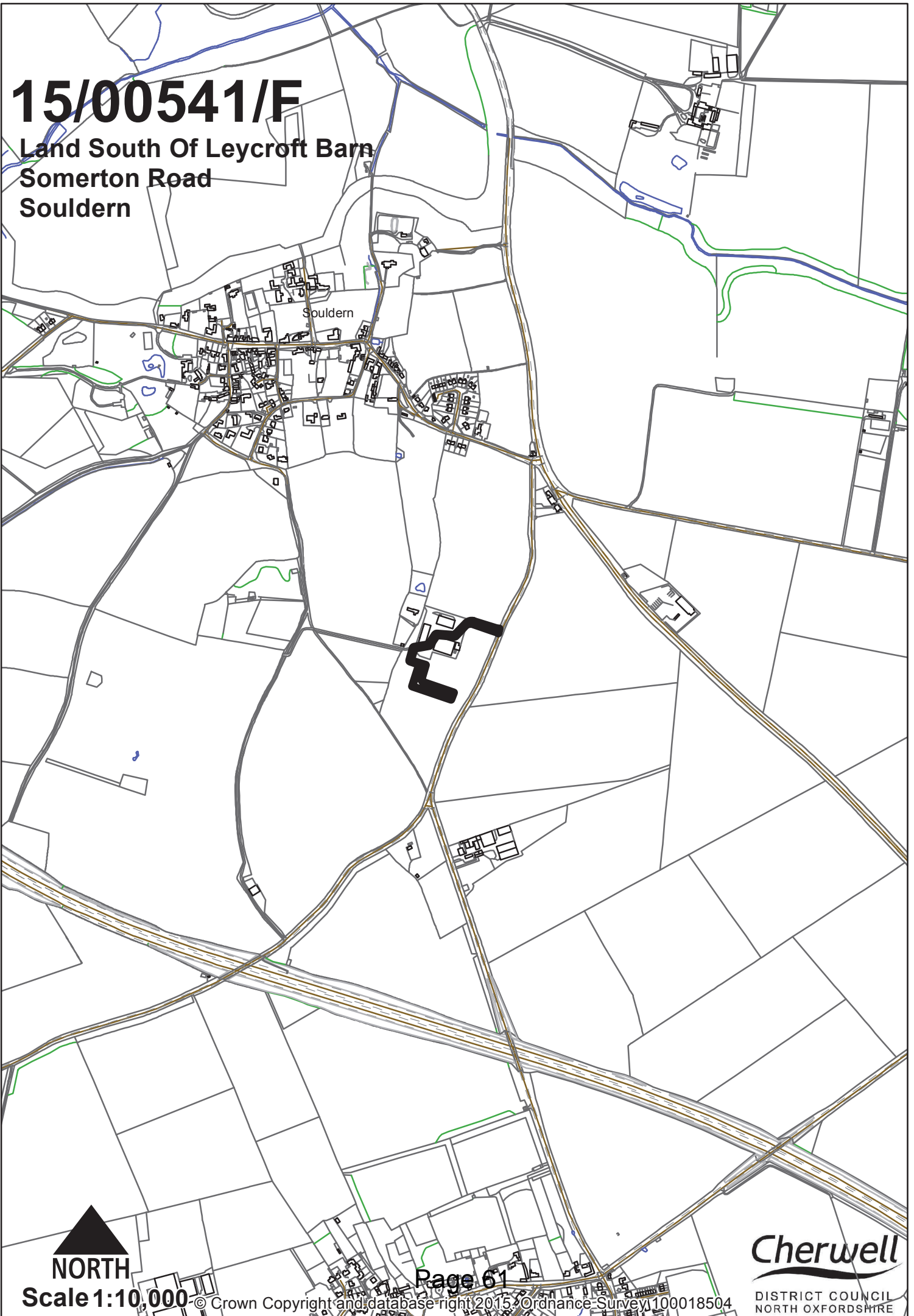
Land South Of Leycroft Barn
Somerton Road
Souldern



NORTH
Scale 1:2,500

15/00541/F

Land South Of Leycroft Barn
Somerton Road
Souldern



NORTH
Scale 1:10,000

Ward: The Astons and Heyfords

District Councillor: Cllrs Kerford-Byrnes and
Macnamara

Case Officer: Stuart Howden

Recommendation: Approval

Applicant: WS Deeley & Son

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

Committee Referral: Public interest

Committee Date: 06.08.2015

1. Site Description and Proposed Development

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

at the eastern end of the proposed buildings would be emptied on a fortnightly basis. All muck, solid and liquid within the livestock units, are proposed to be spread on the arable land at Leycroft Barn. It is envisaged that some 120 acres of land at Leycroft Barn will be utilised for spreading. The manure from the pigs is proposed to be a substitute for sewage cake which the applicant currently imports and spreads on their land holding.

1.5 No listed buildings are located within close proximity to the site and the site is not within a Conservation Area. The site is located within an Area of High Landscape Value.

1.6 A screening opinion in May 2015 (15/00041/SO refers) concluded that an EIA was not required for the proposed development.

2. Application Publicity

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

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

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

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

3. Consultations

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

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

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

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

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

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

Cherwell District Council Consultees

3.2 Ecology Officer: No objections.

3.3 Nuisance Investigation Officer: No objections in principle.

- Initially the Nuisance Investigation Officer stated:

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

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

- A waste management plan and odour management plan were then submitted by the applicant's agent and the Nuisance Investigation Officer noted the following:

“It is premature to approve this application prior to the first unit for 950 pigs being complete but note that the LPA has to make a judgment on this application and cannot defer it until the first unit has been built. Together the two units will accommodate 1,900 pigs, this is only a 100 pigs below the level at which an IPPC Environmental Permit would be required. Under the circumstances, and in view of the

number of objections the LPA has received, I think it would be appropriate to request the applicant to submit a full odour impact assessment as outlined in section 4 of Technical Guidance Note IPPC SRG 6.02 (Farming): Odour Management at Intensive Livestock Installations. Such an assessment would enable an informed decision to be made.”

- A full odour impact assessment was later submitted by the applicant’s agent and the Nuisance Investigation Officer notes that they have no objections to the proposal subject to a condition being attached requesting the installation of three ridge fans to the second shed to aid the dispersion of odours.

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

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

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

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

All operations are to accord with the National Plant Specification, in respect of plant supply, handling, planting operations (cultivation) and aftercare –

Oxfordshire County Council Consultees

- 3.5 Local Highways Authority: *“Regarding the above named planning application, Oxfordshire County Council as Local Highway Authority hereby notifies the District Authority that they do not propose to object to the grant of permission i.e. there are no objections to the proposal from a traffic and highway safety point of view.”*

Other Consultees

- 3.6 Council’s Agricultural Advisor: No objections, subject to the conditioning of an odour management plan and a muck management plan.
- 3.7 Thames Water: No objections in relation to sewerage infrastructure capacity and water infrastructure capacity.

4. Relevant National and Local Policy and Guidance

- 4.1 Development Plan Policy

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015.

The Plan was the subject of an independent examination conducted by an Inspector appointed by the Secretary of State. The Inspector's report was published on 12th June 2015 and the recommended main modifications required to make the Plan sound have been included in the adopted plan.

The Plan provides the strategic planning policy framework and sets out strategic site allocations for the District to 2031. Now adopted, the Plan forms part of the statutory development plan and provides the basis for decisions on land use planning affecting Cherwell District.

The Local Plan 2011-2031 – Part 1 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. Those saved policies of the 1996 adopted Cherwell Local Plan which are retained remain part of the development plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Local Plan and its associated documents are available on the Council's website: www.cherwell.gov.uk

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

- PSD1: Presumption in Favour of Sustainable Development
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment.
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

Adopted Cherwell Local Plan (Saved Policies)

- AG2: Construction of farm buildings
- AG3: Siting of new or extension to existing intensive livestock and poultry units
- AG4: Waste disposal from intensive livestock and poultry units
- C2: Legally protected species
- C7: Landscape conservation
- C8 Sporadic development in the open countryside
- C13 Area of High Landscape Value
- C28: Layout, design and external appearance of new development
- C31: Compatibility of proposals in residential areas
- ENV1: Development likely to cause detrimental levels of pollution

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance (2014)

5. Appraisal

5.1 The key issues for consideration in this application are:

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

Relevant Planning History

- 5.2 14/00466/F – Erection of livestock building for the rearing and finishing of pigs – Planning permission granted.
- 5.3 13/00032/AGN – Extension to existing grain store – Agricultural prior approval granted.
- 5.4 08/02577/F – Detached cart shed style garage/log store – Planning permission granted.
- 5.5 08/02475/F – Erection of agricultural building for grain drier and a building for electric control gear (part retrospective) – Planning permission granted.
- 5.6 08/00444/F – Proposed agricultural buildings – Planning permission granted.
- 5.7 08/00443/F – Proposed earth bunds, landscaping and attenuation pond for surface water – Planning permission granted.
- 5.8 04/00025/F – Erection of a double open garage – Planning permission granted.
- 5.9 96/00597/F – Erection of a double open garage – Planning permission granted.
- 5.10 95/00143/F – Conversion of barn to dwelling with garaging and access – Planning permission granted.

Principle of the Development

- 5.11 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic; social; and environmental.
- 5.12 The NPPF advocates the support of the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings. This also includes the diversification of agricultural and other land-based rural businesses.
- 5.13 As noted in the Agricultural advisor's report, in 2014 the applicant decided to move into stock farming based on pig rearing in response to pressure on farm margins due to the long term outlook for arable commodity prices. The Agricultural advisor notes that the building proposed will enable the applicant to double the proposed pig production thus providing a better economic proposition in terms of overall farm income with the added benefit of providing employment for a dedicated stockman. The proposal would therefore lead to the diversification and expansion of an established agricultural business within a rural area. Thus, it is considered that the proposed development could be acceptable in principle. However, the principle of the proposed development in this case is clearly also dependent upon it being capable of

not causing detrimental harm to the character and appearance of the landscape, the amenities of any residential properties, highway safety and ecology. These issues are discussed below.

Design & Landscape

- 5.14 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 5.15 Saved Policy AG2 of the adopted Cherwell Local Plan notes that farm buildings and associated structures requiring planning permission should normally be so sited that they do not intrude into the landscape or into residential areas.
- 5.16 Saved Policy C28 of the adopted Cherwell Local Plan exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 5.17 Saved Policy C8 of the adopted Cherwell Local Plan notes that sporadic development in the open countryside will generally be resisted if its attractive, open and rural character is to be maintained. Saved Policy C8 applies to all new development proposals beyond the built up limits of settlements, but will be reasonably applied to accommodate the needs of agriculture. The NPPF also advises that the open countryside should be protected for its own sake.
- 5.18 Whilst the proposed building would not be within the built up limits of any settlement, officers are of the opinion that the proposed development would not be sporadic development given that the site is situated within an established farm complex which accommodates other agricultural buildings.
- 5.19 The Council's Agricultural advisor is of the opinion that the proposed siting of the livestock building is appropriate and notes that the building would be in line with the permitted pig rearing building and the location off the existing hardcore yards will facilitate loading and unloading of pigs, strawing down, etc. The design of the proposed livestock building is considered to be agricultural in appearance and the scale of the proposed agricultural structure is not considered to be unusual.
- 5.20 Officers hold the view that the proposed livestock building would be visible from the public domain of the Souldern/Somerton and Souldern/Fritwell roads to the south and south west of the site and Public Bridleways 351/8 and 351/13 where they run to the south and south west of the site. However, landscaping to the west of the proposed siting of the livestock building would partially screen the proposed structure from these two Bridleways where they run to the west of the site. Where Somerton/Souldern road runs to the east of the proposed siting of the livestock building, the existing landscaping on the highway boundary would screen a large proportion of the proposed building from this road. Due to the topography of the landscape and intervening structures, the proposed livestock building would not be clearly visible from Souldern village to the north of the site.
- 5.21 Officers conclude that there would be a notable visual impact from Public Bridleways 351/8 and 351/13 and Souldern/Somerton and Souldern/Fritwell roads to the south and south west of the site given that the proposed building would not be screened by other structures at the site and due to the topography of the area. That said, a tree belt has already been planted along the eastern boundary of Public Bridleway 351/8 from the Souldern/Fritwell Road to the north west for approximately 200 metres and

these trees are maturing.

- 5.22 Whilst the Landscape Officer has recommended woodland planting to the southern and eastern elevations of the proposed siting of the livestock building to screen views of the development from the public domain, officers are of the opinion that it would be unreasonable to attach this as a condition. This is because it is considered that existing landscaping to the east of the site would screen these buildings to a large extent from the public highway to the east of the site and because a tree belt has already been planted to the south of the site that will contribute in screening views from the Souldern/Somerton and Souldern/Fritwell roads to the south and south west of the site and Public Bridleways 351/8 and 351/13 to the south and south west of the site.
- 5.23 As noted above, the existing tree belt runs adjacent to Public Bridleway 351/8 for approximately 200 metres. A hedgerow borders to the Public Footpath further to the north west of this right of way and it is considered that this would adequately screen views of the proposed livestock building from this right of way.
- 5.24 For the reasons above it is considered that the proposed livestock building would not have a detrimental impact upon the character and visual appearance of the landscape.

Residential Amenity

- 5.25 Saved Policy C31 of adopted Cherwell Local Plan notes that in existing and proposed residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted. Saved Policy ENV1 of the adopted Cherwell Local Plan states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other type of environmental pollution will not normally be permitted.
- 5.26 Saved Policy AG3 of the adopted Cherwell Local Plan notes that in the interests of the avoidance of pollution, new intensive livestock and poultry units or extension to existing units that require planning permission will be resisted where they would have a materially detrimental effect on nearby settlements or dwellings due to smell.
- 5.27 The cumulative impact of this proposed unit together with the approved unit, which has yet to be constructed, is a key consideration when assessing nuisance and pollution, and this has been assessed.
- 5.28 One of the main issues with this type of proposal is how wastes are kept/handled, whether dry or wet or mixed because this is typically the source of odours. The applicant's agent has submitted a waste management plan, an odour management plan and a full odour impact assessment.
- 5.29 The village of Souldern is located approximately 450 metres to the north of the proposed site for the pig rearing building and approved site for the other pig rearing building, and the Council's Agricultural advisor notes that the prevailing wind direction is westerly therefore residents within Souldern should not be unduly affected by the operation of what is a straw based system of rearing. The site is relatively isolated with no immediate neighbours and there are no residential properties directly to the west of the site for more than 1KM. Furthermore, the Agricultural advisor states that if the unit is not operated correctly, action will be taken by BQP and it is therefore in the interest of the applicant that the units are operated without causing detriment to the local population. Whilst it is acknowledged that there will be periods when the prevailing wind changes therefore creating the possibility of some odour (particularly when batches are cleaned out), the Council's Agricultural advisor states that this

should be short lived.

- 5.30 There is the potential for odour to arise during periods of spreading the solid and liquid manure. Our agricultural advisor notes that the applicant has some 700 acres of owned land in their control and it is likely that the applicant would spread manures on the land where it will cause fewest problems for property owners. The Agricultural advisor states that odour from spreading will be short lived and that it is normal practice to spread manures after the harvesting of arable crops and for the manure to be incorporated into the soil during ploughing and tillage operations.
- 5.31 An odour management plan, a waste management plan and a full odour impact assessment have been submitted by the applicant's agent. The submitted waste management plan notes that odour will be mitigated through the use of best practice. This involves spreading during appropriate weather conditions, with the prevailing wind taking any odours away from residential areas, and ploughing in within 24 hours of spreading. The full odour impact assessment uses computer modelling to assess the impact of odour emissions from the proposed pig rearing houses. The Nuisance Investigation Officer has noted that they have no objections to the proposal after assessing these documents, but this is subject to a condition being attached requesting the installation of three ridge fans to the second shed to aid the dispersion of odours. In order to safeguard the amenities of the area and to minimise the risk of nuisance arising from smells, this condition has been recommended by officers.
- 5.32 Concerns in relation to noise have been raised. Regarding feed grinding, this would not take place on site and feed would be delivered off-site and the pigs would be on permanent ad lib feeders. It is considered that the noise from the pigs or transport entering and leaving the site would not be so significant so as to unduly affect the amenities of any residential properties.
- 5.33 It is therefore considered that the proposal would not cause detrimental harm to the amenities of any residential properties in terms of smell, odour or nuisance subject to the installation of three ridge fans. Furthermore, the proposed livestock unit would be sited so as to prevent detrimental harm to any residential property in terms of loss of light and overdomination.

Highways Safety

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

Ecological Impact

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

Other Matters

- 5.37 Saved Policy AG4 of the adopted Cherwell Local Plan notes that proposals for new intensive livestock or poultry units or extensions to existing units as may be permitted in the plan area will be required to include suitable provision for waste disposal. A

third party has also highlighted that the site is within a Nitrogen Vulnerable Zone (NVZ) and that the spreading of waste could have an impact upon the water. However, a waste management plan has been submitted by the applicant's agent and this notes that the storage and spreading of manure at Leycroft Barn will be undertaken with the appropriate risk and assessments and statutory controls provided within the NVZ rules. The Nuisance Investigation Officer has raised no objections to the waste management plan and officers see no reason to question this. It is also worth noting that the spreading of manures on agricultural land are subject to legislative controls.

- 5.38 Objections from third parties have been raised on the basis that the impacts of the proposed livestock unit cannot be fully assessed until the approved livestock building has been constructed and the use has been established. However, each planning application should be considered on its own merits and the cumulative impacts of the approved unit together with the proposed unit have been taken into account.
- 5.39 Concerns have been raised by third parties in relation to the impact the proposal would have on house values and that the proposal would not comply with DEFRA regulations, but these are not material planning considerations in this case.

Engagement

- 5.40 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 deadline date for consultation responses exceeded the target determination date.

Conclusion

- 5.41 The principle of the development is deemed acceptable and it is considered that the proposed livestock building would not cause detrimental harm to the character or visual appearance of the landscape. 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 submitted with the application;
- Design and Access Statement submitted with the application;
- Drawing No's: IP/ED/01; IP/ED/02; and IP/ED/03 submitted with the application;

- E-mail received from the applicant on 5th May 2015;
- Waste Management Plan, Odour Management Plan and NVZ Risk Maps received from the applicant's agent by e-mail on 15th June 2015; and
- Full Odour Impact Assessment received from the applicant's agent by e-mail on 16th July 2015.

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

3. Three ridge fans shall be installed in the livestock building hereby approved prior to the first use of the livestock building for the rearing and finishing of pigs.

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

PLANNING NOTES

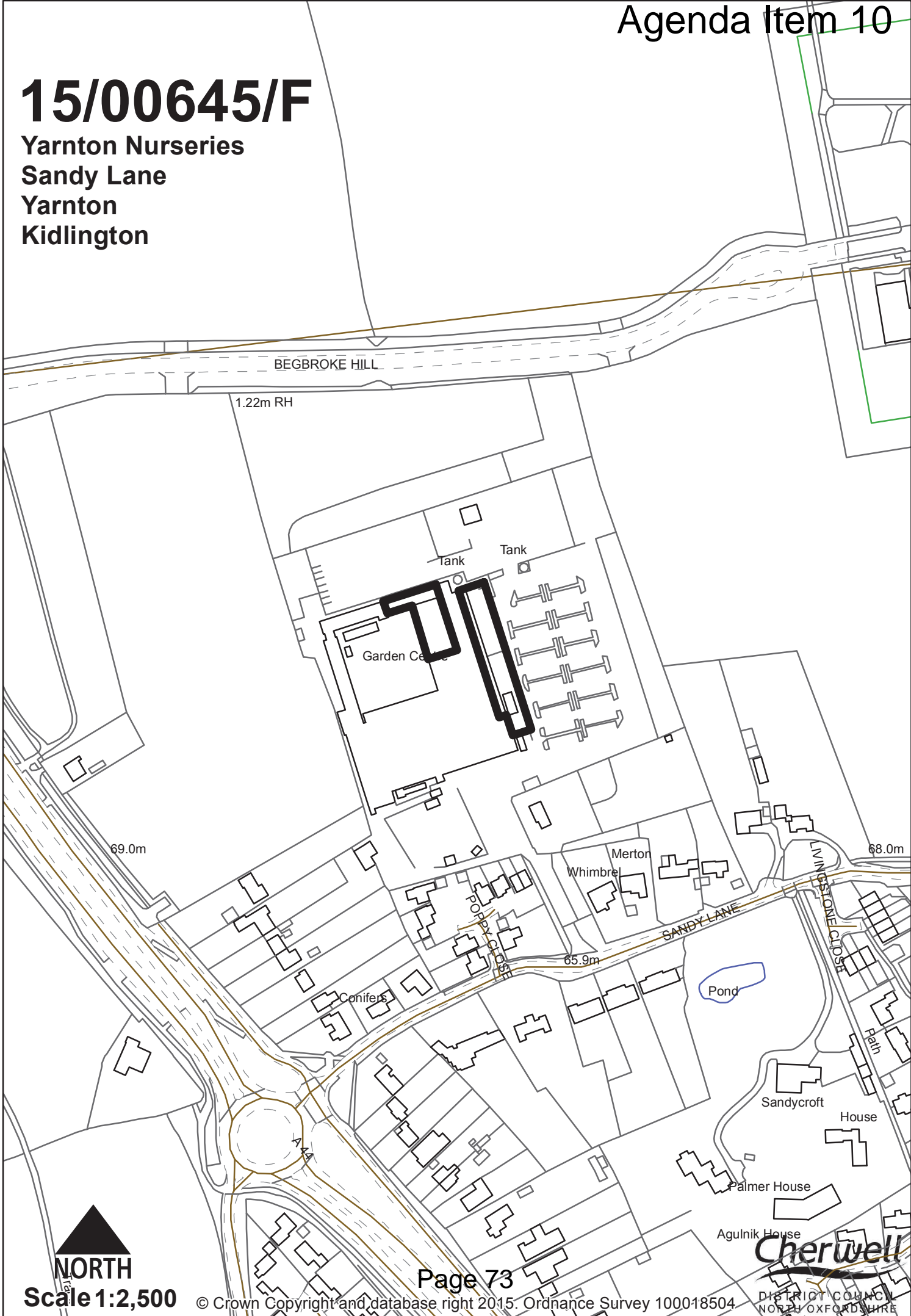
- 1 Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
- 2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 3 Regarding condition 3, this relates to the livestock building hereby approved in this application.

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.

15/00645/F

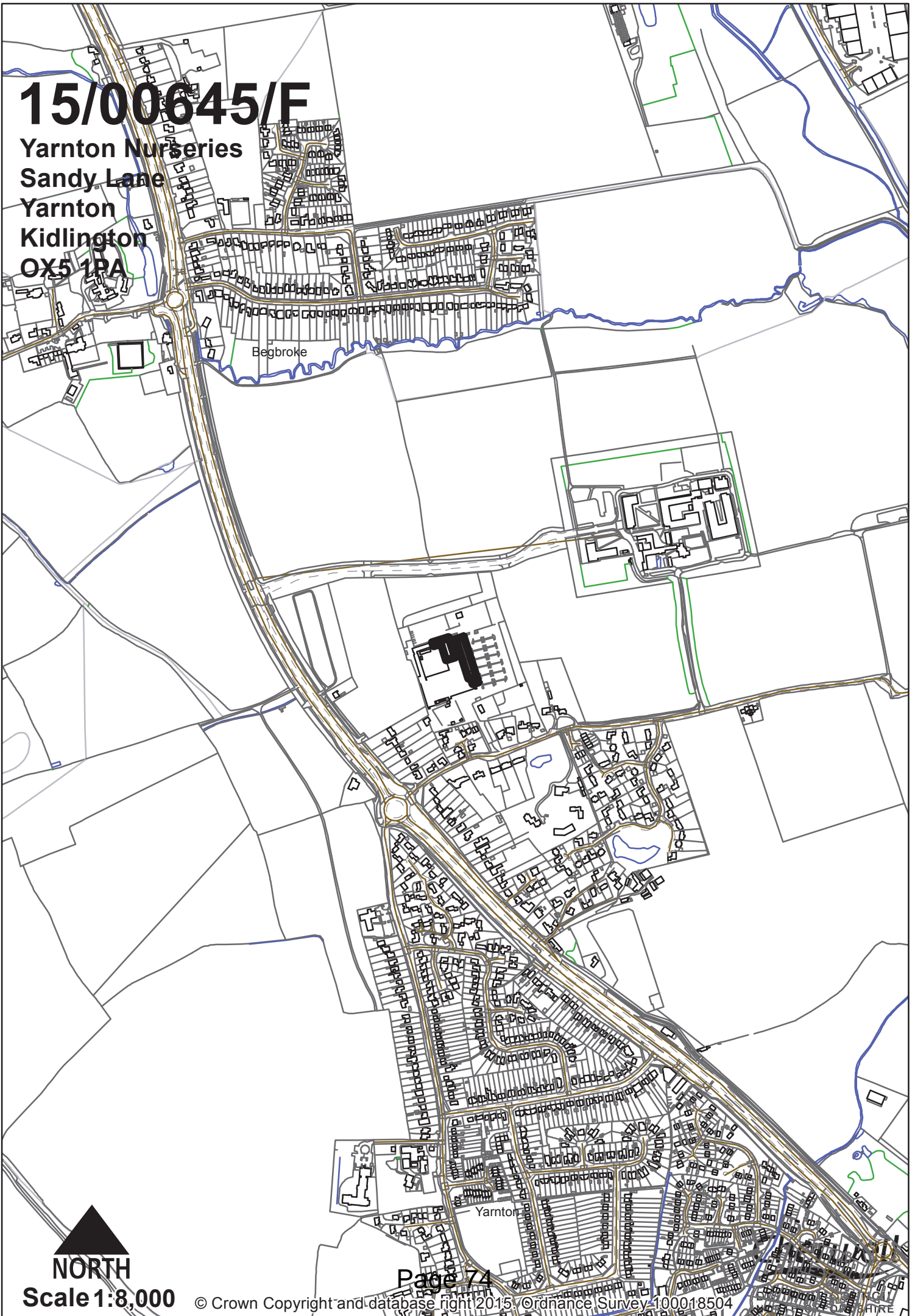
Yarnton Nurseries
Sandy Lane
Yarnton
Kidlington



NORTH
Scale 1:2,500

15/00645/F

Yarnton Nurseries
Sandy Lane
Yarnton
Kidlington
OX5 1PA



NORTH

Scale 1:8,000

**Yarnton Nurseries,
Sandy Lane,
Yarnton,
OX5 1PA**

15/00645/F

Ward: Yarnton, Gosford and Water
Eaton

District Councillors: Cllr Gibbard and Stevens

Case Officer: Stuart Howden

Recommendation: Refusal

Applicant: Mr Richard Wallbridge

Application Description: Extend existing Poly Tunnels to cover open sales space and storage area, together with the replacement of an existing substandard Poly Tunnel; plus additional parking

Committee Referral: Cumulative floor space of proposed structures exceeds 1,000m²

Committee Date: 06.08.2015

1. Site Description and Proposed Development

- 1.1 Yarnton Nurseries is situated to the north of Yarnton on the east side of the A44 with access off Sandy Lane. The site is bounded by housing fronting onto Sandy Lane to its southern boundary, some housing to its western boundary fronting onto the Woodstock Road and the rest of the western, northern and eastern boundaries face onto open countryside.
- 1.2 On site currently is the main garden centre/nursery building, which is centrally sited but off set to the west of the site. It also contains a number of concessions within it, including a bookshop (The Works), a shoe shop (Brantano) and a cloths store (The Edinburgh Woollen Mill). An internal courtyard is centrally sited within the garden centre building and this is used for the display of plants for sale.
- 1.3 To the north of the main building is the Adrian White Building Supplies company and to the north of this is open space, which contains some items of unauthorised storage. To the south of the main building are the buildings and structures which form the show room for 'Yarnton Leisure Buildings Ltd' and which consist of for example sheds, summer houses and conservatories. One residential dwelling (17 Sandy Lane) falls within the application site and is proposed to be demolished. The rest of the land to the east of the site is used for car parking.
- 1.4 Planning permission is sought for two polytunnel extensions to the existing garden centre building; one of which includes the part replacement of an existing polytunnel with another polytunnel.
- 1.5 One of the polytunnel extensions is proposed to the eastern end of the main garden centre building and would be a length of approximately 86 metres and a width of approximately 8 metres. This polytunnel extension is proposed to be approximately 4.8 metres in height. This shuttered polytunnel extension is proposed to cover an area which is currently used for a combination of outside storage, goods delivery and seasonal sales. The overall floorspace of the garden centre would not extend as a result of this proposal. The outside area currently remains contained within an outer fence. The wall of the polytunnel extension is proposed to be constructed from white PVC sheeting apart from the east elevation which is proposed to be constructed from green plastic coated profiled metal sheeting.

- 1.6 The other polytunnel extension would partly replace an existing polytunnel to the north of the site as well as cover an area of the internal courtyard within the garden centre. This extension is proposed to be a depth of approximately 41 metres and a width of approximately 27 metres. The proposed polytunnel would be a similar height (approximately 5 metres) to the other polytunnels on the site. The proposed extension would be constructed from white PVC sheeting.
- 1.7 Rearrangements to a section of the parking area are proposed to facilitate the provision of 13 additional parking spaces and the construction of an external footpath. The applicant notes that this would not make the existing customer parking area any larger.
- 1.8 The site is not within a Conservation Area and it is not within close proximity to any listed buildings. The site is within the Oxford Green Belt. The site has some potential for having some ecological potential (the Rushy Meadows Special Site of Scientific Interest (SSSI) is within 2 Kilometres of the site and bird species have been recorded nearby). The site is within an area of archaeological potential and has the potential to be contaminated.
- 1.9 A screening opinion in July 2015 (15/00031/SO refers) concluded that an EIA was not required for the proposed development.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, press notice and 2 site notices. The final date for comment was the 16th July 2015. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Yarnton Parish Council: *"No objections unless surface water drainage is affected and has knock-on detrimental affect elsewhere in Yarnton Village."*

Cherwell District Council Consultees

- 3.2 Ecology Officer: No objections.
- 3.3 Environmental Protection Officer: No comments received to date.
- 3.4 Landscape Planning Officer: *"The improvements to the poly tunnels, etc. are going to be visually contained by the established structural planting to the periphery of the car park and the existing building elevations. The visitor experience could be improved by the planting of a variety of amenity trees within the car park's existing planted borders. A landscape proposal plan is required to satisfy the requirements of a standard landscape condition."*
- 3.5 Anti-Social Behaviour Manager: No objections.

Oxfordshire County Council Consultees

- 3.6 Local Highways Authority: *"The proposed development is modest and the additional traffic movements generated will at most be very small. The impact on the highway network will be negligible and therefore acceptable."*

The proposal for extending and improving the polytunnels is accompanied by 13

additional car parking spaces (including 10 for disabled users) and a better car park layout. It is recognised that the improvement to the sales area and the additional car parking spaces will naturally result in an increase in the number of trips to the nurseries. However, it is felt that any increase will be very limited and the impact of the surrounding network will be correspondingly small. For this reason and because the proposals include improvements to the layout of the car park which will enhance the experience for pedestrians, the county council do not have any objections to this planning application.”

Other Consultees

3.7 Thames Water: No objections.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

The Cherwell Local Plan Part 2011 – 2031 Part 1

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015.

The Plan was the subject of an independent examination conducted by an Inspector appointed by the Secretary of State. The Inspector's report was published on 12th June 2015 and the recommended main modifications required to make the Plan sound have been included in the adopted plan.

The Plan provides the strategic planning policy framework and sets out strategic site allocations for the District to 2031. Now adopted, the Plan forms part of the statutory development plan and provides the basis for decisions on land use planning affecting Cherwell District.

The Local Plan 2011-2031 – Part 1 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. Those saved policies of the 1996 adopted Cherwell Local Plan which are retained remain part of the development plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Local Plan and its associated documents are available on the Council's website: www.cherwell.gov.uk

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

- PSD1: Presumption in Favour of Sustainable Development
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD14: Oxford Green Belt
- ESD15: The Character of the Built and Historic Environment

Adopted Cherwell Local Plan (Saved Policies)

- C28: Layout, design and external appearance of new development
- C31: Compatibility of proposals in residential areas
- ENV1: Development likely to cause detrimental levels of pollution

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance (2014)

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History;
- The Principle of the Development in the Green Belt;
- Visual Amenities;
- Residential Amenities;
- Highways Safety;
- Ecology;
- Potentially Contaminated Land;
- Archaeology.

Relevant Planning History

5.2 There is a significant amount of planning history relating to the site which is set out below:

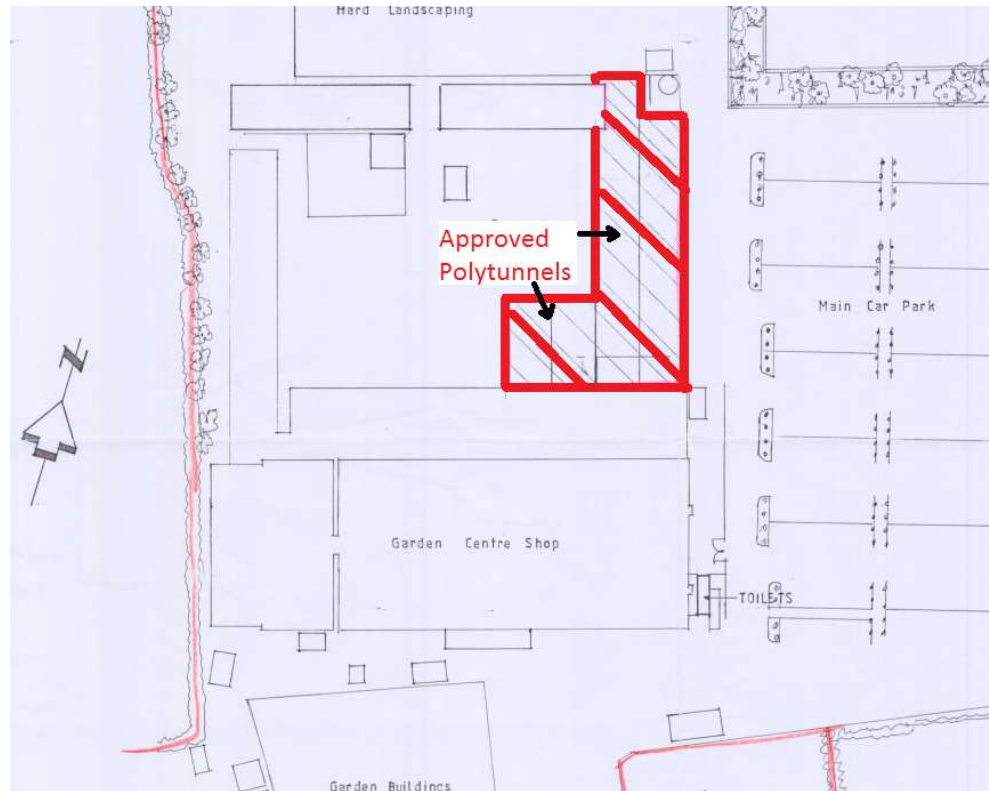
5.3 83/00551/S – Permitted – Retention of Garden Centre and existing access (see below).



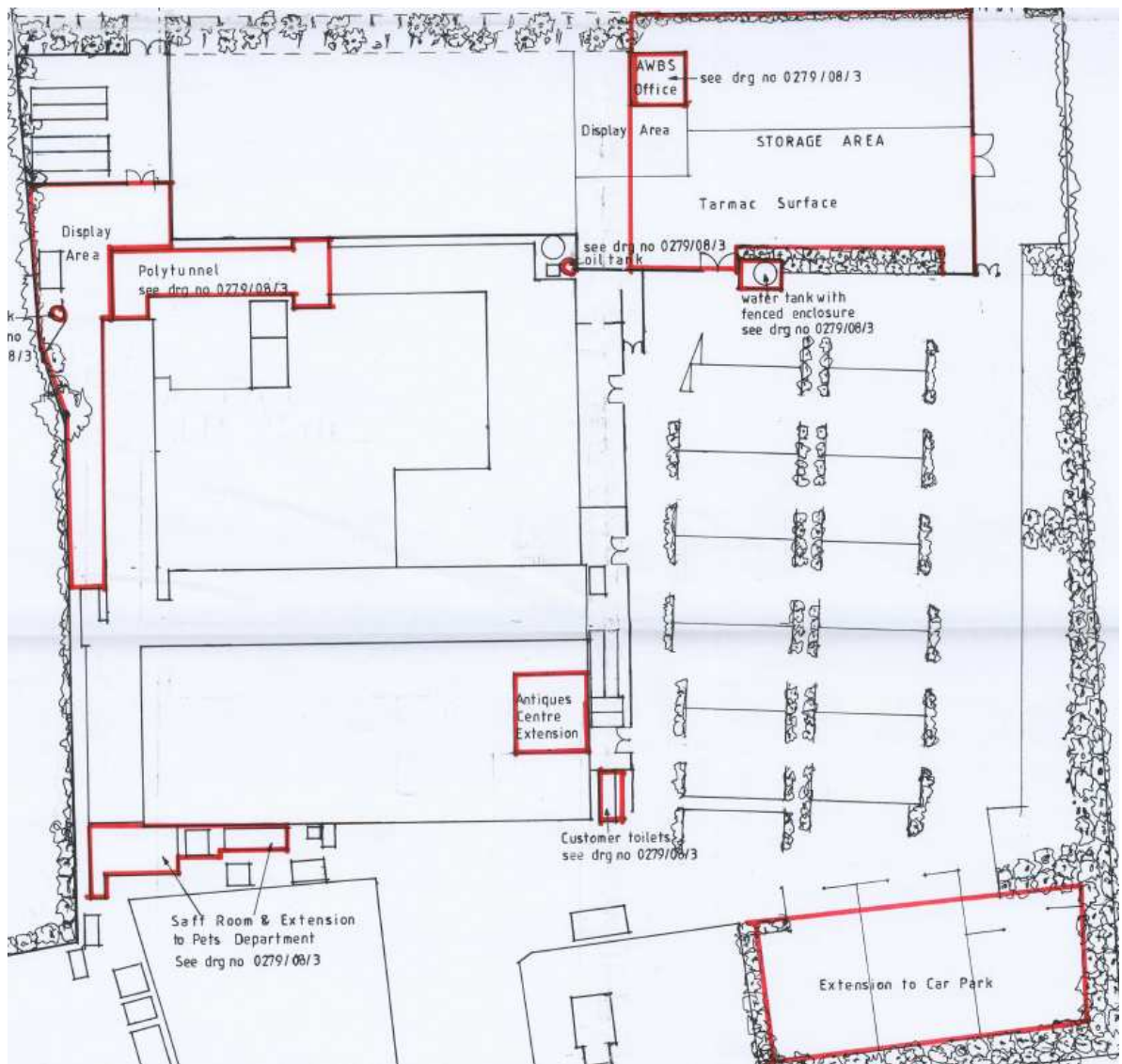
5.4 93/00532/S – Withdrawn – Erection of Polytunnel.

