

Public Document Pack



Committee: Planning Committee
Date: Thursday 26 November 2015
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Colin Clarke (Chairman)	Councillor Fred Blackwell (Vice-Chairman)
Councillor Andrew Beere	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 Nigel Randall	Councillor G A Reynolds
Councillor Barry Richards	Councillor Lawrie Stratford
Councillor Rose Stratford	Councillor Sean Woodcock

Substitutes

Councillor Ken Atack	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 - 25)

To confirm as a correct record the Minutes of the meeting of the Committee held on 29 October 2015.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

- 7. Land East Evenlode Crescent and South Langford Lane, Kidlington**
(Pages 28 - 59) **14/02067/OUT**
- 8. Land Adjacent to Esso Station Baynards Green, OX27 7SG** (Pages 60 - 77) **15/00758/F**
- 9. North And South Arcade At Bicester Eco Town Exemplar Site, Charlotte Avenue, Bicester** (Pages 78 - 111) **15/00760/F**
- 10. Land at Kraft Foods, Southam Road, Banbury** (Pages 112 - 166) **15/00831/F**
- 11. The Bungalow, Cumberford Hill, Bloxham, Banbury, OX15 4HL**
(Pages 167 - 189) **15/01090/F**
- 12. Land adj to Vespasian Way, Chesterton** (Pages 190 - 207) **15/01165/F**
- 13. Plot 1 Land North West of Golf Club, Mill Lane, Kirtlington** (Pages 208 - 219) **15/01301/F**
- 14. Land South Of Little Shotover and East of Cherry Cottage, Horn Lane Road, Adderbury** (Pages 220 - 239) **15/01384/OUT**
- 15. 13 Hampden Close, Bicester, OX26 4UG** (Pages 240 - 247) **15/01565/F**
- 16. Garage Block Rear Of 52 To 58 Bucknell Road Bicester** (Pages 248 - 262) **15/01599/F**
- 17. Proposed Sports Pavilion and Sport Field, Whitelands Way, Bicester**
(Pages 263 - 281) **15/01615/F**

18. **Bicester Furniture Studio, 24 Church Street, Bicester, OX26 6AZ**
(Pages 282 - 292)

15/01724/F

Review and Monitoring Reports

19. **Decisions Subject to Various Requirements** (Pages 293 - 296)

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.

20. **Appeals Progress Report** (Pages 297 - 300)

Report of Head of Development Management

Summary

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

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

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

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

Evacuation Procedure

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

Access to Meetings

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

Mobile Phones

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

Queries Regarding this Agenda

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

Sue Smith
Chief Executive

Published on Wednesday 18 November 2015

Agenda Item 5

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 29 October 2015 at 4.00 pm

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

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

Substitute Members: Councillor Barry Wood (In place of Councillor James Macnamara)

Also Present: Councillor Les Sibley, local ward member for Bicester West, for agenda item 7

Apologies for absence: Councillor James Macnamara
Councillor Sean Woodcock

Officers: Bob Duxbury, Development Control Team Leader
Jenny Barker, Bicester Delivery Manager
Caroline Ford, Principal Planning Officer
Alex Keen, Team Leader (Minors)
James Kirkham, Senior Planning Officer
Nat Stock, Team Leader (Others)
Ross Chambers, Solicitor
Aaron Hetherington, Democratic and Elections Officer

Declarations of Interest

7. Land Adj To Bicester Road And South West Of Avonbury Business Park, Howes Lane, Bicester.

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

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

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

9. Land adjacent Hardwick Hill cemetery, Southam Rd. Banbury.

Councillor Alastair Milne Home, Conflict of Interest, as a member of Banbury Town Council, which had been consulted on the application and left the chamber for the duration of the item.

Councillor Andrew Beere, Conflict of Interest, as a member of Banbury Town Council, which had been consulted on the application and left the chamber for the duration of the item.

Councillor Barry Richards, Conflict of Interest, as a member of Banbury Town Council, which had been consulted on the application and left the chamber for the duration of the item.

Councillor Colin Clarke, Conflict of Interest, as a member of Banbury Town Council, which had been consulted on the application and as a member of Banbury Town Council's General Services Committee and the Resources Committee and left the chamber for the duration of the item.

10. The Plough Inn, 63 North Street, Bicester, OX26 6NB.

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

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

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

12. Hill Leys, Banbury Road, Finmere.

Councillor Mike Kerford-Byrnes, Disclosable Pecuniary Interest, as the applicant and he would leave the Chamber for the duration of the item.

13. Hill Leys, Banbury Road, Finmere.

Councillor Mike Kerford-Byrnes, Disclosable Pecuniary Interest, as the applicant and he would leave the Chamber for the duration of the item.

106 **Requests to Address the Meeting**

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

107 **Urgent Business**

There were no items of urgent business.

108 **Minutes**

The Minutes of the meeting held on 1 October 2015 were agreed as a correct record and signed by the Chairman.

109 **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.

110 **Land Adj To Bicester Road And South West Of Avonbury Business Park, Howes Lane, Bicester**

The Committee considered application 14/01641/OUT, an outline application to provide up to 900 residential dwellings (Class C3), commercial floor space (Class A1-A5, B1 and B2), leisure facilities (Class D2), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2 FE) (Class D1), secondary school up to 8 FE (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations at land adjacent to Bicester Road and South West of Avonbury Business Park, Howes Lane, Bicester for A2 Dominion South Ltd.

Councillor Les Sibley addressed the committee as Ward member.

Iain Painting, agent for the applicant, addressed the meeting in support to the application.

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

Resolved

That application 14/01641/OUT be approved, subject to:

1. Delegation of the negotiation of the S106 agreement to officers in accordance with the summary of the Heads of Terms attached at Appendix B and subsequent completion of S106 agreements
2. The following conditions, with delegation of final wording of and any changes to conditions to the Development Services Manager in consultation with the Chairman of Planning Committee

Time Limits

1. No development shall commence on any phase until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
2. In the case of the reserved matters, application for approval shall be made for the first residential phase of development not later than the expiration of three years beginning with the date of this permission.
3. In the case of all other reserved matters, in respect of subsequent phases, application for approval shall be made not later than the expiration of Eight years beginning with the date of this permission.
4. The development to which this permission relates shall be begun not later than the expiration of two years from the approval of the first residential phase reserved matter and for all other matters two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
5. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:
 - BIMP6 200A Site Location Plan;
 - BIMP6 216K Application Framework Plan;
 - BIMP6 236K Application Framework Plan;
 - BIMP6 213D Building Heights;
 - BIMP6 208F Landscape Parameters Plan – Open Space Strategy;
 - BIMP6 210E Movement and Access;
 - BIMP6 211E Landscape Buffer;
 - BIMP6 209E SUDS and Drainage;
 - BIMP6 207D Tree and Hedgerow to be Removed or Broken;
 - BIMP6 206C Proposed Levels and Topography;
 - BIMP6 214A Demolition.
 - North West Bicester Application 2 (South of Railway), Flood Risk Assessment and Surface Water Drainage Strategy Addendum, Hyder Consulting, July 2015, Report no. 5041-UA005241-BM-012
 - Appendix 7a (Outline Application NW Bicester Planning Application 2 Flood Risk Assessment and Surface Water Drainage Strategy – Hyder, ref 5041-UA005241-BM-01, Sept 2014), of the Outline Application North West Bicester Planning Application 2 Environmental Statement: Volume 1: Main Text, Hyder, ref 5051-UA005241-UE31R- 01, Sept 2014

- Appendix 10 (NW Bicester Masterplan Surface Water Drainage Strategy, Full Site, Hyder, ref 5004-UA005241-BMR-04, May 2014) of the Outline Application NW Bicester Planning Application 2 Flood Risk Assessment – Hyder, ref 5041-UA005241-BM-01, Sept 2014.
 - Outline Application NW Bicester Planning Application 2 Water Cycle Study – Detailed Report – Hyder, ref 5013-UA005241-UU71R-01, Sept 2014.
 - Appendix A (NW Bicester Masterplan Water Cycle Study Detailed Report - Hyder, ref 5010-UA005241-UU71R-02, May 2014) of the Outline Application NW Bicester Planning Application 2 Water Cycle Study – Detailed Report – Hyder, ref 5013-UA005241-UU71R-01, Sept 2014.
 - Design and Access Statement and Addendum
 - GI and Landscape Strategy Report and Updated GI and Landscape Strategy Report
 - Tree Survey Report and Updated Tree Survey Report
6. Prior to the commencement of the development hereby approved, a phasing plan covering the entire site the subject of this application, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the approved phasing plan and development shall proceed in accordance with the approved phasing.
7. No more than 900 dwellings shall be constructed on the site.

Design

8. Prior to the commencement of the development, an Urban Design Framework shall be submitted to and approved in writing by the Local Planning Authority. The Urban Design Framework shall set out the urban design approach for the site to include a regulating plan and supporting information to include;
- Details to provide continuity with adjacent development
 - Key approaches to deliver sustainable development that as a minimum meets the Eco Town PPS standards
 - Character areas for built form and green spaces and their key features
 - Indicative block size, structure and permeability
 - Movement network and streetscape including bus routes and stop locations
 - Public realm
 - Density and open space
 - Building heights
 - Key views, vista, landmarks, landscape character, trees and retained hedges
 - Legibility and diversity of built form and landscape
 - Adaptability
 - Play provision in accordance with Adopted Cherwell Local Plan Policy Bicester 11

No reserved matters shall be submitted until the urban design framework has been approved in writing by the Local Planning Authority. All reserved matters applications and development shall thereafter be in accordance with the approved Urban Design Framework.

9. Each reserved matter application for the area of land proposed for a mixed use local centre as shown on the Parameter Plans shall be in broad accordance with the illustrative design for this area as set out in the NW Bicester Outline Application Addendum document dated August 2015.
10. Prior to the submission of the first reserved matter in each of the character areas containing built form, identified in the approved Urban Design Framework, a design code shall be provided for the whole of that character area which shall include;
 - Street types, materials and details
 - Block Principles
 - Landscape, materials and details
 - Boundary treatments
 - Building types and Uses
 - Building heights
 - SUDS, parks and open spaces
 - Building Materials and Details
 - Highway design details
 - Parking Strategy

No reserved matters shall be submitted [for that character area] until the design code has been approved in writing by the Local Planning Authority. The development in the character area shall thereafter be in accordance with the approved design code.

11. Each reserved matter submission for built development shall be accompanied by details showing how Building for Life 12 has been used to inform the design process and that the scheme achieves Built for Life™.

Dwellings

12. Prior to the submission of a reserved matters application for residential development, a schedule of the market housing, to be provided to meet local housing needs, in each phase of the development shall be submitted to and approved in writing by the local planning authority. The market housing shall thereafter be provided in accordance with the approved schedule (and detailed reserved matter approval) unless otherwise agreed in writing by the Local Planning Authority.
13. Energy Requirement
14. All dwellings shall be provided with real time energy and travel information unless otherwise agreed in writing by the Local Planning Authority. Details shall be submitted to the local planning authority and

agreed in writing prior to the commencement of construction of dwellings.

15. Each reserved matter application submission shall be accompanied by a statement setting out how the design of buildings and the layout has taken account of future climate impacts, as identified in TSB research 'Future Climate Change Risks for NW Bicester', or any more recent assessment that has been published, and how the proposed development will be resilient to overheating, changing rainfall patterns and higher intensity storm events.
16. Prior to the commencement of each phase, those areas of the site that are subject to elevated levels of noise, principally from road traffic sources as set out in the Environmental Statement, shall be identified and the dwellings that are constructed in these areas must be designed and constructed in such a manner that they contain elements of sound insulation that will ensure that the internal noise levels contained within BS 8233:2014 Table 4 can be achieved.

Phase conditions

17. All phases of development shall be provided with high speed broad band (not less than 100mbs); such that on occupation of each building on the phase the occupiers can secure a high speed broad band connection.
18. No development shall commence on construction of any development approved by a reserved matter until a report has been submitted outlining how carbon emissions from the construction process and embodied carbon have been minimised. No work shall commence until the report has been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the plan.

Transport

19. Prior to the commencement of any phase of the development hereby approved, full details of the means of vehicular accesses 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.
20. Prior to the first use of the access to be approved, the existing field accesses onto the A4095 shall be permanently stopped up by means of full face kerbing, planting, and the reinstatement of the highway verge and shall not be used by any vehicular traffic whatsoever.
21. Prior to the commencement of the development hereby approved, full details of the means of footway and cycleway links between the land and the local highway network, including, position, layout, construction, drainage and street lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of

footway and cycleway links shall be constructed and retained in accordance with the approved details.

22. The pedestrian and cycle routes shall be signed in accordance with details to be submitted to and agreed in writing by the local planning authority prior to the first occupation of any dwellings. The signage shall then be provided for each route prior to its first use.
23. No development shall commence on a phase until a Construction Traffic Management Plan providing full details of the phasing of the construction of that phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route for HGV traffic to the development site. The approved Plan shall be implemented in full during the entire construction period of the phase.
24. No more than 600 dwellings shall be constructed until the pedestrian/cycle tunnel under the railway has been provided and is available for public use.
25. Each reserved matter application submission shall be accompanied by a Travel Plan setting out how the development will enable at least 50 per cent of trips originating within the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent, in accordance with the Eco Towns PPS ET 11.2 (a). The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to any occupations and the actions of the travel plan shall thereafter be delivered in accordance with the Travel Plan.
26. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place.
27. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior written permission by Oxfordshire County Council or appropriate temporary diversion.
28. No construction / demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by Oxfordshire County Council.
29. No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior written permission and appropriate safety and surfacing measures approved by Oxfordshire County Council.
30. Any gates provided in association with the development shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

Contamination

31. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
 3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

32. No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

To ensure that contamination at the site is remediated to ensure controlled water quality is protected as required by PPS1 Policy ET17 and the NPPF.

33. Piling or any other foundation designs using penetrative methods within any area identified as being subject to risk from contamination shall not be permitted other than with the express written consent of the Local

Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater quality. The development shall be carried out in accordance with the approved details.

34. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy has been submitted to the local planning authority. The remediation strategy shall detail how this unsuspected contamination shall be dealt with and written approval from the local planning authority shall be obtained. The remediation strategy shall be implemented as approved.

Biodiversity

35. No development shall commence on a phase unless or until an up to date ecological survey has been undertaken to establish changes in the presence, abundance and impact on bio diversity. The survey results, together with any necessary changes to the mitigation plan or method statement 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.
36. The retained hedges shall have a buffer a minimum of 20m in width comprising of 10m either side of the retained hedge, the streams shall have a minimum buffer of 60m in width comprising of 30m either side of the stream and the woodlands shall have a buffer a minimum of 10m in width when measured from the canopy edge, unless otherwise agreed in writing by the Local Planning Authority. The hedge, stream and woodland buffers shall be maintained as public open space and managed to maintain and create bio diversity.
37. No development shall commence on any phase until details of any existing hedgerow, or part thereof, to be removed, and proposals for creation of new compensatory hedgerow, have been submitted to and approved in writing by the Local Planning Authority. The compensatory hedgerow shall be provided in accordance with the approved details.
38. No development shall commence on any phase until a scheme for the provision of protective fencing, to prevent damage during construction, for the retained hedgerows, trees, woodlands, the stream corridor, ponds and areas of green space, shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed in accordance with the approved plans prior to work commencing on site.
39. Each reserved matter application submission shall be accompanied by a statement setting out how the proposed development will contribute to achieving net biodiversity gain, in accordance with the Biodiversity Strategy accompanying this application, or any more recent Strategy that has been approved. The development shall be carried out in accordance with the biodiversity statement.

40. No development shall commence on any phase until a Landscape & Habitat Management Plan (LHMP) for that phase detailing both management and monitoring proposals for green space (excluding building curtilages) has been submitted to and approved in writing by the Local Planning Authority and thereafter the LHMP shall be implemented in accordance with the approved details.
41. No development shall commence on any phase until a Construction Environment Management Plan (CEMP), which shall include details of the measures, including as set out at 6.5.1.8, 7.5.1.1, 8.5.1.1, 9.5.1.1, 11.5.1, 13.5.2.1, 14.5.2.1 of the Environmental Statement accompanying the application, to be taken to ensure construction works do not adversely affect the existing biodiversity of the site and residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.
42. No development shall commence on any phase until a Soil Resources Plan that details the soils present, proposed storage locations, handling methods and locations for reuse, shall be submitted to and approved in writing by the local planning authority and thereafter the development shall be carried out in accordance with the approved plan.
43. No development shall commence on any phase until details of existing and proposed levels for that phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved levels.

Archaeology

44. Not to carry out any works of demolition on the site, commence the development and or carry out any works of any archaeological investigation until, a professional archaeological organisation acceptable to the Local Planning Authority has prepared a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.
45. Following the approval of the first stage Written Scheme of Investigation referred to in condition [a], not to carry out any works of demolition on the site and the commencement or commence of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition [a], until a programme of archaeological evaluation, investigation and recording of the application area shall has been carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Outdoor Sport

46. No development shall commence until details for the phasing of the provision of temporary sports pitches has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The development hereby permitted shall not be carried out other than in accordance with the approved details.
47. No development shall commence on a phase until details of the design and layout of the sports facilities serving that phase have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The sports facilities shall not be constructed other than substantially in accordance with the approved details.
48. The playing field/s and pitch/es shall be constructed and laid out in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use in accordance with the agreed phasing unless agreed in writing by the Local Planning Authority..

Drainage

49. Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
50. Development shall not commence until a foul drainage strategy for conveyance and treatment, detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority. 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. No dwelling shall be occupied until the foul drainage has been provided in accordance with the approved strategy.
51. Prior to the submission of any reserved matters, a full surface water strategy for the application site, in accordance with the Flood Risk Assessment accompanying this application, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Oxfordshire County Councils Drainage Team & Natural England). The Strategy shall;
 - Demonstrate control of surface water runoff to the Greenfield runoff rate is achievable as detailed in the Masterplan Surface Water Drainage Strategy (SWDS)
 - Review and amend the indicative storage volumes in para 5.2, Table 5-1 of the Application 2 FRA and SWDS in line with detailed design. Indicative storage volumes are based on an estimation of 60% impermeable and 40% permeable area post development. These should be reviewed and amended to reflect the exact development area draining into the surface water system

- Be informed by a detailed assessment of the post-development surface water overland flow routes as recommend in para 5.2.1 and section 7 of the Application 2 FRA and SWDS
- Be informed by site wide soakaway testing to confirm the ground infiltration rates and feasibility of infiltration SUDS measures as recommended in para 5.2.1 of the Application 2 FRA and SWDS and para 4.2.1 and section 5 of the Masterplan SWDS. The drainage strategy should favour infiltration SUDS where shown to be feasible
- Provide the detailed design of all regional SUDS not provided within a development parcel including swales and detention basins (primary and secondary SUDS) to demonstrate their flood risk, water quality, green infrastructure and biodiversity functions
- Demonstrate the use of adequate pollution prevention measures within the SUDS provision to ensure no risks to groundwater or surface water quality
- Demonstrate that exceedence flood flow routes (for rainfall events above the design event) can be safely routed away from buildings and into SUDS as recommended in para 5.2.1 of the Application 2 FRA and SWDS.
- Demonstrate the protection of downstream SSSIs during construction and
- Provide a SUDs phasing plan as recommended in para 5.2.1 of the Application 2 FRA and SWDS which demonstrates that regional/site wide SUDS (primary and secondary SUDS) are provided ahead of site construction.
- Details to show that surface water drainage will be directed away from the railway.

The development shall be carried out in accordance with the approved Drainage Strategy.