5.5 99/02246/F – Permitted – Site for seasonal storage of compost/soils, overspill car park.

- 5.6 99/02247/F – Permitted – Relocation of hard landscape supplies office. Retention of portakabin toilet.
- 5.7 02/00669/F – Permitted – Proposed polytunnel to provide covered area to existing sales space (see image below).



- 5.8 05/01732/F – Permitted – Extension to form entrance and covered walkway.
- 5.9 07/01917/OBL – Modification of Section 106 of CHS.182/92 to allow the continued use of garden centre including use by a security firm, swimming pool business and conservatory franchises and hard landscaping businesses (retrospective).
- 5.10 08/00131/CLUE – Permitted – Certificate of lawfulness existing – use of part of the covered garden centre area for the sale of antiques, collectables and bric-a-brac.
- 5.11 08/00202/F – Permitted – Retention of services access road and proposed vehicular turning.
- 5.12 08/00203/F – Permitted – Retention of Adrian White’s Business Supplies area and new office building, proposed use of south east corner of site for an extension to existing car parking area, retention of staff roof and extension to pets department building, retention of external display area in connection with Shirley Aquatics, retention of polytunnel cover in connection with internal display area to Shirley Aquatics, retention of customer toilets, retention of antiques centre (the part addition to the linked application for certificate of lawfulness for existing use for the antiques centre), retention of 2 no oil tanks and 1 no water tank (see image below). Of note is a S106 agreement, which was attached to this application, which specifies which area of the site can be used for which purpose and the items that can be sold from the site. The proposal complies with this legal agreement.



- 5.13 12/01135/OUT – Withdrawn – Outline – Alterations to the existing nursery and garden centre and development of 43 no dwellings including access.
- 5.14 13/01607/OUT – Withdrawn – Outline – Alteration to the existing nursery and garden centre and development of 12 new dwellings including access.
- 5.15 14/00191/OUT – Refused – Outline – Alterations to the existing garden centre and development of 14 new dwellings including access.

The Principle of the Development in the Green Belt

5.16 The first obstacle that the proposal needs to overcome is compliance with Green Belt policy. The NPPF sets out that the Green Belt should help safeguard the countryside from encroachment and Local Planning Authorities 'should regard the construction of new buildings as inappropriate in the Green Belt'. Paragraph 89 of the NPPF states that the exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 5.17 Policy ESD14 of the Cherwell Local Plan Part 1 notes that within the Green Belt, development will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities.
- 5.18 The primary use of the garden centre is for the retail sale of goods to visiting members of the public in this case, therefore the polytunnels would be retail development, and not for the purposes of agriculture or recreation.
- 5.19 In relation to extensions to buildings, the additions should not result in disproportionate additions over and above the size of the original building. In relation to disproportionate additions, the Development Control Practice (DCP) website confirms the complexity of the issue, with differing interpretation evidently being reached by individual councils and Planning Inspectors. Many authorities, where a limit is set in either their local plan or in an SPG, will countenance a cumulative increase to the original floor area in the order of around 30-50%. Although Cherwell policy is not prescriptive, as a rule of thumb, officers are of the opinion that any development which did not comply with the upper limit of 50% could quite reasonably be viewed as being a disproportionate addition.
- 5.20 The floor space of the main garden centre building from viewing the 1983 plans (see planning history section) was approximately 2449m². Since this time, the main garden centre building has been significantly expanded (estimated additional floor space of 4475m²) as displayed in the planning history section of the report. The proposed extensions would increase the overall floor space of the building by approximately 1184m² and this would equate to a 231% increase in the floor space of the garden centre building since 1983. Not only do officers consider that the proposed polytunnels would be disproportionate additions to the garden centre building in terms of floorspace, but in terms of volume and mass as well. The proposed polytunnels would increase the physical built development and reduce openness in the Green Belt. Thus, the polytunnels are considered to be inappropriate development within the Green Belt.
- 5.21 Paragraph 88 in the NPPF notes that there is a need to assess whether there are any factors that should outweigh harm caused by an inappropriate development within the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.22 The applicant has noted that the proposed shuttered polytunnel to the east of the building would allow for the year round use for sales and would improve the site appearance. The need for year round sales has not been justified and this is not considered to be a 'very special circumstance'. The visual improvement from the replacement of this outside storage area with a polytunnel with a green profiled metal sheeted wall would be negligible. The applicant has also noted that this proposed polytunnel would give security to the garden centre. The existing outdoor area is currently enclosed by a fence which is a height of approximately 1.8 metre and the requirement for extra security in this case has not been justified and is questionable. In addition, the applicant notes that the proposed internal courtyard polytunnel would provide year round cover. The need for this has not been explained therefore officers consider that this does not constitute a 'very special circumstance'.

- 5.23 In relation to the proposed rearrangements to a section of the visitor parking area, limited detail has been submitted. However, the applicant notes that the rearrangements would not make the existing parking area larger and it is considered that the proposal would not cause harm to the openness of the Green Belt. Furthermore, if hardstanding is proposed within the existing parking area, if suitable materials are used, it is considered that such rearrangements would have a limited impact upon the visual amenities of the Green Belt given the context of the site. A condition would be attached requesting further details of the layout and surface details of the parking area if the application were being recommended for approval, to ensure the satisfactory appearance of the development.
- 5.24 For the above reasons it is considered that there are no circumstances which outweigh the inappropriateness and harm caused by the proposed polytunnel extensions and that the proposal is unacceptable in principle and does not comply with Policy ESD14 of the Submission Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Visual Amenities

- 5.25 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.
- 5.26 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.
- 5.27 The proposed extensions would be well screened from the public domain of the highway of Sandy lane to the south of the site and the site is surrounded by mature landscaping on all boundaries. The proposed polytunnels would not detract from the existing garden centre building in terms of design, scale and materials and they are considered to be acceptable in this context.
- 5.29 As already noted, limited detail has been submitted in relation to the proposed parking rearrangements, but the applicant notes that the rearrangements would not make the existing parking area larger. If suitable materials are used (that is if any are required) it is considered that such rearrangements would have a limited impact upon the visual amenities of the locality when taking into account the context. A condition would be attached requesting further details of the layout and surface details of the parking area if the application were being recommended for approval, to ensure the satisfactory appearance of the development.
- 5.30 It is therefore considered that the proposal would not cause detrimental harm to the visual amenities of the locality.

Residential Amenities

- 5.31 Whilst the Yarnton Nurseries complex adjoins residential properties, the proposed polytunnels would be sited so as to prevent adverse harm to these properties in terms of loss of light and overdomination.
- 5.32 In relation to disturbance or nuisance arising from the proposed development, the Anti-Social Behaviour Manager has no objections to the proposal. The polytunnels would cover areas which are already used for sales and storage purposes therefore it is considered that the proposed extension would not result in a significant increase in the level of noise compared to what already exists. Furthermore, it is considered that 13 additional parking

spaces within the existing parking area would cause limited harm upon neighbouring properties in terms of noise. Officers therefore consider that the proposal would not unduly affect the amenities of any residential properties.

Highways

- 5.33 The Local Highways Authority have no objections to the proposal. The Local Highways Authority note that the proposed polytunnels and additional car parking spaces will result in an increase in the number of trips to the nurseries. That said, the Local Highways Authority are of the opinion that any increase will be very limited and that the impact upon the surrounding network will be negligible and therefore acceptable. Officers see no reason to disagree with the Local Highways Authority.

Ecology

- 5.34 The Ecology Officer has no objections to this proposal and notes that the impacts upon protected species or habitats are unlikely as a result of the proposal. It is therefore considered that the proposal would not cause adverse ecological harm.

Potentially Contaminated Land

- 5.35 Given the nature of the proposal, it is considered that land contamination is unlikely to affect this development.

Archaeology

- 5.36 Given the nature of the proposal, it is considered unlikely to have an invasive impact upon any known archaeological sites or features.

Engagement

- 5.37 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 applicant was contacted and asked why there was a need for the proposed polytunnels and it is considered that the reasons provided are not very special circumstances which outweigh the inappropriateness of the proposed development.

6. Recommendation

Refusal, for the following reason:

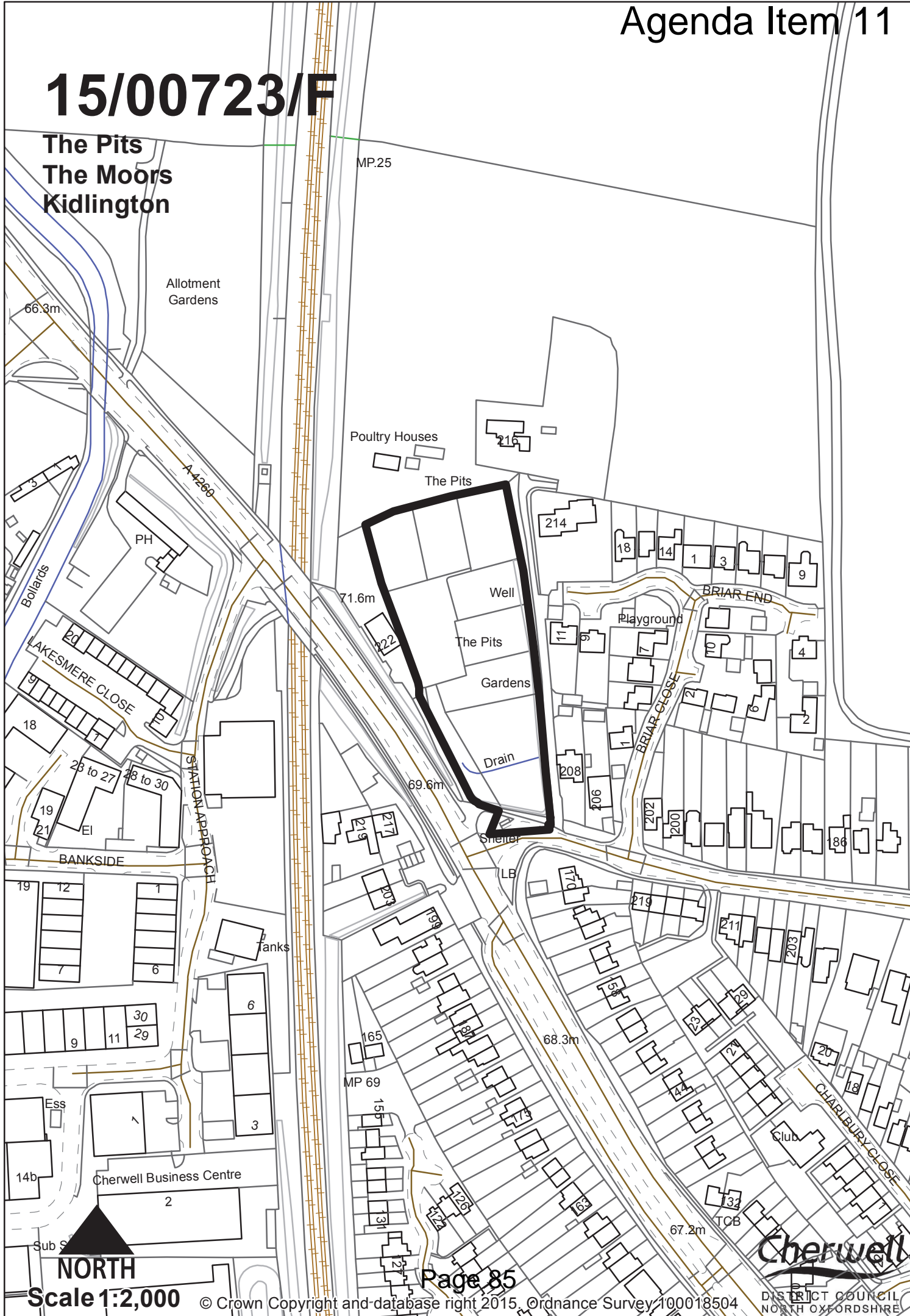
The proposed development would result in disproportionate additions over and above the size of the original building and therefore, in the absence of very special circumstances, constitutes inappropriate development in the Green Belt and fails to comply with Government guidance contained within the National Planning Policy Framework and Policy ESD14 of the Cherwell Local Plan Part 1.

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. The applicant was contacted and asked why there was a need for the proposal and it is considered that the reasons provided are not very special circumstances which outweigh the inappropriateness of the proposed development.

15/00723/F

The Pits
The Moors
Kidlington



Allotment
Gardens

MP.25

Poultry Houses

The Pits

Well

The Pits

Gardens

Drain

Shelter

LB

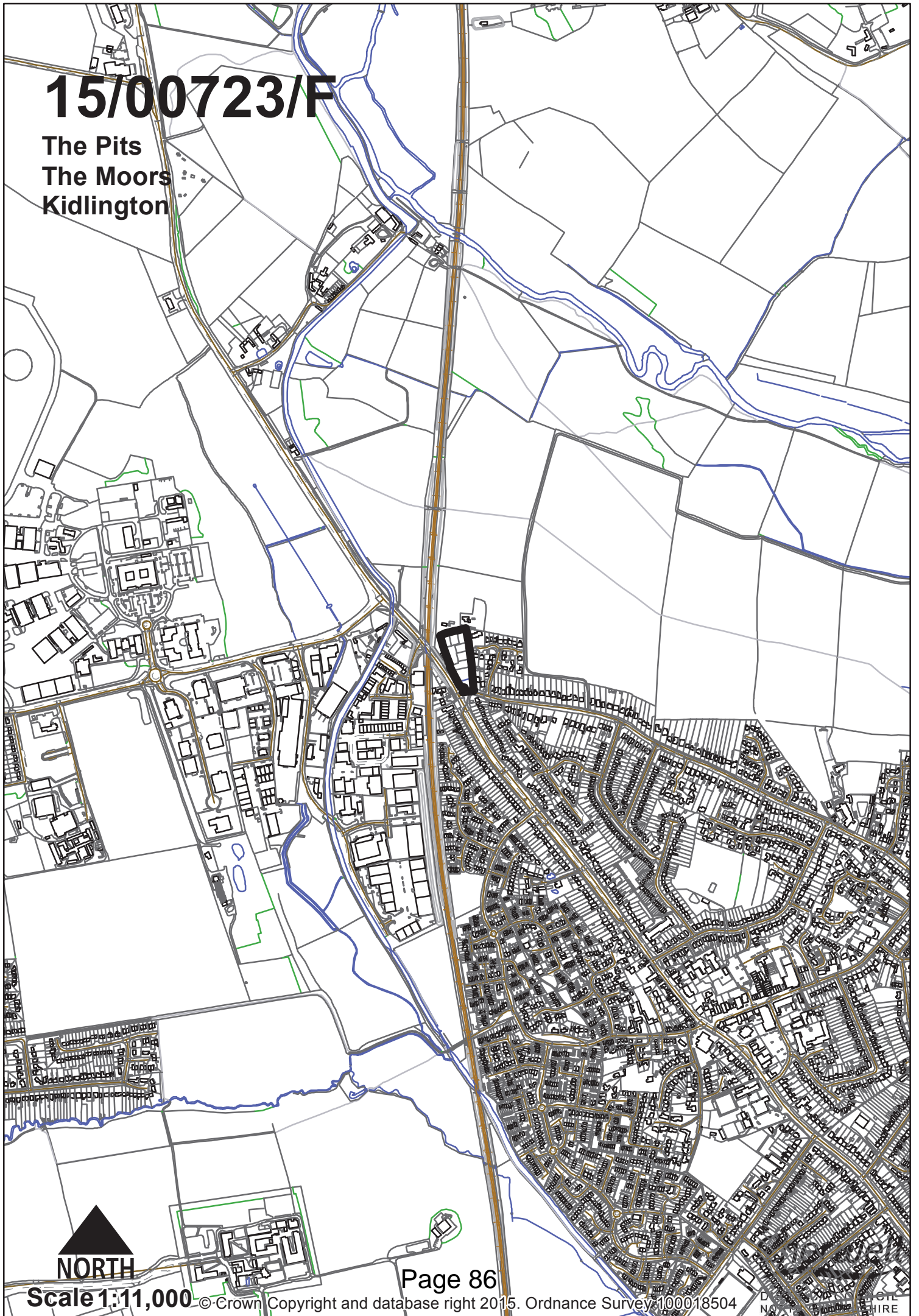
Tanks

Cherwell Business Centre

Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

15/00723/F

The Pits
The Moors
Kidlington



Scale 1:11,000

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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, Kidlington Parish Council and Porthaven Properties NO.2

Application Description: 70 bedroom care home

Committee Referral: Major

Committee Date: 6th August 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 land, has resolved to sell off the 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 (a separate application seeking advertisement consent for various signage was submitted in conjunction - 15/0752/ADV refers). 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 (7.9m - 10.3m) 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 Members deferred a decision on the planning application at last month's Planning Committee to allow the developer more time to reassess the proposed access arrangements.

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 5th 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 politician 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.”

In response to concerns raised by Members, in respect of the proposed access, the Parish Council sent a letter in support of the proposed access (appendix 1)

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 on 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

Cherwell Local Plan 2011-2031 Part 1

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

ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 13: Local Landscape Protection and Enhancement

ESD15: The Character of the Built and Historic Environment

SLE4: Improved Transport and Connections

Adopted Cherwell Local Plan (Saved Policies)

TR1: Transportation funding

C28: Layout, design and external appearance of new development

C30: Design of new residential development

ENV12: Contaminated land

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015.

The Plan was the subject of an independent examination conducted by an Inspector appointed by the Secretary of State. The Inspector's report was published on 12th June 2015 and the recommended main modifications required to make the Plan sound have been included in the adopted plan.

The Plan provides the strategic planning policy framework and sets out strategic site allocations for the District to 2031. Now adopted, the Plan forms part of the statutory development plan and provides the basis for decisions on land use planning affecting Cherwell District.

The Local Plan 2011-2031 – Part 1 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. Those saved policies of the 1996 adopted Cherwell Local Plan which are retained remain part of the development plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Local Plan and its associated documents are available on the Council's website:
www.cherwell.gov.uk

Although the consultation responses were submitted prior to the adoption of the Cherwell Local Plan 2011-2031 Part 1, Officers are satisfied that there has been no substantive change in the policy position that would result in a different conclusion being reached by any of the consultees.

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

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:

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
- Supplementary Highway Comments
- 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 within 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 BSC10 of the Cherwell Local Plan 2011-2031 Part 1 (CLP2031) and Policy R17 of the Non-Statutory Cherwell Local Plan (NSCLP).

5.5 The remit of Policy R17 of the NSCLP which specifically seeks to protect allotment land, 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 and abuts the eastern edge of the village) unsurprisingly most people elected for the 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 or abutting the village:

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

- 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 remaining 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 could not justify the inclusion of 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 enough evidence has been provided to conclude that Kidlington retains sufficient 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; this is assessed against Policy BSC4 of the CLP2031 which has replaced Policy H4 of the CLP. Both these policies advise that the needs of the applicant's target market should be in *suitable locations close to services and facilities* (Policy BSC4). Policy BSC4 also emphasises the current and growing demand for such accommodation (paragraphs B.124 and B.125) - a needs report commissioned by the applicant, which analysed the local market, confirms that there is a strong market for care home accommodation in the Kidlington area.
- 5.12 Whilst within one of the most sustainable settlement 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 in this location 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 include C2 care facilities 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) at the care home.

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. Following the receipt of these final revisions, it has been concluded that the development accords with Policy C28 of the CLP, Policy ESD15 of the CLP2031 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 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 highway 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.

Supplementary Highways Comments

- 5.25 Following last month's Planning Committee, the applicant's highways consultant forwarded a supplementary assessment in the form of a letter (appendix 2) which reiterated the benefits of the proposed development in respect of the traffic calming measures that would be introduced. It also highlighted that the care home would produce a relatively limited number of car journeys and would therefore not bring it into conflict with either the access to 222 The Moors and the access serving 208, 214 and 216 which also attract a limited number of movements.
- 5.26 The consultant also contended that the refusal of an application for housing on the allotment site in the 1980s on highway safety grounds was of little relevance, because not only would the care home have fewer movements but the road conditions had changed significantly in the intervening period of time, which has resulted in vehicles travelling at significantly reduced speed along the Moors. In response to this letter the HLO simply stated that there was nothing in the supplementary information that would lead them to change their opinion i.e. that the proposed access is acceptable.
- 5.27 A letter from the Parish Council (appendix 1) also highlighted the highway improvements but also stressed that an access from Briar Close would be undesirable. Not only would the Parish Council be liable to pay 3rd parties for a ransom strip for land to form an access outside their control, they also flag the fact that although ambulances responding to an emergency would be limited (given the facilities that would be available at the care home) it would be safer to have a direct access on to The Moors rather than have ambulances and other traffic pass through a residential cul de sac.
- 5.28 Officers concur with the HLO's recommendation that the proposed scheme remains acceptable in highway safety terms. The additional supporting information (appendices 1 and 2) hopefully addresses the misgivings raised by Members at last month's Planning Committee.

Other Matters

- 5.29 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 be 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.

- 5.30 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 ESD10 of CLP2031 as well as the NPPF and the relevant EU directives.
- 5.31 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.
- 5.32 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 Obligations

- 5.33 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

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

Conclusion

- 5.35 With the additional highway safety justification in response to concerns raised by Members and subject to a satisfactory S106, this application 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

5.33,

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. P; 14-078-120 Rev. P; 14-078-121 Rev. N; 14-078-135 Rev. C; 14-078-150 Rev. D; 14-078-151 Rev. D; 14-078-152 Rev. D; 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 Retained Trees

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.

- 11 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage, 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.

- 12 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.

- 13 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.

- 14 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. The development shall be implemented in accordance with the approved scheme prior to the first occupation of the development.

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

- 15 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.

- 16 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

- 17 Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

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.

- 18 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 ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance

contained within the National Planning Policy Framework.

- 19 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 ESD10 of the Cherwell Local Plan 2011-2031 Part 1 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, 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 ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 21 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.

- 22 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.

- 23 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.

- 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.

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.

- 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.

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, 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.

- 27 The external lighting scheme 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 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.

- 28 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

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

Statement of Engagement

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

KIDLINGTON PARISH COUNCIL

Exeter Hall, Oxford Road, Kidlington, Oxon. OX5 1AB



Parish Council: 01865 372143; Exeter Hall: 01865 373691

Fax: 01865 842308

E-Mail - clerk@kidlington-pc.gov.uk

Clerk: Mrs Patricia Redpath D.M.A.

Paul Ihringer
Planning Officer, Cherwell District Council
Bodicote House, Bodicote
Banbury, Oxon OX15 4AA

Dear Paul,

16th July 2015

APPLICATION NUMBER 15/00723/F

70 Bed Care Home together with associated car parking, access arrangement and landscaping

Following the deferral of application 15/00723/F (The Pits, The Moors, Kidlington) Kidlington Parish Council is writing as landowner to clarify its position on the issues relating to access to the proposed development.

The application provides an access for the development onto The Moors which has been the subject of a detailed design and assessment by the applicant. It is considered an appropriate access to the site after a professional assessment by Oxfordshire County Council as the Highway Authority.

The Parish Council has no rights of access across Briar Close. Such access would need to pass over private land owned by the neighbouring landowner.

The Parish Council sought professional advice on access options to the site prior to agreeing a conditional disposal to the applicant. The Parish Council's agent investigated the access options and received positive comments from the County Council's highways officer supporting access from The Moors across land which is in the Parish Council's own control. The submitted scheme has the full support of both the planning and highways officers, as detailed in the report to the Planning Committee meeting on 9 July 2015. The Committee should note that the existing access will no longer be to what was 22 allotment plots.

The provision of an access onto The Moors also avoided what could have been a substantial ransom payment to the neighbouring landowner to obtain access via Briar Close. The discussion at the Committee relating to the access failed to recognise that the highway officer recommended works to mitigate and control the impact of the new access including measures to reduce speed and increase visibility at the Moors junction. Cars will no longer be able to avoid speed humps by driving into the bus stop lay by which will be removed, with the curb being re-aligned and new humps installed.

Comment was also made by a committee member that the new access would be dangerous because of (speeding) ambulances accessing the site. The suggestion was that because this was a care home for the frail elderly, there would be need for numerous emergency transfers to hospital and assuming that this would mean regular "blue lighted" ambulance access. This fails to recognise that there will be medical facilities/staff on the site to facilitate nursing care at the home. Where there is the need for any emergency ambulance access it would actually be safer to have such access from The Moors than through a cul de sac housing estate where children could be playing.

Please also note that the children's playground associated with the Briar Close development is located near to the suggested alternative access. Any access through Briar Close would generate extra traffic in a quiet residential area, almost certainly attracting objections from the residents of that area, as well as still bringing the relatively limited traffic generated by the proposed development onto The Moors.

Any alternative access via Briar Close would require the entrance to the care home to be at the widest part of the site. This would involve a radical re-design of the care home which could render the scheme as unviable. The submitted scheme utilises the narrowest part of the site to be used as an access road, curved to reduce the gradient of the slope. It therefore provides the optimum use of the land for a care home with the most appropriate access.

The bus stop that requires moving is served by intermittent off-peak minibuses only, and the bus shelter is a structure in poor condition that has not been replaced due to its minimal use. The plan is that the stop will be moved to a new location possibly close by on the Banbury Road which will better serve the local population and the regular Oxford-Banbury and Oxford – Kidlington Airport services that would be used by staff and visitors to the home.

The Parish Council trusts that the Planning Committee therefore proceeds to determine this application unamended in accordance with the officer recommendation presented in the original report to the Planning Committee on 9 July 2015.



Patricia Redpath
Clerk to the Council

Our Ref: 1689-01/KG
Your Ref: 15/00723/F

Mr P Ihringer
Principal Planning Officer
Planning Housing and Economy
Cherwell District Council
Bodicote House
Bodicote
Banbury
OX15 4AA

20 July 2015

Dear Paul

Application No. 15/00723/F – Proposed Care Home, The Moors, Kidlington, Oxford

Further to the deferral of the above application at the July Planning Committee, we write to reaffirm that the proposed means of access to the development site is acceptable from both an operational and highway safety perspective.

The applicant engaged in early pre-application discussions with the Local Planning and Highway Authority commencing in November 2014 in order to inform the evolution of the access strategy and agree the scope of the supporting highways reports. These discussions confirmed that the proposed site access location is acceptable to the Local Highway Authority, subject to the relocation of the bus stop and shelter located at the site frontage (which the developer is committed to funding).

Furthermore, the Transport Assessment report has demonstrated that the nature of the proposed access arrangement is entirely appropriate. Firstly, whilst the access is located close to two existing access points (10m west of the private access route which serves properties 208, 214 and 216 The Moors and 27m east of the existing Gravel Pit Allotments access, which also serves property 222 The Moors), the route serving properties 208, 214 and 216 The Moors has been observed to carry strictly limited vehicle movements (just 2 arrivals and 3 departures in the AM peak hour / 2 departures in the PM peak hour), whilst the vehicle movements associated with the existing Gravel Pit Allotments access would be limited to use by property 222 The Moors only following the development of the proposed Care Home. Given that the Care Home itself would generate limited vehicle movements (just 4 vehicle arrivals / 4 vehicle departures in the AM peak period and 4 vehicle arrivals / 8 vehicle departures in the PM peak period), it is evident that the proposal scheme would not have a material impact on the operation of the existing adjacent access routes, save the existing allotments access which would benefit from fewer vehicle movements.

Cont'd./...

Chester Office:
Well House Barns
Bretton

Page 117

South Manchester Office:
Camellia House
76 Water Lane
Wilmslow
SK9 5BB

The Transport Assessment report has also demonstrated that the location of the proposed new access would provide unrestricted lateral visibility in excess of 2.4m x 43m to the west, which is entirely appropriate for access to a 30mph route such as The Moors in accordance with design guidance contained within CIHT (Chartered Institution of Highways and Transportation) document Manual for Streets 2 (MfS2). Indeed, existing traffic calming along The Moors (comprising speed humps located at intervals of circa 90m) acts to reduce speeds for vehicles travelling along this route. Following the proposed relocation of the existing bus stop at the site frontage, the proposed new access location would also provide a clear splay towards The Moors junction with the A4260 Banbury Road to the south (circa 35m). A splay of 35m is suitable for vehicles travelling at a speed of 25mph. Vehicles accessing The Moors from the A4260 Banbury Road would be travelling at speeds less than 25mph, especially given the location of the existing speed hump located at The Moors immediately east of this junction.

It is acknowledged that the potential exists for vehicles turning into The Moors from Banbury Road to avoid the existing speed hump by using the bus stop layby when the bus stop is not in use, and the proposal scheme would rectify this issue via the implementation of a package of local highway improvement works. Such works would include the realignment of the kerblines on the northern side of the junction and provision of a replacement speed hump in close proximity to the existing speed hump in order to keep speeds to a minimum in association with the tighter junction radii works. Therefore, the proposed highway improvement works would act to further reduce the speed of vehicles accessing The Moors from the A4260 Banbury Road, representing a significant benefit to the local highway network.

Other local highway improvement works which the proposal scheme would seek to deliver comprise the improvement to the alignment of the footway from Banbury Road to The Moors (south side) to ensure the safe movement of pedestrians from the Banbury Road bus stops. Dropped kerbs and tactile paving would also be installed at The Moors. The package of highway improvement works is not essential to make the proposed access suitable, but represent general highways benefits of the scheme. The developer has also committed to contributing £28,000 towards local public transport improvements, in addition to the provision of a replacement bus shelter and associated infrastructure as a result of the proposed changes to the highway that are required to deliver the new Care Home access.

We are aware of a 1987 refusal of Outline Planning Consent for a low-cost housing scheme at the site of the proposed Care Home (planning ref: CHS. 825/87), and understand that one of the reasons for refusal was *“that the proposal will introduce turning movements adjacent to an existing junction resulting in a hazard to the detriment of the safety and convenience of other road users”*. We are of the view that this refusal has little credence with reference to the proposed Care Home application for a number of reasons. Firstly, the Care Home proposal would generate circa 45% fewer traffic movements than any residential development at the Gravel Pit Allotments site. Secondly, at the time of the determination of the low-cost housing application, the A4260 operated under 40mph speed limit. Since circa 2002, the route has been subject to a 30mph speed limit. Furthermore, it is understood that in 1987 there were no speed humps along The Moors. It is therefore likely that at the time of the 1987 application vehicles would have been travelling into The Moors junction from the A4260 at higher speeds than today, and, despite the reduction in speed limit that has already been experienced, as mentioned above the Care Home

Cont'd./...

.../3

Mr P Ihringer - Cherwell District Council
20 July 2015

scheme would implement measures to further reduce the speed of vehicles travelling from the A4260 to The Moors.

Overall, we conclude that there remains no reason for refusal of the Care Home scheme on highway grounds. Furthermore, the scheme would deliver significant benefits to the local highway network via the implementation of a package of improvement works which would further reduce vehicle speeds at The Moors, delivering a major improvement in highway safety, and improved pedestrian and public transport accessibility.

Yours sincerely



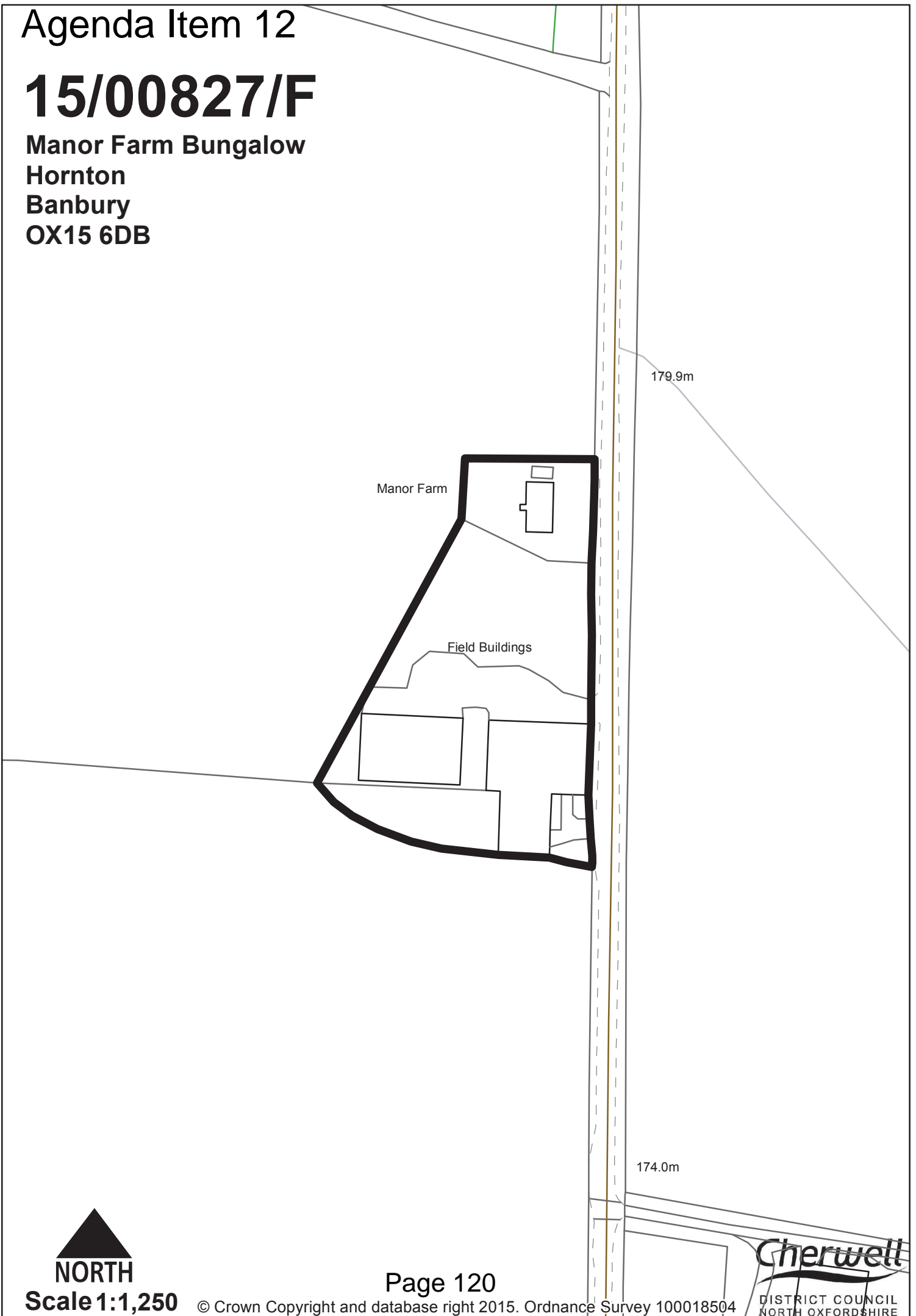
Kayley Goulbourne
Senior Transport Planner
axis

CC: Mr C Rossington, Oxfordshire County Council Transport Development Control

Agenda Item 12

15/00827/F

Manor Farm Bungalow
Hornton
Banbury
OX15 6DB

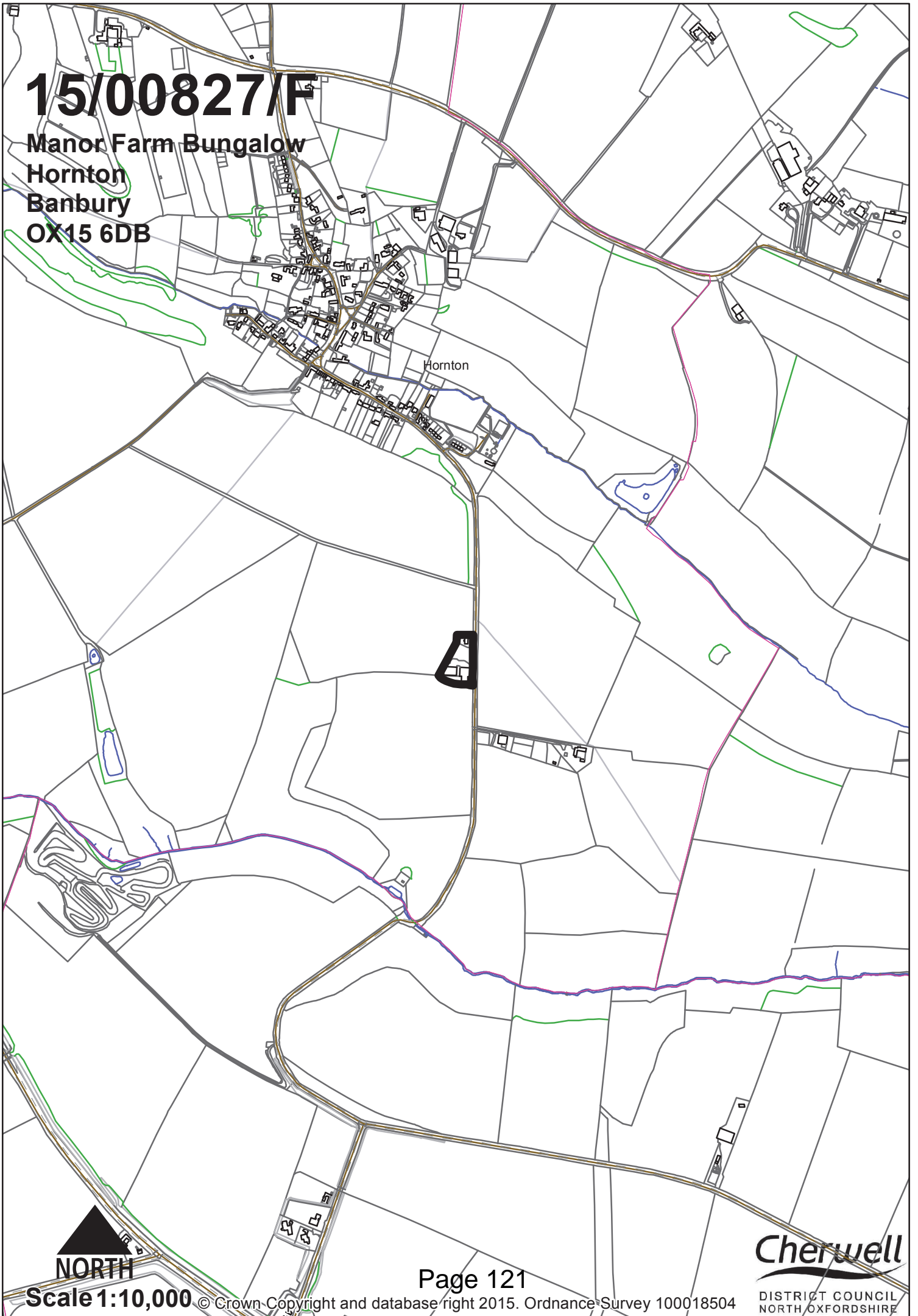


NORTH

Scale 1:1,250

15/00827/F

Manor Farm Bungalow
Hornton
Banbury
OX15 6DB



Hornton



Scale 1:10,000

Ward: Wroxton

District Councillor: Douglas Webb

Case Officer: Rebekah Morgan

Recommendation: Approval

Applicant: Mr Finlay Scott

Application Description: Demolition of existing buildings and erection of replacement dwelling and outbuildings and associated hardstanding.

Committee Referral: Departure from Policy **Committee Date:** 6th August 2015

1. Site Description and Proposed Development

- 1.1 The site is in an isolated hill top location to the south of Hornton. It comprises a bungalow which in 2012 was granted a Certificate of Lawfulness enabling it to be lawfully occupied in breach of an agricultural occupancy condition.
- 1.2 The proposal is to demolish the existing bungalow, detached garage and adjacent farm buildings and to replace them with a two storey dwelling and associated outbuildings. The proposed dwelling will be sited where the existing agricultural buildings are located. The existing domestic curtilage would become paddock.
- 1.3 The application is a re-submission of application 13/01451/F with some changes to the design of the new dwelling and outbuildings. The previous application was approved 20th December 2013.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment is the 30th July 2015. No correspondence had been received as a result of this consultation process at the time of writing this report. Any further comments received will be reported to committee members.

3. Consultations

- 3.1 Hornton Parish Council: No objections

Cherwell District Council Consultees

- 3.2 Environmental Protection Officer: No comments received

Oxfordshire County Council Consultees

- 3.3 Highways Liaison Officer: No comments received
- 3.4 Rights of Way Officer: No comments received

4. Relevant National and Local Policy and Guidance

- 4.1 Development Plan Policy

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015.

The Plan was the subject of an independent examination conducted by an Inspector appointed by the Secretary of State. The Inspector's report was published on 12th June 2015 and the recommended main modifications required to make the Plan sound have been included in the adopted plan.

The Plan provides the strategic planning policy framework and sets out strategic site allocations for the District to 2031. Now adopted, the Plan forms part of the statutory development plan and provides the basis for decisions on land use planning affecting Cherwell District.

The Local Plan 2011-2031 – Part 1 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. Those saved policies of the 1996 adopted Cherwell Local Plan which are retained remain part of the development plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Local Plan and its associated documents are available on the Council's website: www.cherwell.gov.uk

The following policies are considered to be relevant to this application:

PSD1: Presumption in favour of sustainable development

Adopted Cherwell Local Plan (Saved Policies)

H17: Replacement dwellings
C28: Layout, design and external appearance of new development
C30: Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

National Planning Practice Guidance

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of the development
- Highway safety
- Protected Species

Relevant Planning History

5.2 Planning permission was originally granted for the bungalow under application B.947/64. A condition of the permission restricted the occupancy to those employed or last employed in agriculture.

5.3 A Certificate of Lawfulness was granted in 2012 under 12/00270/CLUE to enable the bungalow to be occupied in breach of B.974/64.

- 5.4 Planning permission for a replacement dwelling was refused under application 13/00163/F for the following reason:

'The proposed dwelling would be contrary to Policy H17 of the Council's adopted Cherwell Local Plan and to the National Planning Policy Framework as it will be a new isolated house in the countryside for which there is no essential agricultural need. The house it is intended to replace is not substandard and the replacement would be of a significantly greater scale in a position which will be conspicuous in the landscape causing harm to the character and appearance of that landscape.'

- 5.5 Application 13/01451/F was granted consent (20th December 2013) for 'Replacement dwelling and associated outbuildings'.

Principle of the development

- 5.6 This application differs from the previously approved scheme (13/01451/F) in terms of small design elements. The drawing room has been increased in size projecting slightly further to the west, however, the first floor accommodation above this section has been removed (including dormer windows) and the gable end has been amended to reflect a more traditional design. The office sited in the outbuilding to the rear has been increased in size and a covered vehicular entrance feature has been incorporated between the outbuildings positioned adjacent to the road.

- 5.7 Overall, the design concept reflects the previously approved scheme. Amendments have been requested to remove the covered a vehicular entrance feature as it does not reflect the rural nature of the site and to remove the proposed chimney (serving the drawing room); this feature is situated on a side elevation and appears at odds with the overall design of the building. It has also been requested that the orientation of the office is amended so that it projects away from the road rather than towards it. Yours officers are confident that these amendments would result in a satisfactory design and the amended drawings should be received prior to the committee meeting.

- 5.8 The principle of replacing a dwelling is assessed against Policy H17 of the adopted Cherwell Local Plan. Development is restricted by this Policy to the replacement of statutorily unfit or substandard dwellings. The requirement that dwellings have to be statutorily unfit has been largely set to one side in recent years, and it is considered that this policy does not fully comply with guidance set out in the National Planning Policy Framework, as the Framework does not seek to restrict the replacement of dwellings in this way.

- 5.9 The second criterion set out in Policy H17 of the adopted Cherwell Local Plan states that where a property lies outside the limits of an existing settlement, the property should not have been abandoned and the replacement property should be of a similar scale and within the same curtilage.

- 5.10 The use of the dwelling has not been abandoned, however, the proposed dwelling is not within the same curtilage and is considerably larger due to it being a two storey building with dormer windows in the loft space rather than being a bungalow and it would occupy a greater footprint.

- 5.11 Whilst the proposal does not comply with the strict interpretation of Policy H17 it is important to make an evaluation in conjunction with the supporting text, which states *'the protection of the character of the countryside will be a primary objective in all cases, and proposals for substantially larger and more conspicuous dwellings in the countryside will be resisted'*. The bungalow occupies a hilltop position and given the lack of trees/screening in the locality, it is quite prominent. However, the scale of the large agricultural buildings dwarf the existing dwelling.

- 5.12 The proposal seeks to remove the agricultural buildings and the existing bungalow. The new dwelling would be located further to the south of the existing bungalow, therefore taking it off the hilltop. Furthermore, the removal of the large agricultural buildings would significantly reduce the overall prominence of the site.
- 5.13 The significant difference between this proposal (and previously approved application 13/01451/F) and the previously refused scheme (13/00163/F) is the repositioning of the proposed dwelling and the removal of the agricultural buildings. Although, the proposed dwelling is no longer within the curtilage of the existing bungalow, the overall result would be a significant improvement in the visual appearance of the site and a reduction in its prominence.
- 5.14 As stated above, concerns have been raised regarding some of the proposed alterations to the previously approved design and minor amendments have been sought.
- 5.15 The overall design concept for the proposed dwelling and outbuildings is considered to be acceptable for the location and it is considered that the development would not cause any substantial harm to the character of the countryside.
- 5.16 Therefore, although it is accepted that there is some degree of conflict with Policy H17 of the adopted Cherwell Local Plan, the proposal is considered to accord with the supporting text and the National Planning Policy Framework as the proposal aims to protect the character of the countryside.

Highway Safety

- 5.17 The proposal can easily accommodate sufficient parking and manoeuvring areas within the site, enabling vehicles to enter and leave the site in a forward gear.
- 5.18 At the time of writing the report, comments have not yet been received from the Local Highway Authority. However, no objections were received on the previously approved scheme (13/01451/F) and this scheme does not differ significantly in terms of parking provision and layout.
- 5.19 The proposal would not cause harm to highway safety and complies with government guidance contained within the National Planning Policy Framework.

Protected Species

- 5.20 The Council's Ecologist provided detailed comments on the refused application (13/00163/F) and these are still considered to be relevant for the current proposal. Conditions were recommended and these have been included in the recommendation set out at the end of this report.

Engagement

- 5.21 With regard to the duty set out in paragraphs 186 and 187 of the Framework, minor 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. That the works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form and drawing nos. 1270/P01, 1270/P02, 1270/P03, 1270/P04, 1270/P05 and 1270/P06 received 23 September 2013.

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

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

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

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

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

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

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

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

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

7. Prior to the commencement of the development a temporary bat nesting box shall be erected as a receptor for any bats found during the works. The box shall be retained in situ until the completion of the proposed bat loft.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy

Framework.

8. Within 6 months of the first use of the dwelling, the existing bungalow and garage shall be demolished and the land restored to paddock.

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.

Planning Notes

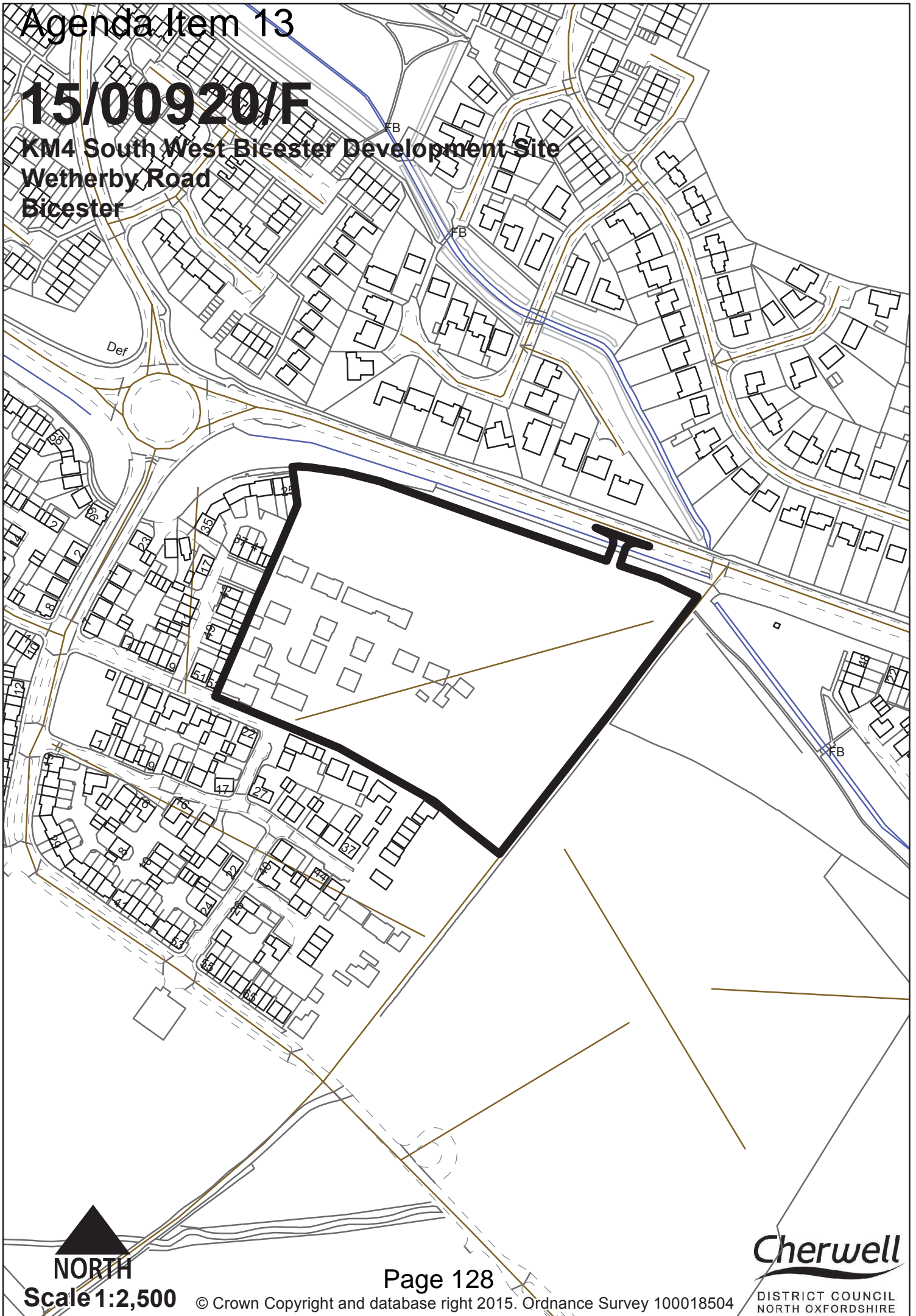
1. *All birds are protected whilst breeding which typically occurs from March - August. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb birds or their nests at this time. Should nesting birds be known to use the building or are found using it prior to demolition works commencing an ecologist or Natural England should be contacted for advice on how to proceed. Nesting opportunities lost should be replaced on any new build.*

STATEMENT OF ENGAGEMENT

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

15/00920/F

KM4 South West Bicester Development Site
Wetherby Road
Bicester

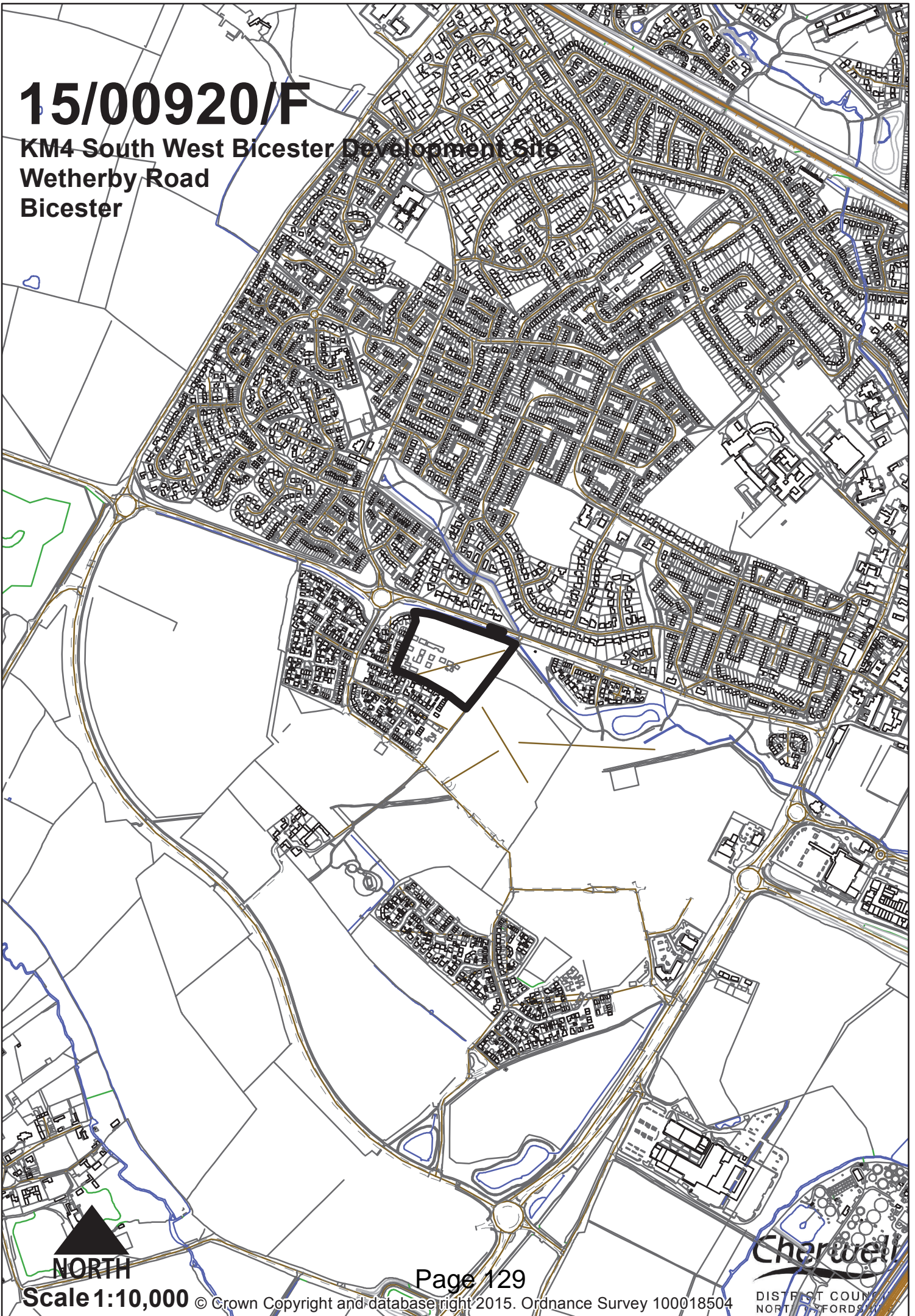


NORTH

Scale 1:2,500

15/00920/F

KM4 South West Bicester Development Site
Wetherby Road
Bicester



NORTH

**Site Address: KM4 South West Bicester
Development Site, Wetherby Road,
Bicester**

15/00920/F

Ward: Ambrosden and Chesterton District Councillor: Councillor Lynn Pratt

Case Officer: Linda Griffiths Recommendation: Approval

Applicant: Bovis Homes Ltd

Application Description: To provide a new temporary access road off Middleton Stoney Road to access the building compound, car parking and materials storage serving KM4 parcel

1. Site Description and Proposed Development

- 1.1 This application relates to the development at South West Bicester which is situated between the Middleton Stoney Rd. and Oxford Rd. The whole site was granted outline planning permission subject to conditions and a Section 106 Agreement in June 2008 for up to 1585 dwellings, education, health village and supporting infrastructure. Development began in 2010.
- 1.2 This submitted application seeks full planning permission for the construction of a temporary construction access from the Middleton Stoney Road to serve development parcel KM4 which is currently being built out by Bovis Homes. Construction vehicles are currently gaining access to this development parcel through the South West Bicester development itself.
- 1.3 The proposed access is 7.0m wide with 6m turning radii. A 10m length of existing hedgerow will need to be removed to create the access. Gates will be set back into the site to prevent access outside of construction hours.

2. Application Publicity

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

Correspondence has been received on behalf of the Kingsmere Residents Association committee which fully supports this application as the temporary road access to the Bovis areas would avoid further exposure of residents in existing homes on Whitelands Way and Ascot Way to dust, mud and fumes from HGVs and other vehicles visiting the site.

3. Consultations

- 3.1 Bicester Town Council: objects to this application on safety grounds with access being off of the Middleton Stoney Road. Would prefer to see access coming off Vendee Drive or going through Whitelands Way and coming round would be a safer option.

Cherwell District Council Consultees

- 3.2 Arboricultural Officer: No objections in principle, the 10,0m section of hedgerow

proposed for removal is in poor condition and in need of rejuvenation anyway. There are no individual trees of value within this section of hedgerow so I have no concerns there either.

Mitigation, when appropriate should be in the form of replacement hedgerow (50% Crataegus, 30% prunus spinosa, 10% Illex, 5% Rosa, 5% Hazel) comprising of feathered specimens (1-1.5m in height) staggered plantings at 50cm spacings for instant effect. Rabbit guards and mulch bedding required.

The hedgerow should also contain 2 No 14-18cm Quercus robur planted at 5.0m spacing.

Timescales for replacement planting should also be provided. A condition regarding landscaping is recommended.

3.3 Landscape Officer: No objection as long as the temporary road surface, constructor's compound and hedgerow are reinstated in the appropriate manner to CDC approval-details of which to be forwarded to the LPA for consideration. Subsoil de-compaction and ground de-contamination of chemical spillage are important for the future use, landscaping/tree planting etc. on site topsoil stored and spread in accordance with BS 3882:2007 Specification for topsoil and requirements for use.

3.4 Ecology Officer: No comments received

Oxfordshire County Council Consultees

3.5 Highways Liaison Officer: No objection subject to conditions

It is considered that the proposed temporary access for KM4 on Middleton Stoney Road will operate safely. A temporary access (just to the east) for an earlier phase of the Kingsmere development operated for between 18 months and 2 years before the Shakespeare Drive main access roundabout was opened. There were no reported injury accidents at or in the vicinity of that temporary access. Since that road was closed, a 30mph speed limit has been introduced on Middleton Stoney Road. Bearing that in mind and the details that have been submitted this new temporary access is considered to be acceptable. This is despite the fact that a westbound bus stop is located immediately to the east of the proposed access. Buses only currently run twice an hour during the daytime Monday to Saturday. This is not sufficiently frequent for it to pose a real risk to safety, particularly given the predicted low volume of traffic that will be using the construction access.

However, in order to ensure that the access works as safely as possible, the county Council believes that a routing agreement for HGVs should be in place to minimise any possible negative effects of the junction and the HGV's using it on road safety and traffic congestion. This could ensure that HGV' only turn right in or right out of the access and that onward journeys from the site are on the most suitable parts of the local road network – considered to be Vendee Drive. This will be agreed before works start.

A S278 traffic calming scheme consisting of speed cushions will be constructed on Middleton Stoney Road in the near future to reinforce its new lower speed limit. This will further ensure that the temporary access will operate safely.

3.6 Drainage Officer: No comments received

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

Saved Policy C31 seeks to exercise control over development to ensure that it is appropriate for its location, compatible with the area and will not cause an unacceptable level of nuisance or visual intrusion in respect of the character of the area.

Saved Policy C28 seeks to ensure acceptable standards of design appropriate to its location

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Cherwell Local Plan 2015

The Submission Local Plan has been through public consultation and was submitted to PINS in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in the light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. The Examination reconvened and closed in December 2014. The Inspector's Report was published 12th June 2015. The report has been considered by Officers and is to be presented to Members at a meeting of Full Council on 20th July 2015. Although the Submission Cherwell Local Plan does not yet have development plan status, it is a material planning consideration and due weight can be afforded to relevant draft policies, in accordance with paragraph 216 of the framework.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Residential Amenity
- Visual Amenity
- Highway Safety

Relevant Planning History

5.2 This application relates to the new development at South West Bicester which is situated between the Middleton Stoney Rd. and Oxford Rd. The development at South West Bicester was granted outline planning permission subject to conditions and a Section 106 Agreement in June 2008 for up to 1585 dwellings, employment, education, health village and supporting infrastructure (06/00967/OUT refers). The development was a strategic allocation in the non-Statutory Cherwell Local Plan under Policy H13. The Design Code was produced following the granting of outline planning permission was approved in July 2008.

5.3 The proposal relates to the development of land parcel KM4 which is located at the northern end of the development adjacent to the Middleton Stoney Road boundary.

Reserved matters consent for the residential development of this parcel was granted to Bovis Homes in November 2014 (14/01054/REM refers). Construction of the dwellings on this land parcel have begun, however, construction traffic is currently passing through the existing occupied development. Complaints have been received from existing residents concerning noise and dust from the construction vehicles passing very close to the fronts of their properties. This temporary construction access is proposed to avoid construction traffic having to pass through the existing completed development.

Residential Amenity

- 5.4 As stated above, the main reason for requiring a temporary construction access to the Middleton Stoney Road is to ameliorate the impact of the current construction vehicles, delivery and personnel passing through the completed and occupied part of South West Bicester.
- 5.5 The main impact of the use of this temporary construction access will be on the occupiers of properties immediately opposite in Tubb Close whose rear gardens back onto the Middleton Stoney Road. No representations have been received from the residents of those properties in this respect. During the consideration of the application further information was sought in respect of the likely traffic movements created by the proposal. Predicted traffic flows are not exceptionally large and potential amenity issues can be overcome by the use of conditions. Issues of noise and disturbance can also be resolved more quickly and efficiently through the Environmental Health legislation should such a problem arise. Furthermore, when construction initially started on this South West Bicester site, the old farm access which was located just to the east of this access point was used by construction traffic and there is already traffic noise generated by vehicles along the Middleton Stoney Road.
- 5.6 On balance therefore, having regard to the above, the proposed temporary construction access to serve this development parcel is unlikely to result in unacceptable levels of noise and disturbance to existing residents and therefore have a significant adverse impact on their residential amenity and is therefore acceptable in this respect.

Visual Amenity

- 5.7 The proposal would essentially be seen in conjunction with the development occurring on the site and would have minimal visual and landscape impact from the surrounding area and within the street scene over and above that already experienced in conjunction with the development of South West Bicester as a whole.
- 5.8 In terms of the loss of the existing hedgerow, the 10 metre long section which it is proposed to remove is in a poor condition and in need of rejuvenating and infilling with additional planting. There are no individual trees of any value within this section of hedge and no objections are raised by the Council's landscape or arboricultural officers. It is considered that the removal of this section of hedging and the replanting of this section with new hedging and trees will benefit the locality in the long-term resulting in a more appropriate species rich section of hedging to the benefit of the street scene and ecology.

Highway Safety

- 5.9 Following the receipt of additional plans and information, the Highway Authority raises no objections to the proposal in highway safety terms. During the initial construction of the wider South West Bicester site, and prior to the construction of the new roundabout to the Middleton Stoney Road, the former farm access to the east of this

new access point was used by construction traffic. This track now forms part of the green infrastructure through the development and is currently being landscaped by the main developers, Countryside Properties, and is therefore not available for use by Bovis Homes to access this land parcel. During that time there were no reported injury accidents at or in the vicinity of that temporary construction access. Since that time, the speed limit has also been reduced to 30mph along the Middleton Stoney Road.

- 5.10 There is a bus stop which has been installed in conjunction with the South West Bicester development just to the east of the proposed temporary access. However, buses currently only run twice an hour during the daytime Monday to Saturday, and the Highway Authority do not consider this to be sufficiently frequent for the position of the temporary access to pose any real risk to safety, particularly given the predicted low volume of traffic that will be using the construction access.
- 5.11 However, in order to ensure that the access works as safely as possible, the County Council believes that a routing agreement for HGVs should be in place to minimise any possible negative side effects of the junction and HGVs accessing and egressing the site on road safety and traffic congestion. This would ensure that HGVs only turn right or left out of the access and that onward journeys from the site are on the most suitable parts of the local road network. This will be agreed by condition prior to the commencement of the construction of the new access.
- 5.12 The new access will be 7 metres wide with 6 metre radii. The existing drainage ditch will be piped for this small section to prevent the discharge of water onto the public highway. Vision splays of 2.4m x 43m are shown in both directions which is acceptable to the highway authority. Signage is proposed to the Middleton Stoney Road, as requested by the Highway authority to warn users of the road of the construction access and to make construction vehicle drivers aware of the access point. Post and board fencing is propose to the sides of the access to prevent vehicles from overriding the verge and adjacent drainage ditch.
- 5.13 There are no public footpaths on this side of the Middleton Stoney Road within the vicinity of the proposed access so pedestrian safety will not be compromised. Having regard to the above, the proposal is not considered to be detrimental to highway or pedestrian safety and is therefore acceptable for a temporary period as proposed.

Engagement

- 5.17 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 seeking to work with the applicants to ensure all the relevant information has been submitted to enable due consideration of the proposal and the efficient and timely determination of the application.

Conclusion

- 5.19 Having regard to the above, it is considered that the proposal for a temporary construction access to serve land parcel KM4 as proposed is acceptable and is in accordance with the Development Plan policies and Government guidance within the National Planning Policy Framework.

6. Recommendation

Approval, subject to the following conditions:

1. That at the expiration of 2 years from the date hereof, the use of this temporary construction access shall be discontinued, and the land reinstated as highway verge with hedge planting in accordance with a scheme, full details of which shall first be submitted to and approved in writing by the Local Planning Authority. Full details of the remediation and reinstatement works, which shall include a new hedge to the Middleton Stoney road, shall be submitted no later than 18 months from the date of this permission, to be approved in writing by the Local Planning authority prior to those remediation works commencing. The approved scheme shall be implemented in full within 6 months of the cessation of the use of this temporary construction access. Any tree, shrub or planting which, within a period of five years from the completion of the remediation works, die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In view of the special circumstances of the case and in the interests of the visual amenities of the locality and interests of highway safety in accordance with Policy C28 of the adopted Cherwell Local Plan and Government advice within the National Planning Policy Framework.

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered 30472 KM4 Rev A Site Location Plan; BICE-5-1002 Vehicle Swept path Analysis; BICE-5-1003 Swept Path Analysis; BICE-5-1001 Rev H Site Compound layout Plan and BICE-5-535 Rev A Temporary Construction Access off Middleton Stoney Road.

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 access hereby approved shall be constructed and used only in association with the construction of the approved dwellings on land parcel KM4 under application number 14/01054/REM, as outlined in red on the location plan, drawing number 30472 KM4 Rev A, only, and for no other purpose whatsoever.

Reason: In the interests of the visual amenities of the locality and highway safety and to comply with Policy C28 of the adopted Cherwell Local plan and Government guidance within the National Planning Policy Framework.

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

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

5. Prior to the commencement of the development hereby approved, a routing

agreement for HGVs using the access, intended to minimise the impact of its operation in the immediate vicinity and on the wider network, shall be submitted to and approved in writing by the Local Planning Authority

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

6. Prior to the commencement of the development hereby approved, a plan showing signs (i) warning all road users of the presence of Heavy Goods Vehicles using the entrance and (ii) advising Heavy Goods Vehicle drivers to turn left out of the site entrance only shall be submitted to and approved in writing by the Local Planning Authority. The signage as agreed shall be erected prior to the access being first brought into use and removed from the site within 1 month of the cessation of the use of the access.

Reason: In the interests of highway safety and the amenities of the locality and to comply with Government guidance within the National Planning Policy Framework

7. That prior to the commencement of the development, a dust management plan, to include the provision of vehicle wheel washing, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be brought into use and thereafter complied with during the use of the construction access.

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

8. Prior to the commencement of the development hereby approved, full details of the proposed fencing either side of the access shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed in accordance with the approved details prior to the access being first brought into use and shall be removed from the site upon cessation of the use of the access.

Reason: In the interests of highway safety and in the interests of the visual amenities of the locality and to accord with Policy C28 of the adopted Cherwell Local Plan and Government advice within the National Planning Policy Framework.

Planning Notes

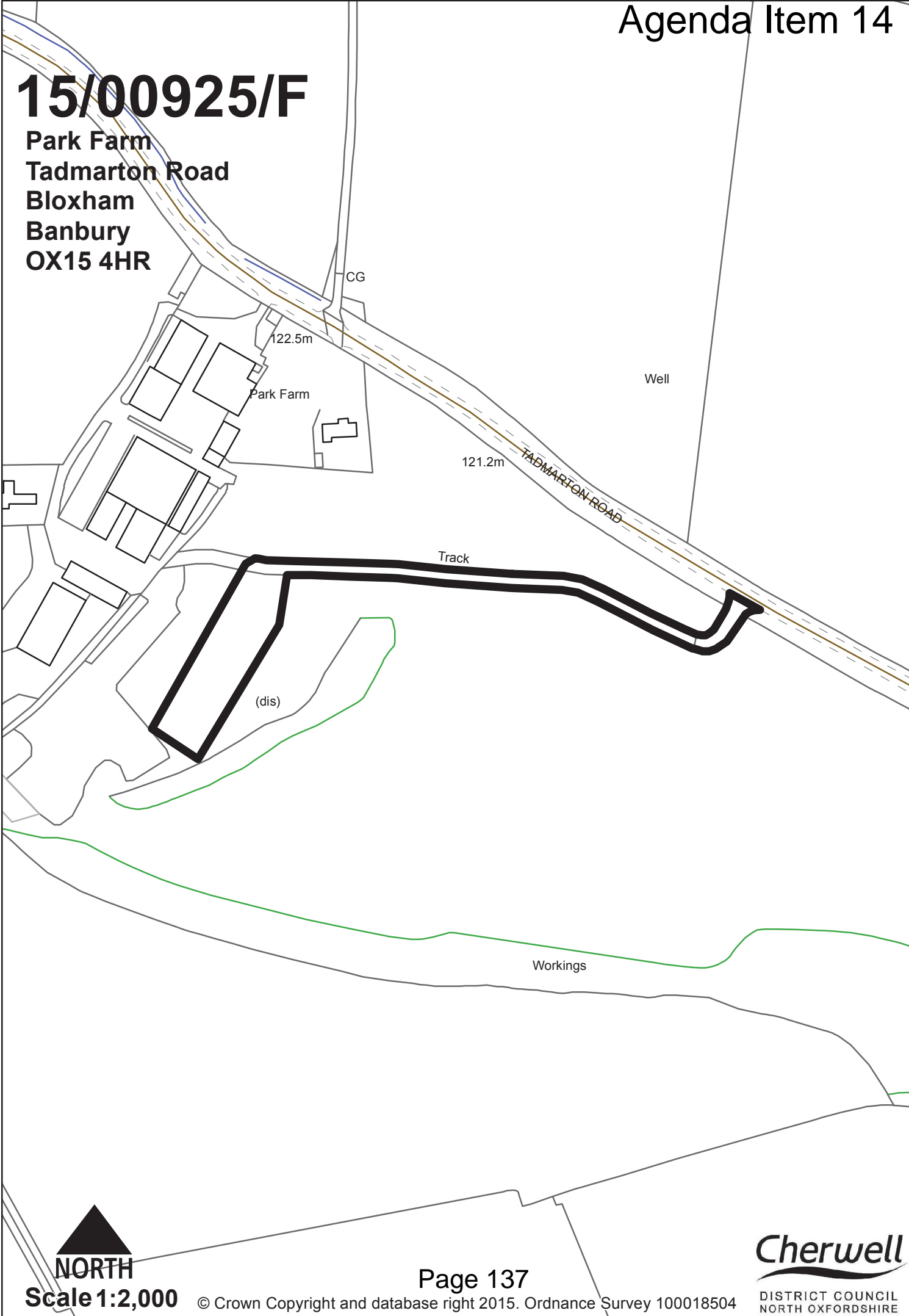
1. PN22
2. PN24
3. PN26

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 by seeking to work with the applicants to ensure that all the necessary information is submitted within the necessary timescales to enable the application to be properly considered and determined within the timescales.