52. In addition to the site wide detailed surface water drainage strategy, each Reserved Matters application shall be accompanied by a detailed surface water drainage scheme, to meet the flood risk, water quality, green infrastructure and biodiversity requirements of the site. The detailed surface water drainage scheme shall be in compliance with the approved Flood Risk Assessment, Surface Water Drainage Strategy and the Masterplan Surface Water Drainage Strategy and the approved site wide detailed surface water drainage strategy and shall:

- Demonstrate 20-30% of the required attenuation storage for the Application 2 site will be provided by individual developers using source and site control SUDS measures at their individual development plots (as stated in para 5.2.1 (states 30%) and 6.2 (states 20%) of the Application 2 FRA and SWDS). The SUDS Management Train approach detailed in Figure 5-1 of the Application 2 FRA and SWDS shall be taken and it shall be demonstrated how these SUDS contribute to flood risk, water quality, green infrastructure and biodiversity requirements of the site

- As per the Masterplan SWDS at section 5, Reserved Matters applications shall include further assessment of individual parcels and communal areas to assess if infiltration is possible. Reserved Matters applications should have a detailed surface water drainage scheme which favour infiltration SUDS where feasible, demonstrating that groundwater and surface water quality will be protected through adequate pollution prevention measures
- Provide the detailed drainage layout and detailed design of SUDS of the individual parcel and communal areas including detailed drainage calculations for the 1 in 2, 1 in 30 and 1 in 100 year plus an allowance for climate change storm events
- Demonstrate control of surface water runoff to the Greenfield runoff rate as detailed in the Masterplan SWDS
- Demonstrate that the regional/site wide SUDS the parcel relies upon for surface water attenuation will be available in line with the phasing of development to ensure they are available to perform their flood risk function in a timely manner to prevent an increase in flood risk during construction
- The submission of proposals for the long term maintenance of all SUDs features

No development shall commence until the detailed reserved matter surface water drainage scheme has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

53. No watercourse crossings shall be constructed until the detailed design has been agreed in writing with the Local Planning Authority. The design shall be informed by para 5.1 and section 7 of the approved Flood Risk Assessment - Outline Application NW Bicester Planning Application 1 Flood Risk Assessment and Surface Water Drainage Strategy – Hyder, ref 5040-UA005241-BM-01, Aug 2014 (Appendix 7a of the Outline Application North West Bicester Planning Application 1 Environmental Statement: Volume 1: Main Text, Hyder (ref 5050-UA005241-UE31R- 01, Aug 2014). The design shall demonstrate that flood risk will not be increased or biodiversity negatively impacted as a result of any watercourse crossing.
54. There shall be no built development (buildings) within Flood Zone 2 & 3 as defined in Appendix 6 plans – modelled flood extents for the 100 year and 1000 year events (Flood Zone 2 & 3) of the Outline Application NW Bicester Planning Application 2 (South of the Railway), Flood Risk Assessment and Surface Water Drainage Strategy Addendum –Hyder Consulting, July 2015, report number. 5041-UA005241-BM-012.
55. Water
56. Prior to the commencement of development, details of the strategy to reach the aspiration of water neutrality, in accordance with para 6.2 of the Application 2 Water Cycle Study and the Eco Towns PPS shall be submitted to and approved in writing by the local planning authority

prior to the commencement of development. The development shall thereafter be carried out in accordance with the approved strategy.

Employment

57. All non residential buildings shall be constructed to BREEAM Excellent.
58. No individual retail unit shall exceed 500m² in gross floor internal area. Thereafter retail units shall not be amalgamated such that any individual unit exceeds 500m².

Network Rail

59. Prior to the occupation of any dwellings or the first use of public open space within 50m of the railway boundary, the developer shall provide a suitable trespass proof fence adjacent to the boundary with the railway. Details of the fencing shall be submitted to be approved by the Local Planning Authority in consultation with Network Rail.
60. Prior to any vibro-impact works on site, a risk assessment and method statement of such construction methods shall first be approved by the Local Planning Authority in consultation with Network Rail.”
61. Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail.

Waste

62. Prior to the commencement of a phase a Site Waste Management Plan, targeting zero waste to landfill, shall be submitted to and approved in writing by the Local Planning Authority. The approved Site Waste Management Plan shall thereafter be implemented in accordance with the approved details.
63. Condition covering no waste to be brought from off site to the energy centres

111 **Bicester Golf And Country Club, Akeman Street, Chesterton, Bicester, Oxfordshire, OX26 1TE**

The Committee considered application 15/01068/F for the erection of a two storey extension to existing hotel to form 62 new bedrooms (60 net increase) at Bicester Golf And Country Club, Akeman Street, Chesterton, Bicester, Oxfordshire, OX26 1TE for Bicester Hotel Golf And Spa.

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

Resolved

That application 15/01068/F be approved, subject to the receipt of no objections from OCC as Drainage authority and the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of 3 years beginning with the date of this permission
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: Amended Location Plan received 20.08.2015; Site Plans SK.15-543-53 and SK.15-543-54; Pond Discharge Detail SK.15-543-57 received 08.10.2015; SK.15-A1-543-51 and SK.15-A1-543-52; SK.15-A1-543-55A and SK.15-A1-543-50B received 02.10 2015; Arboricultural Impact assessment dated September 2015; Ecology Report Ref 153312/JDT dated 29th September 2015; Planning Design and Access Statement received 20.08.2015; Sequential Test and Traffic information submitted as part of the application.
3. The natural stone to be used on the walls of the extension shall be of the same type, texture, colour and appearance as the stone used on the existing building and shall be laid dressed, coursed and pointed to match that of the existing building
4. The materials to be used for the roof of the extension hereby approved shall match in terms of colour, type and texture those used on the existing building
5. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a method statement to avoid harm to amphibians or reptiles during construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.
6. Prior to the commencement of the development hereby approved, full details of a scheme for the location of a minimum of three swift bricks/boxes on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the development, the nesting provisions shall be installed on the site in accordance with the approved details and retained thereafter.
7. All species used in planting proposals associated with the development shall be native species of UK provenance
8. C1 Submit a landscaping scheme to include details for the replacement of the TPO trees which have been removed without consent
9. C2 Carry out the landscaping
10. C9 Arboricultural Method Statement (AMS)
11. D20 Submission of a Travel Plan

12. E2 Drainage
13. The extension hereby permitted shall be used only for the purpose of hotel accommodation and for no other purpose whatsoever, including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.
14. C16 Arboricultural Site Supervision
Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.
 - a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.
 - b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
 - c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.
 - d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
 - e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (e.g.: reduced dig systems, arboresin, tree grills)

(Councillor Clarke left the meeting at this point. Councillor Blackwell took the Chair)

112

Land adjacent Hardwick Hill Cemetery, Southam Rd. Banbury

The Committee considered 15/01194/F for a change of use from agricultural land to cemetery land at Land adjacent Hardwick Hill Cemetery, Southam Rd., Banbury for Banbury Town Council.

Kate Fitton, local resident, addressed the committee in objection to the application.

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

Resolved

That application 15/01194/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 and Design and Access Statement.
3. Prior to the commencement of development hereby approved, a phasing plan covering the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.
4. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
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.

6. Prior to the commencement of the development and notwithstanding the submitted details, an arboricultural survey, 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.
7. 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.
8. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Method Statement (AMS).
9. The existing hedgerows along all boundaries of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.
10. Notwithstanding the illustrative details shown in the Design and access statement prior to the commencement of the development hereby approved, full specification details (including siting, construction, layout, surfacing and drainage) of the turning area and additional parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
11. Prior to the commencement of the development hereby approved 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.

12. Prior to the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 11, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.
13. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Phase 1 Survey of the site and any additional recommended species and habitat surveys shall be carried out on site, and a report of the findings along with all necessary mitigation, working method statements, licence applications and necessary off site compensation measures, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved details.
14. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of any additional mitigation measures to prevent their harm 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 mitigation scheme.
15. 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.
16. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.
17. All species used in the planting proposals associated with the development shall be native species of UK provenance.
18. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

19. Prior to the commencement of development a land drainage and ground water survey shall be undertaken , from which shall be produced a land use and ground water strategy which shall be submitted and approved by the Local Planning Authority , and which shall thereafter be complied with in the implementation of the use of the land

(At the conclusion of the item, Councillor Clarke rejoined the meeting and retook the Chair)

113

The Plough Inn, 63 North Street, Bicester, OX26 6NB

The Committee considered application 15/01340/F to alter the height of and replace front elevation windows and replace one of the windows with a door, to pave and fence off an existing recessed external area to create courtyard/garden at The Plough Inn, 63 North Street, Bicester, OX26 6NB for Green King PLC.

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

Resolved

That application 15/01340/F be approved, subject to the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this consent.
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 No's: 1662-PL0, 1662 02 Rev E, 1662-03 Rev C and 1622-SK01 RevA.
3. Any remedial stonework necessary for the repair or making good of the walls shall be carried out in natural stone of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building.
4. Prior to the installation of any doors and windows, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
5. Prior to the installation of the railings hereby permitted, full details of the railings, including a cross section, material and colour/finish, shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter the railings shall be installed within the building in accordance with the approved details.

6. Prior to the first use of the outdoor area shown to be enclosed by railings and planting on the approved plan (1662-03C), a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
7. All planting 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.
8. The outdoor area shown to be enclosed by railings and planting on the approved plan (1662-03C) shall not be used as an outdoor seating, drinking or smoking area after 22:00hrs on any day.

114

The Gables, 4 Westbourne Court, Bloxham, OX15 4HD

The Committee considered application 15/01513/F for the erection of a single and two storey extension to outbuilding to provide garage and store at The Gables, 4 Westbourne Court, Bloxham, OX15 4HD for Mr & Mrs J Tibbetts.

Roger Coy, agent for the applicant, addressed the committee in support of the application.

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

Resolved

That application 15/01513/F be refused for the following reasons:

By reason of its scale, form and massing, the proposal would result in a building of excessive scale that would not be subservient to the main dwelling, which would be visually incongruous displaying poor design, and would result in a cramped form of overdevelopment that would adversely affect the character and appearance of the street scene and that of the local area. The proposal therefore fails to accord with Policy ESD15 of the Cherwell Local

Plan 2011-2031 and Policies C28 and C30 of the Cherwell Local Plan 1996 and paragraphs 17, 58 and 64 of the National Planning Policy Framework.

115 **Hill Leys, Banbury Road, Finmere**

The Committee considered application 15/01635/F for the erection of a replacement Stable/Farm building at Hill Leys, Banbury Road, Finmere for Mr and Mrs M Kerford-Byrnes.

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

Resolved

That application 15/01635/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered and titled:
 - 472/20
 - Hancox Barn elevations (Rev No. C) 20.07.2015
 - Hancox barn floorplans (Rev No. C) 20.07.2015
 - Site Plan – DAJ/3480-2(i)gn 09.09.2015
3. Prior to the commencement of any works on the building hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
4. Prior to the development hereby approved being brought into use a scheme for the storage and disposal of manure and soiled bedding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. The building and the stables hereby permitted shall be used only for the keeping of horses owned by the occupiers of Hill Leys and by no other person whatsoever.

116 **Hill Leys, Banbury Road, Finmere**

The Committee considered application 15/01681/F for the erection of replacement loose boxes at Hill Leys, Banbury Road, Finmere for Mr and Mrs M. Kerford-Byrnes.

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

Resolved

That application 15/01681/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered and titled:
 - 472/20
 - Hancox Looseboxes 23.07.2015
 - Site plan - DAJ/3480-1(i)gn 09.09.2015
3. Prior to the commencement of any works on the building hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
4. Prior to the development hereby approved being brought into use a scheme for the storage and disposal of manure and soiled bedding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. The building and the stables hereby permitted shall be used only for the keeping of horses owned by the occupiers of Hill Leys and by no other person whatsoever.

117 **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.

118

Appeals Progress Report

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

Resolved

- (1) That the position statement be accepted.

The meeting ended at 6.54 pm

Chairman:

Date:

PLANNING COMMITTEE

26 November 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

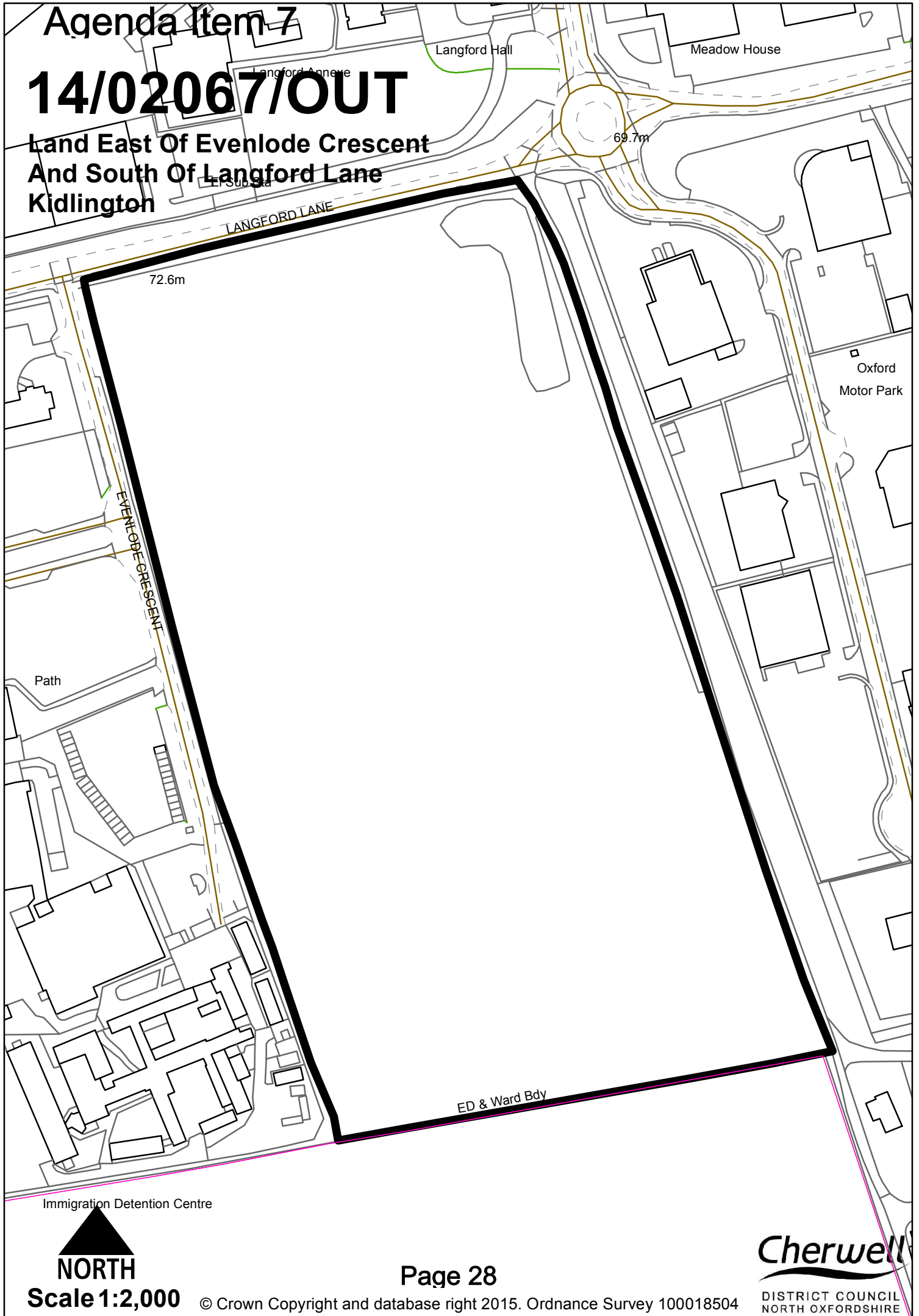
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision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

	Site	Application No.	Ward	Recommendation	Contact Officer
7	Land East Of Evenlode Crescent And South Of Langford Lane Kidlington	14/02067/OUT	Kidlington North	Approval	Paul Ihringer
8	Land Adjacent to Esso Station Baynards Green, OX27 7SG	15/00758/F	Caversfield	Refusal	Aitchison Raffety
9	North And South Arcade At Bicester Eco Town Exemplar Site, Charlotte Avenue, Bicester	15/00760/F	Caversfield	Approval	Caroline Ford
10	Land at Kraft Foods, Southam Road, Banbury	15/00831/F	Banbury Neithrop	Approval	Bob Duxbury
11	The Bungalow Cumberford Hill Bloxham Banbury OX15 4HL	15/01090/F	Bloxham And Bodicote	Approval	Matthew Parry
12	Land adj to Vespasian Way, Chesterton	15/01165/F	Ambrosden and Chesterton	Approval	Aitchison Raffety
13	Plot 1, Land North West of Gold Club, Mill Lane, Kirtlington	15/01301/F	Kirtlington	Approval	Stuart Howden
14	Land South Of Little Shotover and East of Cherry Cottage, Horn Lane Road, Adderbury	15/01384/OUT	Adderbury	Refusal	James Kirkham
15	13 Hampden Close, Bicester, OX26 4UG	15/01565/F	Bicester East	Refusal	Michael Sackey
16	Garage Block Rear Of 52 To 58 Bucknell Road Bicester	15/01599/F	Bicester West	Approval	Shona King
17	Proposed Sports Pavilion and Sport Field, Whitelands Way, Bicester	15/01615/F	Ambrosden and Chesterton	Approval	Linda Griffiths
18	Bicester Furniture Studio 24 Church Street Bicester OX26 6AZ	15/01724/F	Bicester Town	Refusal	Gemma Magnuson

Agenda Item 7

14/02067/OUT

Land East Of Evenlode Crescent And South Of Langford Lane Kidlington



ED & Ward Bdy

Immigration Detention Centre

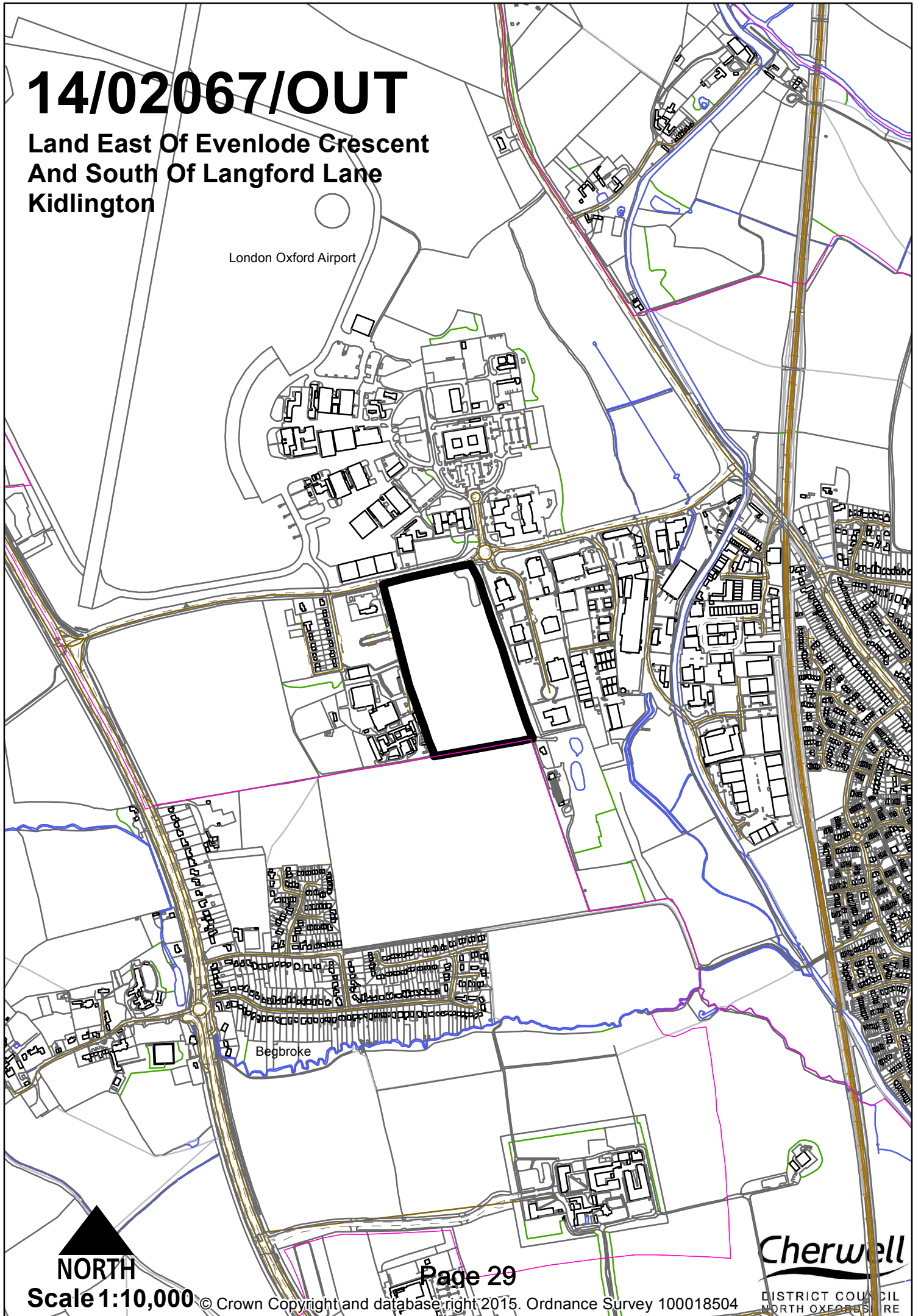


Scale 1:2,000

14/02067/OUT

Land East Of Evenlode Crescent
And South Of Langford Lane
Kidlington

London Oxford Airport



NORTH

Scale 1:10,000

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Land East Evenlode Crescent and South Langford Lane, Kidlington

14/02067/OUT

Ward: Kidlington North

District Councillor: Cllr Rhodes
Cllr Williamson

Case Officer: Paul Ihringer

Recommendation: Approval

Applicant: Hill Street Holdings/Bloombridge

Application Description: Technology Park – 40,362 sqm office, R&D, laboratories, storage and ancillary space

Committee Referral: Major and Departure from Policy

Committee Date: 26th November 2015

1. Site Description and Proposed Development

- 1.1 The application site, on the northern edge of Kidlington, is an 8.3 hectare rectangular piece of relatively flat land located on the southern side of Langford Lane. To the immediate west are the South Central Ambulance Service Resource Centre and Campsfield House Immigration Removal Centre. To the north, on the opposite side of Langford Lane, are buildings/hangers serving London Oxford Airport and to the west is the Oxford Motor Park which is home to a number of car dealerships. The southern boundary abuts a large agricultural field which separates the application site and Campsfield House from the northern edge of Begbroke.
- 1.2 The application site lies inside the Oxford Green Belt. The development site is ecologically sensitive with a number of protected species having been identified within the vicinity; it has also been assessed as a possible UKBAP grassland habitat and is within 2km of the Rushy Meadows SSSI. The only other notable constraints are that the land falls within a mineral consultation area and is potentially contaminated.
- 1.3 The land, which was formerly home to the Gosford All Blacks Rugby Club, has not been put to an alternative use since the rugby club relocated to Stratfield Brake (just to the south of Kidlington) in the late 1990s. By relocating the rugby club ended its 40 year association with its Langford Lane base. The former pavilion (see planning history) which was in the north eastern corner of the plot was removed shortly after from the site was vacated. The land is now classified as being agricultural.
- 1.4 Outline planning permission (all matters reserved) is being sought to use the land to create a technology park comprising just over 40,000 square metres of floor space, illustrated as a mixture of two and three storey buildings on the indicative plans. Although the applicants cannot be certain at this stage of the final mix, they envisage that it would predominantly comprise of B1(b) and B2/B1(c) with the focus being on production, laboratory, storage, office and ancillary space. It is estimated that the technology park would create between 770 and 1,500 jobs – the developers are confident that the final total would be to the upper end of this range.
- 1.5 It is argued that the development would fill a much needed hole in local demand which wouldn't be met at either Oxford's Northern Gateway, which targets B1(a) companies and is developed at a reasonably high density or Begbroke Science Park which caters for start-up businesses which invariably require limited space for offices and laboratories.