15/00925/F

Park Farm
Tadmarton Road
Bloxham
Banbury
OX15 4HR

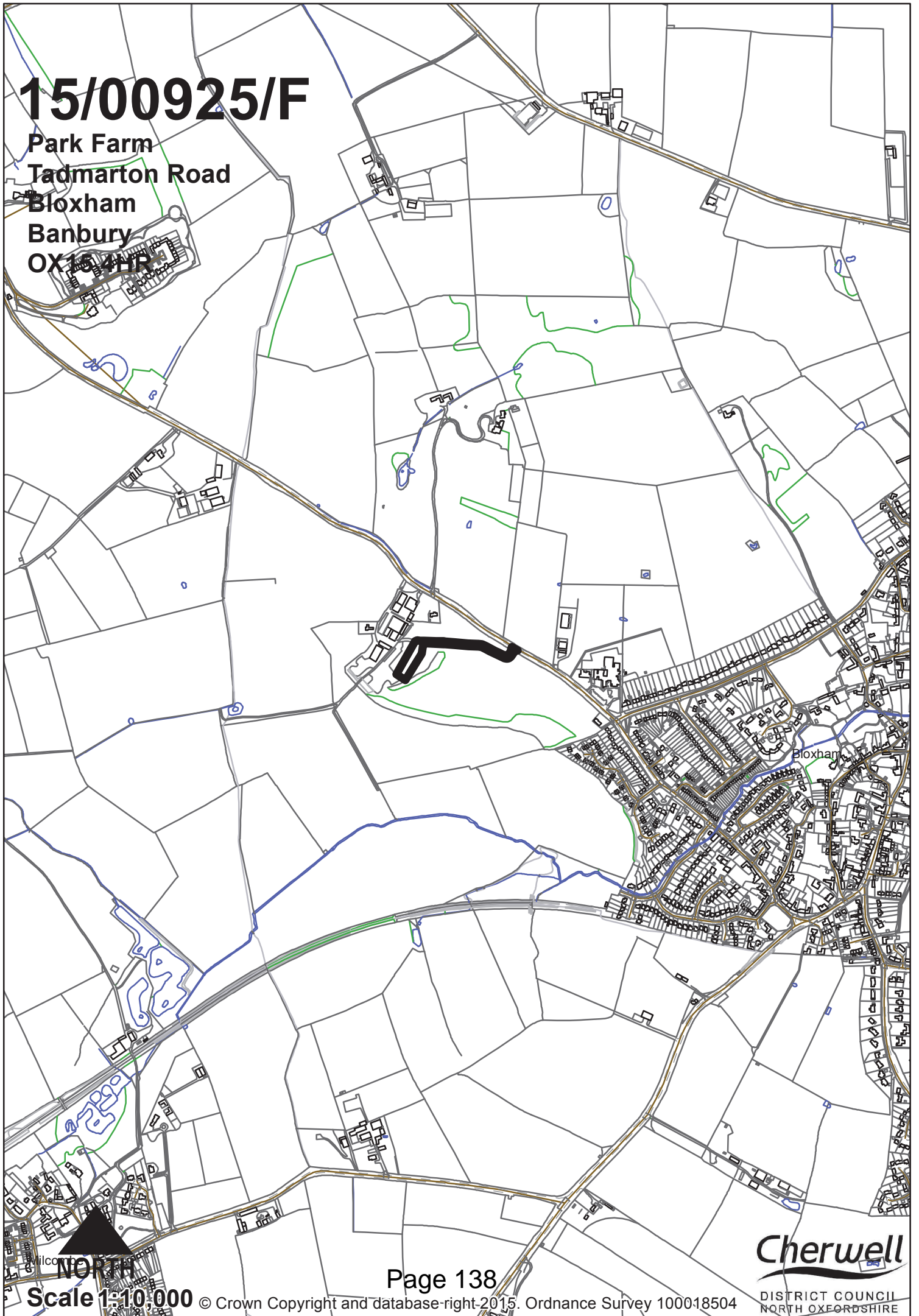


NORTH

Scale 1:2,000

15/00925/F

Park Farm
Tadmarton Road
Bloxham
Banbury
OX15 4HR



Site Address:

Park Farm
Tadmarton Road
Bloxham

15/00925/F**Ward:** Bloxham and Bodicote**District Councillor(s):** Cllrs Heath and Thirzie Smart**Case Officer:** Matthew Parry**Recommendation:** Approve subject to conditions**Applicant:** A.S. Coles and Son**Application Description:** Erection of agricultural building for the storage of hay and straw**Committee Date:** 6th August 2015**1. Site Description and Proposed Development**

- 1.1 The application site relates to a section of a pasture field to the southeast of a complex of farm buildings within a mixed arable/livestock farm. The farm lies approximately 400m to the northwest of Bloxham on the Tadmarton Road. Topographically the site is flat and bordered to the east by an embankment topped with scrub which reduces views of the farm buildings from Bloxham. The site is currently used as part of an area for the grazing of cattle.
- 1.2 The application seeks consent for the erection of a conventional steel framed storage shed that is open on all sides. The building is proposed to feature a shallow pitched fibre cement roof.

2. Application Publicity

- 2.1 The application has been publicised by way of a site notice, neighbour notifications and a notice in the local press. No third party representations have been received.

3. Consultation Responses**Cherwell District Council:**

Landscape Officer – The proposed agricultural building is relatively large but of traditional agricultural form and detailing. Visibility of the building from Tadmarton Road and public rights of way will be limited due to existing intervening hedgerows and trees. From the south and west the building would be seen in the context of existing farm buildings and so would not be prominent in the local landscape. There is a low section of hedgerow adjacent to Tadmarton Road which would allow only glimpsed views of the building from vehicles using the road. Residencies on the approved Miller Homes site will experience a medium significance of effect on the landscape given the approximately 10.5 m high barn and so the adjacent scrub on the embankment should be retained and augmented with native tree planting. This scrub area should be protected during the course of construction of the barn and the root protection areas protected with robust fencing in accordance with BS:5837:2012.

Oxfordshire County Council:

Local Highway Authority – No objection subject to the imposition of a condition requiring submission and approval of a construction traffic management plan. The proposals are not expected to give rise to any material change in traffic flows though construction traffic should be controlled to ensure that it avoids peak hours for the nearby primary school.

Other External Consultees:

Bloxham Parish Council – No objection but the flooding/drainage impact of buildings proposed on this farm should be considered to avoid adversely affecting the properties being built nearby south of Tadmarton Road.

4. Relevant National and Local Planning Policy and Guidance

4.1 Development Plan Policies:

Cherwell Local Plan 2011-2031 Part 1 (July 2015)

ESD13 – Local Landscape Protection and Enhancement

ESD15 – The Character of the Built and Historic Environment

Cherwell Local Plan 1996 –saved policies

AG2 – Construction of Farm Buildings

C28 – Design in New Development

C30 – Safeguarding Residential Amenity

ENV1 – Environmental Pollution

4.2 Other Material Planning Considerations:

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

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

5. Appraisal

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

- Principle of development;
- Appearance and Effect on Local Landscape Character;
- Impact on Residential Properties;
- Access.

Principle

5.2 The NPPF in paragraph 28 provides support for the rural economy by encouraging the promotion of development and diversification of agricultural and other land-based rural businesses. Saved Policy AG2 of the Local Plan 1996 is consistent with this national policy in that it supports new farm buildings where they are designed and sited such that they do not intrude into the landscape or residential areas. As a consequence, the erection of a new farm building in this location is considered acceptable provided that it is sympathetic to its rural setting.

Appearance and Effect on Local Landscape Character

5.3 As set out above, Policy AG2 of the Local Plan 1996 is supportive of farm buildings provided they are designed and sited in a sympathetic manner. Furthermore, Policy C28 of the Local Plan 1996 and Policy ESD16 of Local Plan Part 1 inter alia require new development to be of a scale, form and appearance that is visually appropriate to its context and for opportunities to be taken to improve the character and quality of an area. These policies are consistent with national policy in the NPPF which affords great weight to the importance of good design.

- 5.4 The building proposed is of utilitarian modern agricultural style with open sided bays divided by regularly spaced steel stanchions to support a broad-span fibre cement roof. Whilst the building is relatively large at close to 10.5m in height to its ridge and close to 60m in length, it would sit within the context of other similarly modern agricultural buildings which are commonplace within the countryside. Given the proposed building's siting against the backdrop of the similar existing farm buildings and behind an embankment with established vegetation, the building is unlikely to be visually intrusive within the landscape or in any way incongruous when seen either from the public realm or in private views from approved new housing to the east off Tadmerton Road. However, to ensure the building is sympathetically screened from the south and east, the vegetation on the embankment needs to be protected during construction works and retained thereafter. Conditions are recommended in this respect. Consequently, subject to conditions, the siting and traditional agricultural style of the proposed building ensures that it is visually appropriate to its rural setting in accordance with the aforementioned Development Plan policies and Government guidance.

Impact on Residential Properties

- 5.5 Saved Policy C30 of the Local Plan 1996 reflects national policy set out in the NPPF by requiring new development to adequately safeguard nearby residential amenity. The nearest residential properties will be the 60 new dwellings approved to the south of Bloxham Primary School. Nevertheless, even allowing for this extension to the village boundary, the proposed building would be at least 250m from a dwelling and so would have no material physical impact on the light, outlook or privacy enjoyed by occupants of any dwelling. Furthermore, given that the building is only proposed to be used for the storage of hay, it is not expected that it would give rise to any additional noise, nuisance or smells for occupants of any nearby dwellings. Consequently officers are satisfied that in this respect the proposals accord with the requirements of Policies C30 and ENV1 of the Local Plan 1996.

Access

- 5.6 Vehicular access to the farm is achieved via a gravel track with an entrance approximately equidistant between the farm complex and the western edge of Bloxham. As noted by the LHA, the proposed building is not expected to give rise to any additional traffic movements once operational. However, there is the potential for construction traffic to interfere with traffic and parking connected with the nearby primary school. Consequently a condition is recommended requiring the submission and approval of a construction traffic management plan to ensure that construction vehicles arrive and leave at appropriate times.

Other Matters

- 5.7 The site is not located within an area known to be at a high risk of flooding and is a significant distance away from new housing. The floor of the building is likely to be covered by hardstanding and so the proposals would result in a reduction in permeable surfaces for percolation of rain water into the ground. A soak-away is proposed however insufficient details are provided at this stage of its size and location to be able to conclude that it is acceptable. Consequently a condition is recommended requiring the submission and approval of details of surface water drainage measures prior to commencement of development.

6. Conclusion

- 6.1 The proposed development will help support an existing agricultural business with the building designed and sited in such a way as to be visually sympathetic to its rural setting. As a result of its proposed use and distance away from residential properties, the proposals are not expected to give rise to significant adverse effects on local

amenity. Consequently the proposals are considered to accord with the requirements of all relevant policies of the Development Plan as well as Government guidance.

7. Recommendation

Approval subject to conditions

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

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

2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings: 2015-441-20 and 'Site Layout'.

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

3 Prior to the commencement of the development, details of tree protection measures to be used (in accordance with BS:5837:2012 and all subsequent amendments) shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall show the means of protecting retained soft landscape features on the existing embankment to the east of the site during construction works. The development shall only be carried out in accordance with the approved tree protection measures. These details are necessary prior to commencement to ensure that the trees are protected before construction work begins.

Reason - In the interests of identifying and retaining important trees on the site in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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

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

5 All planting, seeding or turfing comprised in the approved details of landscaping

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

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

6 The development hereby permitted shall be used only for the storage of hay and/or straw within the purposes of agriculture, as defined in Section 336 (l) of the Town and Country Planning Act, 1990 and for no other purpose notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and any of its subsequent amendments.

Reason – To ensure that the local planning authority has the ability to consider the impact of any other use on the amenities of local residents having regard to the provisions of the Development Plan.

7 Prior to the commencement of the development a Construction Traffic Management Plan, taking into account the points made in this report, must be submitted to and approved in writing by the Local Planning Authority. The construction works must be carried out in accordance with the details approved in the Construction Traffic Management Plan. Such a Plan is required prior to commencement of development given that it is necessary to assess the impact of construction vehicles that would inevitably result from work commencing on site.

Reason – In the interests of traffic flows and highway safety in accordance with the requirements of Government guidance set out in the National Planning Policy Framework and Planning Practice Guidance.

8 Prior to the commencement of the development full details of the surface water drainage measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the surface water drainage measures have been installed as approved and shall be retained as such thereafter. Such details are required prior to commencement so that the approved drainage measures can be incorporated into the development.

Reason – To ensure that the proposals do not increase the risk of local flooding in accordance with the requirements of Government guidance set out in the National Planning Policy Framework and Planning Practice Guidance.

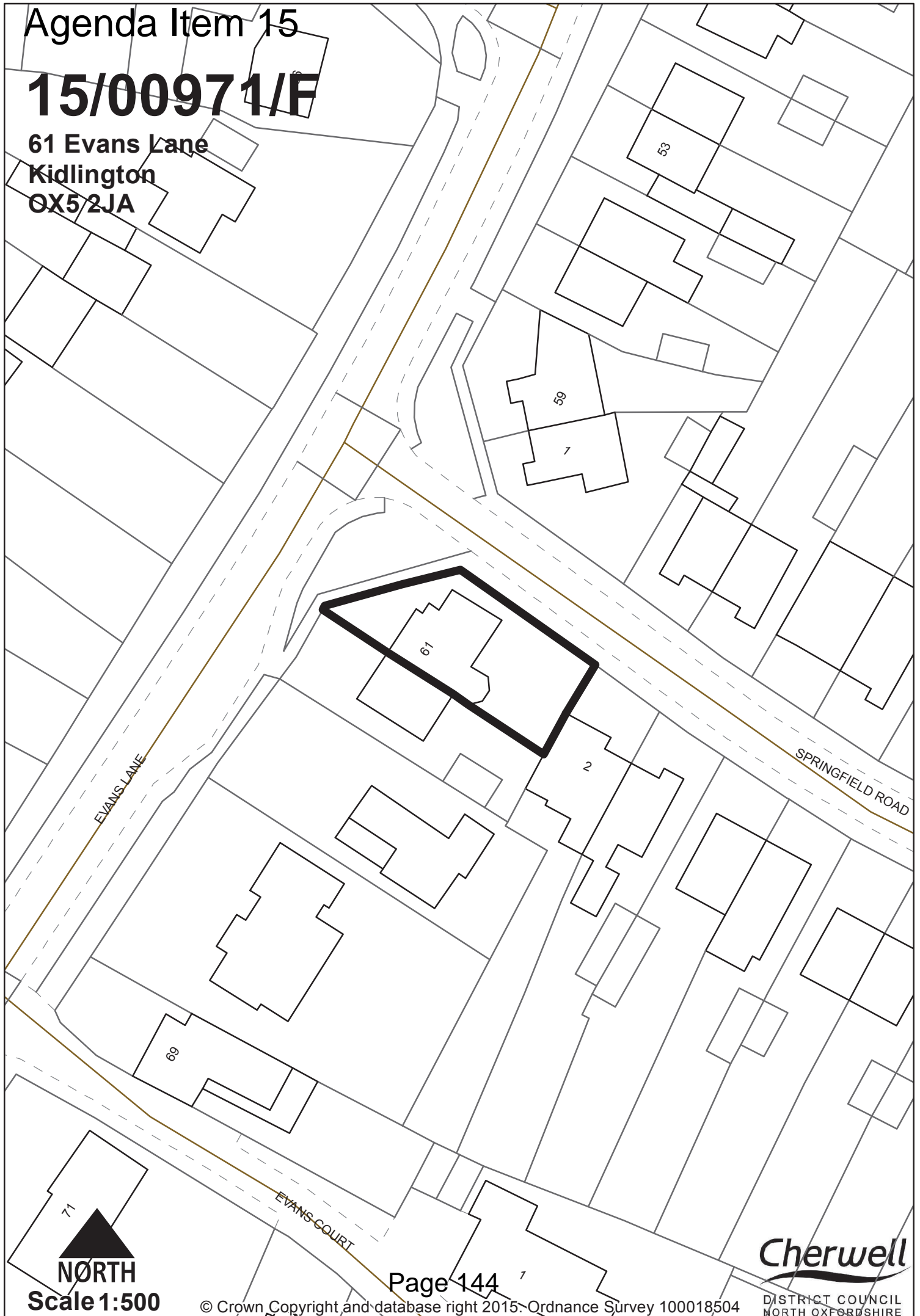
STATEMENT OF ENGAGEMENT

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

Agenda Item 15

15/00971/F

61 Evans Lane
Kidlington
OX5 2JA



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

15/00971/F

61 Evans Lane
Kidlington
OX5 2JA

Kidlington

Cosford

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE


NORTH

Scale 1:6,000

Page 145

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**Site Address: 61 Evans Lane
Kidlington**

15/00971/F

Ward: Kidlington South

District Councillor: Cllrs Billington,
Griffiths, and Prestidge

Case Officer: Aitchison Raffety

Recommendation: Approval

Applicant: Mr and Mrs El-Mergisi

Application Description: Extension and alterations to form 4no. 1-bed flats

Committee Referral: Member Referral

Committee Date: 6 August 2015

1. Site Description and Proposed Development

- 1.1 The application site comprises a two-storey, semi-detached property located on the corner of Evans Lane and Springfield Road. The house is constructed with a white render finish to the external walls with a concrete tile roof. The application site has vehicle accesses to both Evans Lane and Springfield Road.
- 1.2 The north-western boundary onto Evans Lane where the main vehicle access currently is remains open, giving views to the front of the house. The north-eastern boundary is formed by a mixture of dense Leylandii hedging near to the corner of the two roads, leading to 2m high double gate and a 2m high white-painted breeze block wall. To the south-east of the site is 2 Springfield Road, which has a two-storey flat roofed extension to its side that immediately abuts the boundary with the application site. Number 63 Evans Lane lies to the south-west and the gardens are separated by a mixture of fencing and hedging with a height over 1.5m.
- 1.3 The house has been extended in the past, with a two-storey side extension, as well as a single storey rear extension.
- 1.4 It is proposed to extend the property by increasing the width of the existing side extension by 0.6m and adding a rear, two-storey extension with a depth of 3m. The existing single storey extension would be removed.
- 1.5 The proposed extensions would facilitate the conversion of the single household into four 1-bed flats, with 2 flats on each floor. Parking would be to the front and the side. The parking off Springfield Road would be achieved through the demolition of the existing breeze block wall and providing a hardstanding for two cars. The existing access onto Springfield Road would be blocked up.

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 9 July 2015.

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

- Overdevelopment of the site
- Effect on the character of the neighbourhood
- Noise and disturbance
- Insufficient parking for cars
- Overlooking and loss of privacy
- Highway safety and access onto Springfield Road
- Set precedent

3. Consultations

3.1 Kidlington Parish Council:

No objections

Cherwell District Council Consultees

3.2 Housing Officer: No objections or comments

3.3 Councillor Carmen Griffiths: Councillors Neil Prestidge, Maurice Billington, Sandra Rhodes and I would all like to object to the above planning application.

We would like to object for the following reasons:-

TR5

At the moment this property is used as a residence. The number of cars at this property is somewhat less than might be expected of four flats which could easily amount to 8 cars (whilst we accept that only 4 can be taken into consideration). Despite this, the owner parks 2 cars on Springfield Road, much to the annoyance of neighbours and we feel that this situation will only get worse. There is no opportunity for turning and cars both at the front and the back will have to back out on a busy junction, close to a bus stop and with a large number of pedestrians walking to primary and secondary schools.

C30 (i)

The new development is not compatible with the density of existing dwellings. This is already an imposing property and a further extension will make it feel too large for neighbouring properties.

The only other flats along the whole of this road are purpose built. This is how we would like this part of Old Kidlington to stay and we know that you have received other letters of objection from residents supporting this!

C30 (ii)

As above

9.69 This is providing high density housing in an area where low densities predominate

C31

All other flats in the area and on this road are purpose built which are acceptable. To allow conversion of a residential house will open up a can of worms and set a precedent for many others to follow suit which we do not want and which causes great concern.

Oxfordshire County Council Consultees

3.4 **Highways Liaison Officer:** Awaiting comments

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

Cherwell Local Plan 2006 – 2031 Part 1

The following policies are considered to be relevant:-

Policy PSD1 Presumption in Favour of Sustainable Development
Policy BSC2 The effective and efficient use of land

4.2 Other Material Policy and Guidance

National Planning Policy Framework

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

4 Promoting sustainable transport
6 Delivering a wide choice of high quality homes
7 Requiring good design

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

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

Policy H1a Location of New Housing
Policy H4 Types of Housing
Policy H15 Category 1 Villages
Policy H23 Sub-Division of Existing Dwellings

5. Appraisal

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

- Planning History and the Principle of Development
- Impact on neighbouring amenity
- Impact on wider area
- Parking

Planning History and Principle of Development

5.2 The planning history relevant to the application site comprise a 2001 application for the two-storey side extension and a 2008 application for the rear extension and the vehicular access onto Springfield Road. Both these applications were considered to be appropriate and have since been implemented.

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

5.4 The site lies within the built-up area of Kidlington, which is considered to be one of the highest category villages within the District in terms of sustainability and range of services. As such, in terms of providing additional housing, the application site is considered to be in an appropriate location and complies with Policy Villages 1 of the new Local Plan, which categorises Kidlington as a Category A village.

5.5 Neither the Local Plan or the Submission Plan have policies specific to the sub-division of housing plots and, therefore, an assessment needs to be made in respect of the individual aspects that such a proposal may bring, in respect of impact on neighbouring amenity, the wider area and highways/parking. Indeed, the Non-Statutory Local Plan does have a policy (Policy H23) specific to the sub-division of houses and makes provision for them to be permitted subject to site specific issues being considered.

5.6 Objections have been raised in respect of the potential precedent this may set for the wider area and other properties but each application must be determined on its own merits and the site specific issues considered in turn.

Impact on Neighbouring Amenity

5.7 As well as seeking to convert the dwelling into four flats, the application also proposes an increase in width of the existing two-storey side extension, as well as a further two-storey extension to the rear of the house. In respect of the addition to the existing extension, this amounts to an additional 0.6m to the

overall width of the house. This would still maintain a 1.9m gap with the side boundary of the plot, providing access around the property. Furthermore, this aspect of the proposal extends the house towards Springfield Road, as opposed to any other residential properties and so would not impact on the amenity of neighbours.

- 5.8 It is also proposed to construct a two-storey rear extension that would come out from the now built two-storey side extension. The nearest residential property is 63 Evans Lane and the two-storey element of this extension would sit almost 6m from their shared boundary with an eaves height of 4.8m and the apex of the roof set down from that of the main house. In addition, this extension would be to the north-east of number 63. Therefore, it is considered that the proposed extension would be adequately separated from the nearest neighbouring property and the orientation be as such that it would not overshadow. Furthermore, the proposal includes the demolition of an existing single storey rear extension that lies adjacent to the boundary with number 63. The removal of this structure would improve the living conditions of this property.
- 5.9 Objections have been raised as to the potential disturbance arising from the increase in the number of properties on the site, with particular assertions as to the types of persons that may live there. In considering this application, the only basis to assess it is that it would be a residential use, albeit intensified, on a site already used for residential purposes. Vehicle movements may increase by a small level but these would still be to areas within the site where parking either already takes place or could take place.
- 5.10 As such, it is considered that the proposal would not have a detrimental impact on neighbouring amenity and complies with Policies C28 and C30 of the Local Plan, as well as Policy H23 of the Non-Statutory Local Plan.

Impact on the wider area

- 5.11 As previously discussed, there are several elements to the proposal, as well as the conversion of the house to four flats, that could impact on the wider area. In respect of the increase in width of the existing side extension, this is small and maintains a suitable gap with the side boundary and so is not considered to create an overly prominent addition to the existing structure.
- 5.12 In respect of the two-storey rear extension, this would be visually apparent given that the site lies on a corner plot and this element would be visible, particularly from Springfield Road. However, the extension has been set down from the height of the main roof and the existing extension and so would appear subservient and not overly dominant. Furthermore, it would be seen against the backdrop of existing built development and, therefore, not appear prominent.
- 5.13 The application proposes the removal of the side wall that faces onto Springfield Road to facilitate two parking spaces. The wall is a white-painted breeze block wall that does not add any particular architectural merit and its removal would not be to the detriment of the wider street scene. Whilst parked cars would be visible within the street scene, this is not an uncommon occurrence within a residential area and, therefore, would not appear incongruous.

- 5.14 As such, for the above reasons, the proposed alterations would not have a detrimental impact on the character and appearance of the wider area and is considered to comply with Policies C28 and C30 of the adopted Local Plan and H23 of the Non-Statutory Local Plan.

Parking

- 5.15 Comments from the Highway Authority are awaited, however, it should be noted that the parking to the front of the property uses existing parking spaces and access that currently serves the main house. The parking off Springfield Road would be in a similar position to an existing vehicular access that was approved in 2008. As such, from a planning perspective, rather than a technical highway issue, the principle of access and parking in these locations has already been set.
- 5.16 Objections have been raised that the four parking spaces provided are not sufficient and there could be further on street parking, however, the 4 flats would each have one bedroom and the parking provision meets the appropriate standard. Furthermore, the site lies within Kidlington, which is considered to be a sustainable location with a wide range of services and any residents could potentially not use a private car.
- 5.17 As such, subject to no technical issues being raised by the Highway Authority, the proposal is considered to raise no parking and access issues and complies with Policies C28 and C30 of the Local Plan and H23 of the Non-Statutory Local Plan.

Engagement

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

Conclusion

- 5.19 The application site lies within the main built up area of Kidlington, one of the main sustainable settlements within the District. Whilst there are no specific policies relevant to the sub-division of dwellings within the adopted Development Plan, Policy H23 of the Non-Statutory Plan seeks to allow such development where there is no detrimental impact to the area.
- 5.20 It is considered that there are no site specific issues in this matter that prevent planning permission from being granted and the development is considered to comply with saved Policies C28 and C30 of the Local Plan, as well as Policy H23 of the Non-Statutory Local Plan.

6. Recommendation

Approve, subject to the following conditions:

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Site Location Plan, Design and Access Statement (dated 27 May 2015), 0114-1-90, 0114-1-100, 0114-1-101, 0114-1-110, 0114-1-120, 0114-2-90, 0114-2-100, 0114-2-101A, 0114-2-110, 0114-2-120.

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 proposed extensions 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. Prior to first occupation of the proposed development, the existing single storey rear extension, shown to be removed on the proposed plans, shall be removed and the external appearance of the rear elevation made good.

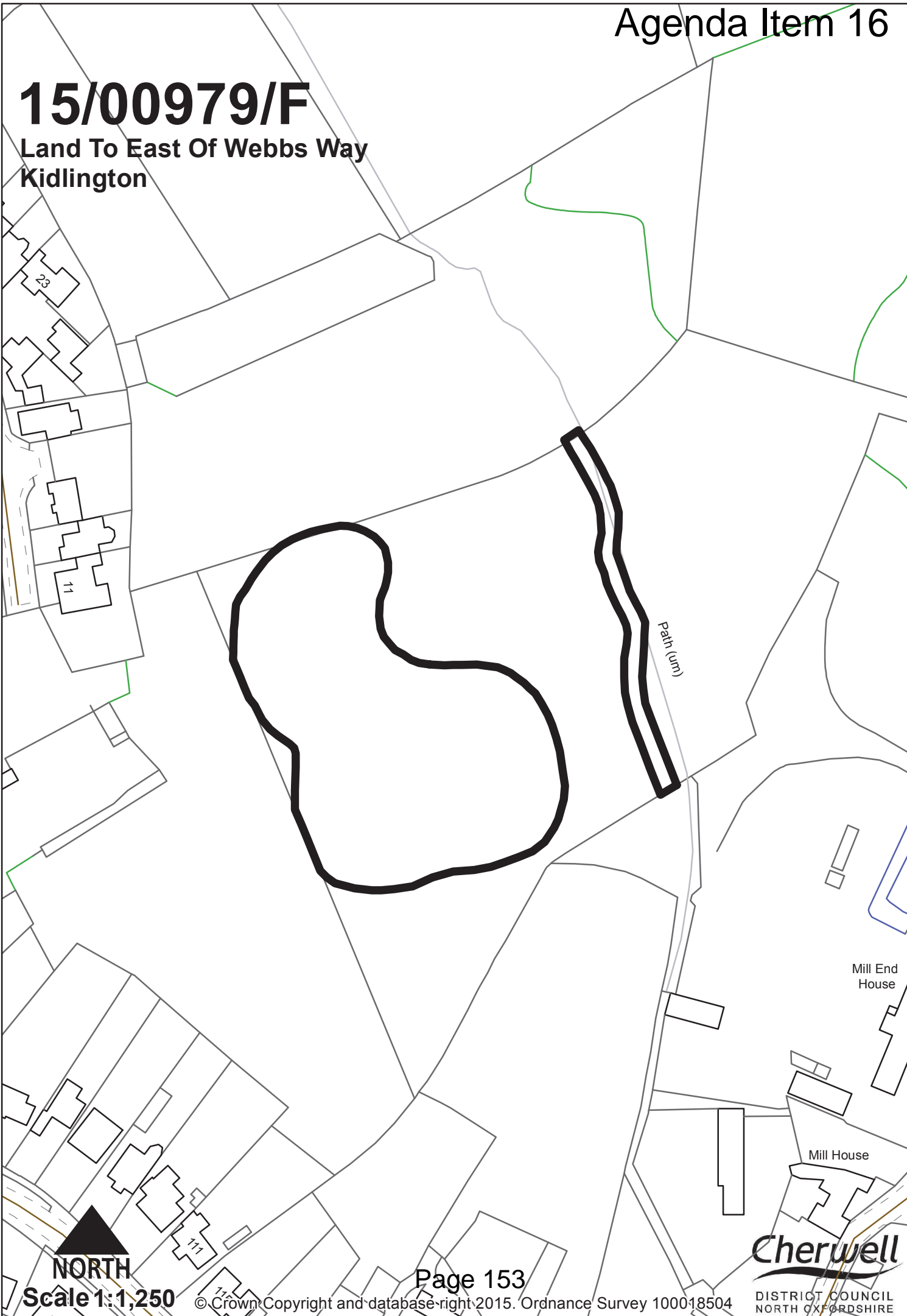
Reason: To ensure that the site is not over developed and to ensure an appropriate finish and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Statement of Engagement

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

15/00979/F

Land To East Of Webbs Way
Kidlington



Scale 1:1,250

15/00979/F

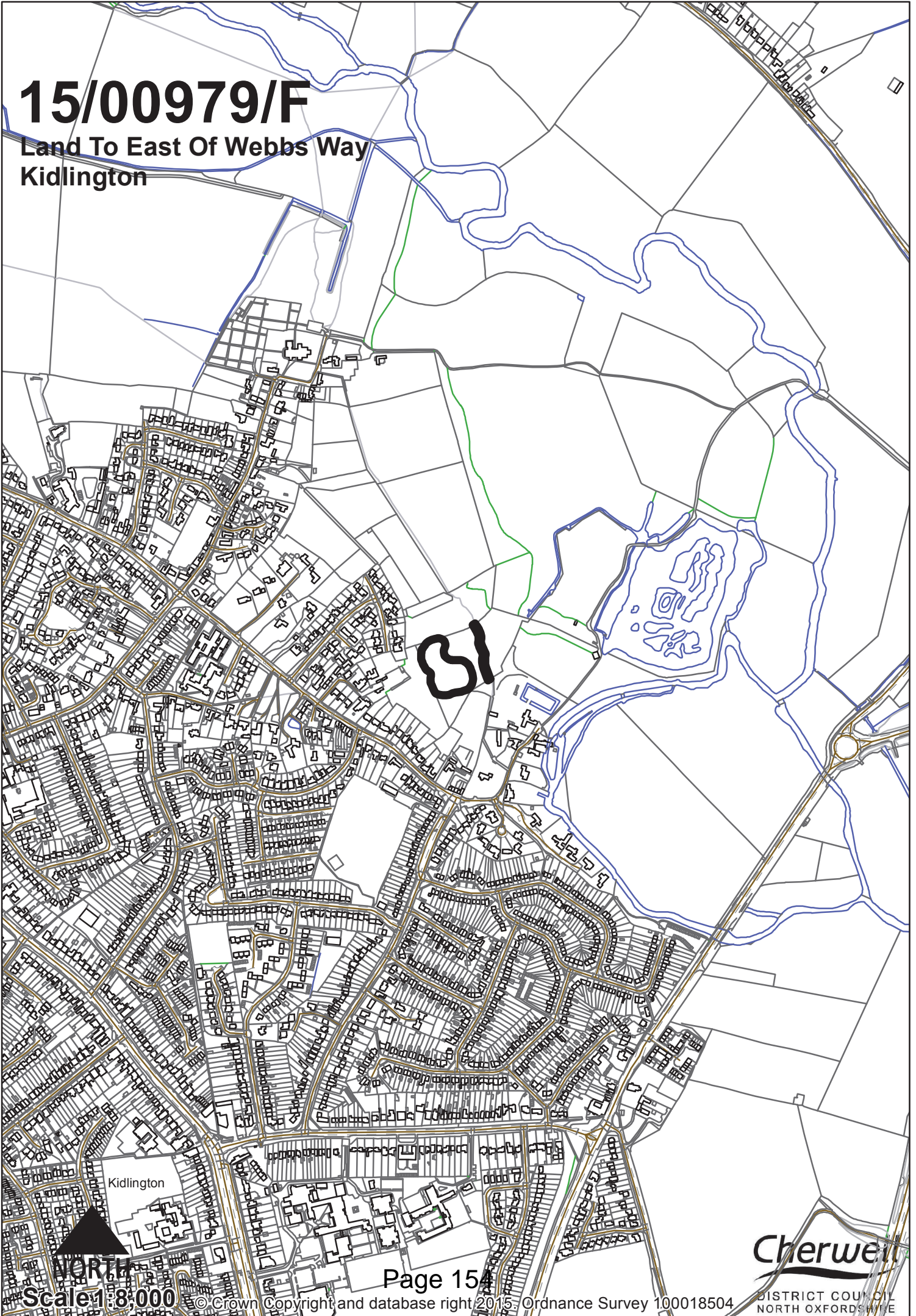
Land To East Of Webbs Way
Kidlington

31

Kidlington

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE



**Site Address: Land To East Of Webbs
Way, Kidlington**

15/00979/F

Ward: Kidlington North

District Councillor: Cllrs Sandra Rhodes and
Douglas Williamson

Case Officer: Gemma Magnuson

Recommendation: Approval

Applicant: Mr Colin Coles

Application Description: Change of use from agriculture to a private fishing lake and associated landscaping

Committee Referral: Called in by Local Member

Committee date: 06 August 2015

1. Site Description and Proposed Development

- 1.1 The site consists of a parcel of land south-east of the Webbs Way cul-de-sac, on the north-eastern edge of the village of Kidlington. The site is in the Oxford Green Belt and forms part of the Kidlington Church Street Conservation Area. Public Footpath ref: FP 265/7 runs adjacent to the eastern boundary of the site. The Rushy Meadows SSSI is within 2km of the site. Legally protected and Notable/ UK BAP Priority & Section 41 Species have been identified within 250 metres of the site.
- 1.2 The proposed development would involve the creation of a private fishing lake approximately 92 metres by 58 metres at its widest points. The depth would reach a maximum depth of 3 metres. It is anticipated that the lake would generate 1500m³ of cut with 1000m³ of fill, with a remaining 500m³ of spoil material. The spoil would be used to create a bund alongside the public footpath for a length of approximately 100 metres. The height of the bund would be 50cm and this would be landscaped. A further bund is proposed to surround the fishing lake itself, with an approximate height of 80cm, the purpose of which would be to prevent flooding.
- 1.3 The site would be accessed via the existing access from Webbs Way. If constructed, an access would be provided via the curtilage of the dwelling approved as part of application refs: 13/00525/OUT and 15/00029/REM where access to the land was included.
- 1.4 The lake would be for private recreational use and would be stocked with carp. The development would consist of the lake and bunds only. No buildings or areas of hardstanding are proposed as part of the application.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter (32 sent), site notice and press notice. The final date for comment was 16 July 2015. 17 responses were received, all objecting to the application. Due to the large number of responses the comments have been summarised, please refer to electronic file for full versions (www.cherwell.gov.uk). The following issues were raised:

- suspicious as to what intentions are given that it is a very large lake
- inconvenienced in short term by development
- reference to position of approved dwelling
- Flooding – high water table
- Pleased spoil would remain on site – impact of bund on flood risk
- Is access sufficient to serve lake?
- Will cutting to make hay require a tractor, trailer and bailer – how will they access

site?