2. Issues Considered

All matters reserved

3. Application Publicity

- 3.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 16th January 2015.

27 letters of objection have been received. The following issues were raised

Material planning comments:

- Support the development – providing that there are improved cycle links to the development
- Inappropriate location in heavily developed area
- Large development that would exacerbate existing traffic problems
- Contrary to Green Belt policy
- Land around airport with access to either A44 or A4095 would be preferable
- Would result in increased pressure to develop Green Belt for housing
- Impact on traffic when combined with the ‘Northern Gateway’ development and new railway station
- Local service would be further strained (water, sewage and health)
- Jobs wouldn’t be taken by local residents where unemployment is low and would therefore result in increased traffic movements
- Further delays in getting to the John Radcliffe could put lives at risk
- ‘Northern Gateway’ will provide 8,000 jobs - is this development needed?
- Too large scale for Kidlington – smaller development would be acceptable
- Gradual erosion of the Green Belt defeats its purpose
- Although land has no natural beauty it is in the Green Belt and should be preserved
- Impact combined with other potential housing development Woodstock 1,500, Hanborough 400 and land behind The Moors 300
- No compelling VSC case presented in respect of Green Belt
- Green Belt can only be really controlled in the Green Belt given current planning climate – approving would set a precedent
- The application is premature
- Technology Park should be located outside the Green Belt
- Oxford Science Park already meets the need identified
- Visual landscape assessment not fit for purpose – there will be a significant impact on the surrounding land
- Reserved matters could promote more obtrusive warehousing
- Development should wait for Green Belt review to be undertaken
- Green Belt review policy only identifies an area of search this application pre-empted this process and is therefore premature – review could conclude that the site should remain in the Green Belt
- Questionable demand – significant R&D space at the Oxford Science Park remains undeveloped.
- How can it be considered Hi-tech given the breakdown of the likely use classes (projections indicate that only 15% would be used as R&D)
- Traffic using Langford Lane travels faster than the speed limit
- No significant advantage for R&D to be physically based near Oxford – contact maintained by electronic communication
- Existing residential development on Langford Lane would become more isolated
- Increase the pressure of expanding Kidlington to meet housing demand

Kidlington Master Plan yet to be completed
Future employees unlikely to cycle or use public transport
Area already being served by Begbroke Science Park

Non material comments:

Same developer has land behind the Moors they are looking to develop for housing
Impact of the development off the Moors on surrounding countryside

Aside from correspondence from the members of the public the scheme has also been opposed by two environmental pressure groups:

The Oxford Green Belt Network argues that the proposal is contrary to Green Belt policy. It also states that Kidlington has little unemployment and that any future demand would be met by the Northern Gateway. The final point made relates to prematurity as it asserted that approval would prejudice the findings of the independent review body.

The CPRE (Bicester) also flag the fact that the development is contrary to Green Belt policy but go on to assert that there are no very special circumstances – unemployment is low and any demand would be met by the Northern Gateway. Even if there were a demand it could be met elsewhere in the district. The Inspector (examining the Local Plan) will either conclude that the site should not be dismissed or that a Green Belt review should take place in which case *‘the review should not be pre-empted by determining this individual application in isolation.’*

In addition to the opposition there were three letters of support from local business/groups. The following points were made:

Unicol Engineering is a Company based in Oxford for 50 years. They argue that whilst Oxford has been good at providing space for start up innovative seed companies (R&D/engineering/ bio science) but has not met the needs of facilitating second and third phase expansions. Langford Lane will provide an important well located base for further expansion in a sector that underpin the future growth of the city and district

OBN (UK) Ltd *“is the Membership organisation supporting and bringing together the UK’s emerging life sciences companies, corporate partners and investors”*. OBN argues that demand outstrips supply and that there is a short-medium term risk that R&D companies may be forced to look outside Oxfordshire. The risk of diffusing the R&D cluster would risk inward investment into the area. The number of enquiries about potential sites has risen in the last 12 months. It is concluded that R&D businesses see the advantages of locating to globally recognised clusters. To remain competitive such growth potential has to be catered for.

Oxfordshire Local Enterprise Partnership states that the proposal compliments economic strategy to promote R&D which has been carried out in association with The Skills Board and OCC’s Economic Development Team.

Oxford Innovation is a leading business and innovation and operator centre. This organisation supports the Technology Park and are interested in taking on one of the units to help starter companies in their first 3-5 years of operation.

4. Consultations

4.1 Kidlington Parish Council: Comments as follows:

KPC – wishes to support the principle of a longer term objective of a high value technology park in this location but wishes to OBJECT to this application on the following grounds:

1) The application is premature in these terms:

The Inspector has not yet reported on the local plan inquiry
The limited Green Belt review (in accordance with Emerging Local Plan ESD14) for this area has not yet commenced
The Kidlington Master Plan process has yet to be completed

2) Emerging Planning Policy Kidlington 1 of the Submitted Local Plan requires “creation of a technology park for high value employment” on this site. As the application expands the uses to include general industrial uses and storage this is not in conformity with the policy.

4.2 Begbroke Parish Council: No objections and make the following observations:

- a) Begbroke is particularly concerned about increased traffic on the A44. Pedestrians have difficulty crossing the A44 without Campsfield expansion, 1500 proposed houses at Woodstock, 400 at Long Hanborough and the Northern gateway with more homes and industry. This development will add to the traffic burden. The village is divided by the A44 dual carriageway with only an uncontrolled crossing and OCC will not provide one such as those in Yarnton. Undoubtedly traffic using this development will use the A44 and not be routed through Kidlington. The parish council request that Section 106 monies be allocated to the provision of a signalised crossing across the A44 in Begbroke.
- b) The parish council also comment that improved cycle routes should be provided in Langford Lane with a connection to Begbroke Lane - including pedestrians.

4.3 Oxford City Council: No comments received

Cherwell District Council Consultees

4.4 Planning Policy Officer: Comments as follows:

“The application proposal is contrary to adopted Development Plan policies for the protection of the Green Belt, employment generating development at Kidlington, development in the countryside and the coalescence of settlements. It would comprise inappropriate development in the Green Belt outside the built up limits of Kidlington for which very special circumstances would need to be demonstrated. Impacts in relation to transport and landscape should be assessed and the loss of open space and the design of the proposal should also be considered.

“It is noted that the application proposal is for high value employment uses in an accessible location near existing employment uses on the edge of the urban area of Kidlington, that development would be ‘contained’ between two existing developed areas and where it could reinforce and strengthen the emerging cluster of higher value industries in this area near London-Oxford Airport and Begbroke Science Park. The proposal is likely to generate significant economic and employment benefits but these, together with any other positive impacts, would need to be considered alongside the

harm to the Green Belt, to the countryside and to preserving the identity of individual settlements, having regard to the scope for mitigation. The impact on coalescence should be considered with a view to avoiding incremental encroachment, strategic consequences for the Green Belt and in the interest of securing a long-lasting approach to protecting the identity of settlements.

“The NPPF places great importance on maintaining the Green Belts but also seeks to proactively drive and support sustainable economic development. The Submission Local Plan seeks to reconcile these objectives in planning for employment needs at Kidlington. It explains that there are exceptional circumstances to justify a small scale review in this area of the Green Belt to meet employment needs. The application proposal would help meet Strategic Objective 1 of the new Local Plan, would be in accordance with the type of employment development sought under Policy Kidlington 1 and with the economic objectives for Kidlington. Part of a very special circumstances case, relating to the provision of high value employment uses at Kidlington, has therefore been established and is reinforced by evidence. Nevertheless, the Local Plan is not completed. It has some weight at this stage but this remains limited as the Council has yet to receive the Inspector’s report, which may lead to alterations to the Plan.

“The application site falls within the area of search identified for a small-scale Green Belt review in Submission Local Plan. However the review has yet to be completed and the site is in the Green Belt, in the countryside outside the built up limits of Kidlington. The review will consider exactly how, where and to what extent the Green Belt boundary will be changed to accommodate employment uses. The NPPF states that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. It is considered that for a review to be undertaken comprehensively including with effective public involvement, Local Plan Part 2 should be produced and the process set out in the Council’s LDS should be followed.

“The application is therefore considered to be premature and the case for it is limited due to the fact that these plan-making processes have not yet been completed. While the proposal is consistent with the objectives for employment at Kidlington, great emphasis must be placed on protecting the Green Belt and ensuring that land identified as part of the review is carefully and appropriately defined and planned.

“Even though the application is considered premature, the application should be considered on its own merits with regard to the test of ‘very special circumstances’ as set out in the NPPF and the adopted Local Plan. It will need to be considered as to whether the application is adequately supported by details of i) the reasons for the choice of location; ii) unambiguous demonstration that the site identified is the appropriate one (including whether redevelopment or consolidation could be achieved elsewhere within the Local Plan’s area of search), and iii) the short and long term economic and employment benefits of developing this site including the specific types of employment and number of jobs that would be created, the operations on the site, how high value employment activities would be secured and maintained, and the wider benefits for the local economy over the short and longer term.

“When considering this planning application, substantial weight should be given to any harm to 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.”

Following the adoption of the Cherwell Local Plan 2011-2031 Part 1 the Policy Team provided updated advice, which reads as follows:

“The planning policy team provided a consultation response for this planning application in February 2015. This memorandum is provided to inform consideration of how adoption of the Local Plan 2011-2031, which has occurred since this time, and other matters affect the consideration of the application. The memorandum should be read in conjunction with the original planning policy response.

“On the 20 July 2015 the Council adopted the Local Plan 2011-2031 - Part 1 as part of the statutory development plan. Adoption confirms the principle of high value employment development at Kidlington as set out in Policy Kidlington 1 subject to the undertaking of a small scale, local Green Belt Review (through Local Plan Part 2). The Plan provides for identified high value employment needs to be met in two locations: (A) Langford Lane/Oxford Technology Park/London-Oxford Airport, and (B) Begbroke Science Park. The addition of the reference to ‘Oxford Technology Park’ was endorsed by the Local Plan Inspector (IR para. 238) for clarity (Main Modification 127) following a proposed modification put forward by the Council. The policy’s key site specific design and place shaping principles include reference to creating a ‘Technology Park’.

“The proposed development is therefore in keeping with the economic objectives and purpose of Policy Kidlington 1, providing the opportunity to meet employment needs during the Plan period as evidenced through the Local Plan Part 1 process. It would also help meet Strategic Objective 1 of the Local Plan.

“The Local Plan Inspector also provides commentary on impact (described further below) which supports the two indicative areas of search identified on the policies map for policy Kidlington 1. The application site lies within area of search 1A and comprises the main undeveloped area of land within that area. In this location, the proposed development would be ‘contained’ between two existing developed areas and would reinforce and strengthen the emerging cluster of higher value industries in this area near London Oxford Airport and Begbroke Science Park. A further small area of undeveloped land lies to the east of Oxford Spires Business Park. The area of search includes the technical area of London-Oxford Airport, Oxford Spires Business Park, existing employment areas to the south of Langford Lane, land and buildings in the vicinity of Campsfield House and adjoining residential development. The Inspector’s Report at paragraph 236 on page 40 states “..... the locations [the areas of search] do not directly affect the important “Kidlington Gap” part of the OGB and the limited changes envisaged should be capable of providing new long term defensible boundaries so that no form of precedent for any other schemes will arise’.

“Adoption of Local Plan Part 1 has established that the small scale review of the Green Belt should be undertaken through Local Plan Part 2 (para. C.231). At the Local Plan examination hearing on 12 December 2014, the site promoter, having informed the Local Plan Inspector that the application for planning permission had just been submitted to the Council, argued that there were ‘very special circumstances’ for the proposed development, in addition to exceptional circumstances for the small scale Green Belt review. The Local Plan Inspector did not recommend allocation of this site to meet employment needs, but as highlighted above he endorsed the additional reference to ‘Oxford Technology Park’ in the description of area of search 1A. The Inspector concluded:

“238. In my judgement, this specific combination of factors amounts to the exceptional circumstances necessary to justify the very limited changes to the OGB boundary presaged in the policy and that it would be consistent with the guidance in paras 83-85 of the NPPF, including regarding the definition of boundaries. Given its small scale and defined extent in the areas of search

thus likely minimal overall impact on the purposes of the OGB, this element of policy Kid 1 is therefore sound. But these exceptional circumstances do not also apply elsewhere in the locality and thus there is no necessity or imperative to conduct a more wide ranging review of the OGB at Kidlington or nearby for economic/employment reasons at present. The detailed design and development criteria set out in policy Kid 1 are all reasonable, realistic and appropriate for the locations and therefore, subject to the addition of "Oxford Technology Park" in part a) for clarity (MM 127), the policy is sound with other text amendments for clarity (MMs 125/126)."

"Release of land in advance of completion of the Green Belt review would potentially enable earlier realisation of a Technology Park and economic benefits (in accordance with the NPPF) arising from high value employment generation. As an undeveloped area, with existing development to the east and west, the application site would undoubtedly be a central focus of the review. However, it would be contrary to very recently adopted Local Plan policy to undertake the review. Work on Local Plan Part 2 has commenced and the Green Belt review will consider exactly how, where and to what extent the Green Belt boundary should be altered to accommodate the planned employment uses, having regard to stakeholder and community consultation and NPPF objectives and policy for the Green Belt. It will need to consider the area of employment land that needs to be released and balance this against the purposes of the Green Belt.

"This will involve exploring in detail areas in the vicinity of Langford Lane to establish the extent of land that would be appropriate to release and how a new permanent boundary could be established so that it endures beyond the plan period. There will be a need to be mindful of NPPF advice that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (NPPF para. 81).

"In the context of Local Plan policy ESD14 and NPPF policy for the Green Belt, the proposals would comprise inappropriate development in the Green Belt outside the built up limits of Kidlington for which 'very special circumstances' would need to be demonstrated. 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. Policy ESD14 states that development within the Green Belt will only be permitted if [inter alia] it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities. It also cross-refers to Policy Kidlington 1. In assessing the visual impact of development, Policy ESD13 will also need to be considered.

"The Local Plan 2011-2031 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. These are set out in Appendix 7 of the Local Plan 2011-2031. Some saved policies from the 1996 Local Plan are retained. The application proposals will need to be considered against relevant policies in the 1996 Local Plan, particularly those relating to the protection of the countryside and the coalescence of settlements.

"Transport impacts will require detailed assessment. At paragraph 237 of the Local Plan Inspector's Report the Inspector states that the fact that the two 'areas of search' are restricted in scale also means that the likely growth in traffic movements from new employment development should be safely accommodated on the strategic and local road networks without adding to congestion or delays. The report states that this is also reinforced by the generally good bus services that exist and the significant public transport improvements taking place.

“New Local Plan policy BSC10 seeks to protect existing open space, outdoor sport and recreation sites but it is understood that the application sites did not contribute to the supply of pitches in the Local Plan’s evidence base.

“It is considered that the proposed development would be in a relatively accessible location near existing employment uses on the edge of the urban area of Kidlington.
Policy

Recommendation

“While it is recognised that from a Local Plan perspective the high-value employment need is demonstrated and that the proposed development would result in significant economic benefits and the requisite Technology Park, national and local green belt policy is of very significant weight and, in that context, recently adopted Local Plan policy requires a small scale Green Belt review to be undertaken. The Local Plan is unquestionably up-to-date and the release of land ahead of that review would be contrary to the specific requirements of policy Kidlington 1. Consideration of whether there are ‘very special circumstances’ is nevertheless required. The Inspector’s decision not to recommend allocation of the application site in Local Plan Part 1 points to a conclusion that a Green Belt review is required. Therefore, whilst the aims of the proposed development are recognised, the recommendation from a planning policy perspective is that the precise location and extent of Green Belt release and the establishment of a new permanent boundary needs to be considered through a small scale review of the Green Belt before proposals for this location are permitted. Not to do so, would obviate this central requirement of Policy Kidlington 1.

“The advice of the Council’s Economic Development Officer on the detailed benefits that could arise from this proposed development should also be taken.”

4.5 Economic Development Officer: Comments as follows:

“The proposed Oxford Technology Park will provide valuable additional facilities to support the implementation of the Council’s economic development strategy.

“The site is strategically located close to Oxford, the airport and Begbroke Science Park. In recent years, Begbroke Science Park has very successfully nurtured a range of high technology companies linked to the University of Oxford. Its success, however, has been limited by the physical capacity of the innovation centre which has seen some of the more successful business having to leave Cherwell and relocate jobs elsewhere. The innovation centre is currently in the process of being doubled in size and this additional capacity will provide further opportunities for science-related enterprises to flourish. Given the latent demand, the additional capacity created is likely to be soon filled.

“The proposed development of Oxford Technology Park will add additional capacity beyond the University’s own facilities to house a wider range of ‘high growth’ businesses close to a skilled workforce, transportation and support facilities. The applicant’s market research appears sound and evident discussions with potential providers of business incubation space suggest that any detailed planning application that follows could be adjusted to the needs of the end users.

“The risk in not having the Technology Park in the ‘development pipeline’ at this stage, ahead of review of the Green Belt, is that development finance might not be available in the medium term if a period of further cyclical recession is experienced, leading to delays in such capital investment. By creating such a valuable asset in the very near

future to support the type of jobs expected to flourish in the future economy, the resilience of Cherwell and the wider economy will be enhanced.

“Furthermore, this proposal is particularly timely with the opening of the nearby Oxford Parkway railway station in October 2015 likely to lead to increasing numbers of people commuting out of Cherwell. The Oxford Technology Park could provide a reason to work and live in Cherwell and could therefore be considered to offer balance and opportunity, thereby contributing to sustainable development.

“I therefore offer my full support to this proposal being considered and approved ahead of the review of the Green Belt.”

4.6 **Urban Design Officer:** No comments received

4.7 **Anti-Social Behaviour Manager:** Comments as follows:

“Further to your consultation of 18/12/14 I can confirm that I would not object to the granting of this planning application. I would however recommend that a condition be imposed setting a noise target for the levels of noise emitted by fixed plant and equipment operated on the site. This approach is recommended in the Peter Brett Associates LLP in their noise report. The recommended sound pressure levels can be found in table 7.1 at page 16”

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

Land Contamination

I recommend applying informative ZZ in case there is any unsuspected contamination encountered during the development. The Haydn Evans Consulting Engineering Appraisal Report (ref: 159/017, dated November 2013) submitted with the application includes some preliminary site investigation work into the risk from land contamination and hasn't identified a risk to the development from land contamination. It does note that concentrations of some topsoils on site wouldn't be suitable for use elsewhere for residential land use.

The report hasn't identified a risk from land contamination to the development and I recommend an informative to allow for the developer to notify the LPA of any contamination identified during the development and deal with it appropriately.