- Understand it is for personal use but no-one can foresee what future holds. If it were commercial in future congestion would be intolerable.
 - Could planning restrict so lake can never be used commercially?
 - No building to be erected – Green Belt
 - Would attract other people with ulterior motives
 - No fence would lead to trespass in future, concern to neighbouring properties
 - Works would not preserve openness of Green Belt and would conflict with purposes of including land within it, contrary to Para. 90 of NPPF
 - Topography of site would alter and so inappropriate development in Green Belt
 - Bund out of character with current topography
 - Well used public footpath – bund will limit enjoyment of footpath and impact on openness of Green Belt
 - Describing site as “redundant agricultural land” is misleading – attractive tranquil area of countryside, has nature conservation interest, suitable for protected species, replacing with artificial habitat not justification for development
 - Site contributes to character and appearance of Conservation Area, development would have adverse impact on Conservation Area and diminish importance
 - Access and parking for visitors
 - Vehicular access required for future maintenance
 - Safety risk to children, fencing would detract from openness of Green Belt
 - Contractors vehicles – amount of soil that would need to be moved
 - Applicant will be looking for a return on expenditure – case will be made that this is a leisure facility, doubt fishing enthusiasts will want to pay charges that would be made at the lake
 - Lack of detail in application
 - Fish will need oxygenation
 - Buildings must be required e.g. a clubhouse
 - Loss of pleasant view
 - Open space worth preserving in rapidly expanding ‘village’
 - Contrived and out of context
 - Upset ecological balance c
 - Contrary to Policy ESD 16 of Cherwell Local Plan
 - Plenty of fishing opportunities in area, canal and river
 - No natural water river/water source
 - Prone to drought and flooding
 - No overflow facility
 - Oxford clay can dry out and crack losing water holding ability
 - Site has previously experienced flooding
 - Will Thames Water be commenting on requirement to fill lake initially and to top up in drought? How will water be transferred to lake?
 - Lack of detail of buildings for filtration and treatment of water is either naïve or deliberately evasive
 - No immediate supervision of lake – owner has duty of care – fencing required
 - Attraction of vermin; gulls and rats
- Council will need to audit users – how many friends can visit, how often can it be used
- Reference to pre-app advice – different constraints identified
 - Two people to be employed and opening hours, clearly commercial
 - Should be dismissed as a pure folly
 - Mr and Mrs Coles are in business of owning and managing fisheries – web links provided
 - Close proximity to badger setts, will obliterate foraging area
 - Applicant doesn’t live in Kidlington
 - Dwelling clearly intended for conversion to flats
 - River and canal can be used for fishing
 - Dangerous precedent
 - Impossible to control private use

- Adverse impact on Council's Green Infrastructure Network, contrary to Policy ESD18
- Adverse impact on Local Landscape Character and Habitats, contrary to Policy ESD13
- Environmental Impact Assessment required
- Dredging will be required
- It will be difficult to resist further development
- In response to reduced height of bund to 50cm, Landscape Officer now considers acceptable after saying in pre-app advice that it would change landform detrimentally.
- Even if no bund, dense hedge is proposed affecting openness of Green Belt and enjoyment of footpath
- Banks around lake will have much greater impact than bund 0 water level 1.3 metres below
- Banks around lake would be almost 1 metre high affecting openness of Green Belt
- Very artificial looking construction
- Views of the lake would be dominated by the bunds
- Public access, amenity and ability to roam fields has been a right for at least 30 years. Development will curtail access and visual amenity
- Public Right of Way is heavily used and part of Kidlington Circular Walk
- No detail of feasibility of construction
- Lake not at foot of hill, leaking if clay lining fails, repairs need drainage of lake as no outflow channel, water table is low, depth is likely to be no more than 2 metres
- No full geological survey has been commissioned, no results of test holes
- Borehole details submitted is many years old
- No clarity on number of angling stations proposed, could 15 – 30 fishers (guests) be hosted at any one time?
- No justification for development here

3. Consultations

3.1 Kidlington Parish Council - Object to the application for several reasons:

1. The detriment to existing landscape and accumulation of material will affect the openness of the area and the adjoining Green Belt.
2. This application covers part of Flood Zones 2 and 3 and no proper flood risk assessment has been completed with this application.

The proposed development is also contrary to the following Policies of the Cherwell Local Plan:

1. Policy GB2(ii) as the proposed fishing lake would have a detrimental impact upon the rural landscape with a substantial change in the character of the area.
2. Policy C1 as it will also change the character of the area altering the balance for animal habitats and biodiversity in the area.
3. Policy C4 as existing habitats will be threatened by the development of the fishing lake.
4. Policy C7 as the provision of a fishing lake in this location presents a substantial alteration to the topography of the area and the landscape setting of this part of Kidlington.

Should this application be granted KPC wishes to request that a Traffic Management Scheme for the initial works of the lake is included as part of the conditions of granting planning permission.

Cherwell District Council Consultees

- 3.2 **Ecology Officer:** I do not have any objections to the proposals on ecological grounds. As long as the recommendations and enhancements stated within the ecological report are carried out

there is likely to be an overall gain for biodiversity on site. I could not see plans for access etc.. on site and am assuming there will not be a need for vehicles to access the site once construction is complete? If this is not the case this needs to be addressed as cars parking on site or track construction will have its own impacts.

With reference to the badgers in close proximity to the site, the Ecology Officer considers that the development will not impact upon the existing sett, and badgers can continue to use the site long-term.

- 3.3 **Landscape Officer:** No objection in principle. The existing developing scrub, particularly to the site boundaries and the hedgerow to the north provide visual mitigation, wildlife habitat and amenity to local residents and users of the PRoW. Therefore this vegetation should be protected and retained. A hedgerow and scrub survey is required to ensure that a 'contractor's plant exclusion zone' is considered and drawn on a set of landscape proposals. The scrub in the southern area is worthy of retention. Temporary fencing is required. The other concern is the height and gradient of the mound aligning itself with the PRoW. This may be too oppressive an un-natural looking for users of the PRoW. I would prefer to the excess subsoil sans topsoil graded sensitively into the site but avoiding root protection zones. Some low mounding will be appropriate for the applicant's privacy from users of the PRoW. In order to protect offsite vegetation from damage on the western boundary I would prefer to see the outline an position of the lake revise to allow for a new hedgerow with trees on the boundary. Standard landscape and hedgerow retention conditions are required.

Additional comments received 06 July 2015

- 3.4 I wish to express a concern regarding the level of detail to mitigate potential flooding to adjacent residents properties/gardens in the event of an extreme sustained downpour. There appears to be no evidence of how overflowing and fish-polluted water could be dealt with so close to resident's properties. In this case the EA must consider the implications of flooding and provide a response on mitigation measures. A drainage engineer/hydrologist should be employed by the applicant to consider the implications of flood risk to residents properties and any mitigation necessary to ensure adequate protection. Overflow and water filtration systems may have to be considered and before the water overflows into adjacent watercourses. It is important to consider an accurate level survey between adjacent properties and the application site. With ground should not accommodate heavy plant during wet weather as this will increase compaction and make the surface impermeable where rain/water run-off will be increased. A bund between the edge of the lake and the property boundaries could be built from the excavated material the excavation of the lake; top soiled and planted with native shrubs. In order to allow enough space to achieve this the lake should be positioned further away from the boundaries. Also the puddled clay bank could dry out and crack due to dry periods allow the lake the leak through its banks when levels increase. Again a drainage engineer will be able to advise. The soils bund along the public right of way is an unnatural feature in low lying land and would contribute to an oppressive experience for PRoW users. I recommend that a small amount the sub-soil and topsoil from the lake is used to create low mounding in the areas between the lake and the ownership boundary. The rest of the spoil should be taken off site to a recognised tip because if all of it is used on site the mounding will be too high and will become a harmful landscape/visual impact in this landscape.

In response to suggestion of reducing bund height to 50cm:

- 3.5 A 50 cm high bund is acceptable. As for spreading the material around the site I would ask them to strip topsoil off whilst retaining and protecting topsoil ground levels in Root Protection Areas to retained structural vegetation (scrub and trees), and separate topsoil form subsoil. Then sub soil can be laid on subsoil surface once lake is constructed, with the topsoil laid, graded, cultivated, seeded/planted on top. This is to prevent the burial/mixing of topsoil which is a valuable and diminishing resource.
- 3.6 **Conservation Officer:** no comments received at time of writing.

Oxfordshire County Council Consultees

- 3.4 **Archaeology:** no archaeological constraints to the scheme.
- 3.5 **Rights of Way:** no comments received at time of writing.
- 3.6 **Drainage:** no comments received at time of writing.
- 3.7 **Highway Authority:** no objection subject to conditions requiring the use to remain private and the access to be taken from Webbs Way only.
- 3.8 **Minerals and Waste:** Published BGS mapping shows the application site to be within an area of sand and gravel deposits within the valley of the River Cherwell, and this is confirmed by the reference in the application planning statement to gravel subsoil (paragraph 3.2.14). These sand and gravel deposits are generally thin and of poor quality and are not considered to be of potential commercial significance sufficient to justify their safeguarding from other development. The proposed development involves the extraction of sand and gravel in order to create a fishing lake, but this excavated material is to be retained on site (application planning statement, paragraph 3.2.1). Likewise, construction of the lake is proposed to be carried out using material (clay) excavated on-site (application planning statement, paragraph 3.2.1). Provided this is this case, the development does not involve either mineral working or waste disposal. To ensure this is so, in the event that permission is granted, conditions should be imposed requiring that no excavated material be removed from the site and that no material for construction of the lake be brought onto the site. Subject to these conditions, the County Council as Mineral and Waste Planning Authority has no objection to this planning application.

Other Consultees

- 3.9 **Environment Agency:** We have assessed this application as having a low environmental risk and we have no objection to the above proposal. The proposed area is not in Flood Zone 2 or 3 and so there will be no increase in flood risk arising from the development. We note that the proposals include creation of wildlife habitats and other enhancements, including ponds and scrapes across the site.
- 3.10 **Thames Water:** The application does not affect Thames Water and as such we have no comments to make.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011-2031 Part 1:

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015.

The Plan was the subject of an independent examination conducted by an Inspector appointed by the Secretary of State. The Inspector's report was published on 12th June 2015 and the recommended main modifications required to make the Plan sound have been included in the adopted plan.

The Plan provides the strategic planning policy framework and sets out strategic site allocations for the District to 2031. Now adopted, the Plan forms part of the statutory development plan and provides the basis for decisions on land use planning affecting Cherwell District.

The Local Plan 2011-2031 – Part 1 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. Those saved policies of the 1996 adopted Cherwell Local Plan which are retained remain part of the development plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Local Plan and its associated documents are available on the Council's website: www.cherwell.gov.uk

PSD 1: Presumption in favour of sustainable development
ESD 6: Sustainable flood risk management
ESD 10: Protection and enhancement of biodiversity and the natural environment
ESD 13: Local landscape protection and enhancement
ESD 14: Oxford Green Belt
ESD 15: The character of the built and historic environment
ESD 17: Green infrastructure

Cherwell Local Plan 1996

GB2: Outdoor recreation in the Green Belt
C8: Sporadic development in the open countryside
C23: Retention of features contributing to character or appearance of a Conservation Area
C28: Layout, design and external appearance of new development
C31: Compatibility of proposals in residential area
ENV1: Development likely to cause detrimental levels of pollution

4.2 **Other Material Policy and Guidance**

Planning Practice Guidance

National Planning Policy Framework

5. **Appraisal**

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle of the development in the Green Belt
- Visual amenity including Conservation Area
- Highway safety
- Residential amenity
- Ecology
- Flood risk

Relevant planning history

5.2 Relevant planning history includes applications 13/00525/OUT and 15/00029/REM that gained planning permission for the erection of a dwelling adjacent to 15 Webbs

Way, Kidlington. An access to the site was approved at part of this application, to be surfaced with paving and reinforced grass.

Principle of the Development in the Green Belt

- 5.3 Government guidance within the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development; economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependant.
- 5.4 The Government attaches great importance to Green Belts, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. A Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt, exceptions to this include buildings for agricultural and forestry, provision of outdoor sport and recreation facilities, extension or alteration of a building providing it does not result in disproportionate additions, replacement of a building, limited infilling or redevelopment of previously developed sites.
- 5.5 Certain other forms of development are also not inappropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These are mineral extraction, engineering operations, local transport infrastructure demonstrating a requirement for a Green Belt location, re-use of buildings of permanent or substantial construction and development brought forward under a Community Right to Build Order.
- 5.6 Policy ESD 14 of the Cherwell Local Plan 2011 – 2031 states that development within the Green Belt will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities.
- 5.7 Saved Policy GB2 of the Cherwell Local Plan 1996 states that the change of use of land within the Green Belt for outdoor recreation purposes will normally be permitted provided there is no overriding agricultural objections, the visual impact on the rural landscape is not unduly harmful and there is no conflict with other Policies in the Plan. The agricultural land classification of the site is Grades 3 and 4, where 1 is excellent and 5 is poor. The development would not involve the loss of high quality agricultural land. The change of use would not prevent the remainder of the land being used for agricultural purposes, if desired. The visual impact of the development is assessed later in the report.
- 5.8 Whilst the proposed lake would be for private use, it would be for the purposes of outdoor sport and would not, therefore, represent inappropriate development in the Green Belt. The development would also constitute an engineering operation, which is also not inappropriate development in the Green Belt provided it does not conflict with the purposes of including land in the Green Belt.
- 5.9 The development would involve the creation of bund alongside the public footpath using the excavated material from the lake. The original scheme included a bund reaching a height of 1 metre, although this has now been reduced to 50cm after concerns regarding its appearance were raised with the Agent.
- 5.10 Whilst the creation of a bund is undesirable, Oxfordshire County Council Minerals and Waste have requested that the material is retained on the site. The applicant clearly desires privacy from the public footpath and, considering that a 2 metre tall wall or

close boarded fence, or dense landscaping, could be installed along the length of the boundary without the need for planning permission, on balance, a sympathetic and controlled (via condition) landscaped bund is a preferred solution.

- 5.11 The remaining material would be spread around the lake in order to create a further bund and prevent overflow when experiencing heavy rainfall. The flood risk assessment received with the application states that this will reach a height of approximately 80cm. It is considered that a bund of this height would only be acceptable if it were to appear as a natural feature. A plan of the bund is awaited and an update will be provided at the Committee Meeting.
- 5.12 Therefore, subject to the satisfactory appearance of the lake bund it is considered that the proposal represents appropriate development within the Green Belt, that will not conflict with the purpose of including land within the Green Belt, in accordance with Government guidance contained within the NPPF, saved Policy GB2 of the Cherwell Local Plan 1996 and saved Policy ESD 14 of the Cherwell Local Plan 2011-2031.

Visual Amenity including Conservation Area

- 5.12 Government guidance contained within the NPPF attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.13 Policy ESD 13 of the Cherwell Local Plan 2011-2031 requires development to respect and enhance local landscape character. Policy ESD 15 states that successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential. Policy ESD 17 seeks to maintain and enhance the District's green infrastructure network, including rights of way.
- 5.14 Saved Policy C8 of the adopted Cherwell Local Plan 1996 seeks to resist sporadic development in the open countryside. Saved Policy C23 seeks to retain features that make a positive contribution to the character and appearance of a Conservation Area. Policy C28 of the adopted Cherwell Local Plan 1996 seeks development that is sympathetic to its context.
- 5.15 Whilst the proposed lake would clearly represent an alteration to this existing agricultural land, although subject to the natural appearance of the surrounding bund, and given its irregular form, it is not considered that it would represent an overly artificial or prominent feature of the area. The development would be sympathetic to its rural context.
- 5.16 The land is included within the Kidlington Church Street Conservation Area and forms part of the Church Fields character area. It is described as a large expanse of fields used as paddocks for grazing horses, having a relationship with the open land

beyond the Conservation Area boundary.

- 5.17 It is considered that the lake itself would continue to maintain the openness of the area, and that the surrounding bund, provided that it is natural in appearance, would blend into the landscape rather than detracting from its open and rural character.
- 5.18 The bund running alongside the public footpath would be clearly visible from the public domain. A well landscaped 50cm bund alongside the footpath would, in Officer's opinion, appear as a dense hedgerow that would blend into the existing landscape. In considering that a 2 metre tall form of enclosure could be erected here without the need for planning permission, this is a more favourable solution to both the desire for privacy and the requirement to dispose of excavated material within the site.
- 5.19 Regard must also be paid to the fact that this is an agricultural parcel of land at present that could be ploughed at any point, resulting in the loss of the existing rough grassland.
- 5.20 It is considered that the development would not result in harm to the historic significance of the Conservation Area, or the visual amenities of the locality. The development is sympathetic to its rural context, and would not have a detrimental impact upon the green infrastructure network, in accordance with Government guidance contained within the NPPF and Policies ESD 13, ESD 15 and ESD 17 of the Cherwell Local Plan 2011-2031, and saved Policies GB2, C8, C23 and C28 of the Cherwell Local Plan 1996.

Highway Safety

- 5.21 Government guidance contained within the NPPF requires development to be located and designed to create safe and secure layouts that minimise conflicts between traffic and cyclists or pedestrians.
- 5.22 Oxfordshire County Council Highway Authority have assessed the proposal and do not consider that it would result in harm to highway safety provided that access is taken from Webbs Way, and that the use remains private. The applicant has confirmed that the lake will not be operated as a commercial venture and would be for private use only.
- 5.23 The application form states that there would be two part time employees and opening hours, although the Agent has clarified that this relates to the initial construction of the lake only.
- 5.24 The proposed development is considered to accord with Government guidance contained within the NPPF in terms of sustainable transport.

Residential Amenity

- 5.25 Government guidance contained within the NPPF seeks high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy C31 of the adopted Cherwell Local Plan 1996 states that in existing and proposed residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted.
- 5.26 Following initial disruption from the construction of the lake, the proposed use of the site for fishing is not considered to be incompatible with the nearby residential

dwellings. The Agent has confirmed that no machinery would be required that may result in noise and disturbance, and large numbers of visitors to the site are not anticipated.

- 5.27 The concerns regarding vermin are noted, although it is not considered that this would be over and above what may be experienced as a result of the use of the field for agricultural purposes (e.g. animal feed, ploughing land, sowing of seeds). Whilst people may decide to enter the land following construction of the lake, they can do so at present and Officers do not have reason to believe that this possibility would increase as a result of the construction of the lake.
- 5.28 The land is private and members of the public would not have the right to access the facility. However, if safety fencing is considered necessary by the owner of the lake in future, then it is likely that this would constitute permitted development, as would any fence that may be erected upon the land at present.
- 5.29 Concern has been raised with regard to the future intentions for the lake, given that a Mr and Mrs Coles run a commercial fishing lake in Kent, although the applicant has confirmed that they are not the owners of the lake in Kent, as has been suggested.
- 5.30 The proposal is considered to accord with Government guidance contained within the NPPF in terms of amenity, and saved Policy C31 of the Cherwell Local Plan 1996.

Ecology

- 5.31 Government guidance contained within the NPPF states that the planning system should contribute to, and enhance, the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity. Policy ESD 10 of the Cherwell Local Plan seeks to protect and enhance biodiversity and the natural environment. In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources.
- 5.32 The Ecology Officer has assessed the proposal and considers that there is likely to be an overall biodiversity gain on the site, provided the recommendations and enhancements set out in the ecological report accompanying the application are carried out.
- 5.33 Concern has been raised as a result of public consultation as to the impact of the development upon protected species, including badgers, although the Ecology Officer does not consider that either they, or their habitat, would be detrimentally affected by the development.
- 5.34 It is considered that the proposal accords with Government guidance contained within the NPPF and Policy ESD 10 of the Cherwell Local Plan 2011-2031 in terms of the natural environment and biodiversity protection and enhancement.

Flood Risk

- 5.35 Government guidance contained within the NPPF states that in determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Policy ESD 6 requires development to be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.

- 5.36 The site is not within Flood Zone 2 or 3 and the Environment Agency have raised no objection to the proposal. However, the area is known to experience flooding as a result of groundwater, rather than fluvial flooding.
- 5.37 A flood risk assessment accompanies the application and explains that a mound of approximately 80cm would surround the lake in order to prevent overflow and flooding elsewhere. If groundwater levels were to rise the topography of the land means that water would flow to the east, away from the development and towards the watercourse.
- 5.38 Comments from a Drainage Engineer are awaited and an update will be provided at the Committee meeting on this matter.

Engagement

- 5.39 With regard to the duty set out in paragraphs 186 and 187 of the Framework, a number of queries and issues have been raised with the Agent and amended plans and additional information has been accepted. It is considered that the duty to be positive and proactive has been discharged through discussion with the applicant on site.

Conclusion

- 5.40 Subject to the satisfactory appearance of the proposed lake bund and flood prevention measures, the proposed development is considered appropriate within the Green Belt that would not conflict with the purpose of including land within it. The development would not result in harm to the open character of the landscape and Conservation Area, the visual amenities of the locality or the amenity currently enjoyed by nearby residential dwellings. The development would result in a biodiversity gain that would not harm protected species or their habitat, and would not increase the risk of flooding elsewhere, in accordance with Government guidance contained within the NPPF, Policies PSD 1, ESD6, ESD10, ESD 13, ESD 14, ESD 15 of the Cherwell Local Plan 2011-2031, ESD 17 and saved Policies GB2, C8, C23, C28, C31 and ENV1 of the Cherwell Local Plan 1996.

6. Recommendation

Subject to the satisfactory appearance of the lake bund, **approve**, for the following reason:

- 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, Planning Statement dated 28 May 2015, Drawing No's. GPP-CC-K-15-02, W14-043-001 Rev. P1 Pond Construction, Pond Construction (Cross Sections), Pond Construction (Long Sections), GPP/CC/K/15/04 Rev. No. 1 received 02 July 2015

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

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

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

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

(c) details of the deposited material excavated to create the lake, including the bunds,

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

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

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

5. The development hereby approved shall be carried out strictly in accordance with the recommendations and enhancement measures set out in Section 5 of the Extended Phase 1 Habitat Survey submitted with the application, which was prepared by Lockhart Garratt dated May 2015.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD 10 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. No excavated material shall be removed from the site.

Reason – In order to reduce the amount of waste requiring disposal in accordance with Government guidance contained within the National Planning Policy For Waste.

7. Access to the site shall be taken via Webbs Way only.

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

8. The fishing lake and land hereby permitted shall be used for private use only and no commercial use, including any trade, industry, business or other use whatsoever.

Reason – In the interests of highway safety, in order to maintain the character of the

area and safeguard the amenities of the occupants of the nearby dwellings in accordance with Policies C28 and C31 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

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 discussions have been undertaken to secure amendments to ensure that an appropriate form of development has been arrived at.

CONTACT OFFICER: Gemma Magnuson TELEPHONE NO: 01295 221827

Agenda Item 17

15/01023/F

74 And 76 Banbury Road
Kidlington
OX5 2BU

Playground

EI
Sub Sta

65.8m

65.1m

64.5m


NORTH

Scale 1:1,000

Page 168

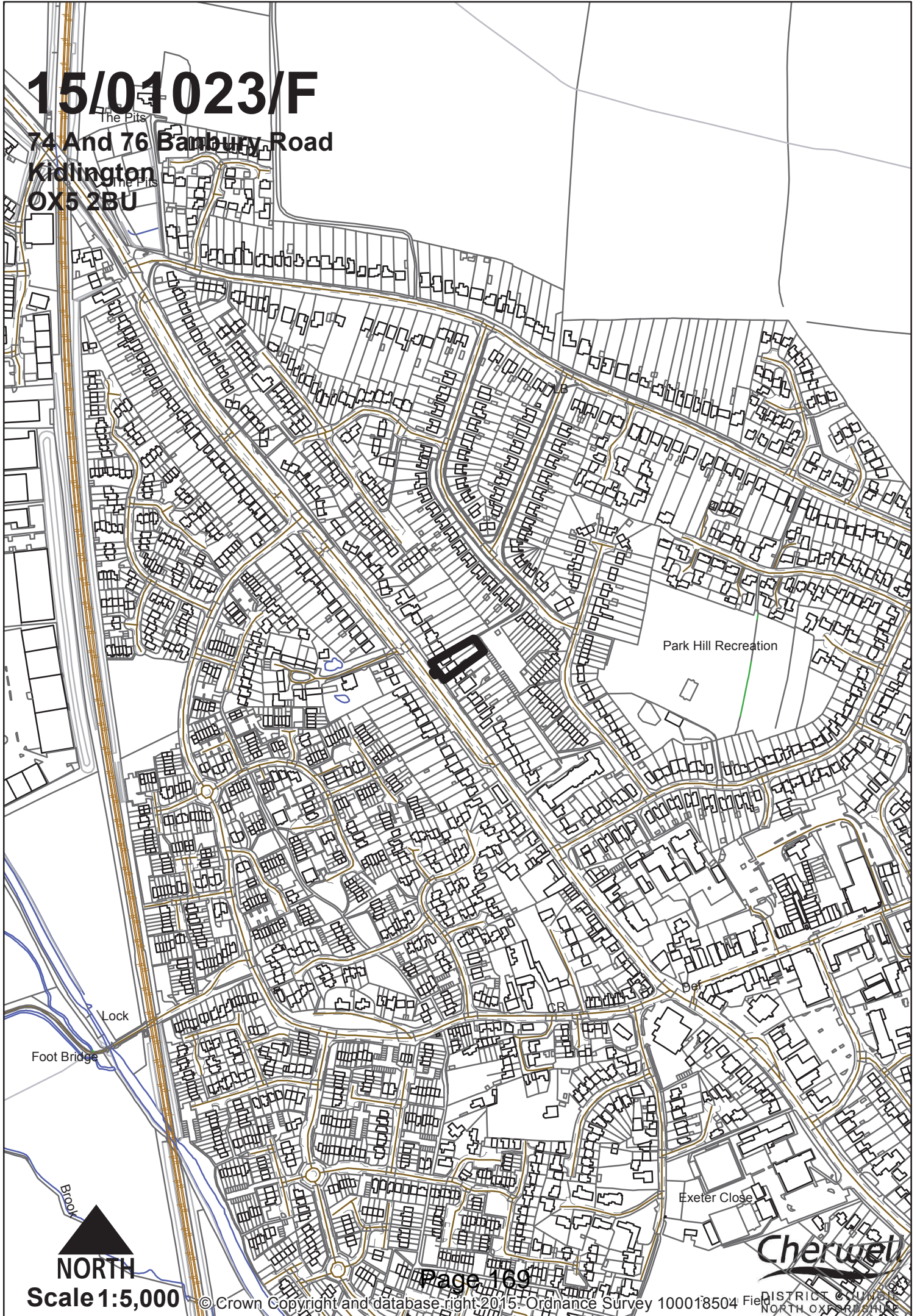
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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

15/01023/F

The Pits
74 And 76 **Banbury Road**
Kidlington
OX5 2BU



Park Hill Recreation

Lock

Foot Bridge

Brook

Exeter Close

Cherwell

74 – 76 Banbury Road, Kidlington 15/01023/F

Ward: Kidlington South

District Councillor: Billington, Griffiths
and Prestidge

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Mr Ian Ashcroft

Application Description: Demolition of two bungalows and erection of building to form 8 No. apartments and associated works including hardstanding and bin enclosure

Committee Referral: Member referral

Committee Date: 6 August 2015

1. Site Description and Proposed Development

- 1.1 The site incorporates two adjacent dwelling plots, occupied by modest sized bungalows. Both are rendered properties set below tiled hip roofs. The properties have been enlarged through side and rear extensions. Parking for both properties is provided to the front, with private amenity space at the rear. The land included within the application site extends to 0.11 ha and includes a number of trees and hedgerows.
- 1.2 This part of Banbury Road consists largely of 1, 1.5 and 2 storey properties. The style of these dwellings varies, but typically they incorporate render and/or brick facades set below hipped, tiled roofs. Constructed post-war, there has been some redevelopment in recent decades. This includes number 70 with a two storey building plus accommodation within the roof to create six 2 bedroom apartments.
- 1.3 Number 72 adjoins the site to the south and is a detached chalet bungalow. To the north there is a narrow public footpath, with number 78 beyond. This is a two storey house. To the rear (north-east) is a garage complex, accessed off Marlborough Avenue.
- 1.4 This application seeks to demolish the existing bungalows on site and replace them with a single structure containing eight 2 bedroom flats. These will be provided across three floors, with the uppermost floor set within the roofspace. The new building is designed in a T-shape, with a central rear projection. The front element is 16.7 metres wide and a maximum of 10.8 metres deep. The rear element incorporates two stepped rear lines, with widths of 7.1 and 9.6 metres and a depth of 7.7 metres. The maximum depth of the building is therefore 18.6 metres.
- 1.5 The building will be constructed from brick with render elements on the side and rear elevations. The eaves are set at 5.1 metres and the ridge at 7.9 metres. The building has a mansard roof, with dormer windows facing front and back. Small flat roof sections are present over part of the rear projection.
- 1.6 The land adjacent to the highway will provide 8 parking spaces, along with incidental soft landscaping. Along the southern side of the new building, a bin store and secure cycle store will be provided. To the rear, private amenity

spaces for the three ground floor units will be provided, along with a shared area for the remaining flats.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment is 06 August 2015.

Two objection letters have been received to date. Any additional correspondence will be presented as part of the 'late items'. The following issues have been raised:-

Material planning comments:

Loss of Amenity to neighbouring residents: outlook and sunlight
Out of character: Scale, excessive depth,
Highway Safety due to under-provision of parking

Non-material comments:

No planning notice erected (subsequently one has been posted)
Flats being aimed at commuters not locals
Concern over future proposals for development on rear part of site
Concern over loss of bungalows, a much needed dwelling type

3. Consultations

- 3.1 **Kidlington Parish Council:** No objection

Cherwell District Council Consultees

- 3.2 **Private Sector Housing:** The position of windows in the corners of the bedrooms of the rear flat isn't ideal. Especially as these are very narrow due to the design of the rear part of the building.

- 3.3 **Ecology:** The proposals for demolition have some potential to impact protected species however I do not think there is a higher than average likelihood of the bungalows supporting bats due to their location. I would however recommend the attachment of an informative on bats so the applicant is aware of what to do should any be discovered during works. If the applicant suspects bats to be present they should contact the ecology team.

Recommend attach condition PN25 Bats.

Oxfordshire County Council Consultees

- 3.4 **Highways Liaison Officer:** Response awaited

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 2011-2031 Part 1

The following policies are considered to be relevant:-

PSD 1	Sustainable development
BSC 2	Effective and efficient use of land
ESD 1	Mitigating and adapting to climate change
Villages 1	Village Categorisation
Villages 2	Distributing growth across the rural areas

Adopted Cherwell Local Plan 1996 (Saved Policies)

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

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

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:-

H1a	Location of new housing
TR5	Road safety
TR11	Parking
Appendix B	Parking standards

Planning and Design Guidance: Sub Division of Buildings for Residential Use (February 2011)

5. Appraisal

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

- Relevant Planning History
- Principle of Development
- Layout
- Scale and Design

- Residential Amenity
- Highway and Parking

Relevant Planning History

- 5.2 These is no planning history of relevance to the application site, but the following other planning application on a nearby site is relevant to this proposal:-
- 70 Banbury Road, Kidlington – 05/01775/F
Demolition of dwelling and the erection of one building comprising 6 No. residential flats. Conditional Approval 21 November 2005.

Principle of Development

- 5.3 The site is located within Kidlington, a sustainable location where minor development is considered acceptable. Provision of additional dwellings in this location is therefore supported by sustainable location policies, subject to compliance with other detailed policies.
- 5.4 In terms of the sub-division or combination of housing plots, neither the Cherwell Local Plan 2011-2031 Part 1 nor the Local Plan 1996 have policies these matters. An assessment needs to therefore be made in respect of the individual aspects that such a proposal may bring, in respect of impact on neighbouring amenity, the wider area and highways/parking.
- 5.5 The application site incorporates 1090 sq m, offering a reasonably large plot for two modest sized properties. The area incorporates various plot sizes, reflecting in part the alignment of the highways and redevelopment opportunities that have come forward already. Intensification of sites has previously been considered acceptable, as noted in the planning history section above. The replacement of two dwellings with flats is therefore considered acceptable in principle and in accordance with Policy PSD 1 of the Adopted Cherwell Local Plan 2031 Part 1, Policies H1a and H15 of the Cherwell Non-Statutory Local Plan and the Framework.

Layout

- 5.6 The proposal seeks to reposition the front elevation of the new building slightly behind that of the current bungalows. This part of Banbury Road incorporates a staggered building line and thus the minor realignment at numbers 74 – 76 will not undermine the wider street scene.
- 5.7 The layout for the site provides vehicle parking between the building and highway, with the land to the side reserved for bin storage and a secure cycle store. Amenity space is provided to the rear. This offers an overall layout that is akin to the character of the area and protects the quiet environment to the rear of properties along this street.
- 5.8 The parking forecourt will not create a hardstanding area that is out of scale with those already present along the street, but limited opportunities for planting to provide screening to the parking will occur. The retention of the front

- hedgerow to number 76 and scope to provide tree and other planting along the side of the plot will allow sufficient softening to ensure appropriate integration into the street scene.
- 5.9 There are a number of trees within the rear gardens, along with a hedge demarking the northern side boundary to number 76. It is unclear from the plans whether these species will be retained. Although they are not of particular quality, their established form provides a positive interaction with the character of the area. Their retention, or replacement with new vegetation, could be secured via condition, seeking a landscaping scheme to any approval.
- 5.10 The site layout is therefore considered acceptable, with the level of parking provision and impact upon neighbouring residential amenity considered under separate headings below.
- 5.11 The proposed internal layout will provide suitably sized units and individual room sizes to provide functional units. A coherent arrangement is provided for access to all units, with a central hallway and staircase enabling access. The windows face over the parking forecourt and associated amenity areas, generating passive surveillance for these areas. There is concern over the direct viewing of the garden from unit 2 from one bedroom window in unit 3, but reconfiguration of the amenity spaces could easily resolve this issue.
- 5.12 Concern has been raised by the Private Housing Officer in respect of the rear facing windows to the bedrooms in units 3 and 6. These provide narrow windows at the ends of these bedrooms, which do not offer a particularly good level of light into these rooms. This position is reinforced for the windows located to the north of the projecting rear section. With the building form currently proposed, it is not possible to rectify this issue and as such the internal layout is considered to contravene Policy C30 of the Adopted Cherwell Local Plan 1996.

Scale and Design

- 5.13 Design of buildings should not be prescribed by the Council, but it is recognised that any development should be of high quality and respect its location appropriately. The immediate context to the application site is one of traditional 1 and 2 storey hipped roof properties, which are mostly rendered. Fronting onto a straight section of highway, it is within this context that the proposed frontage building will be viewed.
- 5.14 The existing bungalows are both 5.8 metres high and 8.5 metres wide. The replacement building provides a single structure 16.5 metres wide and 7.9 metres high. The depth is also notably increased, with the largest element 18.8 metres. The scale of the building, due to its form is therefore significantly increased compared to the current buildings. The proposed building is set away from both boundaries and will act as part of the stepped ridgelines along the street, with number 78 placed higher and 72 lower. Its overall height could therefore be considered acceptable, but the mass of the building, emphasised by its excessive depth and inclusion of a mansard roof generates a building that is not in keeping with the scale of buildings generally in the area. The projection of the building above that of number 72 and the provision of a public

alleyway between the site and number 76 also means that the side elevations will also be particularly visible in the street scene. The stepped approach to the rear section does little to reduce the impact from these views.

- 5.15 It is acknowledged that there is a larger building containing 6 flats that has been constructed in recent years to the south (number 70). This building is still notably shorter in length and width than the current proposal (3.3 metres deeper and 5.0 metres wider). Although the current proposal is 0.5 metres shorter than number 70, the additional footprint of the building and the mansard roof proposed (compared to a hipped roof with central crown at number 70) offers a structure that is notably larger in bulk. This results in a materially different scale of building.
- 5.16 The design of the proposed building seeks a classical appearance. This provides a brick and tile structure, with regular window arrangements and contrasting reconstituted stone lintels and cills. The provision of dormer windows in the front and rear elevation continues this style of building, but the dormers have not been sufficiently reduced in height to offer the typical subservient feel to the loft level accommodation. Some of the windows have also been mis-aligned which reduces the rhythm of the front and rear façade. The forward projection of part of the building also generates an uncharacteristic element. Insufficient detailing is provided to highlight this as a notable feature over the remainder of the front elevation, and as such its inclusion is considered to be to the detriment of the façade.
- 5.17 The rear elevation, with the flashes of render in the intermediate stepped arrangement offers a welcomed softening to the palate, which reduces the apparent mass of the building from this direction. The incorporation of small flat roof elements does not appear at odds, since they integrate appropriately with the eaves level of the rest of the building.
- 5.18 The side elevations offer relatively bland flank elevations, reflecting in part the juxtaposition of adjoining properties and the need to protect amenity. However, the limited detail to brickwork and lack of other features does not assist in breaking down the overall mass of the building, which results due to its excessive depth.
- 5.19 The overall concept for design is therefore considered acceptable, but particular features of the design and the overall scale results in the development being considered contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan 1996.

Residential Amenity

- 5.20 The development has the potential to impact upon the adjoining properties, 72 and 78 Banbury Road. To the rear of the site is a garage complex and thus no impact upon the relationship will occur to these units.
- 5.21 Number 72 is located to the south of the application site and thus the impact upon light will not be a particular issue. However, this property is a modest dormer bungalow that is already overshadowed by the much larger building at number 70. Provision of an even larger structure at number 74/76 would result

- in an overbearing relationship to this property. Although the proposed building is set away from the boundary, it is not considered sufficient to overcome this sense of enclosure from the garden of number 72.
- 5.22 The application site currently incorporates bungalows on site. This prevents any overlooking of the garden of number 72 from this property, but views are already possible from the upper floors of number 70. The perceived overlooking of the private amenity space will therefore be increased for number 72, but there will be no direct loss of privacy to this unit. All proposed habitable room windows are either in the front or rear elevations, offering only oblique views over its garden.
- 5.23 Number 78 is located to the north of the application site, with a narrow public footpath between the two sites. Both side boundaries incorporate high hedgerows, approximately 3.5 metres in height. Number 78 has two side facing windows which serve a landing and bathroom. The light to these windows will be affected but this is not considered to be a material consideration as they do not form habitable room windows. The new building is also offset from the front building line and set over 5 metres away, so adequate light will still reach these windows.
- 5.24 The set back of the proposed building results in it projecting around 11 metres beyond the rear building line of number 78. The whole of the building is set off this side boundary, with much of the rear projection set away from the side boundary of number 78 (up to 8 metres). Whilst the boundary hedge will screen the lower part of the building, the top 2 – 3 metres of the building will be clearly visible. The depth of the projection is considered to lead to a sense of an overbearing relationship from the garden of number 78.
- 5.25 The height and position of the new building would also cast additional shadowing over the garden area of number 78. However, the presence of the boundary hedges results in the level of shadowing being limited, such that the arrangement from this perspective is considered acceptable.
- 5.26 The proposal, due to the scale and projection of the building beyond the adjacent dwellings, is considered to have an overbearing impact upon both 72 and 78 Banbury Road, undermining the amenity of these properties. It is therefore considered contrary to Policy C30 of the Adopted Cherwell Local Plan.