Air Quality

I've reviewed the Peter Brett Air quality screening assessment, dated December 2014. This report has concluded that an air quality assessment is not required. This development will be having a negative impact on air quality given the traffic generation and I would like to see the impact of this on local air quality quantified and works to facilitate low emission vehicle transport and sustainability included in the development proposals. Given the size of this development, the traffic generation and EPUK guidance on triggers for an air quality assessment, I require an air quality assessment to be submitted.

I recommend conditions are applied which require the submission of an air quality assessment report and low emission strategy.

4.9 **Landscape Officer:** Comments as follows:

“Further to consideration of the LDA Design’s Landscape and Visual Appraisal and a recent site visit I confirm agreement with the conclusions of this report, page 19. From Begbroke residences (Evenlode Crescent) and the PRow to the south and the development will be experienced in context with the existing developments: car show rooms/servicing to the east and fire station to the west.

“The site is well contained, especially on the western boundary, with semi-mature trees, including, Pines and visually distinctive Lombardy Poplars. It is important to retain this vegetation for the purpose of mitigation of visual impact of the development from the adjacent fire station site, and in this respect of tree and hedgerow survey, and root zone protection area are to be defined in accordance with BS 5837: 2012. The proposal are to take full account of this boundary vegetation and RPA’s. Arboricultural method statements may be required for the installation of hard standing and boundary fencing.

“I support the ideas that a high quality setting to the frontage of the development is necessary to replace the rather poor hedgerow fronting Langford Lane. It is important that landscaped buffer is implemented along the southern boundary with the retention of the existing hedgerow at a minimum height of 3 m. The hedgerow is to be augmented with native trees.

“The landscape diversity and experience for users should be enhanced. This is an opportunity to incorporate landscaped outdoor seating or picnicking areas for the welfare and benefit of staff at break times.” (Conditions recommended)

4.10 **Arboricultural Officer:** Comments as follows:

“No arboricultural survey, in accordance with BS5837 has been submitted with this outline application.

“Due to lack of management, the existing hedgerow to the north of the site has become sparse with individual trees of poor amenity value. This hedgerow should not prove to be a constraint to the proposal however its loss must be mitigated for by the replacement planting of a native hedgerow in the same location.

“The main landscaping priorities within the red-line boundary of the site should be to:

- a) provide a suitable planting scheme to compliment and soften the architecture.
- b) reduce the potential impact of the urban heat island effect by providing further areas of shade adjacent to hard surface areas such as vehicular access, parking bays and buildings.
- c) Provide additional open space areas for the enjoyment of employees.
- d) Provide screening from residential areas

“Whilst the outline proposal provides 5.0m verge/planting areas to the frontages of each unit there is still a considerable quantity of hard-surface areas such as parking bays and service yards which will require a significant increase in tree planting sites to reduce localised urban heating. Tree planting within the wide verge areas should consist of a suitable mix of medium sized trees (7.0 – 15.0m) selected for species diversity and complimentary form.

“Tree planting in hard surface areas will require the installation of engineered, structured cell planting pits capable of accommodating sufficient volumes of non-compacted soil to allow for the full natural development of the tree species selected.

“Wide expansive car parking areas must incorporate hard surface tree planting at regular intervals between proposed parking bays. This will provide valuable shade, wildlife habitat and reduce localised heat islands.

“Access roads to the ‘service yards’ and the service yards themselves appear practical yet quite bland in aesthetics and attempts should be made to provide some level of effective soft landscaping. The wide hard surface areas to the front of the buildings and adjacent to the junctions for the Service Yards provide an opportunity for prominent tree planting providing an aesthetic focal point without compromising space or access.

“The minimum width of the southern boundary should be increased from 6.0m to 15.0m in order to provide a suitable allocation of space for a landscaping scheme capable of screening the development from residential dwellings in Begbroke and Yarnton. Tree species for this area should be of a large species type capable, upon maturity, of breaking-up the outline of the adjacent buildings.

“Boundary planting to re-enforce and rejuvenate hedgerows should be undertaken with details shown within an agreed Landscaping Scheme.

“To ensure existing and retained hedgerows / trees are suitably protected during construction it will be necessary for the applicant to provide an Arboricultural Method Statement (AMS) which may be subject to Condition should consent for the development be granted.”

4.11 Ecology Officer: Comments as follows:

“With regard to the above application I have a couple of concerns about the ecological information submitted to support it.

“Namely the submitted report by SES states that the site may be suitable terrestrial habitat for great crested newts but that ‘the site and wider landscape does not contain aquatic habitat’. There is however clearly at least two large water bodies immediately to the South East and a probable smaller one to the West. It is my opinion that these water bodies should at least be checked for suitability for GCN (i.e. an HSI should be submitted) to ensure we are clear that they are not a constraint on site. It may be that they are entirely unsuitable for GCN but at present I have no information to assess this. An HSI can be carried out at any time of year and would be the best starting point. Unless comment is made on this aspect I'd be inclined to object on these grounds as we must be clear on the presence or otherwise of an European Protected Species.

“Beyond this the main ecological factors to be considered are the retention of hedgerows on site (and enhancement where possible), avoidance of the bird nesting season when removing hedgerow, shrubs or trees, retention where possible of the black poplar tree with bat potential or where removal is necessary the tree needs to be resurveyed and appropriate mitigation carried out. In addition the ecological report states that reptiles are unlikely however the site has not been surveyed for them and has some suitable features - rough grassland, areas of bare ground, brush and debris piles etc.. therefore I think it would be advisable for a reptile method statement to be submitted pre-commencement and adhered to in order to avoid any harm to any reptiles present.

“The illustrative layout does not appear to leave much room to retain or enhance habitat on site and therefore it seems likely there will be a net loss of biodiversity as a result of this development unless measures to enhance biodiversity are taken in the form of tree or shrub planting, areas of species rich grassland, habitat boxes for birds etc.. A biodiversity enhancement scheme should be conditioned.

Following the receipt of additional information the Ecology Officer retracted their objection relating to Great Crested Newts

I have had a look at this report for this adjacent application. The survey is recent enough and is fine to evidence that Great Crested Newts are unlikely to be a constraint on site. I am happy therefore to retract my concerns on this point and appreciate your efforts to supply this information.

Oxfordshire County Council Consultees

Overall view of Oxfordshire County Council:

“Oxford Technology Park is identified in Policy Kidlington 1 of the emerging Cherwell Local Plan as being in an area that will be subject to a small scale local review of the Green Belt (as part of Local Plan Part 2) to accommodate high value employment need. This review has not yet taken place.”

4.12 Highways Liaison Officer: Comments as follows:

Revised comments received 11th November 2015

“I confirm that information and mitigation proposals received from the applicant have satisfied me that the Transport Development Control objection to the proposal can be removed.

“Our reasons for objection were summarised in our original consultation response as below:

1. *The submitted transport assessment does not demonstrate that traffic arising from the site can be accommodated safely and efficiently on the transport network, contrary to Policy SD1 of Oxfordshire Local Transport Plan 3 and the National Planning Policy Framework. In particular:*
 - a. *The Transport Assessment gives no consideration to HGV traffic when this will clearly be an important factor in the development.*
 - b. *The modelling of the site access shows unacceptable delay to traffic leaving the site, likely to result in unsafe manoeuvres.*
2. *The proposals are not considered adequate to meet the requirement under the NPPF and LTP3 Policy SD1 to promote access by sustainable means. In particular, the proposed modal share targets are too low for non-car modes, and no off-site mitigation for pedestrian and cycle access is proposed.*

“Addressing point 1a regarding HGV traffic, the applicant provided a technical note TN004 which quantified the HGV traffic associated with the development and explained how HGVs had been taken into account in the assessment of the site access junction and the nearby roundabout. Whilst significant, the impact of HGV traffic from this development could not be considered severe at this location. Regarding 1b, it is fair to say that traffic exiting the site at peak times would experience significant delays, but given the relatively low risk of collisions caused by impatience leading to failure to give

way, and the fact that there is not a significant record of accidents at the location, this is not considered sufficient grounds for objection.

“Addressing point 2, suitable transport mitigation proposals have now been agreed to promote sustainable access to the development, by bicycle and bus, and to mitigate traffic impact. These are:

1. S106 contribution of £469,000 to the County Council before more than 3,587 sqm of B1(a) floorspace (GFA) (or the equivalent B1(b), B2 or B8 floorspace in traffic generation terms, considering the two-way traffic generated in the AM peak hour) is occupied towards the provision of cycle infrastructure improvements on Langford Lane to improve access to Oxford Technology Park. *NOTE: this differs from the developer’s proposed S106 clause which gives flexibility for the developer to choose whether to carry out works or pay a contribution. Also to note that the detail of the trigger mechanism (which is as proposed by the developer) needs to be developed – for example what are the parameters on which the comparative trip generation should be based.*
2. S106 contribution of £50,000 per annum for the first five years from first occupation on site towards the improvement of bus services serving Langford Lane.
3. A contribution of £1,000 to OCC for installing pole and flag at proposed new bus stop – payable prior to first occupation
4. A contribution of £9,040 towards Travel Plan monitoring – payable prior to implementation
5. A contribution of £12,000 towards CCTV provision at the A4260/Langford Lane junction. Payment of this contribution would be triggered by the occupation of a development akin to 10,385sqm B1(a) plus 2,923sqm B1(b) plus 11,804 sqm B8 (or equivalent in traffic generation terms considering the two-way traffic generated in the AM peak hour). *As with 1 above the mechanism for this needs to be developed.*
6. Off-site highway works to be secured in the S106 and agreed via S278 agreement, to be carried out prior to first occupation:
 - A 2.5m wide shared footway/cycleway along the frontage of the development on Langford Lane
 - A bus stop on the northbound carriageway of The Boulevard

“The conditions proposed by the developer in the attached document numbers 2, 3, 4 and 5 are acceptable. However, please note this document does not include all the requested contributions, which should be as above.

4.13 Economic Development Strategy Officer: Comments as follows:

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

Recent policy initiatives relating to skills development are contained in:

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

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The recently launched Oxfordshire Skills Strategy has five strategic priorities:

- SP1: To meet the needs of local employers through a more integrated and responsive approach to education and training: developed in partnership with our provider network, to encourage more training provision in priority sectors - both current and projected - to meet the needs of employers or to train future entrepreneurs, particularly in science, technology, engineering and mathematics (STEM).
- SP2: Creating the 'skills continuum' to support young people through their learning journey: the ambition is to develop integrated, seamless services that support young people through school and on into training, further education, employment or business, where they understand the full breadth of career options, including local demand, and the training path to succeed in that career.
- SP3: Up-skilling and improving the chances of young people and adults marginalised or disadvantaged from work, based on moving them closer to the labour market.
- SP4: To increase the number of apprenticeship opportunities, particularly those offered by small to medium sized businesses.
- SP5: To explore how we can better retain graduates within Oxfordshire to meet the demand for the higher level skills our businesses need.

Employment and skills planning justification

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

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

"Developers often identify projected training and employment outcomes as part of the justification for development. It is important therefore that the impacts of economic development are mitigated and the economic benefits of new development in terms of improved local skills and employment outcomes are realised.

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

Other Consultees

4.14 Thames Water: Comments as follows:

Waste Comments

"Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "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. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Water Comments

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

4.15 **Natural England:** Comments as follows:

Statutory nature conservation sites – no objection

"This application is in close proximity to the Rushy Meadows Site of Special Scientific Interest (SSSI).

"Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

"We have not assessed this application and associated documents for impacts on protected species.

"Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

"You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

"The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

“If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

Local sites

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

Biodiversity enhancements

“This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*’. Section 40(3) of the same Act also states that ‘*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*’.

Impact Risk Zones for Sites of Special Scientific Interest

“Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

4.16 Environment Agency: As a result of a couple of revisions to the submitted FRA they comment as follows:

“We have re-reviewed the Flood Risk Assessment and consulted further with our Groundwater and Contaminated Land Team to determine the likely viability of infiltration on this site. We are now satisfied that the proposed cellular storage for surface water is feasible.

“We have no objection to the application as submitted, subject to the inclusion of two conditions, detailed under the headings below, to any subsequent planning permission granted.

Without the inclusion of these conditions we consider the development to pose an unacceptable risk to the Environment.” (Included in the list of recommended conditions)”

5. Relevant National and Local Policy and Guidance

5.1 Development Plan Policy

Cherwell Local Plan 1996 (Saved Policies)
C15: Prevention of coalescence of settlements

C28: Layout, design and external appearance of new development
C30: Design of new residential development
C31: Compatibility of proposals in residential areas
ENV1: Development likely to cause detrimental levels of pollution
ENV12: Contaminated land
TR1: Transportation funding

Cherwell Local Plan 2011-2031 Part 1

SLE1: Employment Development
BSC10: Open Space, Outdoor Sport and Recreation Provision
PSD1: Presumption in Favour of Sustainable Development
ESD1: Mitigating and Adapting to Climate Change
ESD2: Energy Hierarchy and Allowable Solutions
ESD3: Sustainable Construction
ESD4: Decentralised Energy Systems
ESD5: Renewable Energy
ESD 7: Sustainable Drainage Systems
ESD 13: Local Landscape Protection and Enhancement
ESD 14: Oxford Green Belt
ESD15: The Character of the Built and Historic Environment
Kidlington 1: Accommodating High Value Employment Need
INF1: Infrastructure

5.2 Other Material Policy and Guidance

National Planning Policy Framework
Planning Practice Guidance
Cherwell Economic Analysis Study
Cherwell District Council Employment Land Study 2012

6. Appraisal

6.1 The key issues for consideration in this application are:

- Planning History
- The Principle
- Highway Safety
- Impact on the Landscape and Built Environment
- Other Matters
- Contributions
- The Planning Balance

Planning History

CHS.508/82 - Outline planning permission was refused for an industrial development on four grounds:

1. Contrary to Green Belt policy
2. Contrary to employment policy
3. Would result in the loss of an established playing field
4. Road network would not be able to cope with the vehicular and pedestrian movements

CHS.466/79 - Outline planning permission refused for 50,000 sq. ft. industrial development on three grounds:

1. Contrary to Green Belt policy
2. Contrary to employment policy

3. Conflicts with the 'town' map for Kidlington

NE.154/68 - Temporary (expiring same time as NE.154.66) planning permission approved for an extension to the sports pavilion. Approval also given for a new access and parking area.

NE.103/66 - Temporary (5 years) planning permission for the retention of the sports pavilion approved under M.1367/60

M.1367/60 - Temporary (5 years) planning permission granted for a new sports pavilion

M.376/56 - Planning permission approved for the continued use of land as a sports field.

The Principle

- 6.2 Unlike a large proportion of the business related development accessed off the southern side of Langford Lane, the application site lies inside the Oxford Green Belt. The principle of the proposed development therefore has to be assessed against Policy ESD14 of the Cherwell Local Plan 2011-2031 Part 1 (CLP-2031) and Government guidance contained within the National Planning Policy Framework (NPPF).
- 6.3 The thrust of Policy ESD14 reflects the section in the NPPF relating specifically to development in the Green Belt. Paragraph 89 of the NPPF states that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they comply with one of a limited number of exceptions. The proposed technology park, which would be sited on an agricultural field, does not accord with any of the exceptions identified.
- 6.4 On the basis of this assessment, it is therefore concluded that the proposal would compromise the openness of the Green Belt and therefore run contrary to Policy ESD14 and NPPF guidance contained within paragraphs 79 and 80. Although the applicants contend that the Inspector only identifies *minimal* harm, this is in the context of the limited search area. There can be no question that this proposal runs contrary to paragraph 79 which states that *the essential characteristics of Green Belts are their openness and their permanence*.
- 6.5 In the opinion of the Development Services Manager (DSM), this harm does not extend to the promotion of the coalescence of settlements (paragraph 80), namely Kidlington and Begbroke. Whilst the Planning Policy Officer questions whether this would be the case, it is concluded that as the technology park would not extend any closer to the boundary with Begbroke than any of the surrounding development (Campsfield House and the Oxford Motor Park) it would be difficult to justify such a position. Furthermore, there would remain a buffer, in the form of a large field, between the development and the north eastern edge of Begbroke.
- 6.6 Although the Government remains steadfast in severely restricting development in the Green Belt (indeed the DCLG has recently indicated in a letter to the Chief Planner that a forthcoming Ministerial Statement will re-emphasise this point); as with previous Government guidance, the NPPF affords an applicant the opportunity to overcome a Green Belt objection if they can demonstrate a compelling *very special circumstances* (VSC) case (in accordance with paragraphs 87 and 88 of the NPPF). As the applicants accept that their scheme is contrary to Green Belt policy a VSC case was included as part of their Planning Statement and has been elaborated upon, with the submission of further evidence as part of on-going discussions.
- 6.7 The applicants' VSC case has two principal strands: the proposed limited review of the Green Belt boundary as set out in Policy Kidlington 1 of the CLP-2031 that will quite

possibly result in the application site losing its Green Belt designation; and the economic benefits of releasing land for a high value employment use in this part of the District where there is an acknowledged need, given the proximity to Oxford.

- 6.8 Although the application was submitted at the end of 2014 to coincide with the Examination in Public of the recent adopted CLP-2031, the applicants conceded that until Inspector had made his findings known, significantly less weight could be attributed to Policy Kidlington 1. It was further accepted that, notwithstanding the adoption of the CLP-2031 on the 20th July 2015, until the period available to legally challenge the CLP-2031 had elapsed it would not be prudent to rely on Policy Kidlington 1, particularly given the contentious nature of a policy which requires a review of the Green Belt. No challenge to Policy Kidlington 1 materialised (the cut-off point was at the beginning of September).
- 6.9 Policy Kidlington 1 of the CLP-2031 identifies two relatively small strategic tracts of land (off the Langford Lane and surrounding the Begbroke Science Park) which it is proposed, subject to a Green Belt Review to establish the extent of land required, should be taken out of the Green Belt. The justification supporting this policy is the need to accommodate Kidlington's *high value employment needs*. The application site forms a large part of the land identified for review.
- 6.10 The paragraphs supporting Policy Kidlington 1 read as follows:

C.193 Progressive improvements to the Langford Lane employment area will be encouraged to accommodate higher value employment uses such as high technology industries. This will reinforce and strengthen the emerging cluster of such industries in this area adjoining London-Oxford Airport. All proposals will need to be considered against Policy SLE1.

C.194 The Employment Land Review identified a need for additional land to be allocated for employment use at Kidlington. It is recognised that Kidlington has a very different economic role from the other villages in the District, and accordingly, the need for more employment land is likely to be higher. However there is insufficient land available within the village (on non-green belt land) to meet this need. The need for employment land to accommodate higher value employment uses in the research and development sector demonstrates exceptional circumstances leading to the need for a small scale review of the Green Belt.

- 6.11 The Inspector, in what was affirming assessment of Policy Kidlington 1, made the following observations when concluding that the policy was sound:

234. Taking into account the results of the Cherwell Economic Analysis Study (ECO 01) and the 2012 Employment Land Review update (ECO 06), including that there is a constrained supply but a continuing demand locally, as well as the Oxford/Oxfordshire City Deal, the Council has concluded that there are exceptional circumstances justifying a "limited, small scale," review of the OGB boundary at both Begbroke Science Park and at Langford Lane in Kidlington. This would relate to the two "areas of search" shown on the Policies Map and be carried out through the LP Part 2 process.

235. It would aim to meet particular local employment needs arising from the present cluster of high tech and knowledge economy firms based at the two locations, with strong links to the city and university, and take advantage of a strategic opportunity to provide sustainable economic growth locally. Some occupiers are university "spin out" companies carrying out nationally and

internationally important scientific research, with very good prospects for growth in the short to medium term.