Highways

- 5.27 Comments from OCC Highways have not received at the time of writing, and thus consideration of the highway matters are all subject to no contradictory views from this statutory consultee.
- 5.28 The proposal is seeking to replace two access points with a single wider access. A reduction in the number of driveways onto this classified highway should be considered positively. The proposed driveway is located in the centre of the plot and is 4.25 metres wide. This will enable two vehicles to pass, avoiding the need for queuing traffic on the highway. Clear visibility is provided in both directions along Banbury Road, whilst space is provided within the site

to allow vehicles to exit in a forward gear. Highway safety is not considered to be undermined.

- 5.29 For this development of eight units, there is a maximum parking requirement of 16 car parking spaces. Eight spaces are proposed (one per unit), along with secure cycle parking to the side. Given the sustainable location of the site, the level of parking proposed is considered acceptable.
- 5.30 Parking and highways are therefore considered acceptable and in accordance with Policies TR5 and TR11 and Appendix B of the Non-Statutory Cherwell Local Plan, subject to no technical objection being raised by OCC Highways.

Consultation with Applicant

- 5.31 The concerns in respect of this planning application have been highlighted to the agent. These cannot be resolved through amendments to the current proposal, and as such the agent has been informed that the proposal would be recommended for refusal if it is not withdrawn.

Conclusion

- 5.32 The proposed development is considered to be excessive in scale and mass, such that it will be overdominant within the street scene. Its design through misaligned features and failure to breakdown the mass sufficiently will result in a harmful addition to the street scene, which should be resisted.
- 5.33 The scale and position of the building will undermine the amenity of the neighbouring properties (72 and 78 Banbury Road) by reason of an overbearing relationship.
- 5.34 The proposal is therefore considered unacceptable and contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan 1996 and the National Planning Policy Framework.

6. Recommendation

Refuse, for the following reasons:-

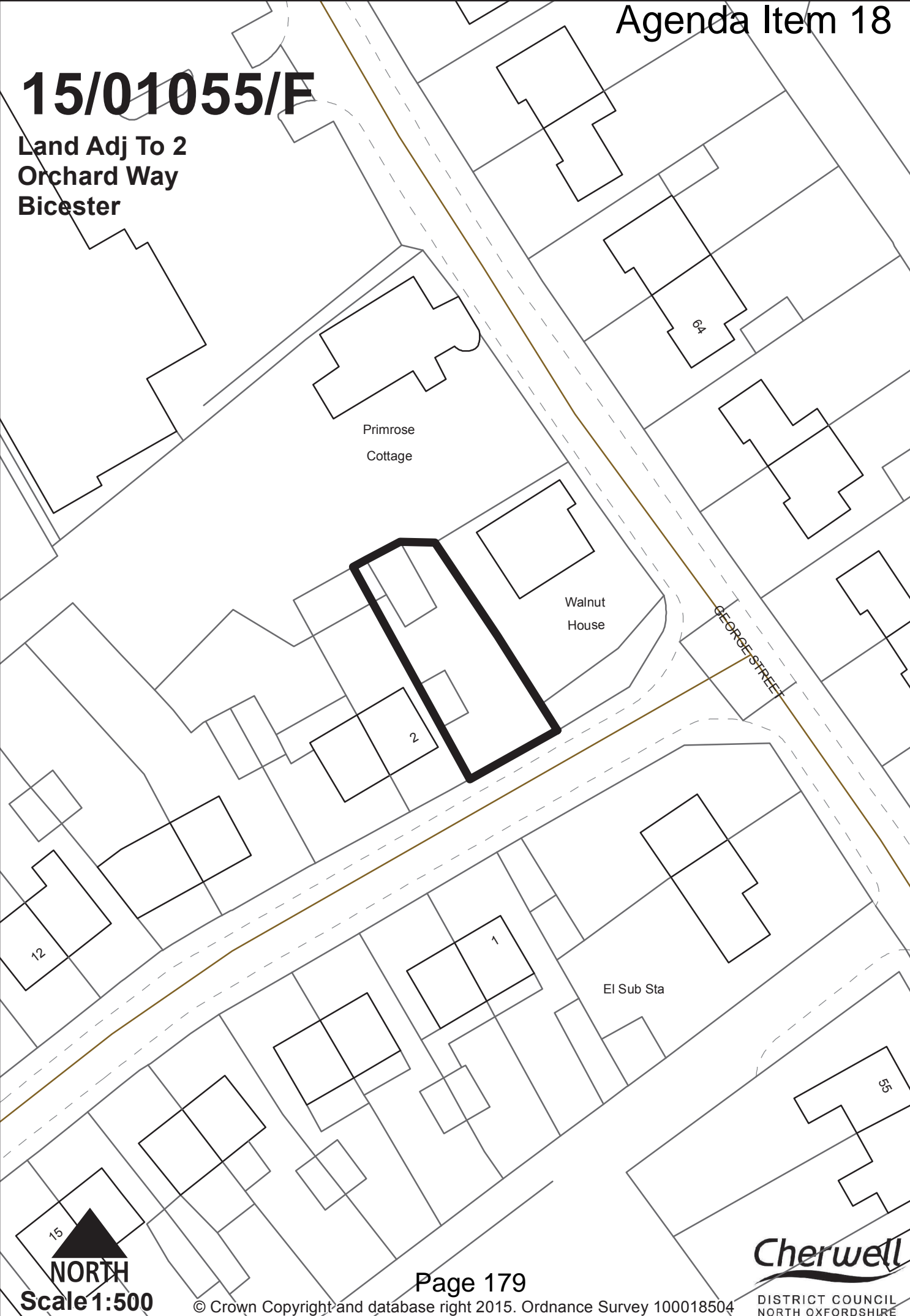
1. The proposed development, due to its design, scale and mass would appear as an incongruous and overdominant structure, to the detriment of the character and appearance of the street scene. The proposal is considered contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan and the National Planning Policy Framework.
2. The proposed development due to its scale and position would lead to a loss of amenity to 72 and 78 Banbury Road due to the creation of an overbearing relationship. The proposal is thereby contrary to Policy C30 of the Adopted Cherwell Local Plan.

Statement of Engagement

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

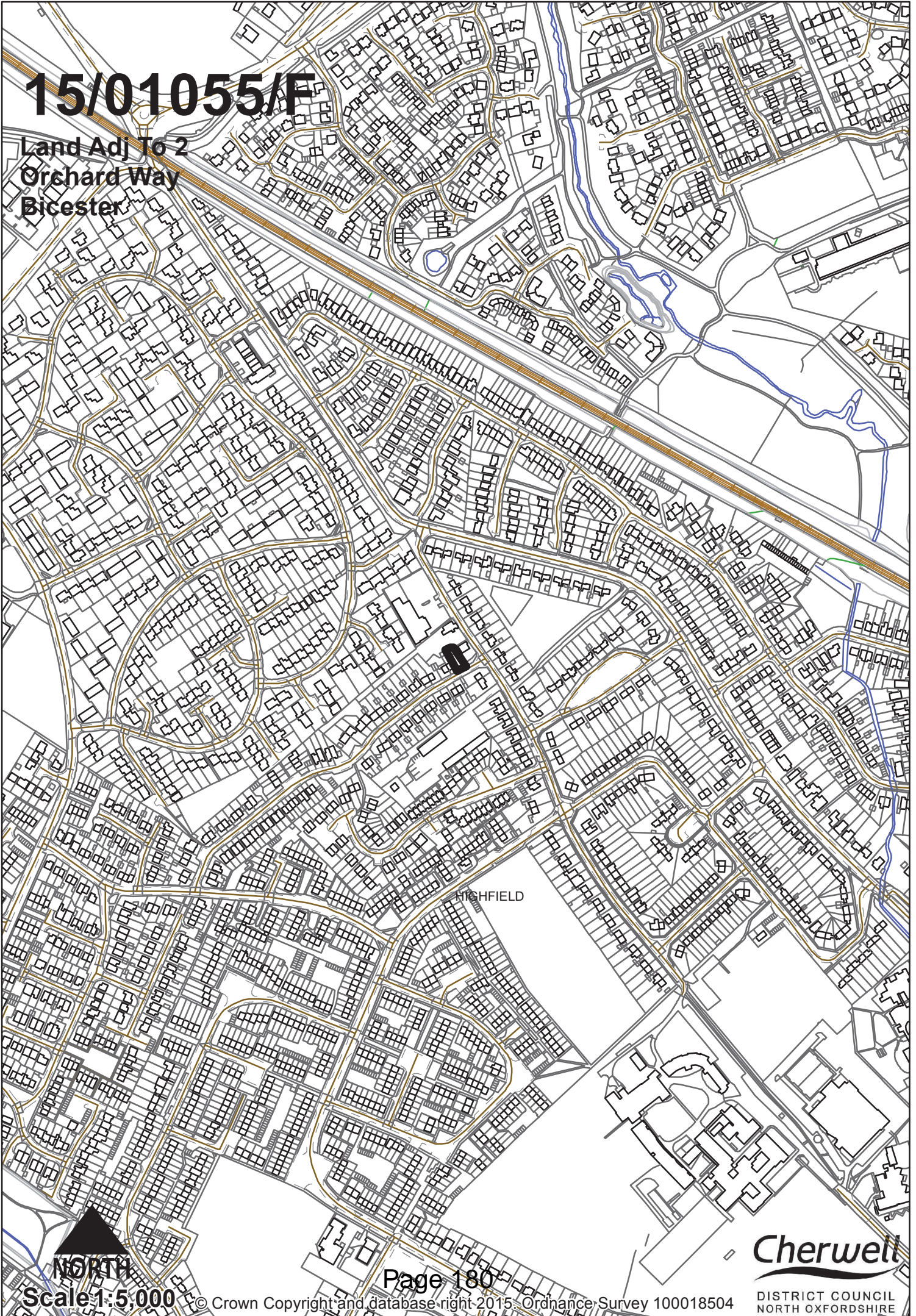
15/01055/F

Land Adj To 2
Orchard Way
Bicester



15/01055/F

Land Adj To 2
Orchard Way
Bicester



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Site Address: Land Adj 2 Orchard Way 15/01055/F
Bicester OX26 2EJ**

Ward: Bicester West

District Councillor: Cllrs Bolster,
Hurle and Sibley

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Mr J Prpa

Application Description: 2 x 2 bedroom semi detached dwellings

1. Site Description and Proposed Development

- 1.1 The application site forms part of the curtilage of number 2 Orchard Drive, with the site being to the side of the main house. The surrounding area is characterised by two-storey, semi-detached residential properties, with 2 Orchard Drive being semi-detached. It is understood that the property has 3 bedrooms.
- 1.2 To the side of the application site is Walnut House, a detached two storey property the front elevation of which is orientated towards George Street. The rear of the site backs on to the rear garden of Primrose Cottage.
- 1.3 Permission is sought for the construction of a pair of two storey semi-detached dwellings located adjacent to 2 Orchard Way. The proposed dwellings would be two storeys in height (7.6m), and would measure a total of 8.9m in width (4.45m each), and approximately 8m in depth. A gap of approximately 1.4m would be provided between the flank elevation of 2 Orchard Way and the proposed building. Similarly, a gap of approximately 1.3m would be provided between the flank elevation of the proposed building and the boundary with Walnut House.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter. The final date for comment was 06 July 2015.

Representations have been received from the occupiers of Walnut House and 1 Orchard Way.

The objections received are summarised as follows:-

Walnut House:

- Loss of light and privacy.
- Out of character with the layout of existing housing.

1 Orchard Way:

- Insufficient parking provided.

3. Consultations

3.1 Bicester Town Council:

Bicester Town Council objects to this application as an overdevelopment of the site. It would appear to be a big development in a very small space.

Consultees

3.2 Contaminated Land:

No representations received

3.3 Housing:

No objections

3.4 Oxfordshire County Council Consultees

Highways:

No representation received

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C28: Layout, design and external appearance of new development

C30: Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Cherwell Local Plan 2011-2031

5. Appraisal

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

- The principle of development
- Visual amenity
- Amenity standards
- Neighbours amenity
- Trees
- Parking provision and highway safety

The principle of development

5.2 The application site lies within the main built up area of Bicester. There is a general presumption in favour of sustainable development as identified within

the NPPF, with Bicester being a sustainable location for development containing a range of services and access to public transport.

- 5.3 Whilst residential gardens are no longer considered to be brownfield land, the development of land within the main built up area is in principle acceptable and potentially reduces the need to allow development on land beyond town and village confines.
- 5.4 However, a site falling within the built-up area does not lead to an automatic presumption that it can be developed. In this circumstance, whilst the site would represent an infill plot, regard still has to be had to the wider impacts of the development in terms of impact on the character of the area, neighbouring amenity and parking.

Visual Amenity

- 5.5 The proposed dwellings would be constructed adjacent to the existing pair of semi-detached dwellings (2 and 4 Orchard Way). Together they would have a gabled roof and each property would feature a modest front projecting canopy.
- 5.6 The predominant character of surrounding development comprises semi-detached two storey dwellings set on spacious rectangular plots. In general spacing between properties is generous giving the locality an open character.
- 5.7 Policy C28 of the Local Plan states '*control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development*'.
- 5.8 Further, Policy C30 states '*design control will be exercised to ensure that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity*'.
- 5.9 The flank elevation of 2 Orchard Way currently stands approximately 11m from the common boundary with Walnut House, and therefore the existing situation contributes positively to the spacious character of the locality. The proposed development would infill this gap; reducing it from 11m to just 1.3m (when viewed from the street). While a gap of 1.4m would also be provided between the flank elevation of the proposed building and the side elevation of 2 Orchard Way, the proposed development would appear adversely cramped and tight and therefore would fail to be commensurate with the wider pattern of more spacious development in the surrounding local area; contrary to Policy C30 of the Local Plan.
- 5.10 In general, semi-detached plots on Orchard Way measure approximately 14m in width (7m per individual plot), and gaps of approximately 4m are retained between pairs of buildings. While side extensions have been constructed at a number of surrounding properties in general the spacious character of the street has been maintained. The width of the proposed plot (approximately 11.5m) would be smaller than the overriding width of existing plots on the street, and similarly the gaps retained either side of the new development

would be less than the majority of those on the road. Consequently, both the size of the plot and width of the gaps retained either side of the development would exacerbate the cramped nature of the proposal and would upset the general pattern and layout of existing development to the detriment of the visual amenity of the local area.

- 5.11 It is important to note the prominent nature of the existing site located close to the corner of Orchard Way and George Street. Currently, the gap retained between 2 Orchard Way and Walnut House provides an open and spacious approach to the road which contributes positively to the visual amenity and character of the locality. The proposed development would upset this, and while the proposed building would be set back from the front elevation of numbers 2 and 4, the set back location would actually upset the rhythm and layout of housing on this corner, and would intensify the inappropriate nature of the development. Consequently, the development would appear incongruous and contrived in terms of both siting and position in relation to neighbouring buildings.
- 5.12 The development would also result in the creation of an extended area of hardstanding to accommodate a total of three parked vehicles. This would result in the loss of existing soft landscaping (boundary hedge) and would result in the site frontage being dominated by hardstanding and parked cars. This, as well as the adverse layout and cramped nature of the proposal would impact adversely on the visual amenity and character of the existing site and wider street scene.
- 5.13 In isolation, the proposed design and character of the dwellings would respect the design of existing housing in the area. The dwellings would have an appropriate gable roof, and the front canopies and front facing openings would provide sufficient interest and relief. Similarly the proposed materials would be in-keeping with varied palette in the surrounding area.
- 5.14 To conclude, the proposed development is considered to be unacceptable on the grounds of visual amenity and layout and therefore fails to comply with Policies C28 and C30 of the Local Plan.

Amenity Standards

- 5.15 Each rear garden would provide over 40m² which would adequately cater for future occupiers of the development. Similarly, an acceptable standard of environment would be retained at 2 Orchard Way where the proposed garden would comprise approximately 50m².

Neighbours Amenity

- 5.16 The occupiers of Walnut House have objected to the proposal on the grounds the new development would impact adversely on the receipt of light to their garden and an existing conservatory located at the rear of their property. Further, they are concerned the development would reduce their existing levels of privacy.

- 5.17 The proposed development would be located approximately 1.3m from the rear boundary of Walnut House sited adjacent to the neighbouring garden. Given the proximity of the development to the boundary, the proposed depth of the new building, and the proposed height the proposal would have a significant adverse impact on the amenity of these occupiers.
- 5.18 Taking account of the orientation of the two plots the new building would be located to the south-west of the adjacent garden and therefore would impact significantly on the receipt of direct sunlight for a substantial period of the day. Further, the depth and height of the proposal would culminate in a significant adverse overbearing impact.
- 5.19 It is not considered the development would impact adversely on the conservatory at the rear of Walnut House given this structure is set back from the rear elevation of the proposed dwellings.
- 5.20 In terms of privacy, views from the proposed first floor rear facing openings would be located at an oblique angle from the main garden and existing openings at Walnut House. The proposed side facing openings would both serve non-habitable rooms and therefore, to ensure privacy between dwellings is maintained, should be obscure glazed via condition.
- 5.21 In respect of 2 Orchard Way, the proposed building would extend a small distance to the rear of the existing property (2m) and therefore would not culminate in a significant adverse overbearing form of development, nor would it impact significantly on the receipt of light. The proposed building would be set back from the front elevation of number 2, and while the existing property has two side facing openings orientated towards the flank elevation of the proposed building (one ground floor and one first floor), neither opening serves habitable rooms at the existing property. Consequently, the proposal would have an acceptable relationship with 2 Orchard Way.
- 5.22 The proposed rear facing first floor openings would be located approximately 2m further rearward than the existing first floor rear facing openings at number.2. However, given a distance of 11.8m would be retained between the proposed openings and the rear garden of Primrose Cottage the privacy of these occupiers would not be adversely compromised. Further, the proposed distance would be sufficient to ensure the development would not have an overbearing impact on this property.
- 5.23 To conclude, the proposed development is considered to be unacceptable on neighbour amenity grounds, and would have an adverse overbearing impact on the garden at Walnut House, culminating in a significant reduction in the receipt of light contrary to Policies C28 and C30 of the Local Plan.

Trees

- 5.24 A mature tree is located in the rear garden of Walnut House, adjacent to the proposed siting of the new building. The crown of the tree overhangs the application site boundary and therefore pruning works would be required prior to construction. Nevertheless, it is not considered the proposal would impact adversely on the neighbouring tree. Similarly, while details have not been

provided identifying the root protection area of the adjacent tree, subject to the provision of appropriate details (to be submitted via condition), it is considered a sufficient distance would be retained between the proposed development and adjacent tree; ensuring its future health and survival.

Parking Provision and Highway Safety

- 5.25 The existing dropped kerb would be extended and additional hardstanding, providing off-street parking for up to three vehicles, would be created at the front of the site. The Highway Authority was consulted but has not provided comments for the scheme.
- 5.26 One parking space would be provided for each property, including one space for the existing building (2 Orchard Way). Given the sustainable location of the site, to the north of Bicester Town Centre which provides access to local services and amenities, the creation of one space per unit is, on balance, considered to be acceptable. However, as discussed above, the dominance and amount of the hardstanding proposed is considered unacceptable in visual terms.

Consultation with Applicant

- 5.27 The applicant has been contacted and informed of the reasons for refusal.

Conclusion

- 5.28 To conclude, in isolation the principle of development would be acceptable from a land use perspective. The proposed development, by reason of its design, scale, siting and layout fails to respect the spacious character and pattern of existing development in the locality and would appear cramped and over-dominant within the street. Further, the proposed area of hardstanding, which would provide off-street parking for up to three vehicles, and would result in the loss of existing soft landscaping (boundary hedge), would have a detrimental impact on the character of the site and the visual amenity of the area.
- 5.29 In addition, by reason of its close proximity to the common boundary with Walnut House, and taking account of the proposed height, depth and orientation, the proposal would have an adverse overbearing impact on the occupiers of Walnut House, and would significantly interfere with the receipt of light at the neighbouring rear garden.
- 5.30 The proposed development is therefore contrary to Policy C28 and Policy C30 of the Cherwell Council Local Plan 2015, and the relevant provisions of the National Planning Policy Framework, 2012 on design and neighbour amenity grounds.

6. Recommendation

Refusal, subject to the following reasons:-

1. By reason of its design, scale, siting and layout the proposed development would fail to respect the spacious character and pattern of existing development in the locality and would appear cramped and over-dominant within the street. Further, the proposed area of hardstanding, which would provide off-street parking for up to three vehicles, and would result in the loss of existing soft landscaping (boundary hedge), would have a detrimental impact on the character of the site and the visual amenity of the area. The proposal is therefore contrary to Policy C28 and Policy C30 of the Cherwell Council Local Plan 2015, and the relevant provisions of the National Planning Policy Framework, 2012.

2. By reason of its close proximity to the common boundary with Walnut House, and taking account of the proposed height, depth and orientation, the proposal would have an adverse overbearing impact on the occupiers of Walnut House, and would significantly interfere with the receipt of light at the neighbouring rear garden. The proposed development would therefore have a detrimental impact on the residential amenity of the occupiers of Walnut House contrary to Policy C28 and Policy C30 of the Cherwell Council Local Plan, 2015, and the relevant provisions of the National Planning Policy Framework, 2012.

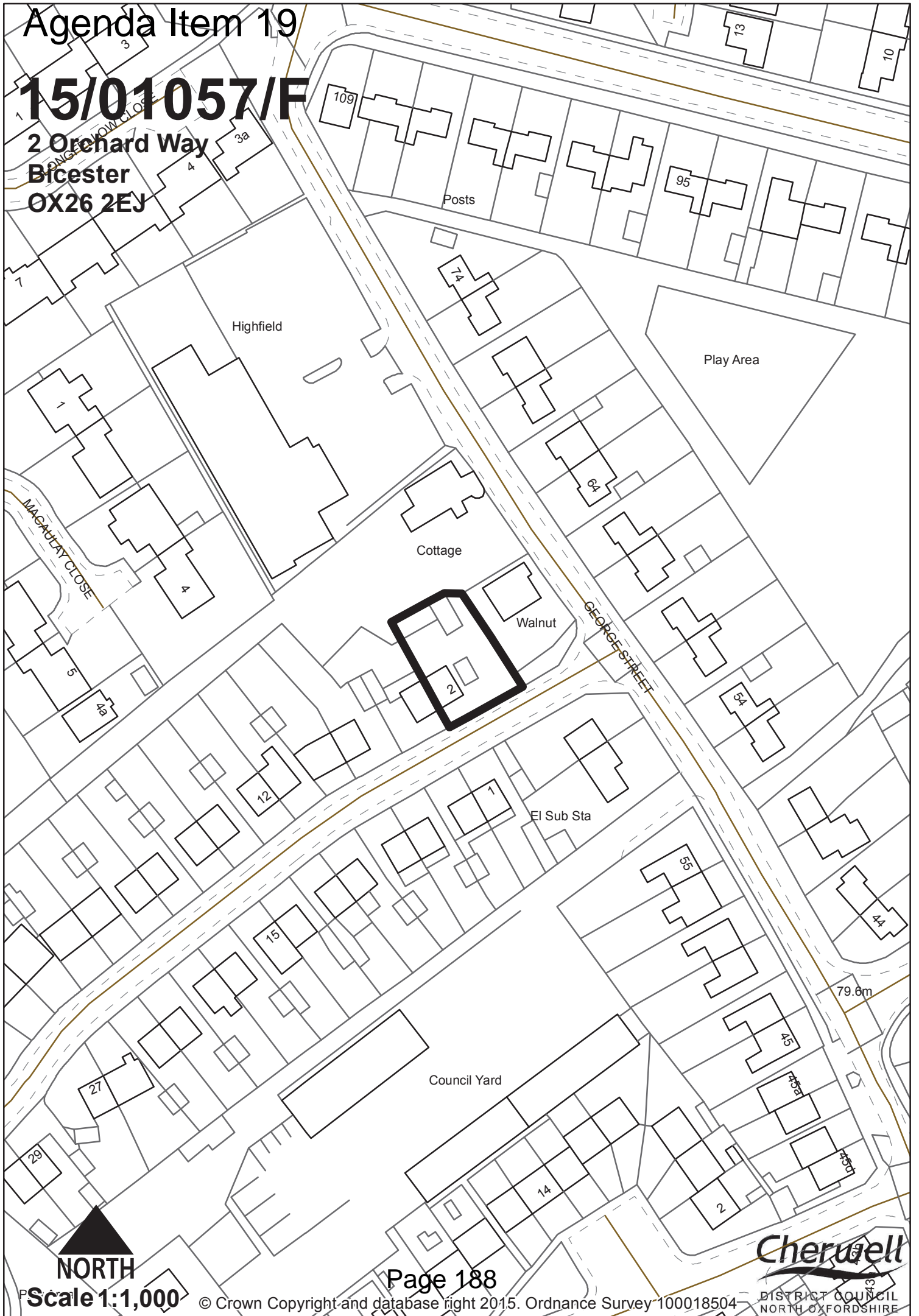
Statement of Engagement

It was not possible to amend the application to comply with local policy. The Local Planning Authority encourages applicants to engage in pre-application discussions as advocated under paragraph 188 of the NPPF. The applicant did not engage in pre-application discussions with the Local Planning Authority and the form of development proposed fails to comply with the requirements of the Development Plan and does not improve the economic, social and environmental conditions of the District.

Agenda Item 19

15/01057/F

2 Orchard Way
Bicester
OX26 2EJ

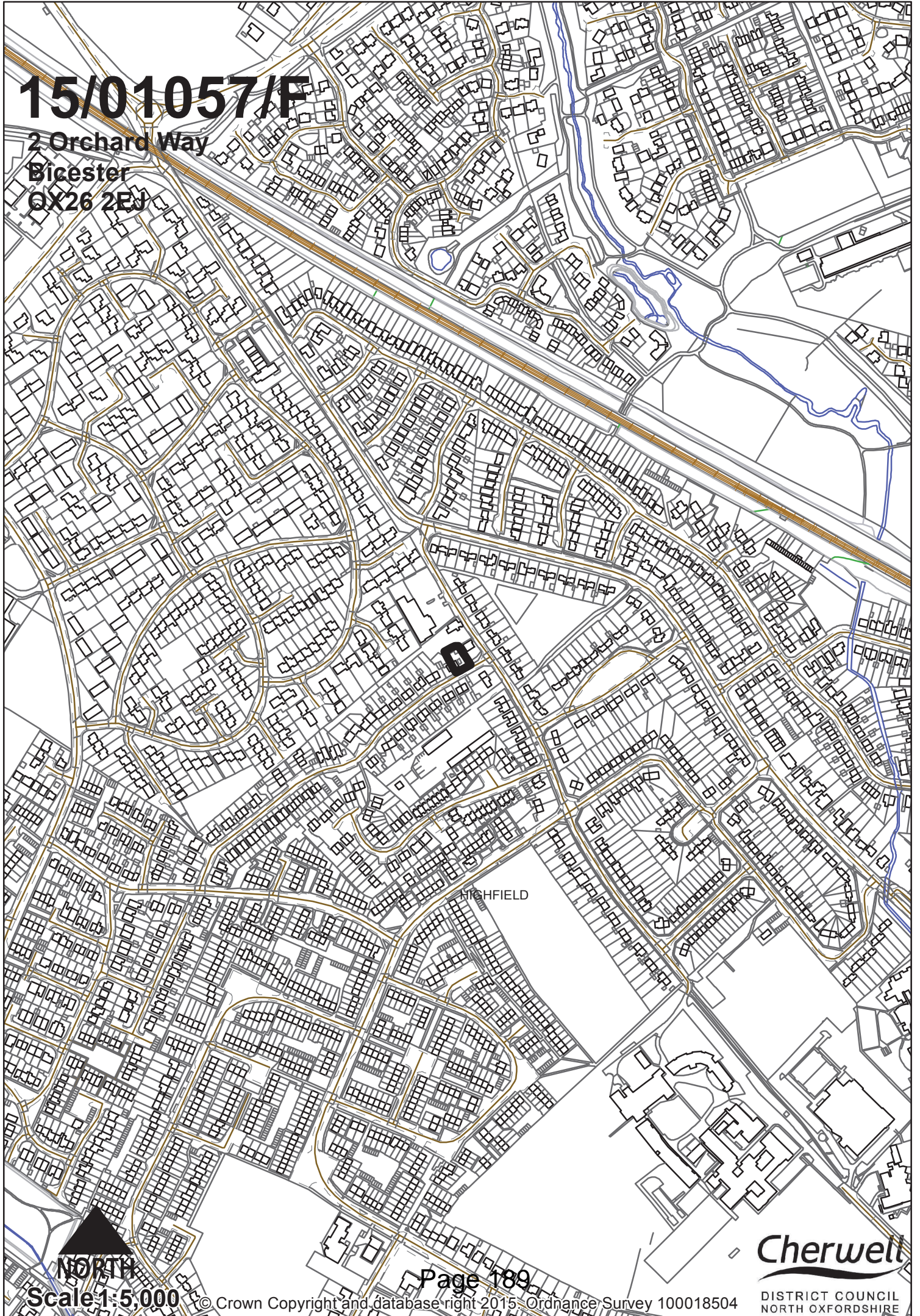


NORTH

Scale 1:1,000

15/01057/F

**2 Orchard Way
Bicester
OX26 2EJ**



HIGHFIELD

NORTH

Scale 1:5,000

Page 189

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Site Address: 2 Orchard Way 15/01057/F
Bicester OX26 2EJ

Ward: Bicester West

District Councillor: Cllrs Bolster,
Hurle, and Sibley

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Mr J Prpa

Application Description: Two storey side extension and additional off street parking

Committee Referral : Members Request

1. Site Description and Proposed Development

- 1.1 Number 2 is a two storey semi-detached property located on the north side of Orchard Way, Bicester. The surrounding area is residential and consists of mainly semi-detached two storey dwellings.
- 1.2 The proposed development would involve the construction of a two storey side extension measuring 7.3m in width and 7.5m in depth. Further, an extended area of hardstanding is proposed at the front of the site providing off street parking for up to four vehicles.
- 1.3 The development would provide six additional bedrooms creating a total of nine.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter. The final date for comment was 10 July 2015.

No representations have been received.

3. Consultations

3.1 Bicester Town Council:

Bicester Town Council objects to this application as an overdevelopment of the site.

Consultees

3.2 Oxfordshire County Council Consultees

Highways:

No representation received.

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

Submission Cherwell Local Plan (January 2014)

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20 July 2015. The Plan provides the strategic planning policy framework and sets out strategic site allocations for the District to 2031. Now adopted, the Plan forms part of the statutory development plan and provides the basis for decisions on land use planning affecting Cherwell District. The following policies are considered to be relevant:-

PSD1 Presumption in favour of sustainable development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

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:-

D6 The Quality of Architecture
TR11 Parking

5. Appraisal

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

- Character, Appearance and Impact on the original building
- Neighbour Amenity
- Parking Provision and Highway Safety

Character, Appearance and Impact on the original building

- 5.2 The NPPF attaches great importance to the design of the built environment, stating *'good design is a key aspect of sustainable development... and should contribute positively to making places better for people.'* It stresses the need to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings and smaller developments like this proposal. While it states that local authorities should not impose architectural styles or particular tastes, it reinforces that it is also important to consider local character and distinctiveness, continuing that *'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'*.
- 5.3 Saved Policies C28 and C30 of the Adopted Cherwell Local Plan support the use of good design, in line with the provisions of the NPPF outlined above and full weight should therefore be attached to the provisions of these policies.
- 5.4 Policy C28 of the Local Plan states *'control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development'*.
- 5.5 Further, Policy C30 states *'design control will be exercised to ensure that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity'*.
- 5.6 While the proposed extension would be set back from the existing front elevation it would be wider than the original building (existing property 5.9m, proposed extension 7.3m), and therefore would fail to result in a subservient addition. The width of the extension would dominate the site and would fail to leave the existing property predominant. While it is noted that the application site is wider than the majority of surrounding plots and therefore can accommodate a wider than average extension, the creation of an extension which is wider than the original building is considered unacceptable on design grounds.
- 5.7 The adverse width of the extension would be exacerbated by the stark appearance of the front elevation which would feature a limited number of openings. As a result, the extension would have a bland appearance that would be detrimental to the visual amenity of the street.
- 5.8 The development would also result in the creation of an extended area of hardstanding to accommodate a total of four parked vehicles. This would result in the loss of existing soft landscaping (boundary hedge) and would result in the site frontage being dominated by hardstanding and parked cars. This, as well as the adverse width and scale of the proposed side extension, would impact adversely on the visual amenity and character of both the existing site and the wider street scene.
- 5.9 To conclude, the proposed development is considered to be unacceptable on design grounds. The width and adverse design of the extension would fail to

relate accordingly to the size and character of the existing building and together with the proposed area of hardstanding and loss of existing soft landscaping would be detrimental to the visual amenity of the street scene. The proposal therefore fails to comply with adopted Local Plan Policies C28 and C30 and the relevant provisions of the National Planning Policy Framework.

Neighbour Amenity

- 5.10 Despite the scale and width of the extension the proposal would not impact adversely on the residential amenity of surrounding occupiers.
- 5.11 The extension would be almost completely obscured from the occupiers of the adjoining property (4 Orchard Way) by the existing property, with the only visible element being the 1.8m deep rear projection - which would be set in over 5m from the common boundary.
- 5.12 The flank wall of the extension would be located approximately 4m from the common boundary with Walnut House and therefore, despite its height and depth, would not impact adversely on the amenity of this property.
- 5.13 The new rear facing first floor openings would be located approximately 1.8m further rearward than the existing first floor rear facing openings. However, a distance of 12m between the proposed openings and the rear garden of Primrose Cottage would be retained and therefore the privacy of these occupiers would not be adversely compromised.
- 5.14 It is also important to consider whether the proposed scheme would provide a satisfactory standard of environment for future occupiers of the dwelling. The extension would result in the creation six additional bedrooms (all of which would be ensuite), and therefore a total of nine. The number of bedrooms, compared to the modest size of the existing kitchen, living and proposed dining area would create a very poor standard of environment for future occupiers to the detriment of their residential amenity.
- 5.15 Policy C30 (iii) states that design control should ensure that new development or any proposal for the extension or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority. As set out above, in this case the proposed amount of shared internal amenity space would not be commensurate to the proposed number of bedrooms (and therefore potential number of occupiers), and as a result the standard of environment provided would not be sufficient, contrary to the provisions of Policy 30 (iii) of the Local Plan.
- 5.16 To conclude, while the development would not impact adversely on the amenity of surrounding residents it would fail to provide an acceptable standard of environment for future occupiers of the dwelling. Consequently, the application would be contrary to Policies C28 and C30 of the Local Plan and the relevant provisions of the National Planning Policy Framework.

Parking Provision and Highway Safety

- 5.17 The existing dropped kerb would be extended and additional hardstanding, providing off-street parking for up to four vehicles, would be created at the front of the site.
- 5.18 The Highway Authority was consulted but has not provided comments for the scheme. Despite the proposed number of bedrooms (9), given the building would continue to function as a single residential dwelling (a householder planning application has been submitted); the provision of four parking spaces is considered to be acceptable. It should be noted that the site is sustainably located to the north of Bicester town centre and, therefore, access to local services and amenities is available both on foot and via local public transport networks.

Consultation with Applicant

- 5.19 The applicant has been contacted and informed of the reasons for refusal.

Conclusion

- 5.20 To conclude, by reason of its design, scale and width, the proposed two storey side extension would fail to respect the character and size of the original building and would adversely dominate the existing plot. Further, the proposed area of hardstanding would have a detrimental impact on the character of the site and the visual amenity of the local area, contrary to Policies C28 and C30 of the Cherwell District Council Local Plan 1996 and the relevant provisions of the National Planning Policy Framework 2012.
- 5.21 The proposed development would fail to achieve an acceptable standard of environment for future occupiers of the dwelling. The proposed number of bedrooms (9) compared to the size and layout of the proposed shared internal amenity space would not cater sufficiently for the everyday needs of future occupiers to the detriment of their residential amenity. The proposal would therefore be contrary to Policy C30 (iii) of the Cherwell District Council Local Plan 1996 and the relevant provisions of the National Planning Policy Framework 2012.

6. Recommendation

Refusal, subject to the following reasons:-

1. The proposed side extension would, by reason of its design, size and width, result in a visually obtrusive and unsympathetic appearance and fail to relate acceptably to the character and appearance of the existing building and surrounding area. Further, the excessive level of hardstanding and parking arrangement would have a detrimental impact on visual amenity. The proposed development would therefore have a detrimental impact on the character and appearance of the existing building, street scene and surrounding area, contrary to the provisions of Policies C28 and C30 of the Cherwell District

Council Local Plan, 1996 and the relevant provisions of the National Planning Policy Framework, 2012.