236. *As a result, new firms would be able to take advantage of the synergies with existing companies that should encourage economic growth through the effects of clustering and the proximity to the airport, which is, of course, an important but fixed infrastructure facility. Accordingly, sites at Banbury and Bicester are less likely to be realistic alternatives for some of these prospective occupiers. Moreover, the locations do not directly affect the important “Kidlington Gap” part of the OGB and the limited changes envisaged should be capable of providing new long term defensible boundaries so that no form of precedent for any other schemes need arise.*
237. *The fact that the extent of the land in the two “areas of search” is restricted in scale also means that the likely growth in traffic movements from new employment development should be safely accommodated on the strategic and local road networks without adding materially to congestion or delays. This is reflected in the initial transport assessment work carried out and accepted by OCC as the local highway authority and the absence of objection from the HA. It is also reinforced by the generally good bus services that exist and the significant public transport improvements taking place, including the new rail station at Water Eaton. For similar reasons, the total number of new jobs arising is not likely to add significantly to existing housing pressures in Kidlington itself, bearing in mind that it also forms part of a wider market area, including Oxford city.*
238. *In my judgement, this specific combination of factors amounts to the exceptional circumstances necessary to justify the very limited changes to the OGB boundary presaged in the policy and that it would be consistent with the guidance in paras 83-85 of the NPPF, including regarding the definition of boundaries. Given its small scale and defined extent in the areas of search thus likely minimal overall impact on the purposes of the OGB, this element of policy Kid 1 is therefore sound. But these exceptional circumstances do not also apply elsewhere in the locality and thus there is no necessity or imperative to conduct a more wide ranging review of the OGB at Kidlington or nearby for economic/employment reasons at present. The detailed design and development criteria set out in policy Kid 1 are all reasonable, realistic and appropriate for the locations and therefore, subject to the addition of “Oxford Technology Park” in part a) for clarity (**MM 127**), the policy is sound with other text amendments for clarity (**MMs 125/126**).*
- 6.12 Despite this positivity, the Planning Policy Officer is correct to assert that the applicants should not infer that they have been given a green light to develop the site. As the Planning Policy Officer concludes, granting planning permission would *obviate* one of the central requirements of Kidlington Policy 1 by partially circumventing the remit of the Green Belt Review in effectively establishing one of the revised Green Belt boundaries. Also, whilst it has been recognised that additional employment land is required in Kidlington, the Green Belt Review could conclude that new employment land should be restricted to other parts of the identified search area or perhaps it may be reasoned that only part of the site should come forward.
- 6.13 However, without trying to prejudge the Green Belt Review, it should be noted that the search area, in respect of Langford Lane, does not include much land, outside the application site that is not already in use (e.g. London Oxford Airport) or that has the realistic short-term prospect of being redeveloped. The level of need identified in the *CDC Employment Land Study 2012* suggests that in order to meet projected demand in 2026, for the Kidlington area, 11.3 hectares of land, for B1 uses alone, would have to be released. It is improbable that this demand could be met unless either at least

part of the application site is developed or another tract of land within the Oxford Green Belt, abutting Kidlington, came forward for economic development.

- 6.14 As alternative sites have already been discounted as part of the Local Plan process, if part of the application site was required to provide for this added capacity, the Green Belt Review would have to be mindful of the Inspector's directive at the end of paragraph 236, where he states that the search areas *should be capable of providing new long term defensible boundaries*. The point the Inspector is making reflects the final bullet point of paragraph 85 of the NPPF which advises that local authorities *should "define (Green Belt) boundaries clearly, using physical features that are readily recognisable and likely to be permanent"*.
- 6.15 It could be reasonably argued that the application site achieves this objective in that it is surrounded on all but one side by development, and crucially its southern boundary abuts the same field boundary as Campsfield House to the immediate west and also shares a similar boundary line of the Oxford Motor Park to the east. Furthermore, there are no obvious alternative features within the site that would readily demarcate a reduced site area. It is worth noting at this point that whilst the logic of such an approach is self evident, any further extension to the Begbroke Science Park, based on the area of search, will perhaps have to be carried out in a more arbitrary manner given that the resultant expansion could be made up of only parts of the surrounding fields.
- 6.16 Whilst the adoption of Policy Kidlington 1 and a pragmatic interpretation of the current situation would appear to suggest that it is highly probable that the Oxford Technology Park will ultimately occupy the application site, officers nonetheless felt that in order for the VSC case to be compelling, the applicant had to establish the urgency of the application i.e. why couldn't they wait until after the Green Belt Review had taken place – why now?
- 6.17 Although the Planning Statement provides useful background material much of the information is historic (dating from 2009 and 2012) and provides a commentary of the lengthy process involved in bringing the site forward. In order to answer the question posed, the applicant had to clearly set out the economic harm that would result from a delay in releasing the land.
- 6.18 To this end, the applicants were able to provide details of hi-tech companies, appearing in the original Planning Statement (Compelling Case Part 2 (2012)), who, rather than wait for the Oxford Technology Park to be built, had found alternative sites, mainly in other neighbouring authorities. The applicants estimate that the potential cumulative loss to the Cherwell economy is in the region of almost 33,000 square metres. Of those businesses that retain a possible interest, their requirements total just over 39,000 square metres. Obviously, not all this past and present potential would or will be realised. Given the length of time the companies with a continuing interest have already waited, it is perhaps questionable as to the time sensitivity the need for the additional space is for some of these organisations.
- 6.19 In respect of current negotiations, the developers have identified five hi-tech companies with a need of between 900 square metres and 3,700 square metres each, who have expressed a strong interest in the site. Unsurprisingly, these businesses are unwilling to make public their interest at this stage, given the commercial sensitivity of some of their requirements and the fact that their staff may not yet be aware of a possible relocation.
- 6.20 In addition, the applicants are close to reaching an agreement, in the first phase of a future development, for an innovation centre to be built at the front of the site. This part of the development would take up approximately 10% of the available space. The

applicants, during discussions, argued that an innovation centre would be a key driver in promoting the occupation of the rest of the site. This assessment was supported by the Council's Economic Development Officer who, when asked to comment on the innovation centre, concluded:

For OTP, an innovation centre designed as an integral part of the initial phase, should therefore be welcomed as it provides the basis for a sustainable business community, nurturing from within the high value start-ups sought by the council's economic development strategy with potential to grow further into space provided elsewhere at OTP.

- 6.21 More generally, the NPPF (and Policy SLE1 of CLP-2031) is very supportive of economic development in sustainable locations such as Kidlington. Paragraph 19 makes it very clear as to the weight that local authorities should be attributing to such proposals:

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

- 6.22 The *Building a strong, competitive economy* section of the NPPF goes on to identify the importance of the high technology sector (paragraph 21) by encouraging local planning authorities to:

- *plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries*

- 6.23 The applicants point out that a key part of the VSC case required to overcome the Green Belt objection when the Begbroke Science Park came forward was based on this long standing Government support for high technology industry. Whilst drawing on the parallels between the two operations, the applicants go on to argue that the prospect of the Begbroke Science Park being taken out of Oxford Green Belt will only become a reality following the Green Belt Review (approx. 14 years after permission was granted). Although accepting that the policy position was less favourable, the VSC case was perhaps more clear-cut; with Members at the time accepting the argument that there was a recognised need to provide sufficient space to support the emerging nanotechnology industry that could not be readily met elsewhere.

- 6.24 Notwithstanding the merits of this VSC case, officers also have to take into account other materials planning considerations, set out below, which could have a bearing on the ultimate planning balance.

Highway Safety

- 6.25 Other than the principle of development, the main issue raised by objectors was the impact approving the scheme would have on the surrounding road network. It is argued that the local roads are already heavily congested with the situation likely to be exacerbated, irrespective of this application, by the newly opened Oxford Parkway railway station and the recently approved Northern Gateway (500 dwellings, 90,000 square metres of business space and a hotel). Concerns raised in respect of proposed extensions to Woodstock (1,500 houses) and Long Hanborough (400 houses) have not yet realised as the applications relating to these sites have been resisted (although they could be, and in the case of Long Hanborough are, the subject of an appeal).

- 6.26 Indeed, against this backdrop, one of the two holding objections raised by the Highways Liaison Officer (HLO), when the application was first submitted, related to the absence of any analysis of HGV movements and possible delays for traffic leaving the site which could result in unsafe manoeuvres. To address these issues the HLO and the developer's consultant have been involved in protracted. The HLO was ultimately satisfied, following the submission of a technical note, that whilst the HGV traffic generated would be 'significant' it could not be described as 'severe' i.e. it would be unreasonable to resist the application on these grounds.
- 6.27 Likewise, although it was accepted that traffic may have to wait some time to exit the site at peak times, the HLO did not consider that the available evidence would support a reason for refusal based on the impatience of drivers resulting in a significant increased risk of collisions, particularly given that Langford Lane does not have a notable history of road traffic accidents.
- 6.28 In order to help alleviate the adverse transport implications, the HLO required suitable mitigation to promote sustainable access (by bicycle and bus) to and from the site. To this end they have been able to negotiate a contribution (£469,000) for new cycle lanes and £250,000, payable in equal instalments over a five year period, to fund improvements to the existing bus service running down Langford Lane. Other more minor contributions sought by the HLO are set out in the Planning Contributions section below.
- 6.29 Based on this assessment Officers are satisfied that any additional pressure on the local highway network would be not be so significant, particularly in the light of the agreed mitigation measures, to bring the acceptability of the scheme into question. The development therefore accords with Government guidance contained within the NPPF in respect of highway safety.

Impact on the Landscape and Built Environment

- 6.30 Notwithstanding its Green Belt status, the application site is not in a sensitive landscape (largely flat and as already discussed surround on three sides by other development). The Council's Landscape Officer therefore agreed with the applicant's consultant that although the development would '*give rise to a fundamental change to the character of the site*' – its '*effects upon the character of the wider area*' would be '*minimal*'. The proposal therefore accords with Policy ESD10 of the CLP-2031.
- 6.31 Although all matters are reserved, and it is likely that the design and layout out of the buildings will be modified before a reserved matters application is submitted, so as to reflect the requirements of the future occupiers, it is worth flagging the Landscape Officer's comments about the proximity of the built form to the southern boundary. More of a buffer, to accommodate planting, may be required than is shown on the indicative plans to ensure that the visual impact of the development, when viewed from Begbroke, is minimised.
- 6.32 It is also worth noting that there are no heritage constraints to take into account when assessing the surrounding built environment. Furthermore, although all matters are reserved, the distances to the nearest residential properties are relatively significant (minimum 340m). As a result these neighbours should not have their amenities compromised and a condition is recommended, to limit any noise originating from the site to acceptable levels. The proposal therefore complies with Policies saved Policies ENV1 and C31 of the Cherwell local Plan 1996.

Other Matters

- 6.33 Following further clarification from the applicant's ecological consultant, the Council's Ecology Officer withdrew their concern about the absence of any information relating to great crested newts. This was on the grounds that a recent assessment, conducted in respect of another nearby development, had established that there was limited likelihood or there being any great crested newts in the vicinity. The Ecology Officer has however recommended a condition requiring a reptile survey as well as one seeking ecological enhancements in line with local plan policy and Government guidance contained within the NPPF.
- 6.34 The Environmental Protection Officer accepts the finding of the submitted contaminated land report and concludes that that a planning note rather than the full set of conditions is require in this instance. A change in the legislation earlier this year, however, means that although the Air Quality Screening Assessment's recommends that no further action is required, there is now a requirement to provide an air quality assessment report and low emission strategy.
- 6.35 As part of the drive to promote sustainability Policy ESD3 of the CLP-2031 requires that all new development reaches a minimum BREEAM standard of 'very good'. The applicants are however taking a more positive approach committing to achieving BREEAM 'outstanding' based on the indicative drawings.
- 6.36 There is currently insufficient capacity in the local sewage system to meet the additional demand that would be created. As with the other approved schemes, this issue can be successfully addressed by condition. The onus would be on the applicants to identify and fund appropriate remedial works before the proposed facility could be occupied. Obviously, if it were discovered that it was impossible to rectify the situation, or the cost proved to be too prohibitive, then this proposal could not be implemented.
- 6.37 Following an update to the FRA, the Environment Agency withdrew their holding objection to the proposal subject to the imposition of appropriate conditions. The development therefore accords with Government guidance contained within the NPPF.
- 6.38 One criticism of the scheme that has not been previously addressed is that the description of development would not restrict other non hi-technology businesses from occupying the site. However, as the applicant argues, the target market would have functions that fall within the B1, B2 and B8 use classes i.e. the technology park would house all a business's office, manufacturing and storage needs. Whilst the operators of the site would unquestionably seek to protect their USP resulting in a degree of self-regulation, officers nonetheless feel that it is prudent to require a condition preventing distribution companies from occupying the site.

Planning Contributions

- 6.39 The only financial contributions sought in respect of this development relate to highway improvements. These contributions, which have been accepted by the applicant, are as follows (see OCC response for full details):
- £469,000 towards the provision of cycle infrastructure improvements on Langford Lane.
 - £50,000 per annum for the first five years from first occupation on site towards the improvement of bus services serving Langford Lane.
 - £1,000 for installing pole and flag at proposed new bus stop
 - £9,040 towards Travel Plan monitoring – payable prior to implementation
 - £12,000 towards CCTV provision at the A4260/Langford Lane junction.

- Off-site highway works to be secured in the S106 and agreed via S278 agreement for:
 - A 2.5m wide shared footway/cycleway along the frontage of the development on Langford Lane
 - A bus stop on the northbound carriageway of The Boulevard

Planning Balance

- 6.40 Given the work that underpins the new Local Plan, it would have been surprising if any of the consultees had, following any further negotiation, brought the scheme into question. Although the increase in traffic that would result from the development remains contentious, this would quite probably have been the case no matter where the additional employment land for Kidlington had been allocated.
- 6.41 When assessing the VSC case itself, although Officers would have preferred to have had more certainty in respect of the take-up of the space available, it is accepted that until permission is in place, it is difficult to get anything much more than strong expressions of interest. It is perhaps telling that the applicants have already got the financial backing to deliver the site, which is perhaps the clearest indicator that the applicants' will not have too many problems finding sufficient suitable occupiers.
- 6.42 Delaying the scheme until after the Green Belt Review would risks losing future potential occupiers, most notably the innovation centre, but it could also jeopardise the confidence of the financial support, particularly if there is a downturn in the economy. Although officers still believe that it is quite probable that the technology park would be a success even if it has to wait until after the Green Belt Review, there is still sufficient justification, following the adoption of Policy Kidlington 1, to bring the site forward now to avoid risking any further haemorrhaging of Oxford's high-technology industry to locations outside the area.
- 6.43 It is concluded, therefore, that although this development would have an adverse impact on the Green Belt, the business need focused VSC case (which is not compromised by any other material consideration) tips the planning balance in favour of approving this application and satisfies the requirements of paragraph 88 of the NPPF.

Consultation with applicant

- 6.44 Good communications were maintained throughout the application process with the developer in order to address the issues that arose in respect of the principle of the development, highway safety and planning contributions. Officers have therefore discharged their duty in respect of paragraphs 186 and 187 of the NPPF.

7. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph 6.39;
- b) referral to the Secretary of State to ratify the decision to approve;
- c) the following conditions:

- 1 That no development shall be started until full details of the siting, design, layout and external appearance of all buildings, landscaping and all means of access (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

- 2 In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

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

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

- 4 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the Site Location Plan (13045 1001) and the following documents:

Oxford Technology Park – The Compelling Case (Parts 1 & 2)
Transport Assessment produced by Peter Brett (December 2014)
Transport Note TN004 produced by Peter Brett (31/03/15)
Framework Travel Plan produced by Peter Brett (September 2014)
Updated Phase 1 Habitat Survey produced by Southern Ecological Solutions (December 2014)
Engineering Appraisal produced by Haydn Evans Consulting (November 2013)
Flood Risk Assessment and Drainage Strategy produced by Baynham Meike partnership (October 2012) updated by an email dated 17 April 2015.
Noise Impact Assessment produced by Peter Brett (December 2014)
Air Quality Screening Assessment produced by Peter Brett (December 2014)

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.

- 5 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 and prior to commencement on site, the means of access shall be constructed to base course and used as such during the initial construction phase. Prior to first occupation on site, the access scheme will be completed 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.

- 6 Prior to the commencement of each phase of the development hereby approved, detailed access and circulation specifications for that phase of development shall be submitted and approved in writing by the Local Planning Authority as part of the Reserved Matters Application for that phase. Thereafter, and prior to the first occupation of the phase of development considered, the access, and circulation, parking and manoeuvring areas shall be provided on the site in accordance with the approved details. Parking and manoeuvring areas 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.

- 7 Prior to the first occupation of the development hereby approved, a Framework Travel Plan, prepared in accordance with Oxfordshire County Council's Guidance on Transport Assessment and Travel Plans, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Framework Travel Plan shall be implemented and operated 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.

- 8 Prior to commencement on site a Construction Traffic Management Plan must 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 contained within the National Planning Policy Framework.

- 9 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development including appropriate infiltration testing in accordance with BRE 365, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate:

- surface water run-off generated up to and including the 1 in 100 year (including a 30% allowance for climate change) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.
- surface water runoff will be managed so that it does not contaminate controlled waters

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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 Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

- 10 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.

- 11 Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality 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 the impact of the development on air quality has been adequately quantified.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Cherwell Local Plan 1996.

- 12 Prior to the commencement of the development hereby permitted, measures to encourage the uptake of low emission transport, 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 measures are in place which mitigate the impact of the development on local air quality and support the uptake of low emission technologies now and in the future.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Cherwell Local Plan 1996.

- 13 The levels of noise emitted by fixed plant and equipment operated on the site shall not exceed the levels set out in Table 7.1 of the Noise Assessment Report produced by Peter Brett and dated December 2014.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the Cherwell Local Plan 1996.

- 14 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason - To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and minimise the risk of pollution in accordance with Government guidance contained within the National Planning Policy Framework.

- 15 Prior to the commencement of the development hereby approved, a reptile method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works 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.

- 16 Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing tree or shrub planting, areas of species rich grassland, habitat boxes for birds shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

- 17 A full technical safeguarding study shall be undertaken, to assess the effects of the development on London Oxford Airport's navigations aids and radar equipment and shall be submitted as part of the reserved matters application(s).

Reason - To ensure that the development does not unduly affect navigation and radar equipment at London Oxford Airport and to comply with Government guidance contained within the National Planning Policy Framework.

- 18 Prior to the commencement of development a Bird Control Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not unduly affect operations at London Oxford Airport and to comply with Government guidance contained within the National Planning Policy Framework.

- 19 The development hereby permitted shall be constructed to meet at least the BREEAM 'Very Good' standard.

Reason - In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2011-2031 Part 1.

- 20 The primary function of all businesses occupying the site should not be as a distribution centre. All B8 space should be ancillary to the either a B1 or B2 use.

Reason - This permission is only granted in view of the very special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning permission and to comply with Policies Kidlington 1 and ESD14 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Planning Notes

- 1 In respect of condition 5, the following detail will be required:
- Means of vehicular access to the phase of development considered
 - Circulation of vehicles within the phase of development considered
 - Means of access and circulation of pedestrians and cyclists to, from and within the phase of development considered
 - The provision of vehicle and cycle parking for the phase of development considered in accordance with the local parking standards in force at the time of granting of the outline planning permission for the Oxford Technology Park (14/020267/OUT). This will include consideration of provision for car sharers to support the Travel Plan for the development.
 - Full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas for the phase of development considered.
- 2 In respect of condition 6, the car parking standards to be used across all phases of development on site are:

- B1 uses: Car parking to be provided at a ratio of 1 space per 30 sqm GFA
- B2 uses: Car parking to be provided at a ratio of 1 space per 50 sqm GFA
- B8 use: Car parking to be provided at a ratio of 1 space per 200 sqm GFA.

Cycle parking is to be provided across the development according to the following standards:

- B1 uses: Long stay/employees at 1 stand per 150 sqm GFA, visitors at 1 stand per 500 sqm GFA,
 - B2 uses: Long stay/employees at 1 stand per 350 sqm GFA, visitors at 1 stand per 500 sqm GFA,
 - B8 use: Long stay/employees at 1 stand per 500 sqm, visitors at 1 stand per 1,000 sqm GFA.
- 3 Any trees planted must not be of a species not likely to attract large numbers of birds, including berry-bearing species and those likely to grow over 15m in height which may encourage a rookery.
 - 4 If cranes are used during construction, there will be a need for the developer to liaise with the London Oxford Airport in accordance with the British Standard Institute Code of Practice for Safe Use of Cranes (BS 7121). Crane permits will be required from London Oxford Airport prior to use.

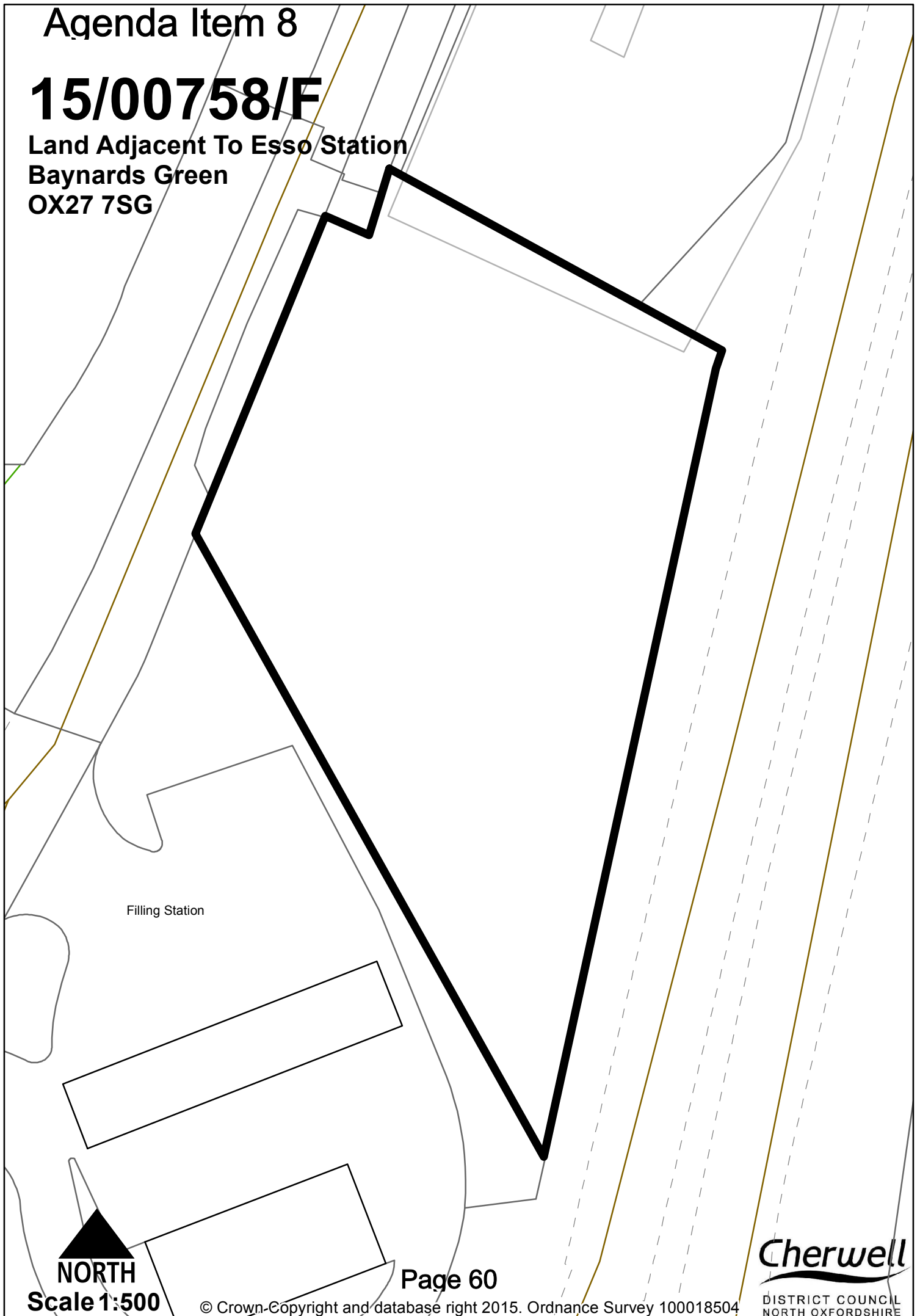
Statement of Engagement

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

Agenda Item 8

15/00758/F

Land Adjacent To Esso Station
Baynards Green
OX27 7SG



Filling Station

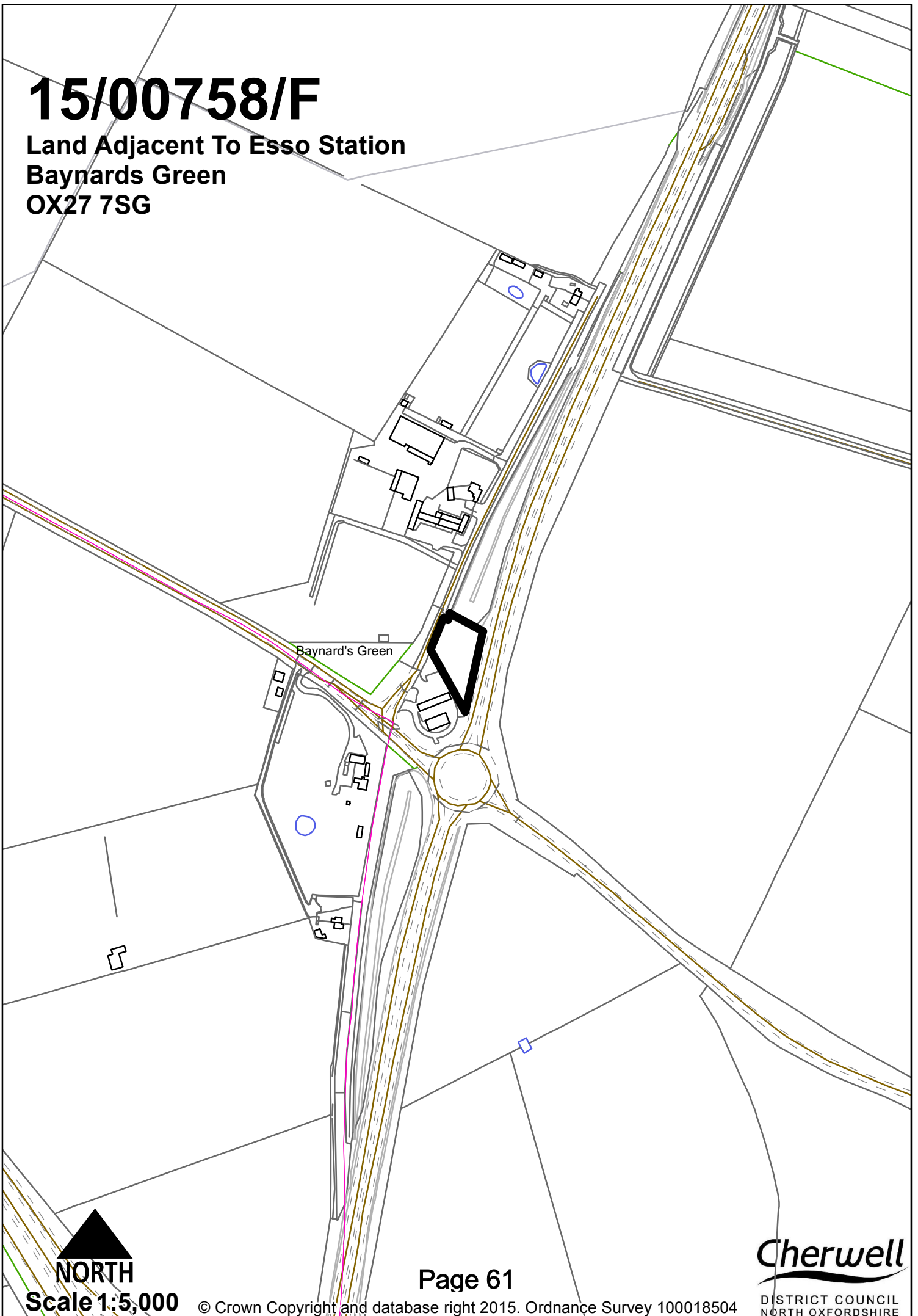


NORTH

Scale 1:500

15/00758/F

Land Adjacent To Esso Station
Baynards Green
OX27 7SG



Baynard's Green



Scale 1:5,000

Land Adjacent to Esso Station Baynards Green, OX27 7SG

15/00758/F

Ward: Caversfield

District Councillor: Cllr Corkin

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Adalta Real PLC & McDonald's Restaurant Ltd

Application Description: Freestanding single storey restaurant with associated drive-thru, car parking and landscaping; installation of customer order display and canopy

Committee Referral: Potential departure from Development Plan

Committee Date: 26.11.15

1. Site Description and Proposed Development

- 1.1 The site is located within the open countryside, to the north of the junction with the A43 and B4100, and close to Junction 10 of the M40, which lies approximately 1.0 km to the south. The site is bounded to the south by an existing Esso petrol filling station and to the north-west by the existing access track serving the Baynards Green Trading Estate. This access track also becomes a bridleway (beyond the north western corner of the site). The northern boundary of the site is demarcated by landscaping and semi-mature trees. The eastern boundary abuts the A43 and is demarcated by a post and rail fence. This aspect of the site is open, exposed and very prominent from the public domain.
- 1.2 A Grade II Listed Building, a barn, lies approximately 100 metres to the north of the site, situated within the Baynards Green Trading Estate. Intervening vegetation screens this building from the application site.
- 1.3 Planning permission is sought for the erection of a single storey restaurant with associated drive-thru, plus car parking, landscaping and installation of a customer order display and canopy. Access is to be taken off the highway leading to the Baynard Green Trading Estate to the west of the site.
- 1.4 Advisement consent has been sought via three separate applications for various illuminated and non-illuminated signage across the site and on the main building, which are pending consideration (15/00751/ADV, 15/00755/ADV and 15/00756/ADV) subject to the outcome of this application..
- 1.5 This application is a re-submission of a previously refused scheme (14/00900/F), whilst a similar planning application was also withdrawn at the site (13/01754/F).

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 11 June 2015.

Two letters have been received. The following issues were raised:-

Material planning comments:

- Need for additional facility
- Location – who is it designed to serve? If it is for passing traffic, then should be at M40 Services. If it for local residents, then must be better locations closer to Bicester?
- Highway issues
- Out of keeping with rural area (including advertising signs)
- Additional Litter Issues

3. Consultations

3.1 **Stoke Lyne Parish Council:** Object on the following reasons:-

- Out of character for the surrounding area and poses an ecological threat to its surroundings
- Cherwell Valley Service Station is a major outlet for takeaway food and any additional franchises should be located there
- No need for the facility as existing units meet need
- Litter issues
- Visual impact due to light pollution
- Transport Statement fundamentally flawed

Ardley with Fewcott Parish Council: Object for the following reasons:-

- Out of character for the surrounding area and poses an ecological threat to its surroundings
- Cherwell Valley Service Station is a major outlet for takeaway food and any additional franchises should be located there
- Litter issues
- Sequential issues if to serve local need

- Visual impact

Cherwell District Council Consultees

- 3.2 **Planning Policy Officer:** Saved Policy TR8 of the adopted Local Plan (1996) provides for commercial facilities to serve the motorist beyond the built up limits of settlements where the need for such facilities can be demonstrated. The application and relevance of Policy TR8 should be considered in the context of more up to date guidance in Chapter 2 of the NPPF.

Policy SLE2 of the Local Plan (2011-2031) states that retail development will be directed towards the District's town centres and the Council will require a sequential test and an impact assessment in accordance with requirements in the NPPF and policy SLE2. The policy requires that proposals not in town centres should be in edge of centre locations. Only if suitable sites are not available in edge of centre locations should out of centre sites be considered and that when considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.

The application site is in an out of town location and therefore proposals are inconsistent with the NPPF and the policy approach in the Local Plan 2011-2031 in this regard. The applicant explains why the proposal is proposed in this location at Baynards Green and how nationally current restaurants are located in roadside locations as well as in town centres. This application and the sequential test should be considered in the context of the market and the particular locational requirements of these proposals. This proposal would operate as a drive-thru restaurant and therefore cater for a particular market (mainly those using the M40 and A43).

The applicant explains that the impact on planned investment in Bicester, where there is a separate requirement, will not be affected. Thus, the limited scale of the proposals and the distance from Bicester are relevant.

It is not completely open countryside free from development in this location at Baynards Green, there is already small scale built development including the petrol station. Landscape and visual impact and impact on amenity should be considered carefully for this planning application particularly in relation to nearby villages. The proposal is inconsistent with saved 1996 adopted Local Plan policy C8 but must be carefully considered against adopted policy ESD13 of the new Local Plan which is consistent with the NPPF. Policy TR37 of the Non-Statutory Local Plan 2011 states that development should not extend beyond the existing site boundary at the motorway service area. This policy however is a permissive policy in general terms, allowing for retail to serve the motorist outside the towns in the vicinity of the motorway junction.

Proposals should comply with policy SLE4 which states that all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. The policy explains that

development which has a severe traffic impact will not be supported. The proposal is of a scale which is unlikely to cause significant transport impacts and is only a short distance from the motorway junction and the existing motorway services. Most journeys are pass-by trips that are already on the network.

The proposals would lead to the creation of jobs and contribute towards economic growth which is key focus for the Local Plan and the NPPF.

Overall Policy Observations: This application is inconsistent with the town centre first approach and represents development in the countryside. However, subject to no significant impacts including on the landscape, settlements and no other significant environmental impacts being identified; taking into account the market, locational requirements, the limited scale of the proposals and other matters set out above there is no planning policy objection to these proposals.

3.3 **Conservation Officer:** No response

3.4 **Economic Development Officer:** I accept the principle of this development and no further consideration of other sites in Bicester has been made in relation to very specific locational factors with the commitment given to also open a site in Bicester if a 'suitable' one becomes available in the future.

McDonalds are urged to demonstrate its stated corporate commitment to the environment by relating this development to the nearby national exemplar 'Eco-Bicester' programme.

3.5 **Landscape Officer:** With consideration of the Proposed Planting Plan (MK MCD BG SIN 01) there are only minor revisions required, thus:

- Swap round the 4 Betula with the Pinus on the southeast corner. This will allow more space for the larger Scots Pine to develop.
- Substitute Carpinus betulus in favour of Corylus avellana (Hazel) because the Carpinus has the potential to grow into large trees if not regularly trimmed as a hedge (the wide width and limited accessibility by landscape maintenance personnel on the western corner will prevent maintenance).
- Replace the deciduous trees with evergreen Ilex aquifolium for all year round cover/screening. Similar sizes as to those shown on the plant schedule are required.
- The regularity of Ilex, Betula, Ilex trees should be made more irregular and less formal by arranging tree species in groups of three alternating with and one single tree species (in a random species pattern with a contrast in foliage texture/dark and dappled shade).

All other landscape details are acceptable, including the tree pit proposals (MK MCD BG SIN 02).

3.6 **Anti-Social Behaviour Officer:** No response

Oxfordshire County Council Consultees

- 3.7 **Highways:** Having considered the proposal and the supporting information it is evident that car borne journeys are prevalent as a result of development, however, it has been demonstrated through surveys and assessment work that the majority of drivers/customers (some 59% to 75% Friday and Saturday respectively) are diverted and pass by trips that are already on the highway network at peak development times. Assessments at the nearby junctions also conclude that the additional traffic as a result of development (some 2% increase on the network traffic) will have a negligible impact on the nearby junctions.

In conclusion given the function of the site, the associated drive thru, adequate car parking facilities and the fact that the proposal will provide a roadside facility it is considered that there is no detrimental impact on the highway and as such the County Council has no objections to the proposal from a traffic and highway safety point of view subject to the following condition:

That prior to the first occupation of the proposed development the access works between the land and the highway shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and shall be undertaken within a Section 278 Agreement under the Highway Act 1980.

Other Consultees

- 3.8 **Highways England:** The proposal is very similar to earlier applications submitted in 2013. Any potential adverse impacts of these related to headlight scatter were deemed to be able to be mitigated by suitable boundary fence design and a condition was directed accordingly. The same condition would be appropriate in this case:

Prior to the occupation of the development hereby permitted, details of the boundary treatment to be erected along the common boundary of the A43 Trunk Road shall be submitted to and approved by the Local Planning Authority in consultation with Highways England.

Reason: To ensure the safe operation of the A43 Trunk Road by avoiding headlight dazzle by users of the proposed restaurant car park and drive through facility.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 2011 – 2031 Part 1

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20 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 12 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. Relevant policies are as follows

SLE2	Securing dynamic town centres
SLE4	Improved transport and connections
ESD1	Mitigating and adapting to climate change
ESD2	Energy hierarchy and allowable solutions
ESD3	Sustainable construction
ESD5	Renewable energy
ESD7	Sustainable drainage systems
ESD8	Water resources
ESD13	Local landscape protection and enhancement
ESD15	The character of the built and historic environment

Adopted Cherwell Local Plan 1996 (Saved Policies)

The Secretary of State's Direction saved policies from the Local Plan beyond the statutory period of the Plan. The saved policies are still therefore part of the Development Plan and form a key part in determining planning applications. This list has been updated following adoption of the 2011–2031 Local Plan, with Appendix 7 of the new Local Plan, indicating which policies from the 1996 Local Plan are still 'saved'. Relevant policies are

C8	Sporadic development within the countryside
C28	Layout, design and external appearance of new development
ENV12	Development on contaminated land
TR1	Transportation funding
TR8	Commercial facilities for the motorist

4.2 Other Material Policy and Guidance

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Department for Transport Circular 02/2013

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:

TR37: Motorway Service Area

5. Appraisal

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

- Relevant Planning History
- Principle of Development
- Character and Appearance of the Rural Landscape
- Transport Impact
- Other matters

Relevant Planning History

5.2 13/01754/F: Freestanding two storey restaurant with associated drive-thru, car parking and landscaping, installation of customer order display and canopy. Application Withdrawn.

5.3 14/00900/F: Freestanding single storey restaurant with drive-thru, car parking and landscaping, installation of customer order display and canopy – resubmission of 13/01754/F. This application was refused on 18 August 2014 for the following reason:

“The sequential approach fails to satisfactorily demonstrate that there are no sequentially preferable sites or that a flexible approach has been adopted in relation to format and therefore fails to support the vitality and viability of local town centres. Furthermore, the applicants have failed to demonstrate a clear need for further roadside restaurant provision in the area resulting in harm to the character and appearance of the rural area which is within an Area of High Landscape Value. The proposal is therefore contrary to Policies C7, C13 and TR8 of the Adopted Cherwell Local Plan, Policies ESD13, ESD16 and SLE2 of the Submission Local Plan and central Government guidance contained within the National Planning Policy Framework”.

Principle of Development

5.4 Paragraph 6 of the NPPF states that ‘*The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in*

paragraphs 18 to 219, taken as a whole constitute what the Government's view of sustainable development in England means in practice for the planning system.'

- 5.5 NPPF Paragraph 23 highlights a need for Local Plans to allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, tourism, cultural, community and residential development needed in town centres. These uses should be met in full and not compromised by limited site availability. This should include provision of appropriate edge of centre sites for main town centres where suitable and viable town centre sites are not available.
- 5.6 Paragraph 24 of the NPPF provides for '*applications for main town centre uses to be located in town centres, then in edge of centre locations*'. Only if 'suitable' sites 'are not available should out of centre sites be considered.' It goes on to state that '*applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.*'
- 5.7 Paragraph 27 of the NPPF indicates that an application should be refused where it '*fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors.*'
- 5.8 Annex 2 of the NPPF provides a definition of 'main town centre uses'. This is taken to include drive-thru restaurants.
- 5.9 In paragraph 110 of the NPPF, it states that '*In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this framework.*'
- 5.10 Policy SLE2 of the Local Plan 2031 Part 1 reiterates the position stated in the NPPF, highlighting the need for a sequential assessment with all proposals, plus an impact assessment on retail proposals above 1500 sq m (gross) in Bicester. In this instance, given the NPPF definition of drive-thru restaurants to be a town centre location, a sequential assessment is required but not an impact assessment.
- 5.11 The assessment undertaken in support of this application has been expanded following the previous refusal in 2014. The proposal is seeking a restaurant and drive-thru facility. The trade from both elements are required to enable a viable enterprise and meet the aspirations of the operator. The requirement to segregate the two uses is acknowledged as extending beyond the flexibility that needs to be shown as part of a proposal, a position clarified by way of reference to an appeal decision from Newquay in the Retail Assessment accompanying the proposal – reference APP/Q0830/A/05/1182303.
- 5.12 The retail assessment considers and discounts various sites within Bicester Town Centre, the surrounding retail parks and vacant commercial units on the key transport routes into Bicester. This follows the approach set out in policy and complies with this aspect of the sequential assessment approach. However, the Retail Assessment acknowledges that the primary function of the

proposed application facility is for the passing motorists and not to serve local needs.

- 5.13 The sequential approach to development in respect of Bicester is therefore not directly relevant in this case. Consideration of the balance of need versus impact on sustainability, location and the countryside is required.

Need for additional Trunk Road Facilities

- 5.14 Previous national planning guidance provided detailed information on the requirements for such facilities, but the NPPF/NPPG are largely silent. However, the Department for Transport Circular 02/2013 provides information on roadside facilities on motorways and all-purpose trunk roads.
- 5.15 Circular 02/2013 acknowledges that *'Motorway service areas and other roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey...The network of service areas on the strategic road network has been developed on the premise that opportunities to stop are provided at intervals of approximately half an hour...The Highways Agency therefore recommends that the maximum distance between motorway service areas should be no more than 28 miles. The distance between services can be shorter, but to protect the safety and operation of the network, the access/egress arrangements of facilities must comply with the requirements of the Design Manual for Roads and Bridges 14 including its provisions in respect of junction separation'* (paragraphs B4 – B6).
- 5.16 Paragraph B8 continues indicating that *'the distances set out above are considered appropriate for all parts of the strategic road network and to be in the interests and for the benefit of all road users regardless of traffic flows or route choice. In determining applications for new or improved sites, local planning authorities should not need to consider the merits of the spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor should they seek to prevent competition between operators; rather they should determine applications on their specific planning merits.'*
- 5.17 Policy TR8 of the Adopted Local Plan 1996 states that existing provision of petrol filling stations, roadside restaurants and rest areas are sufficient to meet the needs of motorists for the foreseeable future. However, it recognises that there may occasionally be circumstances in which a need can be clearly demonstrated for further provision. This policy is seeking to ensure facilities only where necessary are approved, with consideration of other policies as appropriate in the determination of planning applications. This policy is therefore considered in line with this national guidance on the provision of trunk road facilities and paragraph 23 of the NPPF, which sets out a requirement for Local Planning Authorities to meet the need for retail/commercial facilities. This saved Local Plan policy was most recently considered as part of the adoption of Local Plan 2011 – 2031 Part 1 examination, where it was considered an appropriate policy to continue to save. This saved Local Plan policy should therefore be considered consistent with national policy and afforded weight in the determination of planning applications.