2. The proposed development would fail to achieve an acceptable standard of environment for future occupiers of the dwelling. The proposed number of bedrooms (9) compared to the size and layout of the proposed shared internal amenity space would not cater sufficiently for the everyday needs of future occupiers to the detriment of their residential amenity. The proposal would therefore be contrary to Policy C30 (iii) of the Cherwell District Council Local Plan, 1996 and the relevant provisions of the National Planning Policy Framework, 2012.

Statement of Engagement

It was not possible to amend the application to comply with local policy. The Local Planning Authority encourages applicants to engage in pre-application discussions as advocated under paragraph 188 of the NPPF. The applicant did not engage in pre-application discussions with the Local Planning Authority and the form of development proposed fails to comply with the requirements of the Development Plan and does not improve the economic, social and environmental conditions of the District.

Agenda Item 20

Presby

15/01076/F

154 Oxford Road
Kidlington
OX5 1EA

142

63.6m

144
1106

158

63.5m



Scale 1:500

15/01076/F

**154 Oxford Road
Kidlington
OX5 1EA**

Recreation Ground

Primary School
Kidlington

Gosford

South Park

Gardens

Lock

NORTH

Scale 1:5,000

Page 197

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Ordnance Survey

OS 100018504

154 Oxford Road, Kidlington

15/01076/F

Ward: Kidlington South

District Councillor: Cllrs Billington
Griffiths and Prestidge

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Mrs Nicola O'Dowda

Application Description: Alterations and erection of first floor side extension and conversion of dwelling to form four flats, with associated hardstanding alterations to existing access.

Committee Referral: Member Request

Committee Date: 6th August 2015

1. Site Description and Proposed Development

- 1.1 The site incorporates a detached rough-cast render property that is located on the western side of Oxford Road. It forms part of a row of similarly designed properties, but with the neighbouring dwellings all forming semi-detached pairs. These buildings are set back from the highway, providing parking at the front and private amenity areas to the rear. The alignment of the properties to the highway on this part of Oxford Road results in a staggered front building line. These dwellings are accessed off a service road, serving a number of properties, a shop and the West Kidlington Primary and Nursery School, located to the rear (west) of the application site, but taking access to the south.
- 1.2 No. 154 is a two storey property with a flat roof two storey front bay window. It originally formed a modest sized three bedroom hipped roof property with a single storey attached garage and porch. The dwelling has been extended such that it now incorporates a projecting front garage, single storey side extensions and a one and two storey rear extension. The loft has also been converted. These extensions and alterations have increased the property to a five bedroom dwelling.
- 1.3 Parking for at least four vehicles to the front of the application site is possible, with a horseshoe driveway providing two access points onto Oxford Road. Soft landscaping is provided in between these access points.
- 1.4 This application is seeking conversion to four flats, plus enlargement of the building through a first floor and loft side extension and associated alterations. The extension will provide a 2.7 metre wide section over the existing single storey part of the building adjacent to no. 152. This will be 12.5 metres in length and align with the existing rear elevation. This will create a new hipped roof section, with eaves at 5.1 metres and a ridge at 8.5 metres. This will create a new flat roof crown. New windows in this section will be provided in the front, rear and side elevations, along with skylights in the roof crown. All additional elements will be finished with materials to match the existing building.
- 1.5 The subdivision of the building will provide four one bedroom flats, with three incorporating a 'study'. Two flats are to be provided on the ground floor, with the third and fourth units forming duplex apartments across the first and loft

levels. No additional windows or alterations to existing apertures are proposed to enable conversion to flats, only the replacement of obscured glazed panes with clear glass in some windows, and vice versa. The exception is the garage conversion, where a new front facing window is proposed. Access to three of the units will be via the existing front entrance, whilst the fourth will take access using the side door.

- 1.6 The front parking area will be amended to provide four parking spaces adjacent to each other, with the soft landscaping area infilled to provide direct access to all the spaces. The amenity space to the rear will be subdivided to provide a private area for use in association with unit 2, the ground floor rear flat, whilst a communal garden area will be provided for the remaining three units. Access to the communal area would be along the southern side of the building, where provision has also been made for cycle parking. A bin store has been identified along the side of the building.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and site notices. The final date for comment is 6 August 2015.

Letters have been received from four different households. The following issues were raised:-

Material planning comments:

Proliferation of flat conversions will alter the character of the area
Precedent for allowing other similar conversions to flats
Loss of privacy
Loss of light and overshadowing
Overbearing structure
Increased noise and litter
Lack of bin storage
Style out of keeping
Loss of vegetation
Additional parking pressures
Highway safety
Overdevelopment
Communal amenity area out of character with area

Non-material comments:

Fire risk due to close proximity between buildings
Applicant fought hard to reject similar proposal at 148 Oxford Road in 2014

3. Consultations

- 3.1 **Kidlington Parish Council:** Object on the following grounds:
Evidence Mr O'Dowda provided for objecting to conversion of 148 to flats in 2014 is relevant to this proposal: parking and highway issues; blocked driveways; huge amounts of pedestrian traffic due to the schools and church; bin storage issues.

Development not compatible with the density of existing dwellings. Already a large property and further extension will be over-imposing on neighbours.

All other flats in this area are purpose built. Allowing conversion will open up a can of worms and set a precedent.

Cherwell District Council Consultees

3.2 **Ecology:** Response awaited.

3.3 **Private Sector Housing Services:** Response awaited.

Oxfordshire County Council Consultees

3.3 **Highways Liaison Officer:** Response awaited.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 2031 Part 1

The following policies are considered to be relevant:-

PSD 1	Sustainable development
BSC 2	Effective and efficient use of land
ESD 1	Mitigating and adapting to climate change
Villages 1	Village Categorisation
Villages 2	Distributing growth across the rural areas

Adopted Cherwell Local Plan 1996 (Saved and retained Policies)

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

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

Planning and Design Guidance: Sub Division of Buildings for Residential Use (February 2011)

5. Appraisal

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

- Relevant Planning History

- Principle of Development
- Layout
- Design & Scale
- Residential Amenity
- Highway and Parking

Relevant Planning History

5.2 The following planning history of relevance to this proposal:-

The Application Site

- Application 01/00256/F: Two storey rear and single storey side extensions with loft conversion – Conditional Approval 09/05/2001. Implemented

Other Relevant Sites

- 144 Oxford Road – Applications 11/00875/F & 12/00930/F: Demolition of existing detached building (residential and retail use) and construction of a new building incorporating three retail units and 1 two storey dwelling and five flats. Conditional Approval. Implemented
- 146 & 148 Oxford Road – Application 14/01989/OUT: Demolish existing dwellings and construct 9 one and two bedroom flats. Withdrawn.

Principle of Development

- 5.3 The site is located within Kidlington, a sustainable location where minor development is considered acceptable. Provision of additional dwellings in this location is therefore supported by sustainable location policies, subject to compliance with other detailed policies.
- 5.4 In terms of the sub-division of housing plots, neither the Local Plan 2031 Part 1 nor the Local Plan 1996 have policies on this matter. An assessment needs to therefore be made in respect of the individual aspects that such a proposal may bring, in respect of impact on neighbouring amenity, the wider area and highways/parking.
- 5.5 Objections have been raised in respect of the potential precedent this may set for the wider area and other properties but each application must be determined on its own merits and the site specific issues considered in turn in the absence of a particular policy.
- 5.6 The application site incorporates 660 sq m, offering a reasonably large plot for a single property. This part of the street incorporates similarly sized plots, providing some coherency along the highway. The sustainable location of the site highlights that in principle efficient use of the site would be supported, subject to the detail of the proposal to ensure the character, appearance and function of the area is protected and subject to the proposal not having a detrimental affect upon the residential amenities of nearby properties . The

approval of 144 Oxford Road in 2011 and 2012 illustrates that redevelopment schemes can be acceptable.

- 5.7 In principle, the proposal is therefore considered to accord with Policies PSD 1, BSC 2, Villages 1 and Villages 2 of the Cherwell Local Plan 2031 Part 1, Policy H23 of the Non-Statutory Local Plan and the sustainability thread of the Framework.

Layout

- 5.8 The proposal seeks conversion to four flats, plus a side extension at first and loft level and a garage conversion. As part of the consideration of the proposal, the use of the internal and external space needs to be assessed in respect of the creation of a suitable residential environment.
- 5.9 The internal arrangements should provide sufficient space for each flat, with appropriately sized rooms, windows and suitable outlook. The habitable rooms in each unit are modest but functional in size and would enable occupation as one bedroom units. Three of the flats incorporate a room annotated as 'study,' with these spaces capable of being used as second bedrooms, particularly the larger studies proposed in units 3 and 4. These two upper floor units have sufficient communal space to allow occupation by three persons, but the bathroom arrangements would need to be amended. This could be easily accommodated. Unit 2 is smaller and use of the study as a second bedroom would create a cramped flat. However, at 1.8 x 2.0 metres, the likelihood of unit 2 being used as a two bedroom unit is much lower than the upper floors, and thus on balance is considered acceptable, subject to no issue being raised through a consultation response from the Private Sector Housing team. The units are however, considered to comply with the Planning and Design Guidance: Subdivision of Buildings for Residential Use.
- 5.10 The conversion reuses the existing window openings, to provide habitable room windows largely facing either over the parking area or the rear amenity space. The outlook from these windows is considered acceptable. However, subdivision of the building, coupled with the side first floor extension also results in the provision of side facing windows to habitable rooms close to the boundary, and importantly close to the flank gable of no. 152. As a result, the ground floor bedroom window to unit 1 and the kitchen/dining room window to unit 3 will be placed a minimum of 0.8 metres away from the adjoining property. These are the only windows to these rooms and as such they fail to provide suitable outlook or light to these rooms. An unacceptable internal environment will therefore be created for these two units. This occurs in part due to the over-development of the site, whereby the depth of the building does not enable sufficient amenity to be created for the middle part of the building due to the proposed extension, placing it close to the boundary.
- 5.11 The external layout allows access for all units to the front and rear of the property. Unit 2 would have a private amenity space to the rear, whilst the rest is proposed to be shared between the remaining three units. This would provide sufficient outdoor space for all units, and whilst the subdivision of the rear garden is uncharacteristic for the area, this could be sensitively achieved through planting so that it is not clearly read as separate spaces from the wider

area. Parking is kept to the front of the site, ensuring that noise is restricted to the road side of the property, whilst cycle parking is provided in the rear communal garden. A bin store is shown along the side of the building, with a screen noted to obscure them from view from the highway. At 3.5 metres wide, this space would be able to accommodate four bins .

- 5.12 Subject to consideration of the parking level (see section below), the external layout of the site is considered acceptable. However, the internal arrangement will not provide suitable environments for two of the units, reflecting the over-development of the site. The proposal is therefore considered contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan 1996 and the Framework.

Design & Scale

- 5.13 Design of buildings should not be prescribed by the Council, but it is recognised that any development should be of high quality and respect its location appropriately. The immediate context to the application site is one of traditional 2 storey hipped roof properties, which are mostly rendered. Fronting onto a straight section of highway, it is within this context that the proposed development will be viewed.
- 5.14 The design of the proposed extensions continues the existing palate of materials, allowing appropriate integration with the existing building. The garage conversion, plus new windows are appropriately sized in order to allow the overall design to continue that present both on the host building and the street.
- 5.15 The roof creates an additional side projection, with a ridgeline that is perpendicular to the original ridgeline. This attempts to conceal a section of flat roof which will not be readily visible from the front of the property due to the proximity of the adjacent property (no. 152), albeit that it will be discernible obliquely. However, the bulk of the roof generates a large and dominant addition to the property which changes its overall form and appearance from both the front and rear. The scale of this addition, particularly when viewed with the other existing extensions, seeks to erode the original form of the building, such that it will no longer be easily identifiable. It will create an unbalanced structure that is to the detriment of the building's appearance.
- 5.16 Although set back from the front elevation, the side extension fails to provide a subservient addition to the property. When considered in combination with the existing additions, it would result in excessive enlargement of what was originally a modest detached property. The cumulative extensions to no. 154 are therefore considered to harm the character and appearance of the dwelling and street scene, contrary to the good design ethos of the Framework and Policies C28 and C30 of the Adopted Cherwell Local Plan 1996.
- 5.17 As part of the proposal, the existing front landscaping will need to be removed, which is to the detriment of the appearance of the street scene. However, these trees are not protected and could be removed at any point without consent from the Council. It is not therefore considered possible to oppose the proposal

on the basis of the loss of these trees and the associated impact upon the street scene.

Residential Amenity

- 5.17 The application site is adjoined by nos. 152 and 156 Oxford Road. To the rear are playing fields associated with the local school. The impact of the proposed extension is therefore restricted to these two adjacent dwellings.
- 5.18 No. 152 is located to the north of the application site, and is an extended semi-detached house. There are three side facing windows at ground floor level that are located on the boundary of the application site. They are obscure glazed and serve a study, toilet and a dining room. Whilst sunlight to the study's window will be reduced, the first floor side extension would be set back behind this window, limiting its impact. There is also a larger, clear glazed front window to this room, meaning that the impact upon the study's side window is considered acceptable.
- 5.19 There will be an impact upon the light reaching toilet and dining room window of no. 152, given the proximity of the proposed first floor side extension and the orientation of the extension to these windows. The impact upon the toilet is not considered to be a significant consideration as it is not a habitable room. However, the dining room window is the primary window for this room. Forming part of a through room with the rear kitchen extension, skylights in the kitchen will provide some light through to the dining room, but the height of the eaves and ridge of the extension, coupled with their proximity and projection notably beyond this window, will result in a material loss of light to the dining room. This will be to the detriment of its occupants.
- 5.20 The first floor rear facing master bedroom to no. 152 is located closest to the proposed side extension. The proposed extension will project 3.8 metres beyond this window and will have some impact upon sunlight and outlook. However, it complies with the BRE 45 degree assessment and is therefore considered on balance to provide an acceptable relationship.
- 5.21 No. 156 is located to the south of the application site. No extensions are proposed on the side adjacent to no. 156 and thus the amenity to this dwelling is not affected.
- 5.22 The proposal, although providing additional windows to habitable rooms, would not undermine the privacy of the adjacent properties. Some views would be possible, but these are not materially different to those that are already achievable from habitable rooms. Where new side facing windows are proposed, these are towards blank sections of walls on the adjacent dwellings, ensuring no loss of privacy to the neighbouring properties occurs.
- 5.23 Overall, the proposed side extension will have an excessive impact upon the amenity of 152 Oxford Road, in particular the ground floor dining room window, which will undermine sunlight to this room. The proposal is therefore contrary to Policy C30 of the Adopted Cherwell Local Plan 1996.

Highways

- 5.24 The proposal is seeking to create four flats. The applicant has described the proposal as four one bedroom flats, but due to the size of the studies and the fact that they would be capable of being used as second bedrooms, the parking and highway impact has been considered on the basis of the provision of 2 one bedroom units and 2 two bedroom units. Views from the OCC Highways on this basis are awaited and will be reported at the meeting.
- 5.25 The site is accessed off a slip road that runs parallel to Oxford Road. Traffic levels along such slip roads would typically be expected to be low, but in this instance, access is provided to the local primary school/nursery and three shop units. Traffic movements are therefore relatively high. The level of additional movements will not generate a material level of additional traffic that would affect highway movements. The intensification of the use is therefore acceptable from this perspective.
- 5.26 The existing access arrangement provides a horseshoe access drive, with connection points adjacent to both side boundaries. The site frontage would be opened up, to provide a dropped kerb along its full width. The arrangement provides parallel parking spaces, whereby each vehicle needs to reverse onto or out of the site, as no manoeuvring space is provided. The level of vehicle movements would not preclude the acceptability of vehicles reversing onto the highway for four flats. There is a high level of pedestrian movements along the adjoining pavement, given the proximity of the school and nursery to the south and convenience store and church to the north. However, the side boundaries of the site are bounded by 1.0 metre high closed board fences, which allows views in both directions. Sufficient visibility is therefore provided in both directions in order to ensure highway safety for all is maintained.
- 5.27 For this development, a maximum parking requirement of 6 parking spaces is required (1 space for one bed units and 2 spaces for two bed units). The application site is sustainably located to a range of facilities and is located on a public transport route. Whilst it is recognised that there is relatively high on-street parking demand, the provision of four parking spaces is considered sufficient to meet the needs of this development in this sustainable location. As part of the alterations to the highway to allow access, one on street parking space will be lost. Whilst this is unfortunate, it is not considered sufficient to warrant refusal.
- 5.28 In addition to the vehicle parking, provision is also shown in the rear amenity area for cycle storage. This would further the transport options available to occupants. As part of any proposal, details of this facility would be required, to ensure secure facilities are available to encourage cycle ownership and use.
- 5.29 The proposed parking and highway arrangements, subject to any late comments from OCC Highways providing technical views, are considered to protect highway safety and meet the needs of the development, in accordance with Policies TR5 and TR11 and Appendix B of the Non-Statutory Cherwell Local Plan.

Consultation with Applicant

- 5.30 There are significant concerns in respect of this planning application, which cannot be resolved through amendments to the current proposal. Discussion was undertaken with the agent to this effect, indicating that the proposal would be recommended for refusal if it was not withdrawn.

Conclusion

- 5.31 The proposal is considered to represent an overdevelopment of the site, creating an unacceptable internal layout does not provide suitable amenity for future occupants.
- 5.32 The proposed development is considered to be excessive in scale and mass, such that it will not appear subservient to the original building. This will harm the overall setting and appearance of the building. The proposed extension, due to its scale and proximity to the northern boundary also results in harm to the amenity of 152 Oxford Road.
- 5.33 The proposal is therefore considered unacceptable and contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan 1996 and the National Planning Policy Framework.

6. Recommendation

Refuse, for the following reasons:-

1. The proposed layout represents overdevelopment of the site, leading to a poor residential amenity due to a lack of outlook and sunlight to the bedroom in Unit 1 and kitchen/dining room in Unit 3. The current layout is contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan 1996.
2. The proposed extension would have an unacceptable impact upon sunlight and daylight to the side facing dining room window in 152 Oxford Road. The proposal is thereby contrary to Policy C30 of the Adopted Cherwell Local Plan 1996.
3. The proposed extension, due to its height, scale and mass would appear as an overdominant structure that fails to be subservient to the original building, to the detriment of the street scene appearance. The proposal is considered contrary Policies C28 and C30 of the Adopted Cherwell Local Plan 1996 and the National Planning Policy Framework.

Statement of Engagement

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

15/01106/OUT

131 Oxford Road
Kidlington
OX5 2NP

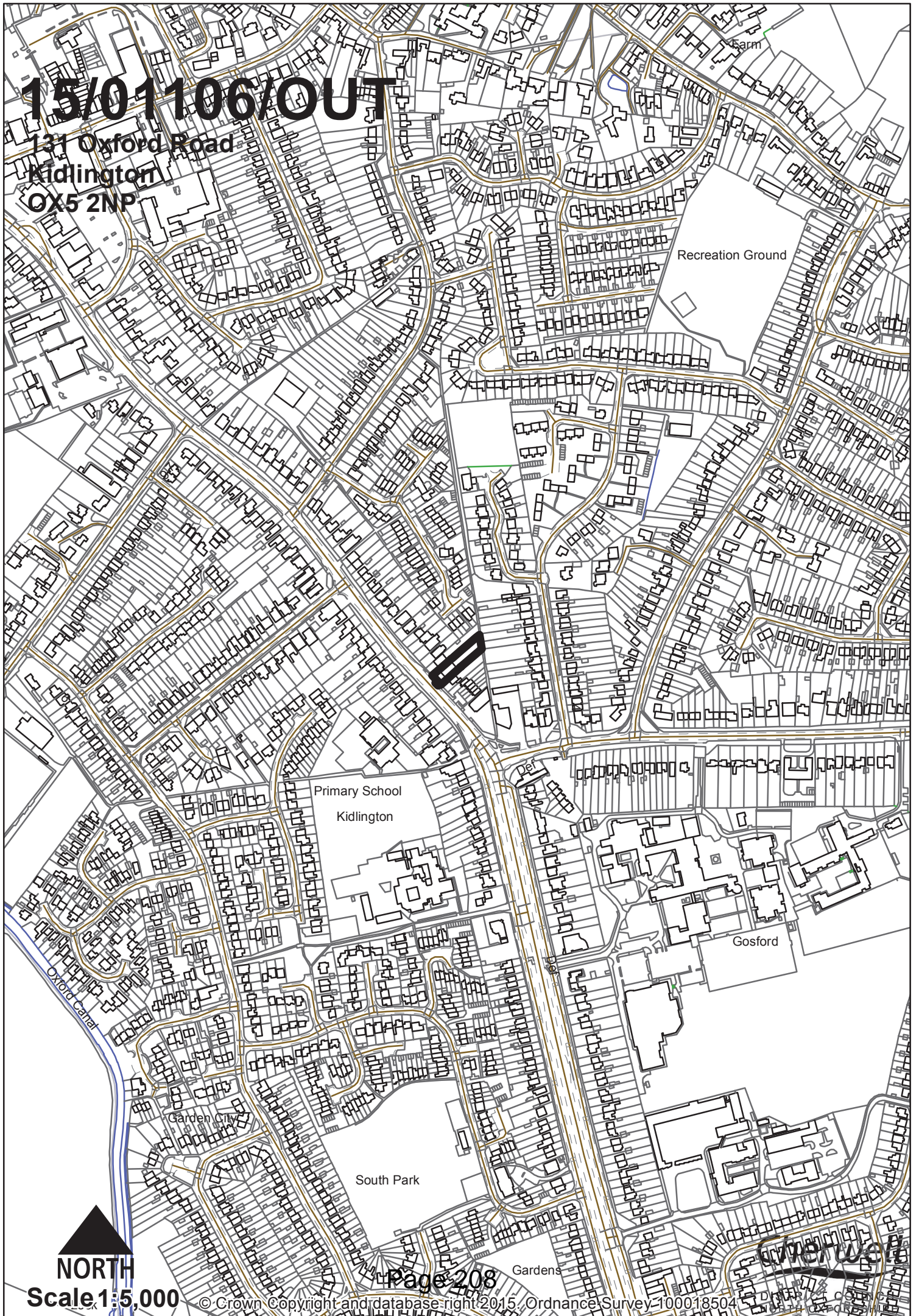


NORTH

Scale 1:500

15/01106/OUT

131 Oxford Road
Kidlington
OX5 2NP



NORTH
Scale 1:5,000

over

131 Oxford Road, Kidlington

15/01106/OUT

Ward: Kidlington South

District Councillor: Cllrs Billington,
Griffiths and Prestidge

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Mr I Maghounaki

Application Description: Outline – Demolition of existing bungalow and erection of 5 no two bedroom flats and associated car parking, cycle parking, bin storage and amenity areas.

Committee Referral: Member Request

Committee Date: 6 August 2015

1. Site Description and Proposed Development

- 1.1 The site incorporates a detached bungalow located on the north-eastern side of Oxford Road, Kidlington. This is a classified highway, with a bus stop and associated layby immediately north of the application site. The site itself extends through to a public footpath at the rear, which runs between the gardens of properties on Oxford Road and Blenheim Road.
- 1.2 This part of Oxford Road consists of individually designed 1, 1.5 and 2 storey properties. The style of these dwellings varies, but typically they incorporate render facades set below hipped, tiled roofs. Constructed post-war, there has been some redevelopment in recent decades. This includes Turner Court to the south which provides smaller 2 storey red brick properties.
- 1.3 The existing buildings will be demolished, to enable construction of 5 two bedroom flats across three floors. The application is accompanied by plans which show a building based around a rectangular form, the building being aligned along the side boundary with number 129, and is 9.4 metres wide. A two storey side projection 1.6 metres is then in addition to this, incorporating the access point and circulation space (maximum 11.0 metres wide in total). The depth of the building varies between 12.6 and 16.8 metres, reflecting the stepped front and rear building lines.
- 1.4 The building is designed as a two storey structure with eaves at 5.4 metres to the front and rear, with the third floor set within the roof space, which projects to 8.9 metres. The roof offers a double ridge parallel to the highway, with a central roof crown enclosed by sloping side roof profiles. A chimney stack is provided adjacent to this section on the north-western flank gable. To the rear there is a projecting 2.5 storey gable. This provides a ridge at 7.7 metres.
- 1.5 The building is proposed to be constructed from a mix of red brick, render and timber cladding below a concrete tile pitched roof and single ply membrane flat roof. The main entrance door will be timber, with all other windows and doors dark grey UPVC. Eight photovoltaic panels are proposed on the front roof slope.

- 1.6 This is an outline application, with all matters for consideration at this stage except for landscape.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment was 23 July 2015.

Objection letters have been received from five different households. The following issues were raised:-

Material planning comments:

- Out of character: appearance, character, layout, orientation, scale and density
- Loss of Amenity to neighbouring residents: overlooking, loss of outlook, loss of light, disturbance due to access position and intensification of use, environmental concerns from vehicle fumes
- Increased pressure on already overloaded public services: sewerage and drainage systems; doctor surgery.
- Highway and pedestrian safety issues: insufficient parking proposed, conflict with bus queues along Oxford Road, poor visibility splays,
- Flooding due to increase in impermeable area on site

Non-material comments:

- Errors in Design and Access Statement as refers to previous withdrawn scheme design; misleading information provided
- No pre-application consultation undertaken with neighbours
- Development within Green Belt should be resisted (site not designated as such)

3. Consultations

- 3.1 **Kidlington Parish Council:** Object on the following grounds:
Design not sympathetic to character of area
Detrimental to residential amenity of adjoining properties
Insufficient parking provision which will add to existing problems in area
Highway safety issues due to high footfall along Oxford Road and proximity to bus stop

Cherwell District Council Consultees

- 3.2 **Environmental Protection Officer:** Response awaited
- 3.3 **Ecology:** Response awaited
- 3.4 **Landscape:** Response awaited
- 3.5 **Urban Design:** Response awaited

Oxfordshire County Council Consultees

- 3.6 **Highways Liaison Officer:** Response awaited

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 2031 Part 1

The following policies are considered to be relevant:-

PSD 1	Sustainable development
BSC 2	Effective and efficient use of land
ESD 1	Mitigating and adapting to climate change
Villages 1	Village Categorisation
Villages 2	Distributing growth across the rural areas

Adopted Cherwell Local Plan 1996 (Saved Policies)

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

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

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:-

H1a	Location of new housing
TR5	Road safety
TR11	Parking
Appendix B	Parking standards

Planning and Design Guidance: Sub Division of Buildings for Residential Use (February 2011)

5. Appraisal

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

- Relevant Planning History

- Principle of Development
- Layout
- Scale and Design
- Residential Amenity
- Highway and Parking

Relevant Planning History

Application Site

- 5.2 A planning application seeking demolition of the existing bungalow and annex and construction of a new block containing 6 dwellings (2 flats and 4 maisonettes), plus a bungalow and associated works was submitted in February 2015 (15/00182/OUT). The application was subsequently withdrawn.

Other Sites

- 5.3 The following other planning applications are relevant to this proposal:-
- 3 Bicester Road – 11/01419/OUT
Demolition of the existing dwelling and construction of a building containing 7 apartments was approved 10 January 2012. This provided a three storey building, with the upper floor contained completely within the roof.
 - Rear of 7 and 7A Bicester Road – 12/01380/OUT
Redevelopment of a redundant builder's yard and buildings to provide four apartments within a three storey building was approved 14 August 2013.
 - Buryberry House, 9 Blenheim Road – 12/01761/OUT & 13/00767/REM
Demolition of the existing building and redevelopment with five apartments and a dwelling pair. Designed as three storey buildings, these applications were approved on 29 April 2013 (outline) and 8 August 2013 (reserved matters).

Principle of Development

- 5.4 The site is located within Kidlington, a sustainable location where minor development is considered acceptable. Provision of additional dwellings in this location is therefore supported by sustainable location policies, subject to compliance with other detailed policies.
- 5.5 In terms of the sub-division of housing plots, neither the Local Plan 2011- 2031 Part 1 nor the Local Plan 1996 have policies on this matter. An assessment needs to therefore be made in respect of the individual aspects that such a proposal may bring, in respect of impact on neighbouring amenity, the wider area and highways/parking.
- 5.6 The application site incorporates 821 sq m, offering a reasonably large plot for a single property. The area incorporates various plot sizes, reflecting in part the alignment of the highways and redevelopment opportunities that have come

forward already. Intensification of sites has been considered acceptable in recent years, as noted in the planning history section above. The replacement of a single dwelling with a modest sized block of flats is therefore considered acceptable in principle and in accordance with Policy PSD 1 of the Adopted Cherwell Local Plan 2031 Part 1, Policies H1a and H15 of the Cherwell Non-Statutory Local Plan and the Framework.

Layout

- 5.7 The proposal seeks to reposition the building 3.7 metres further into the site than the current bungalow. There is a staggered building line along this part of the street, and thus the realignment of the building at number 131 will not therefore be uncharacteristic. The overall site layout provides vehicle parking between the building and highway, with the land to the rear reserved for amenity space, bin storage and secure cycle store. This offers an overall layout that is akin to the character of the area and protects the quiet environment to the rear of properties along this street.
- 5.8 In terms of the access and parking arrangements, these are considered under a separate heading below. However, their integration into the scheme enables some soft landscaping between the highway and building to be provided. This includes a narrow strip adjacent to the highway which will soften the street scene appearance of the parking forecourt.
- 5.9 The replacement building is comparable in terms of its footprint scale to that of the bungalow to be demolished. A building footprint of this size can therefore be accommodated on site, subject to the provision of sufficient supporting facilities and protecting residential amenity (see sections below for consideration).
- 5.10 The layout of the site offers scope to provide a sustainable drainage system for the development. No information has been submitted to clarify whether this is a feasible option on the site, but any such investigation could be conditioned to an approval. Discharge to the public sewer would be kept at or below the current discharge levels, ensuring no additional pressure occurs on the public network as a result of this development.
- 5.11 The layout is therefore considered to be in accordance with Policy ESD1 of the Cherwell Local Plan 2031 Part 1 and Policies C28 and C30 of the Adopted Cherwell Local Plan 1996.

Scale and Design

- 5.12 Design of buildings should not be prescribed by the Council, but it is recognised that any development should be of high quality and respect its location appropriately. The immediate context to the application site is one of traditional 1 and 2 storey hipped roof properties, which are mostly rendered. Fronting onto a straight section of highway, it is within this context that the proposed frontage building will be viewed.
- 5.13 The proposed building will replace a dormer bungalow, resulting in an increase in the ridgeline of 3.6 metres. With a main ridgeline at 8.9 metres, the building

will project notably above the two adjoining properties. Number 129 is a hipped roof dormer bungalow with a ridge set at 5.2 metres (3.7 metres lower than the proposed building) and number 133 is a two storey house with a ridge at 7.1 metres (2.8 metres lower). This results in a structure that projects notably above the established building pattern of this part of the street, forming an incongruous and prominent structure.

- 5.14 The width and design of the proposed building does not assist in reducing its bulk. The main body of the building is comparable in width to the surrounding properties, as well as the bungalow to be demolished. However, with gable ends and a two storey ancillary element to the side, its mass is significantly larger than the adjoining properties and the bungalow to be demolished. Its depth and high hipped roof/central crown maintains the mass of the building, such that it would appear as a prominent and dominant structure within the street scene, regardless of its set-back from the highway.
- 5.15 The fenestration of the building, offers a structure that takes little cues from the surrounding properties. Whilst this can be an acceptable approach, the resultant building needs to be of high quality. The proposal offers simple rhythm to the front windows, using steps in the façade and projecting box windows at ground and first floor and the associated materials palate to generate interest. The result is a relatively plain design, with too many materials incorporated. The lack of a front door in this main façade does not aid its legibility or appearance, whilst the actual entrance appears as part of an ad hoc side extension. This side projection does not aid the appearance of the building, whilst its overall front design does not appropriately break down its mass to warrant the justification for a larger building.
- 5.16 The same is true for the side elevations. Little architectural detailing is provided, with the two gables appearing as monolithic structures, augmented by the high connecting roof crown. The chimney stack is a feature of note to be incorporated, but does little on its own to enliven this deep elevation.
- 5.17 In contrast to the front and side elevations, the rear façade offers a more balanced appearance, with a central gable breaking up the width of the building. The height of this gable also reduces the apparent scale of the roof, integrating the wall and roof sections together. The façade would benefit from a simplification of the facing materials, but overall this elevation is considered acceptable.
- 5.18 The approval of contemporary designed buildings has been acceptable on other nearby sites (eg 3 Bicester Road, rear of 7 and 7A Bicester Road and 9 Blenheim Road), illustrating that such schemes can be considered acceptable. The quality of a proposal and location of a site are both central to such a design being acceptable. Insufficient architectural detailing and design quality are incorporated to break down the mass of the building proposed, whilst its location is not at a key juncture to justify a building of the scale proposed. The proposal, through its poor design and overall scale, is therefore considered inappropriate and will harm the character and appearance of the street scene, contrary to the good design ethos of the Framework and Policies C28 and C30 of the Adopted Cherwell Local Plan 1996.

Residential Amenity

- 5.19 The development has the potential to impact upon the adjoining properties 129 and 133 Oxford Road. Sufficient space is provided to the properties on Blenheim Road to the rear to ensure no loss of amenity occurs.
- 5.20 Number 129 is located to the north of the application site and forms a dormer bungalow. This property is set 1.9 metres off the side boundary, with a window facing towards this side boundary. This is understood to be the only window serving a bedroom. The repositioning of the new building closer to the boundary and the notable increase in the ridge will have a significant impact upon the light and outlook to this bedroom window. The existing relationship between the bungalow on site and this window is already likely to fail BRE recommendations for light and outlook. Reducing the situation further cannot be considered acceptable.
- 5.21 Whilst the dwelling associated with number 129 is located off the side boundary with the application site, a detached garage that is set within the rear garden is located on the shared boundary. The arrangement of the garage to the rear of number 129 and the setting of the dormer window in the roof beyond a ridgeline parallel to the application site, means that views of the new building will be limited from number 129. The closest section of the proposed building to number 129 is actually reduced in depth compared to the existing building, and is only set marginally further back in the central part of the site. The additional height increases its mass and thus impact, whilst the orientation will reduce sunlight to the garden, but not to a level that this relationship is considered to harm its amenity.
- 5.22 Number 133 is a two storey property located to the south of the application site. It is set 1.2 metres off the side boundary and incorporates side facing windows. Of particular note, is the first floor bedroom window located within the front section of number 133. The relocation of the new building could be said to improve the relationship to this window. However, the bulk will further impact upon the outlook from it.
- 5.23 There are three other side facing windows: ground floor apertures to the dining area and the kitchen and a first floor window to a bedroom. This bedroom window is believed to be a secondary window and whilst there will be an impact upon the outlook, the relationship is considered acceptable. The kitchen door also forms a secondary aperture and the relationship is therefore acceptable. The dining room forms part of a room that extends across the central part of the property, with a side facing window on both flank walls. Sunlight will mainly be obtained from the south facing window, with less gained through the northern window that faces towards the application site. However, as the building is comparatively wide at circa 8 metres, it provides important light to this room. The existing bungalow is located closer to this window by 3.4 metres than the proposed new building and this extra distance will in part off set the harm caused by the additional height. Whilst light will still reach the window, the extent of the additional height and mass from this side view is considered to result in a detrimental impact upon the outlook.

- 5.24 To the rear, the closest windows serve the kitchen and a bedroom. The extension has been designed to ensure compliance with the 45 degree rule, such that the outlook is not excessively curtailed. However, the extent of projection beyond number 133 and the design of this building such that it provides a high blank gable towards the neighbouring property will still result in an oppressive outlook from the rear of the neighbouring property.
- 5.25 The proposed building has been designed to provide all windows on the front and rear elevations. This will direct views largely over the amenity space associated with number 131. Some views will be possible over the adjacent gardens, but this relationship is not materially different to that already occurring with the dormer bungalow on site. No loss of privacy is therefore considered to occur to the adjacent properties or their gardens.
- 5.26 The proposed development is therefore considered to have an unacceptable impact upon the light and outlook of 129 and 133 Oxford Road. The proposal is therefore contrary to Policy C30 of the Adopted Cherwell Local Plan.

Highways

- 5.27 Comments from OCC Highways have not been received at the time of writing, and thus consideration of the highway matters are all subject to no contradictory views from this statutory consultee.
- 5.28 The proposal is seeking to amend one of the existing access points onto Oxford Road. This will be widened to 4.8 metres, enabling vehicles to pass in both directions. Although the access will be close to the bus stop, there is no issue in respect of visibility splays in either direction, and thus access to the site is possible in principle. The internal layout enables vehicles to manoeuvre, allowing cars to enter and egress in a forward gear. This will protect highway safety and the free flow of vehicles along Oxford Road.
- 5.29 For this development of five units, there is a maximum parking requirement of 10 car parking spaces. Five spaces are proposed, along with secure cycle parking to the rear. Given the sustainable location of the site, the level of parking proposed is considered acceptable.
- 5.30 Parking and highways are therefore considered acceptable and in accordance with Policies TR5 and TR11 and Appendix B of the Non-Statutory Cherwell Local Plan, subject to no technical objection being raised by OCC Highways.