- 5.18 Additionally, Policy TR37 of the Non-Statutory Local Plan indicates that provision of additional facilities at the Cherwell Valley Services would be acceptable within the curtilage of the existing service area, subject to protecting highway safety and not having an additional adverse impact upon the open countryside. This policy, whilst allowing additional facilities, does not support the expansion of the service site into the surrounding countryside.
- 5.19 There are three existing Trunk Road service areas on the A43. These are:
- at the intersection with the M40 near Bicester (Cherwell Valley Services – M40 Junction 10);
 - on the junction to the west of Towcester; and
 - at the intersection with the M1 near Northampton (Northampton Services – M1 Junction 15A).
- 5.20 All three incorporate a range of facilities, including at least two options for food and drink, fuel and toilet facilities. There is approximately 10.3 km (6.4 miles) between the M1 and Towcester services, 26.6 km (16.5 miles) between the Towcester and M40 services and 39.3 km (22.9 miles) between the M1 and M40 services. The spacing of the facilities along this stretch of highway therefore complies with the maximum separation distances between service facilities, with the Towcester services effectively acting as an additional facility between the two motorway service stations. The need for additional facilities does not exist in terms of spacing and drive time between these service areas, with additional petrol stations with convenience stores and takeaway coffee facilities also available at Brackley and Baynards Green (adjacent to the application site).
- 5.21 No information in respect of the need for an additional facility to offset the impact upon the countryside has been provided in support of this application, other than a generic statement that the M40 services is frequently busy at key times and parking can be an issue. This is not considered sufficient justification to support the need for a new trunk road restaurant on the A43. Additionally, the application site is less than 1.0 km north of the M40 Cherwell Services, illustrating that the facility would not be logically spaced between existing service areas to justify its provision. The proposal is therefore contrary to saved Local Plan Policy H18.

Consideration of Alternative Sites along the A43

- 5.22 As noted above, there is no formal sequential assessment for considering the location of a trunk road service facility. However, following discussion with the applicant during the application, additional consideration of site options along the A43 have been undertaken to illustrate whether alternative locations are available. These sites would also need to be considered in respect of their visual setting and sustainability for any development. The applicant's submissions have included brief assessment of three alternative locations:
- The M40 Cherwell Services
 - Mercedes Petronas, Brackley
 - BP Filling Station, Brackley

- 5.23 Provision of an additional restaurant to enlarge an existing service area is a logical approach. However, it appears that there is insufficient space to accommodate a restaurant and drive-thru at Cherwell Services and thus provision would need to be considered against landscape impact, as noted in Policy TR37 of the Non-Statutory Local Plan. Additionally, this service centre is operated by MOTO and contains a rival fast food chain. It is indicated that due to the end user, the site would not be available even if there was land within the existing service area.
- 5.24 The two Brackley sites have been discounted on the basis that they are not available, but it is unclear exactly which land has been considered. No plans have been provided to illustrate their locations. Additionally, no paperwork has been provided to prove that these sites are not available. Further information is required before it can be ascertained that these sites are unavailable. Due to the position of these sites roughly at a mid-way point between the existing service areas, and the proximity to existing built development of Brackley, it appears to be a logical location where a trunk road facility could be located, particularly if it is adjacent to the existing BP station facilities.
- 5.25 It is therefore considered that alternative sites may be available which would be better located to cater for a restaurant and drive-thru, due to the distribution of existing facilities along the A43.

Character and Appearance of the Rural Landscape

- 5.26 The application site is located within the countryside. The land was formally designated as part of an Area of High Landscape Value, a designation that has now been replaced by a character-based approach. The previous approach however, does signify that the landscape quality is high.
- 5.27 The land forms a relatively level parcel of grassland with established trees truncating views to the north and west of the site. The land however is open to views from the south and east, in particular from the A43, the B4100 east of its intersection with the A43, and from the junction itself. The provision of a building on this land will therefore reduce the overall open and undeveloped character and appearance of the site, contrary to the protection of the countryside (NPPF paragraph 109).
- 5.28 In terms of its wider setting, it is acknowledged that the proposed development would not be viewed as an isolated structure, with the petrol station and associated retail unit to the south seen within the same view. This reduces its potential overall visual impact, whilst proposed vegetative planting will soften this further. The single storey design of the building keeps its height below 5.0 metres, whilst the use of timber slats on part of the roof attempts to reduce its visual impact.
- 5.29 Whilst the direct impact of the development can be mitigated by a comprehensive landscaping scheme, there is a conflict between the desire to screen the building so that it does not undermine the open appearance of the countryside and having a visual presence so that customers are aware it is there. As a result, the building will inevitably undermine the open and

- undeveloped appearance of the countryside, contrary to Policy ESD13 of the Adopted Cherwell Local Plan 2031 Part 1 and the NPPF.
- 5.30 The proposed building is the same as that refused through application 14/00900/F. Whilst the Local Plan policy has changed since the determination of the previous application, the key aim to protect the character and appearance of the countryside is still retained through the NPPF and policies in the now Adopted Cherwell Local Plan 2031 Part 1. Consequently, the same view in respect of the impact of the development upon the countryside is reached, even though the Area of High Landscape Value designation is now defunct.
- 5.31 Additionally, as part of any such proposal, there will be a degree of light pollution that results from the development. Directional lights can seek to minimise this light spill but it is impossible to completely remove it. The adjacent petrol filling station and A43/B4100 junction's street lighting illustrates the visibility of the site during the evening and at night, with the location clearly visible from a number of points on the B4100 and the road connecting the B4100 and Hardwick to the east of the application site. Additional facilities would exacerbate this situation.
- 5.32 The applicant has indicated that the proposed 24 hour operations could be reduced to 0800 to 1800 hours to reduce the night time illumination from this proposal. Whilst this would improve matters, cleaning and preparation would occur outside these hours such that some lighting would still be operational on the site either side of the opening hours. Restriction to these hours is also likely to cause significant impact upon the turnover of the unit, providing pressure to extend the opening hours in the future. This reduction in opening hours is not therefore considered realistic.
- 5.33 As noted above, there are potential alternative locations where a facility could be located. Notably, this includes on the edge of Brackley. Whilst this is beyond the administrative boundary of Cherwell, such facilities should be considered on a wider basis to fit with locational requirements of travellers along the A43. Provision in a suitable edge of town location would minimise the visual impact, with it viewed as part of the expanding town. This would also reduce the lighting impact. Drive-thru restaurants are capable of operating close to residential developments, and as such locations such as adjacent to the BP filling station are realistic options, particularly if opening hours are limited to more sociable hours.
- 5.34 Until the availability of all such sites around Brackley have been fully explored and rejected as being unavailable, unviable and unsuitable, and a need for the facility has been established, it has to be concluded that this proposal undermines the character and appearance of the open countryside. It is therefore contrary to Policy ESD 13 of the Cherwell Local Plan 2011 – 2031 Part 1, Policy C8 of the Cherwell Local Plan C8 and the NPPF.

Ecology

- 5.35 Concern has been raised in respect of the impact of the development upon ecology, including proposed artificial lighting. Natural grassland will be lost from the site but no harm to protected species has been identified. Consequently, no ecological objection is raised. The provision of new planting of native and appropriate species will offset this harm, but quantifiable ecological benefits cannot be accommodated due to the limited space proposed for incidental landscaping.

Transport Impact

- 5.36 OCC have considered the Transport Statement submitted with the application and consider that it provides a fair and appropriate appraisal of the traffic impact associated with the proposal. Given its intended use, the majority of customers would either be diverted or passer-by trips and thus the additional traffic would have a negligible impact upon nearby junction capacity and safety.
- 5.37 Similarly, the Highways Agency raises no objection to the proposal. Both simply seek conditions to be attached to secure boundary treatment details to ensure headlight scatter occurs to prevent blinding of drivers by other vehicle headlights, and to ensure public highway works necessary to support the development are undertaken appropriately.
- 5.38 The concerns of the Parish Councils are noted, but in the absence of any objection from OCC or the Highways Agency, a refusal based on detrimental highway safety would be very difficult to sustain.

Building Sustainability

- 5.39 Information pertaining to sustainability during construction and operational phases of the development has been provided by the applicant to illustrate the various installations proposed to reduce the buildings carbon footprint. This includes the use of appropriate materials and techniques in the build, to low-energy installations, reduced water usage and the use of recyclable materials both on site and as by-products. No on-site renewable installations are proposed, but Policy PSD5 does not require such installation on non-domestic developments below 1000 sq m floor space. Therefore subject to the imposition of appropriate conditions to ensure compliance with proposed measures, the build and daily operation of the building are considered to comply with the building sustainability credentials set out in planning policy.

Heritage Impact

- 5.40 The site is located approximately 100 metres from a Listed Building. Intervening vegetation screens views between the two sites and as such the proposal will have a neutral impact upon the setting of this heritage asset, ensuring compliance with Policy ESD15 of the Adopted Cherwell Local Plan 2031 Part 1 and the NPPF.

Sustainability

5.41 The NPPF outlines three dimensions to sustainable development, which need to be considered together. These are economic, social and environmental roles (paragraph 7). In respect of the balance of benefit versus harm for this application, the following is noted:

- The proposal will generate a number of employment positions, although most will be lower paid unskilled/semi-skilled positions.
- The facility will create additional revenue for the area.
- It is isolated from existing settlements so added value to the local area will be greatly restricted.
- It is only realistically accessibly by car.
- The building is designed to be low energy for daily operation, but no innovative features or technologies are included to elevate it above other new commercial buildings.
- No need for the facility has been established.
- The development results in the loss of open countryside.
- Visual harm to the open countryside generated through the construction of an additional building and illumination of the night air.
- New native landscaping is proposed, but insufficient space on site is available to generate any recognisable ecological benefits.

5.42 All elements need to be considered holistically, with some aspects carrying greater weight. In this instance, given the lack of an identified need for additional Trunk Road Services, the potential availability of more appropriate sites, that would have less visual impact upon the open countryside, and the added benefits that would occur as a result of provision of such a facility immediately adjacent to an existing settlement (i.e. Brackley), this application is considered to not comply with the sustainability principles of the NPPF.

Other Matters

5.43 The Parish Councils have raised concerns about the potential for littering, as a result of the proposal. The Planning Statement submitted with the application outlines the measures currently employed at McDonald's to tackle littering. These include three daily litter patrols within the vicinity of the restaurant, anti-littering signage across the site and regular company 'clean-up' events in local communities.

5.44 The Anti-Social Behaviour Manager has not raised any objection to the proposal and in light of the information provided with the application and the opportunity to impose planning conditions relating to the provision of appropriate waste containers, it is considered that it would be unreasonable to refuse planning permission on this basis alone.

Consultation with Applicant

- 5.45 Discussion with the agent has been on going throughout the planning application seeking additional information and clarification as necessary on certain points. However, as there is still an 'in principle' objection to the proposal and its impact upon the sustainability principles of the NPPF, the application is still being recommended for refusal.

Conclusion

- 5.46 The proposal is for a restaurant and drive-thru to serve the through traffic on the A43. The application site is located within the countryside, and the need for the proposed facility does not, in the opinion of your officers, outweigh the harm caused. Without an overriding justification for this new facility, the proposal will result in a loss of open countryside and be contrary to the Development Plan and NPPF.
- 5.47 The applicability of the 'town centre first' sequential approach to the location of a site is questionable in terms of its relevance to this proposal, given that it is designed to serve passing traffic on the A43. However, insufficient information has been provided to indicate that this is the best location along the A43 for a new restaurant and drive-thru, should there be a need for an additional facility. Other sites which are more sustainably located through proximity to existing towns, which consequently would also have less impact upon the setting of the open countryside, may be available. As a result the proposal constitutes unnecessary harm on the setting of the countryside.
- 5.48 The proposal is therefore considered contrary to Policy ESD13 of the Adopted Cherwell Local Plan 2011 – 2031 Part 1, Policies C8 and TR8 of the Adopted Local Plan 1996 and relevant sections of the National Planning Policy Framework.

6. Recommendation

Refusal, for the following reason:-

1. The applicants have failed to demonstrate a clear need for further roadside catering facilities on the A43, resulting in unnecessary harm to the character and appearance of the countryside. The proposal is therefore contrary to Policy ESD13 of the Adopted Cherwell Local Plan 2031 Part 1, Policies C8 and TR8 of the Adopted Local Plan 1996 and central Government guidance contained within the National Planning Policy Framework.
2. Insufficient robust assessment of alternative locations along the A43 have been undertaken to establish that should a further roadside catering facility be required, that the application site represents the most appropriate location in terms of serving this need, maximising locational sustainability benefits and minimising visual impact upon the open countryside. The proposal is therefore contrary to Policy ESD13 of the Adopted Cherwell Local Plan 2031 Part 1, Policy C8 of the Adopted Local Plan 1996 and central Government guidance contained within the National Planning Policy Framework.

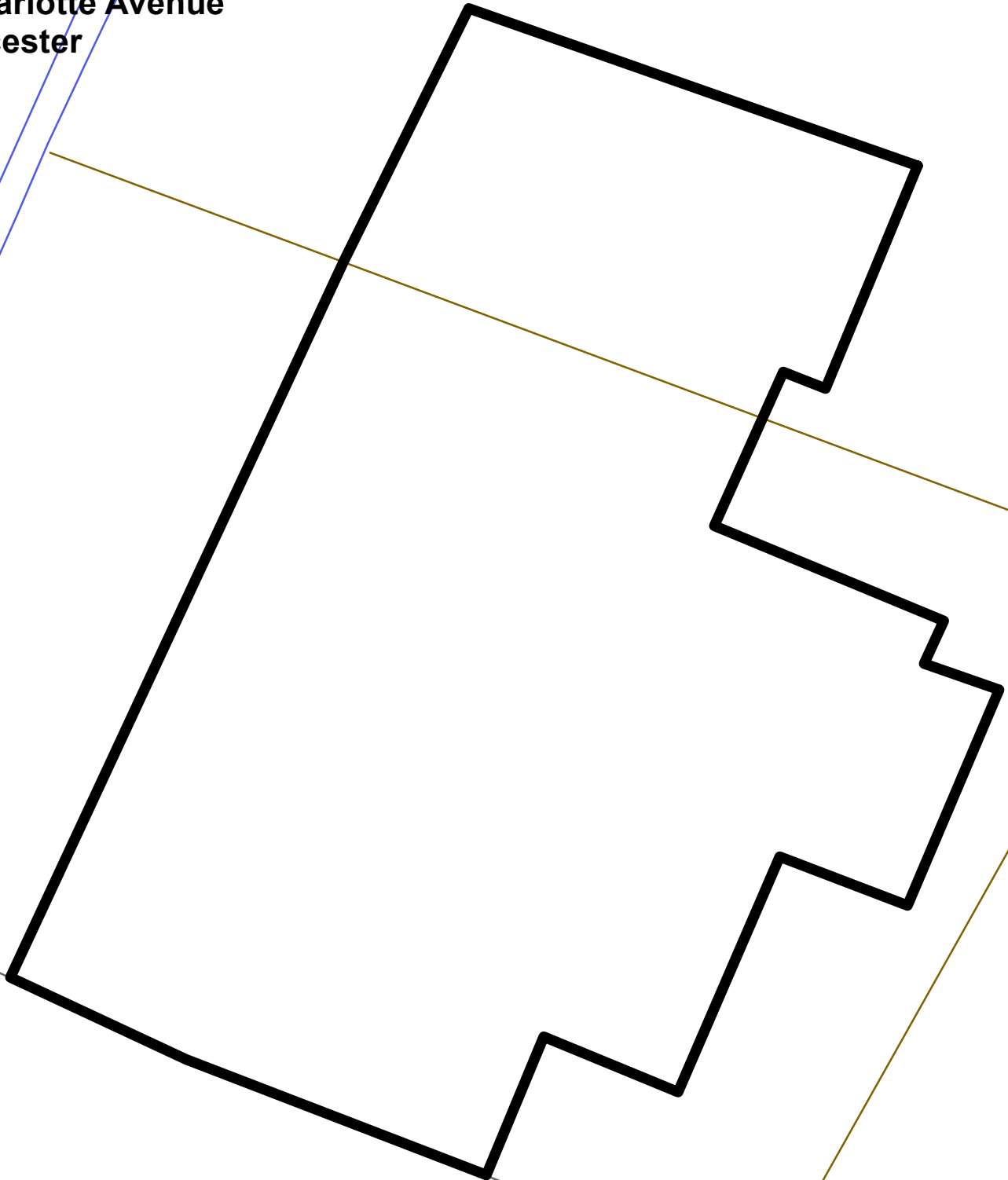
Statement of Engagement

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.

Agenda Item 9

15/00760/F

North And South Arcade At
Bicester Eco Town Exemplar Site
Charlotte Avenue
Bicester



NORTH
Scale 1:600

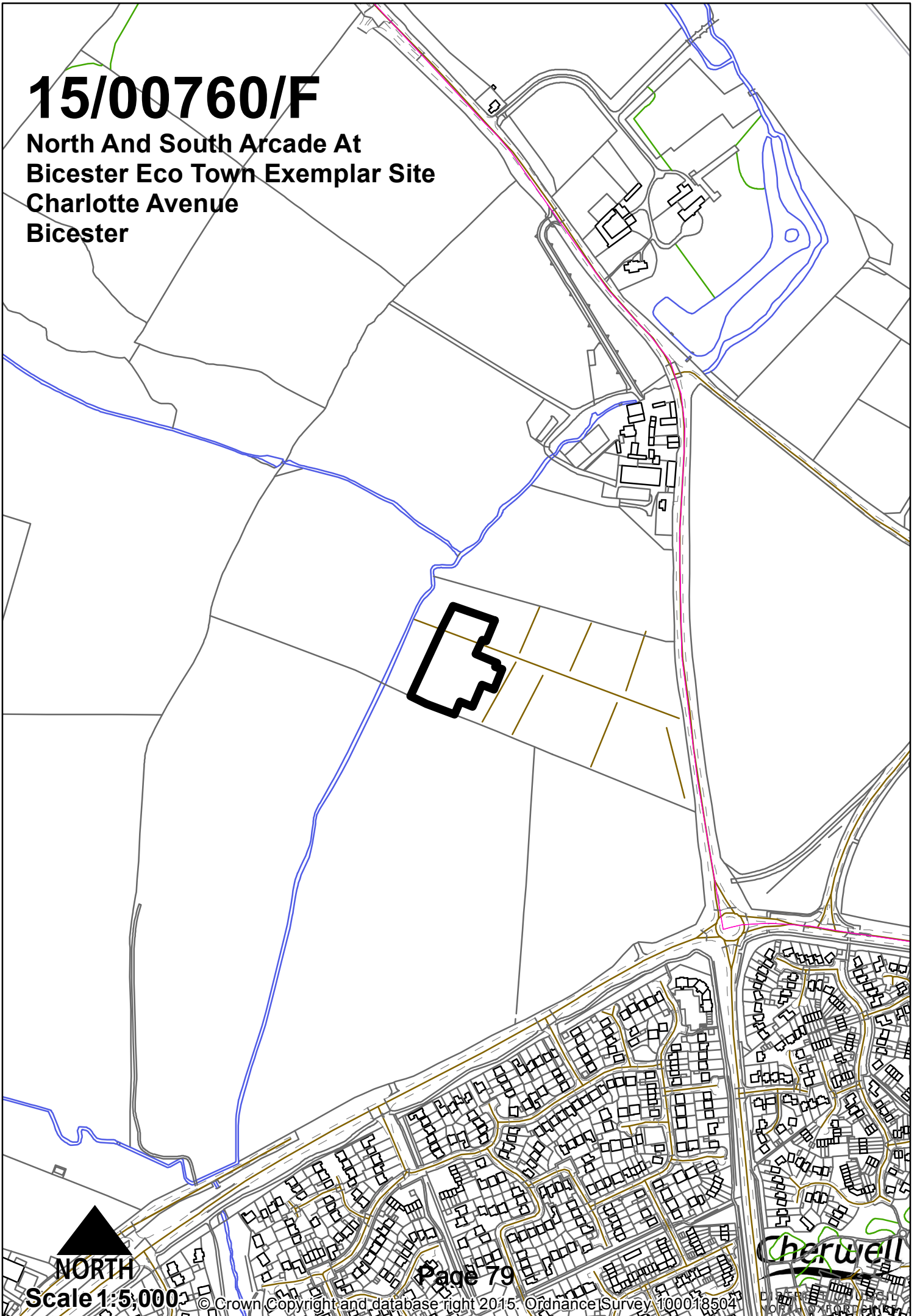
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

15/00760/F

North And South Arcade At
Bicester Eco Town Exemplar Site
Charlotte Avenue
Bicester



NORTH

Scale 1:5,000



**Site Address: North And South Arcade
At Bicester Eco Town Exemplar Site,
Charlotte Avenue, Bicester**

15/00760/F

Ward: Caversfield

District Councillor: Councillor Corkin

Case Officer: Caroline Ford

Recommendation: Approval

Applicant: A2 Dominion

Application Description: Development of a new Local Centre comprising a Convenience Store (use class A1), Retail Units (flexible use class A1/A3/A5), Pub (use class A4), Community Hall (use class D1), Nursery (use class D1), Commercial Units (flexible use class A2/B1/D1) with associated Access, Servicing, Landscaping and Parking with a total GEA of 3,617 sqm

Committee Referral: Major

Committee Date: 26 November 2015

1. Site Description and Proposed Development

- 1.1 The site sits to the North West of Bicester to the west of the B4100 Banbury Road and within the Eco Town Exemplar site which is currently under construction along the Main Street (now called Charlotte Avenue). The site has some potential for ecological interest; however there are no other site constraints. The land is however part of the construction site for the Exemplar and is currently being used as a construction compound area. The outline application was accompanied by an Environmental Impact Assessment, which assessed the environmental implications of development on the site as a whole.
- 1.2 The application seeks permission for a full application for a local centre to serve the site, comprising a convenience store, other retail units (with a request for flexible uses within classes A1, A3 and A5), a pub, community hall, nursery and commercial units. The proposal seeks permission for the associated access, servicing arrangements, landscaping and parking.
- 1.3 More specifically, the proposals seek permission for:
 1. The provision of 869m² of floor space to be used as a nursery (Use Class D1)
 2. The provision of 503m² of floor space to be used as a convenience store (Use Class A1)
 3. The provision of 523m² of floor space to be used as a community hall (Use Class D1)
 4. The provision of 444m² of floor space to be used for retail (within flexible use classes A1, A3, A5) within five units
 5. The provision of 664m² of floor space to be used as a pub and associated restaurant (Use Class A4)
 6. The provision of 614m² of floor space to be used as commercial premises (Use classes A2, B1, D1) within four units
 7. 34 public car parking spaces and 23 staff car parking spaces (and 23 spaces for the Eco Business Centre are indicated)
 8. 46 covered staff cycle parking spaces, 24 covered public cycle parking spaces and 84 uncovered public cycle parking spaces
 9. All commercial buildings to be constructed to achieve BREAAAM 'Excellent'
 10. The development to be 'true' zero carbon to be achieved through a range of measures
 11. Aspiration to water neutrality and the provision of SUDs
 12. New roads and footpaths designed to give priority to sustainable modes of

transport.