Consultation with Applicant

- 5.31 The concerns in respect of this planning application have been highlighted to the agent. These cannot be resolved through amendments to the current proposal, and as such the agent has been informed that the proposal would be recommended for refusal if it was not withdrawn.

Conclusion

- 5.32 The proposed development is considered to be excessive in scale and mass, such that it will be overdominant within the street scene. Its poor design will result in a harmful addition to the street scene, which should be resisted.
- 5.33 The scale, and position of the building will undermine the amenity of the neighbouring properties (129 and 133 Oxford Road) by reason of an overbearing relationship, loss of outlook and loss of sunlight.
- 5.34 The proposal is therefore considered unacceptable and contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan 1996 and the National Planning Policy Framework.

6. Recommendation

Refuse, for the following reasons:-

1. The proposed development, due to its design, height, scale and mass would appear as an incongruous and overdominant structure, to the detriment of the character and appearance of the street scene. The proposal is considered contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan and the National Planning Policy Framework.
2. The proposed development due to its scale and position would lead to significant loss of amenity to 129 and 133 Oxford Road through loss of sunlight, loss of outlook and overbearing impact. The proposal is thereby contrary to Policy C30 of the Adopted Cherwell Local Plan.

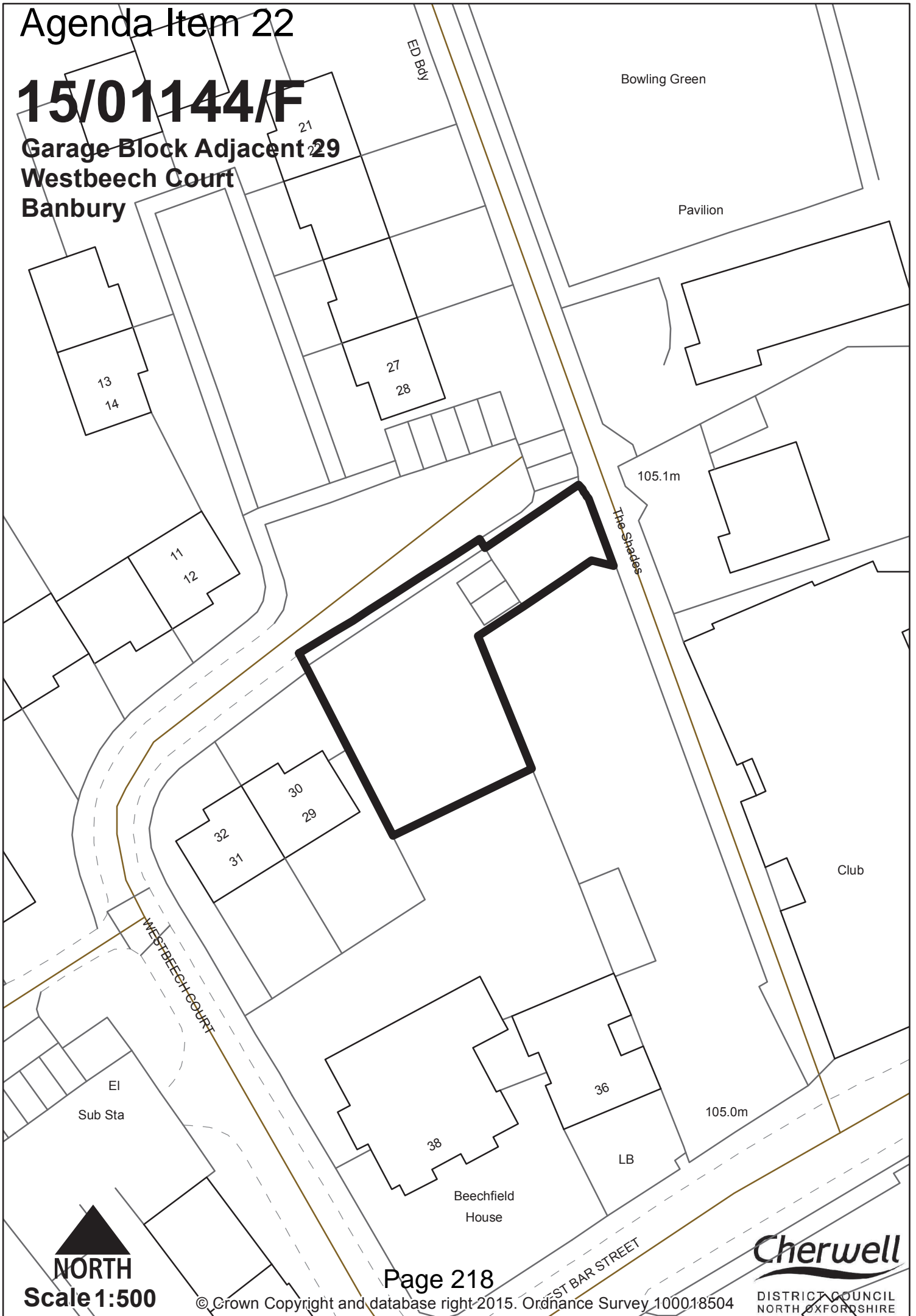
Statement of Engagement

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

Agenda Item 22

15/01144/F

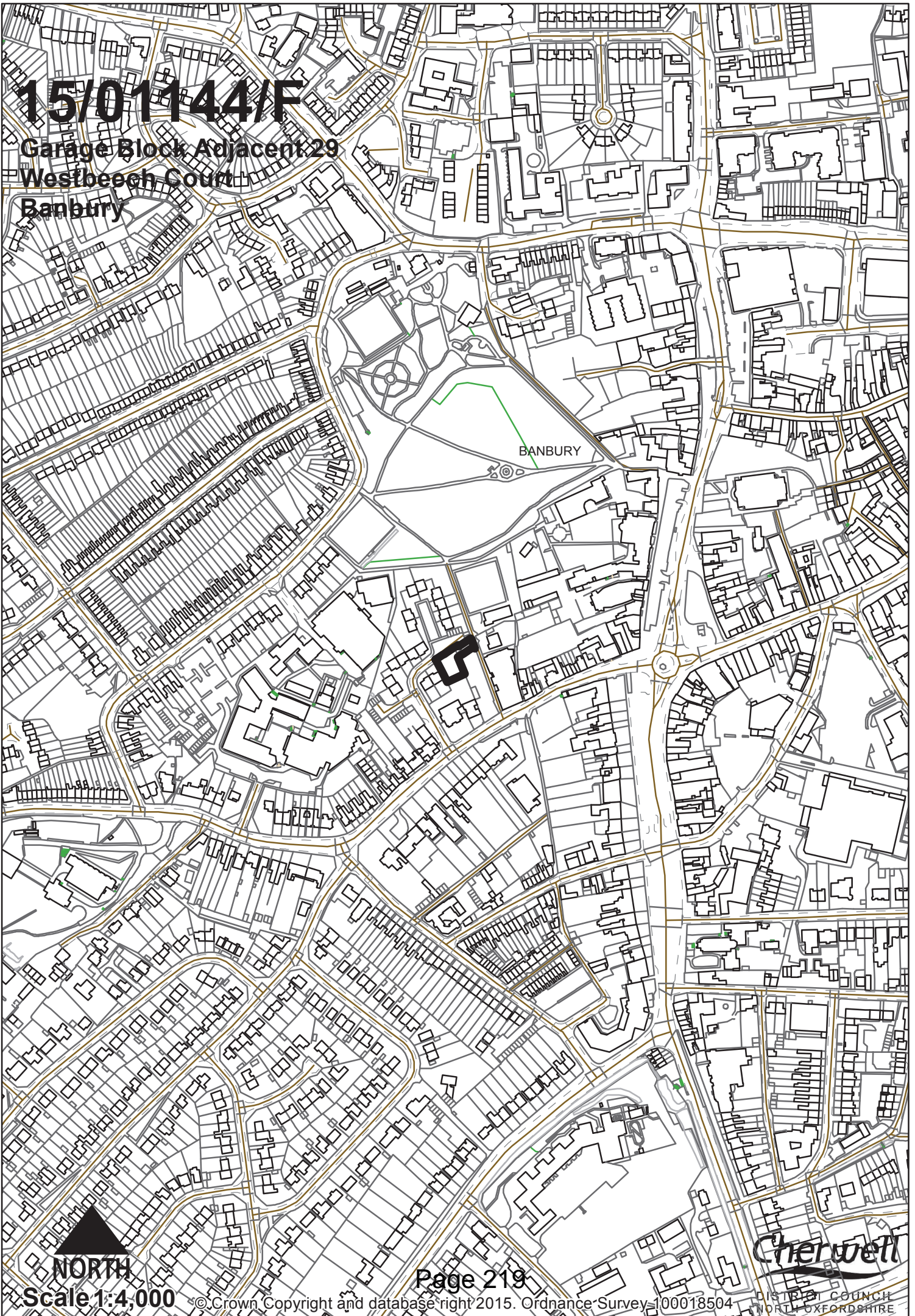
Garage Block Adjacent to
Westbeech Court
Banbury



Scale 1:500

15/01144/F

Garage Block Adjacent 29
Westbeech Court
Banbury



BANBURY


NORTH

Scale 1:4,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Garage Block Adjacent 29 Westbeech Court, Banbury 15/01144/F

Ward: Banbury Easington

District Councillor: Cllrs.Blackwell, Mallon and Morris

Case Officer: Aitchison Raffety

Recommendation: APPROVE

Applicant: Mr Norman White

Application Description: Construction of 3 new houses and associated parking with access from Westbeech Court – Resubmission of 15/00300/F

Committee Referral: Previous application dealt with at Committee

Committee Date: 6 August 2015

1. Site Description and Proposed Development

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

storey structure that has been extensively extended. It is finished with light coloured render and is largely flat roofed. Number 1 The Shades is located to the east of the application site and is a modest sized detached brick bungalow. To the north of this property is the bowls club, a composite single storey structure with the front section largely constructed from brick with a tiled, hipped roof.

- 1.3 The proposal is seeking to construct three dwellings, following demolition of the existing garage. The existing parking associated with number 36 on the site will be reconfigured on the retained area to the south (beyond the application site) to continue to provide 21 spaces.
- 1.4 Plots 1 – 2 are proposed as semi-detached three bedroom units of 2.5 storey fronting north-west onto Westbeech Court. These provide a hipped roof dwelling pair with a concealed central roof crown. The front elevation incorporates an open mono-pitch porch with projecting front gables at first floor, which are cantilevered over the garages. A second parking space is provided in front of the properties. To the rear, the building provides a central projecting two storey gable, topped by a small balcony area to the master bedrooms. Feature pitched roof dormer style glazed sections provide access onto the balconies. To the rear, private amenity spaces are provided.
- 1.5 Plot 3 is set perpendicularly to plots 1 and 2 and located on the eastern part of the site. It is set side-on to the private garage forecourt on Westbeech Court and aligns with the boundary to this forecourt. The front door faces westwards towards the other proposed dwellings, with private amenity space to the east, adjacent to The Shades. This two storey property is topped by a hipped roof with a concealed central crown and translates into a rear projecting two storey gable. Two parking spaces are proposed to the front (west) of the property, with access taken off Westbeech Court.
- 1.6 The buildings are to be constructed from buff/red facing brick and coloured render panels, with concrete tiles.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. Consultation expires on 6 August 2015.
- 2.2 Five objections have been received to date, and any other responses received will be reported to Committee .. The following issues were raised -

Material planning comments:

- Highway safety
- Loss of parking on Westbeech Court
- Increased parking pressure exacerbated due to demand for visitors to new properties
- Westbeech Court highway is substandard to current policy requirements; emergency/refuse vehicle access issues
- Impact upon setting of conservation area
- Does not integrate well into the existing street scene
- Archaeological implications

Impact upon residential amenity
Removal of wall to Westbeech Court will generate opportunities for antisocial behaviour
Site not sustainable

Non material comments:

Issue over construction traffic parking
Westbeech Court largely occupied by retired persons who should be protected from construction noise
Lost opportunity for provision of amenity and recreational space on this land

3. Consultations

3.1 **Banbury Town Council:** Awaiting response.

Cherwell District Council Consultees

3.2 **Conservation Officer:** Awaiting response.

3.3 **Environmental Protection Officer:** Awaiting response.

3.4 **Environmental Services – Waste & Recycling:** Happy with proposals for waste and recycling storage. A Section 106 contribution of £106.00 per property will also be required.

Oxfordshire County Council Consultees

3.5 **Highways Liaison Officer:** Awaiting Response.

Other Consultees

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

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 2031 Part 1

The following Policies are considered to be relevant:

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

Adopted Cherwell Local Plan 1996 (Saved Policies)

C23: Retention of features contributing to character or appearance of a conservation area
C28: Layout, design and external appearance of new development
C30: Design of new residential development
ENV12: Contaminated land

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

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 although now carrying very little weight. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

TR5	Road Safety
TR11	Parking
Appendix B	Parking Standards

5. Appraisal

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

- Relevant Planning History
- Principle of Development
- Amount of Development/Layout
- Design and Street Scene/Conservation Area Setting
- Residential Amenity
- Highways and Parking
- Section 106/Financial Contributions
- Other Matters

Relevant Planning History

Application Site

5.2 Development of this land for four dwellings was considered at the Planning Committee in May 2015 (15/00300/F). This application was refused, in line with Officer Recommendation, for the following reasons on 22 May 2015: -

- 1 The proposal represents an overdevelopment of the site, resulting in a cramped layout which is to the detriment of the character and appearance of Westbeech Court, and the wellbeing of future occupiers through provision of insufficient private amenity space. The proposal contravenes Policies C28 and C30 of the Adopted Cherwell Local Plan, Policy ESD16 of the Submission Cherwell Local Plan and the good design ethos of the Framework.
- 2 The scale of plots 1 – 3 by reason of their three storey form and fenestration detailing appear overdominant within the Westbeech Court street scene. This relationship is considered contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan, Policy ESD16 of the Submission Cherwell Local Plan and the good design ethos of the Framework.
- 3 Plot 4 is in an elevated and prominent location on Westbeech Court. The design of this dwelling does not make a positive contribution to the street scene due to poor fenestration detailing, contrary to Policy C30 of the Adopted Cherwell Local Plan.

Other Sites

- 5.3 Prior approval for the change of use of Beechfield House, 38 West Bar Street was granted on 23 May 2014 (14/00525/CPA). This enabled the creation of eight, one and two bedroom apartments, with the rear part of the parking area incorporated within the proposed application site. As part of the information submitted with this prior approval, provision of 16 car parking spaces in association with the apartments would be provided.

Principle of Development

- 5.4 The application site is located within Banbury, close to the town centre, employment opportunities and public transport. It represents a sustainably located site within the most sustainable settlement in Cherwell District. It is towards such locations that residential development is directed within the Development Plan and the Framework.
- 5.5 The site forms part of an open area of land that extends between West Bar Street and Westbeech Court to the west of The Shades. This land is hard standing used largely for car parking in association with the surrounding uses. There are numerous owners of this undeveloped land and subject to ensuring sufficient parking is retained for the various uses, there is scope for redevelopment of this space. Whilst this proposal only incorporates part of this undeveloped land, it does not undermine the redevelopment potential of adjoining land parcels, should they come forward. The scheme also maintains sufficient facilities for 36 and 38 West Bar Street (see Highways and Parking section below).
- 5.6 The principle of development is therefore considered to be in accordance with Policies PSD1 and BSC1 of the Cherwell Local Plan 2031 Part 1 and the Framework, subject to consideration against other relevant Development Plan policies.

Amount of Development/Layout

- 5.7 The proposal is seeking construction of three properties. The L-shaped site presents a constraint to the layout, with limited options for the orientation and arrangement of the development at this scale. The three properties are designed to face towards Westbeech Court, with all properties effectively designed as dual fronted dwellings to reflect the openness of views from the rear on West Bar Street and The Shades.
- 5.8 The proposed semi-detached pair is set within the centre of the site, providing dwellings 6.8 metres wide and 9.4 metres deep. This provides relatively wide plots with properties whose footprints are commensurate to those already present on Westbeech Court. The setting away of these dwellings from both side boundaries continues the development grain along the highway, whilst their alignment forward of numbers 29 – 32 continues the stepped front building line. This is a position continued through the alignment of Plot 3, which is set on the northern boundary and acts as a building at the end of Westbeech Court. All three properties front towards Westbeech Court, providing passive surveillance over the highway, as well as the private parking forecourt.
- 5.9 Private parking for each house is provided on plot adjacent to the highway with amenity areas at the rear. Subject to appropriate boundary treatment, an acceptable relationship to The Shades can be created, allowing interaction with both neighbouring highways.
- 5.10 The provision of on-plot parking is contrary to the approach provided for the rest of Westbeech Court, but is considered acceptable, due to the need for parking associated with these properties. The provision of soft landscaping areas adjacent to the highway, integrates the parking areas into the front amenity area as well as the established street arrangement.
- 5.11 The garden sizes associated with these three bedroom properties are limited, ranging between 48 sq.m (plots 1 and 3) to 72 sqm (plot 2). However, given their central location, they are considered to represent acceptable, usable spaces. The site is close to a public park, whilst small balcony areas are provided offering an additional type of amenity space, albeit of limited use.
- 5.12 The proposed development has reduced the number of dwellings by one from the previous refusal. This has overcome the concerns of a cramped layout, narrow plots/buildings and a terrace row that is uncharacteristic for the area, and substandard gardens, allowing a development more akin to that of the established layout of Westbeech Court. The proposed layout is therefore considered to be in accordance with Policy ESD16 of the Adopted Cherwell Local Plan 2031 Part 1, Policies C28 and C30 of the Adopted Cherwell Local Plan 1996, and the good design ethos of the Framework.

Design and Street Scene/Conservation Area Setting

- 5.13 Reflecting the site's relatively central location within Banbury, there are a mix of uses and property types within the immediate vicinity. This includes high and low quality buildings of various scales and designs within which the new dwellings will be seen. Principally though, due to their close proximity, they will be viewed as part of Westbeech Court. It was indicated through pre-application

that the design does not need to simply follow that of the dwellings along this highway, but instead take cues from the buildings along West Bar Street.

- 5.14 Plots 1 and 2 form a pair of semi-detached dwellings, fronting towards Westbeech Court. The front elevations, whilst not replicating the properties on this street, offer similar building forms of two storey structures with hipped roofs. Projecting front gables form the main feature on this façade, linked to the building by the adjacent porches to create a consistent building line. The gables also assist in breaking up the roof form, which is augmented by the use of cill and lintel detailing to provide a balanced, attractive façade.
- 5.15 The rear elevations of these plots will be viewed across the open parking areas between the site and West Bar Street/The Shades. The rear elevation is translated into a three storey building, with the third floor as a gable at roof level. The change in ground level to the rear helps to reduce the apparent height of the building. It will appear subservient in scale (height and width) to the nearby buildings on West Bar Street (numbers 36 and 38) and commensurate to the adjacent dwellings on Westbeech Court (29 – 32). Its mass will therefore reflect appropriately the building's setting within these views.
- 5.16 The rear elevation is broken into sections by the central bay. This provides a mirrored appearance to the façade for both properties, with appropriately sized and scaled windows at ground and first floor to offer a balanced, traditional elevation. The loft level balcony over the rear gable and the fully glazed rear projection to the second floor introduces a more modern addition. These features are appropriately assimilated with the rest of the building, through the use of matching proportions to the individual windows/doors, matching roof pitches and its integration with the projecting section below. This ensures an attractive elevation that will improve the setting of the Conservation Area.
- 5.17 Plot 3 is set perpendicularly to plots 1 and 2 and acts in part as a building at the head of the Westbeech Court cul de sac. This unit has been designed as a two storey property, with a hipped roof to match the surrounding properties and overall heights to reflect that of the other proposed dwellings, as well as the existing nearby two storey buildings. This property provides a simple façade westwards towards Westbeech Court, with a cantilevered porch to match the other plots over the front door. Windows with cill and lintel detail, along with unbroken eaves and ridge lines offers an appropriate elevation.
- 5.18 The side elevations to the property are more visible than normal, with views possible across the garage forecourt to the north, and across the car parks to the south. Although a boundary wall will curtail some views from the south of the ground floor, these elevations incorporate some windows with detailing to match those of the windows on the front elevation. The northern façade also incorporates a small gable over the first floor landing window to create an added feature and break up the longer eaves line along this elevation. The incorporation of windows in these elevations will also aid passive surveillance and seek to reduce the perceived opportunity for antisocial behaviour in the adjacent spaces which are currently not overlooked.
- 5.19 The rear elevation is towards The Shades. This incorporates a stepped rear façade, with a projecting rear gable across half the width of the property

creating a secondary ridgeline. The provision of matching, centrally located ground and first floor apertures, offers a balanced, attractive elevation.

- 5.20 The proposal does not differentiate the materials to be used on the various parts of the building, with the description referring to the use of brick and render. Used appropriately, this palette could reinforce the quality appearance of the buildings. A condition seeking further details on the use of the proposed materials can be attached to any approval.
- 5.21 The two storey nature of these properties to Westbeech Court, coupled with their eaves and ridgelines are reflective of the existing buildings on this road. They will therefore be appropriately assimilated into the built environment. This is in contrast to the previous scheme which incorporated a third floor on the front elevation, along with a ridgeline 1.0 metre higher. The same ground level as the adjacent buildings is also used (including on plot 3), with a stepped internal level rather than setting the finished floor level down, generating appropriate building lines for the current scheme. The refused scheme also proposed a much more dense, tight knit development which was at odds with the character of the area. The appearance of the dwellings has been completely redesigned, and as such it is considered that the new scheme rectifies the previous issues, such that it now overcomes the previous reason for refusal on design and impact upon the character and appearance of the area.
- 5.22 The historic boundary wall adjacent to Westbeech Court will still be lost, which is unfortunate. However, its loss was not cited in the reasons for refusal of the previous application and thus a different position cannot be reached through this application as there has been no material change in circumstances.
- 5.23 Subject to the imposition of a condition on materials, the proposal is considered to accord with Policy ESD16 of the Adopted Cherwell Local Plan 2031 Part 1, Policies C28 and C30 of the Adopted Cherwell Local Plan 1996, and the good design ethos of the Framework.

Residential Amenity

- 5.24 The proposed dwellings are orientated to face towards the highway and their own rear gardens. The upper floor windows and balcony to the rear of plots 1 and 2 will provide some views over the neighbouring gardens of 29 and 30 Westbeech Court. However, the buildings and all windows are orientated to minimise overlooking. Some views will however, be possible, but this is no different to that already achievable between neighbouring properties. To Beechfield House to the south, the rear elevation of the new dwellings is at least 26 metres away and offset in their alignment. 31 metres is provided 'back to back' with 36 West Bar Street (in office use). These arrangements are more than sufficient to protect amenity for all properties. Therefore the relationship from the rear windows to all buildings is acceptable.
- 5.25 Side facing windows are proposed in plot 1 which will face towards 29 and 30 Westbeech Court. These windows will serve a toilet and stairwell at ground floor and a stairwell at first/second floor. These windows do not therefore serve habitable rooms. The ground floor windows will face towards the existing boundary wall to curtail any views towards the neighbouring properties and their

gardens. The upper window, due to its vertical alignment, is not capable of easy conversion internally to serve a habitable room. Side facing landing/stair case windows are also common on properties. The incorporation of these side windows is therefore considered acceptable.

- 5.26 The incorporation of the same side facing windows to plot 2 does not cause any conflict between this dwelling and plot 3, due to careful configuration of the windows on these properties. The privacy to these units will be maintained, whilst window alignments will offer some passive surveillance over the adjoining open land.
- 5.27 Plots 1 and 2 are aligned to the north-east of numbers 29 and 30 but are set further forward. The alignment does not exceed the 45 degree rule from any existing window, and likewise an acceptable arrangement to the rear for plot 1's windows is also created. This offset is also insufficient to result in the proposed dwellings being overly dominant from views of the adjoining properties.
- 5.28 Directly opposite Plots 1 and 2 is a grassed area, with 11 and 12 Westbeech Court to the west of it. The orientation between these dwellings and the application buildings means that some morning sunlight will be obscured by the new dwellings. However, this arrangement is not materially different to that created between other properties on this and other streets.
- 5.29 The arrangement between the existing and proposed dwellings is therefore considered to protect residential amenity, in accordance with Policy C30 of the Adopted Cherwell Local Plan 1996.

Highways and Parking

- 5.30 Vehicular access for all properties is to be taken off Westbeech Court. Access will be from the public section of this highway, with no interaction required with the private garage forecourt area in order to gain access or manoeuvre vehicles in association with the proposed parking. Whilst Westbeech Court is substandard in width compared to current requirements, it already serves 32 dwellings. The incorporation of traffic for three additional properties would not be an issue.
- 5.31 The proposal incorporates two parking spaces for each dwelling. This is in line with current policy and thus is considered acceptable and will protect the free movement of traffic along adopted highways. A condition will need to be attached to ensure pedestrian visibility splays are provided and retained, with the closest 2.0 metre section of the side boundary wall to numbers 29 and 30 reduced in height appropriately.
- 5.32 In order to create the access to the site, parking for up to three vehicles on the highway would be lost. However, this part of the highway forms part of the turning area for the marked spaces on Westbeech Court. Any vehicle parallel parked adjacent to the proposed access prevents the ease of use of the designated on street parking spaces. The insertion of the access points to the new dwellings will therefore improve the ability to use the designated spaces. Whilst it is recognised that there is a shortfall of parking along Westbeech Court for the existing dwellings, this is not an issue that should be rectified by the proposed development.

- 5.33 The application site is currently a car park used in conjunction with 36 West Bar Street, with the wider parking area also linked to number 38. 21 parking spaces are currently available for use in association with number 36. Reorganisation of the space will enable this number of spaces to be retained and used. The Prior Approval Application for 38 West Bar Street to be used as flats noted 16 parking spaces would be provided. 11 have been marked out, some of which are substandard. No concern over this level of provision was raised previously by the Highway Officer, a position anticipated to be continued. As such the level of parking retained is considered acceptable in this instance.
- 5.34 The above comments are provided subject to receipt of OCC Highway comments. Given that they considered that the previous scheme for four dwellings was acceptable, and that this proposal reduces the housing numbers by one, it is expected that no objection will be forthcoming. Therefore, subject to no objection from OCC Highways, the access and parking is considered to be in line with Policies TR5 and TR11 and Appendix B of the Non-Statutory Cherwell Local Plan.

Section 106/Financial Contributions

- 5.35 As part of this development, a contribution of £106 per dwelling towards waste and recycling has been requested. This can however be dealt with by condition

Other Matters

- 5.36 Extensive concern has been raised by local residents and businesses in response to development of this land, through the previous refused application and on-going for the current application. The majority of the material planning concerns highlighted have been covered in the discussion above. However, a few additional points have been raised in respect of this site, along with other elements that need to be considered.
- 5.37 It has been highlighted that there is asbestos within the garage to be demolished, whilst Japanese Knotweed has also been identified as being present on site recently. These are elements that could have notes attached to any permission to ensure the applicant is aware of these issues and the duty to deal with them in accordance with law.
- 5.38 In terms of archaeology, no information has been provided with this application. However, its proximity to the historic part of Banbury and the walls bounding the site leads to the position that as part of any approval a condition seeking archaeological information should be provided.
- 5.39 As part of the information provided, it has been proposed that the site will deal with surface water via soakaways. No detail has been provided in respect of whether this is achievable and where any facilities to enable this would be located. As part of any approval, full details relating to foul and surface water, including means of discharge, would need to be provided.

Consultation with Applicant

5.40 Discussion with applicant's agent has been undertaken to keep them informed of progress. This has included the suggestion of the provision of brackets to the front of the building to more effectively connect the front gable projection to the building. Amended plans have been received to this effect.

Conclusion

5.41 The principle of the development of this land for residential purposes is considered acceptable. The scheme proposes three dwellings with a layout and scale of development that reflects the character of the surrounding area. The design provides an individual development, which whilst not replicating the adjacent properties on Westbeech Court, offers attractive buildings that will improve the character and appearance of the street scene and views into and out of the adjacent Conservation Area. No material impact upon the amenity of surrounding residents will occur. Acceptable access and parking levels are provided in support of this development.

5.42 The proposal incorporates a comprehensive redesign of the scheme following the previous refusal for four dwellings in May 2015. This has addressed the issues of overdevelopment, the uncharacteristic scale and poor design of the buildings which were cited as reasons for refusal. This application is considered to accord with policy and consequently recommended for approval.

6. Recommendation

Approve, subject to:-

The following conditions:-

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

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

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered: 1435 -01 A; 5212.03 A; 5212.06; 5212.07A.

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

3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roofs 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 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

7. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 1.0 metres measured from the carriageway level.

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

8. Prior to the first use of the access hereby approved, the existing vehicular access onto The Shades shall be permanently stopped up and shall not be used by any vehicular traffic whatsoever.

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

9. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- parking of vehicles of site operatives and visitors
- routes for construction traffic from West Bar Street
- hours of operation
- method of prevention of mud being carried onto highway
- pedestrian and cyclist protection
- any proposed temporary traffic restrictions
- arrangements for turning vehicles

Reason: In the interests of highway safety and protection of amenity for local residents.

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

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

12. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. The garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Government guidance contained within the National Planning Policy Framework.

14. The dwellings hereby approved shall not be occupied until domestic bins for the purposes of refuse, food waste, recycling and green waste have been provided for each approved property in accordance with the Council's current bin specifications and requirements.

Reason – To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions on Policy 1NF1 of the adopted Cherwell Local Plan 2011-2031

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 is advised that if further advice is required in relation to condition 11, contact should be made with the County Archaeologist on 01865 328944 or by writing to Richard.Oram@oxfordshire.gov.uk or Historic and Natural Environment Team, Infrastructure Planning, Speedwell House, Speedwell Street, Oxford, OX1 1NE, who can provide advice in

terms of the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

3. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
4. Disposal of hazardous waste from the site may require specialist help and advice. If you are in doubt about the safety of asbestos, or do not know how to safely dispose of it, then call Oxfordshire County Council at Ardley. Please ensure that you contact Ardley on 01869 343459 prior to disposal in order to confirm that there will be space.
5. It has been indicated that there may be Japanese Knotweed on the application site. You are not legally obliged to remove these plants or to control them. However, if you allow Japanese Knotweed to grow onto other people's property then you could be prosecuted for causing a private nuisance. Should you require further information regarding the control or disposal of Japanese Knotweed, then please speak to either Natural England on 0300 060 1112 or the Environment Agency on 0370 850 6506.

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.

Planning Committee

6 August 2015

Decisions Subject to Various Requirements - Progress Report
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Report of Head of Development Management

This report is public

Purpose of report

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

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

The following applications remain outstanding for the reasons stated:

10/00640/F (re-affirmed 24.5.12)	Former USAF housing South of Camp Road, Upper Heyford Subject to legal agreement concerning on and off site infrastructure and affordable housing. May be withdrawn following completion of negotiations on 10/01642/OUT	
13/00330/OUT (6.3.14)	81-89 Cassington Road Yarnton Subject to legal agreement	
13/00433/OUT (11.7.13)	Land at Whitelands Farm, Middleton Stoney Road, Bicester Subject to legal agreement concerning on-site and off-site infrastructure	

13/00444/OUT (11.7.13)	Land west of Edinburgh Way, Banbury Subject to legal agreement concerning on-site and off-site infrastructure	
13/00847/OUT (7.8.14)	Phase 2 SW Bicester Subject to legal agreement re infrastructure contributions	
13/01372/CDC (6.2.14 and 24.4.14)	Land rear of Methodist Church, The Fairway, Banbury Subject to legal agreement re affordable housing	
13/01601/OUT (6.2.14) and (7.8.14)	Land adj. Spiceball Park Road, Banbury Revised proposal received late May 2014 – reconsultation and return to Committee) Sec. of State indicates that he does not want to intervene. Legal agreement re off-site infrastructure contributions to be completed	
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 (Sec of State indicates that does not wish to intervene) (ii) subject to applicant entering into legal agreement re employment and skills plan and relating to previously agreed off-site highway works	
15/00695/OUT (9.7.15)	Graven Hill, MOD Bicester Subject to amending the legal agreement entered into re 11/01494/OUT re site boundary	

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

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

Option 1: To accept the position statement

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

5.0 Implications

5.1 Financial and Resource Implications

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

Comments checked by:
Kate Crussell, Service Accountant, 01327 322188,

Kate.Crussell@cherwellandsouthnorthants.gov.uk

5.2 Legal Implications

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

Comments checked by:

Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,
nigel.bell@cherwell-dc.gov.uk

5.3 Risk Management

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 and Litigation, 01295 221687,
nigel.bell@cherwell-dc.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	
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Cherwell District Council

Planning Committee

6 August 2015

Appeals Progress Report

Report of Head of Development Management

This report is public

Purpose of report

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

2.1

15/00372/F – Land Off Rectory Close, Bicester Road, Middleton Stoney –
Appeal by Mr and Mrs B Sporn against the refusal of planning permission for the erection of 1 no. dwelling.

14/01711/F + 14/01712/LB – Model Farm, Bletchington Road, Hampton Poyle, Kidlington, OX5 2QG – Appeal by Mr J Brewer against the refusal of planning and listed building consent for the alteration and extension of Model Farm House to incorporate the change of use of existing farm buildings into ancillary residential use. Landscaping and relocation of modern agricultural building - Re-submission of 14/00483/F.

15/00285/F – 1 Jerome Way, Shipton-on-Cherwell, Kidlington, OX5 1JT –
Appeal by Mrs Anna Capilli Francis against the application permitted on 27th April 2015. (Note - this has been raised with the Planning Inspectorate as a potential error, and the appellant may be intending to appeal a later decision against the refusal of planning permission (15/00882/F) for the Erection of two storey side extension - re-submission of 15/00285/F.

15/00454/OUT – Land North of the Green Lane and East of the Hale, Chesterton – Appeal by Ms Philippa and Georgina Pain against the refusal of planning permission of up to 51 Dwellings with vehicular access from The Hale together with public open space and surface water retention pond and associated infrastructure

15/00744/F – Annaway, Sibford Road, Epwell, Banbury – Appeal by Mr and Mrs Kevin Lewis against the refusal of planning permission for the demolition of existing garage and replacement with timber frame garage.

2.2 **Forthcoming Public Inquires and Hearings between 6th August and 3rd September 2015**

Hearing commencing Tuesday 25th August 2015 at 10:00 in the River Cherwell Meeting Room at Bodicote House, White Post Road, Bodicote. Appeal by Mr John Attley against the refusal of application 14/01827/OBL for the variation of planning obligation to approved application 13/01576/OUT, at The Tally Ho Inn, 45 Ploughley Road, Arncott, Arncott, Oxfordshire.

2.3 **Results**

Inspectors appointed by the Secretary of State have:

- 1) Dismissed the appeal by Mrs Barbara Gadd against the refusal of planning permission of demolition of existing commercial office and stable block and construction of a detached dwelling with garage, at Blenheim Cottage, Millers Lane, Hornton, Banbury (Delegated).** The Inspector concluded that the main issues in this case were, first the effect of the proposal on the setting and significance of St John the Baptist Church a Grade 1 listed Building, and, linked to that, whether the proposal would preserve or enhance the character or appearance of the Horton Conversation area; and secondly whether the proposal would represent a sustainable form of development having regard to the provisions of national and local planning policy.

The Inspector noted that the proposed dwelling, which would be two storeys in height with some single storey elements, would be located to the south-east corner of the site, in close proximity to the boundary with the Church. Given the location of the building, and the difference in levels between the two sites, the proposed dwelling would be prominent when viewed from within the Church ground and in the Inspectors judgement would visually dominate the setting of the Church. The proposed dwelling would be significantly taller than existing buildings and have greater building mass. For these reasons the proposal would affect the setting of the Grade 1 Listed building,

In terms of the conservation area, Section 72 (1) of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area. The proposed dwelling, whilst it would be constructed in stone and have a steeply pitched roof, would have a roughly T Shaped plan form with a series of roofs at different heights. As such it would have a more

complex appearance than the simple dwellings that contribute positively to the character of the conservation area. In addition, the dwelling would be located on land that has no frontage to a public highway but rather would be positioned at the end of a long access track. Consequently the proposed dwelling would have the appearance of an alien insertion that would not respect the pattern of appearance of residential development in the area.

Finally in terms of sustainability the inspector noted that whilst there is some very limited economic and social benefit from the provision of one additional dwelling, and the site lies in a reasonably sustainable location, the development would not meet the environmental role of sustainability in terms of preserving the natural, built and historic environment. The development would therefore be unsustainable and as such, contrary to the principles of sustainability set out in the Framework and to the aims of Policy H14 of the Local Plan.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

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

Option 1: To accept the position statement.

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

5.0 Implications

Financial and Resource Implications

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

Comments checked by:

Kate Crussell, Service Accountant, 01327 322188

Kate.Crussell@Cherwellandsouthnorthants.gov.uk

Legal Implications

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

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

Risk Management

- 5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.
Nigel Bell, Team Leader – Planning, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

Comments checked by:

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
All papers attached to the planning applications files referred to in this report	
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