The development is proposed to be formed of two arcades, one to the north and one to the south with, both predominantly two storey with a flat roof (other than a pitched roof over the community centre and 'bookend' three storey features at each end of the two arcades. The maximum height of the buildings would be 13.6m. The design of the site, including the street will be outlined in further detail below.

- 1.4 The most relevant planning history relates to the permission granted for the Exemplar site:

10/01780/HYBRID (Permitted)

Development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 393 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined.

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 19th October 2015. No third party correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 **Caversfield Parish Council:** No comments or objections

- 3.2 **Bicester Town Council:** No objection but it is hoped that the community hall is a multi-use facility and large enough to provide facilities and support for the community from the start. It should also be ensured that the management of the community hall is independent of any Local Government Authority.

Cherwell District Council Consultees

- 3.3 **Landscape Officer:** Comments made in relation to the landscape plans and relate to the proposed need for landscaping within the north rear parking court, the chosen tree species for this area, the need for clarity in relation to the retained hedgerow buffer and the need for the trees within this hedgerow mix to be revised. The green roof plant species are considered to be acceptable as are the hard landscape materials; however it is considered that the timber benches should be replaced by benches with a back rest and armrests. The tiered secure cycle compounds are not considered to be attractive and it is considered these should be replaced with an alternative that is more sympathetic to the scheme.

- 3.4 **Arboricultural Officer:** Comments made with regard to the chosen tree species as whilst the desire for uniformity in the planting scheme is understood, there is an opportunity to encourage species diversity and improve bio-security on site by selecting an alternative species. All trees within hard landscaped areas must be planted within load bearing planting pits. Comments are also made in relation to the north arcade and the need for planting there. The boundary planting scheme for the

south arcade is generally considered to be acceptable. Conditions are recommended.

- 3.5 **Ecology:** No objections to the proposed planting or overall landscaping. The biodiversity enhancements outlined are all valuable and largely in line with the Exemplar Eco Town Biodiversity Strategy. Clarification is needed in relation to the number of habitat boxes/ swift bricks and how this fits in with the overall schemes agreement including where these such boxes re located across the Exemplar site. Maximum benefit is gained from swift boxes being built in and this is encouraged.
- 3.6 **Environmental Protection Officer:** Potential issues from the commercial component of the development include: noise from plant or machinery, odours from kitchen extract equipment, noise from deliveries, noise transmission between commercial premises and non-ancillary accommodation, noise from regulated equipment (if the proposed pub or community hall intent to hold events involving live or recorded music. A noise impact assessment would be required to assess the impact of noise from all items of plant, machinery and kitchen extract equipment in the proposed development, including details of appropriate mitigation. The assessment will also need to include the potential breakout of music noise from any premises likely to hold events involving regulated entertainment. An odour assessment will be required of all kitchen extract equipment including details of appropriate odour control equipment. With regard to deliveries, it is recommended that delivery times are restricted to certain hours (7:00 to 23:00 Monday to Saturday and at no time on Sundays, Bank and Public Holidays are suggested).
- 3.7 **Community Services:** Comments made with regard to the proposed internal layout of the community facilities to ensure that the space is workable and to clarify matters in relation to refuse disposal as the facility is at first floor. Clarification is sought in relation to how the solar panels on the community facility will be managed.

Oxfordshire County Council Consultees

- 3.8 **Highways:** No objections subject to conditions. Key issues raised relate to detailed matters in relation to the quantity and type of cycle parking, concerns over parking provision, concerns over the street layout and materials, the need for tracking information and drainage to be considered. A number of conditions are proposed. Full details of the comments, how they have been sought to be overcome and updated responses are included within the appraisal section of this report.
- 3.9 **Economy and Skills:** No objection.
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. Bicester Members have expressed concerns about whether the North West Bicester jobs target will be met. Whilst this application does not reduce job numbers, it is disappointing to see a reduction in the number of potentially highly skilled B1 office jobs. The extant permission provides for 90 office jobs whereas the revised proposals reduce this to 37 office jobs. The different is proposed to be made up by an increase in retail, pub/restaurant and nursery jobs.
A suggested condition is to require the developers 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.

Other Consultees

- 3.10 **Thames Water:** No objections with regard to sewerage infrastructure capacity or

water infrastructure capacity. Comments made with regard to surface water drainage, advice is provided in relation to appropriate practices to avoid blockages within the drains or to cause pollution to local watercourses. Advice is also provided in relation to issues of water pressure.

3.11 **Environment Agency:** No comments to make as the surface water drainage proposals should be assessed by Oxfordshire County Council as the Lead Local Flood Authority.

3.12 **Bioregional:** The Energy Statement has been reviewed and a number of comments are made in relation to the need for clarification of a number of matters including the benchmark figures that have been used as well as some of the conclusions that have been reached.

Bioregional are a charitable organisation who work to promote sustainability to ensure that we live within the natural limits of our one planet. Bioregional are supporting Cherwell District Council in the NW Bicester project as well as A2 Dominion in its role as a major housing provider on the site.

4. Relevant National and Local Policy and Guidance

Development Plan Policy

4.1 Adopted Cherwell Local Plan 2011-2031

PSD1: Presumption in Favour of Sustainable Development
SLE1: Employment Development
SLE2: Securing Dynamic Town Centres
BSC12: Indoor sport, recreation and community facilities
ESD1: Mitigating and adapting to climate change
ESD2: Energy Hierarchy and Allowable solutions
ESD3: Sustainable construction
ESD4: Decentralised Energy Systems
ESD5: Renewable Energy
ESD6: Sustainable flood risk management
ESD7: Sustainable drainage systems
ESD8: Water resources
ESD10: Biodiversity and the natural environment
ESD15: The Character of the Built and Historic Environment
Policy Bicester 1: North West Bicester Eco Town
INF1: Infrastructure

4.2 Adopted Cherwell Local Plan (Saved Policies)

S28: Proposals for small shops and extensions to existing shops outside Banbury, Bicester and Kidlington shopping centre
C28: Layout, design and external appearance of new development
C30: Design of new residential development

Other Material Policy and Guidance

4.3 National Planning Policy Framework (The Framework)

4.4 Planning Practice Guidance

4.5 Eco Towns Supplement to PPS1

The Eco Towns supplement was published in 2009. The PPS identified NW Bicester

as one of 4 locations nationally for an eco-town. The PPS sets 15 standards that eco town development should achieve to create exemplar sustainable development. Other than the policies relating to Bicester the Supplement was been revoked in March 2015.

4.6 **NW Bicester Supplementary Planning Document (Interim)**

The NW Bicester SPD provides site specific guidance with regard to the development of the site, expanding on the Bicester 1 policy in the emerging Local Plan. The draft SPD has been published and been the subject of consultation. The draft SPD is based on the A2Dominion master plan submitted in May 2014 and seeks to embed the principle features of the master plan into the SPD to provide a framework to guide development. The SPD is currently an Interim Draft having been considered by the Council's Executive where it was resolved that the SPD should be used on an interim basis for development management purposes.

5. **Appraisal**

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of the development and Employment
- Zero Carbon
- Climate Change Adaptation
- Local Services
- Healthy Lifestyles
- Design
- Landscape and Historic Environment
- Green Infrastructure
- Transport and Highway safety
- Biodiversity
- Water
- Flood Risk and drainage
- Waste
- Master Planning and transition
- Community and Governance
- Pre-application community consultation & engagement
- Conditions and Planning Obligations
- Other matters

Relevant Planning History

5.2 As set out, the site sits within the wider Exemplar site granted permission under 10/01780/HYBRID. This permission granted full permission for the residential components of the scheme and the energy centre and outline permission for non-residential uses including a local centre. The current application for a local centre is proposed in the area of the site granted outline permission for a local centre to serve the site.

5.3 The reason for the submission being made as a full application rather than a reserved matters application relates to the proposed mix and quantum of uses now proposed that varies from that granted outline permission by 10/01780/HYBRID. The proposed changes have arisen from a review carried out on behalf of the applicant where it was established that changes were required in order to create a viable and vibrant local centre.

5.4 The summary of the variations between that granted permission and that now proposed is set out below:

Extant Permission Uses	Extant Permission (Gross External Area)	Proposed Uses	Proposed (Gross External Area)
Nursery (Use Class D1)	350sqm	Nursery (Use Class D1)	869sqm
Community Hall (Use Class D1)	350sqm	Community Hall (Use Class D1)	523sqm
Retail Convenience Store (Use Class A1)	595sqm	Retail Convenience Store (Use Class A1)	503sqm
Other Retail (Use Classes A1)	175sqm	Other Retail (Use Classes A1, A3, A5)	444sqm
Pub (Use Class A4)	190sqm	Pub (Use Class A4) and Pub/ restaurant	664sqm
Commercial (Use Class B1)	1,100sqm	Commercial (Use Class B1)	614sqm
Total (GEA)	2760sqm		3617sqm

- 5.5 As part of the outline approval for the Exemplar Local Centre, an area of land was set aside for an Eco Business Centre. This was secured through the S106 with the Eco Business Centre site transferred as serviced land to the District Council to deliver the proposed business centre development. Currently work is on-going in relation to this project therefore this site sits outside the current red line area for the rest of the Local Centre for the Exemplar.
- 5.6 As explained, application 10/01780/HYBRID was accompanied by an Environmental Statement. The current application has been further screened and it has been determined that it does not require an EIA. However this site is an integral part of the wider site and so an 'Environmental Compliance Report' has been submitted, which provides an update in relation to various environmental issues as previously assessed in the EIA. The overall conclusion is generally that there would be no significant change in environmental terms between that previously approved and that proposed as part of this application. Each section will be further considered through this appraisal.
- 5.7 A number of applications have been made for development across the wider North West Bicester site as follows:

14/01384/OUT – OUTLINE - Development comprising redevelopment to provide up to 2600 residential dwellings (Class C3), commercial floorspace (Class A1 – A5, B1 and B2), social and community facilities (Class D1), land to accommodate one energy centre, land to accommodate one new primary school (up to 2FE) (Class D1) and land to accommodate the extension of the primary school permitted pursuant to application [ref 10/01780/HYBRID]. Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations.

This application benefits from a resolution to grant planning permission subject to the completion of a S106 legal agreement. This resolution was made at Planning Committee in March 2015.

14/01641/OUT - Outline Application - To provide up to 900 residential dwellings (Class C3), commercial floor space (Class A1-A5, B1 and B2), leisure facilities (Class D2), social and community facilities (Class D1), land to accommodate one energy

centre and land to accommodate one new primary school (up to 2 FE) (Class D1), secondary school up to 8 FE (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations

This application also benefits from a resolution to grant planning permission subject to the completion of a S106 legal agreement. This resolution was made at Planning Committee in October 2015.

14/01675/OUT – OUTLINE - Erection of up to 53,000 sqm of floor space to be for B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access of Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems (suds) incorporating landscaped areas with balancing ponds and swales. Associated utilities and infrastructure.

14/01968/F – Construction of new road from Middleton Stoney Road roundabout to join Lord's Lane, east of Purslane Drive, to include the construction of a new crossing under the existing railway line north of the existing Avonbury Business Park, a bus only link east of the railway line, a new road around Hawkwell Farm to join Bucknell Road, retention of part of Old Howes Lane and Lord's Lane to provide access to and from existing residential areas and Bucknell Road to the south and a one way route northbound from Shakespeare Drive where it joins with the existing Howes Lane with priority junction and associated infrastructure.

14/02121/OUT – OUTLINE - Development to provide up to 1,700 residential dwellings (Class C3), a retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1 and C1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road).

It is anticipated that these 3 applications above will be reported to Committee over the coming three cycles.

Principle of the development and Employment

- 5.8 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 advises that;
- 'If regard is to be had to the Development Plan for the purposes of any determination under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise'.
- 5.9 The Development Plan for the area is the Adopted Cherwell Local Plan 2011-2031, which was adopted in July 2015 and the saved policies of the Adopted Cherwell Local Plan 1996.
- 5.10 The newly Adopted Cherwell Local Plan 2011-2031 includes Strategic Allocation Policy Bicester 1, which identifies land at NW Bicester for a new zero carbon mixed use development including 6,000 homes and a range of supporting infrastructure and employment land. The current application site forms part of the strategic allocation in the local plan.
- 5.11 The Local Plan makes it clear that there is an aim to support sustainable economic

growth and Policy SLE1 requires employment proposals on allocated sites to meet the relevant site specific policy. At North West Bicester, and in line with the Eco Towns PPS, Policy Bicester 1 requires the submission of an Economic Strategy to show how access to work will be achieved and to deliver a minimum of one employment opportunity per new dwelling that is easily reached by walking, cycling or public transport.

- 5.12 Specifically in relation to the provision of retail uses, Policy SLE 2 of the Local Plan seeks to secure dynamic town centres by focussing retail and other main town centre uses towards the town centres of Banbury and Bicester, however it allows for the provision of new local centres containing a small number of shops of a limited size within the housing allocations on strategic sites within the Plan. Policy Bicester 1 identifies that there is a need for mixed use local centre hubs across the site to include employment (in the uses B1(a), A1, A2, A3, A4, A5, C1, D1 and D2).
- 5.13 Saved Policy S28 of the Adopted Cherwell Local Plan 1996 advises that favourable consideration will be given to proposals for small shops or extensions to existing shops required to serve local needs.
- 5.14 The Framework includes the presumption in favour of sustainable development and explains the three dimensions to sustainable development being, it's economic, social and environmental roles. It encourages sustainable economic development to deliver the homes, business and thriving local places that the Country needs (para 17) and it seeks to promote healthy communities by ensuring that planning decisions 'plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments' (para 70). It is considered therefore that national policy is supportive of local service provision and that this has a role in making new developments and communities sustainable places.
- 5.15 The North West Bicester Supplementary Planning Document Interim Draft (Interim SPD) includes a Masterplan produced by A2Dominion and this has formed the basis of the SPD. The Masterplan covers the whole of the site allocated for up to 6000 dwellings at North West Bicester and distributes land uses across the site, including local centres, one of which being that within the Exemplar site. Development Principle 5 within the Interim Draft SPD reflects Policy Bicester 1 in relation to the 'Employment' requirements for the wider site recognising both on site and off site opportunities. It identifies that across the wider site, an estimated 1,000 jobs could be provided within the local centres within the range of uses therein. It is also noted that development proposals should address the vitality of the local centres and should also support the growth of the low carbon environmental goods and services sector and encourage sustainable lifestyles.
- 5.16 As explained, the principle of a local centre on the application site has been established by way of the grant of outline permission for a local centre on the same site as now proposed and this also complies with the Masterplan in this area. Furthermore, there is support in planning policy for local service provision, including the contribution that this would make towards job provision. The development of a local centre on this land would contribute towards providing a local service for the future residents of the Exemplar and the wider site at North West Bicester and would contribute to the achievement of the targets set for the Eco Town in respect of job creation as well as being accessible to residents of the site. The Exemplar local centre would also work alongside the other local centres across the Master plan site to provide a wide range of retail and facilities to support the residents on site and reduce journeys away from the development.
- 5.17 Notwithstanding this, it is important to consider the differences between the scope of

the outline permission granted by 10/01780/HYBRID and that now proposed. It is clear from the information set out at paragraph 5.4 that the quantum and mix of uses has increased and that B1 uses have reduced in terms of the provision within this local centre compared to what was approved through the outline site and as some of these uses represent main town centre uses, it is important to consider whether this increased scale is appropriate.

- 5.18 The application has been submitted with a Business Case, which explains why the changes to the quantum and mix have been made based upon a review of the approved scheme and taking into account what is required to fulfil the centres function and market demand. The current scheme has been prepared with reference to the overriding principles or being part of an eco-development, aspects of conventional local centres and after consultation with potential anchor occupiers. The consultation and design process has highlighted two challenges the first being that this is at the beginning of the development process with the consequent time delay for the build-up of the catchment population and secondly that this must embrace the unique characteristics of being within the eco settlement, particularly around limited car usage and parking.
- 5.19 The changes made to the Children's nursery have arisen following discussions with local and national operators and based on the projected catchment size, it is considered that a nursery of 869sqm with capacity to provide places for 90+ children from early years (3 months) to 4 years of age is more suitable. The convenience store has reduced in size slightly to 503sqm and would be a typical rectangular floor shell. This unit would anchor the local centre and so there has been some early consultation with a number of operators. There are five retail units proposed, each of between 81-106sqm (giving a proposed total of 444sqm) for A1/A3/A5 uses and this number and flexibility of uses is expected to provide for the demand and to compliment the anchor convenience store. In relation to the pub, the proposal results in a significant increase in floor space to 664sqm (for a pub and pub/restaurant) and this has resulted from initial consultations with regional and national operators regarding the provision of food and drink establishments on NW Bicester generally. The office space has reduced to 614sqm which is additional office space to that to be provided within the Eco Business Centre. The reduction in the provision of the office space has resulted from a recognition that the function and identity of the Exemplar Local Centre is as a service centre for the NW Bicester development rather than a recognised office environment in its own right serving the Bicester area. The provision has been reduced to sustain the demand for the B1 and D1 uses with potential for a ground floor A2 use (e.g. an estate agency). The Business Case emphasises that the current scheme has evolved through design work and following initial consultation with future occupiers. The fundamental change is that this proposal sees a greater floor area for retail, nursery and pub and substantially less office space.
- 5.20 In addition, the applicant has submitted a retail assessment to consider the impact of the proposed quantum and mix of uses still further. This considers the requirements of The Framework in relation to 'Ensuring the Vitality of Town Centres' (section 2) which seeks to maintain the viability and vitality of the town centres. The assessment considers that given the scale of the proposed retail provision on the site, that this would not compete with Bicester Town Centre to any substantial degree as given the nature and scale of floor space proposed, residents of the development would still look to the Town Centre for the majority of their retail and service needs. The assessment finds that the proposed development is of an appropriate scale and can be supported by the residents of the proposed development serving their local needs and support its overall sustainability objectives. It also notes that the new residents will support and add to the population served by the Town Centre.
- 5.21 Policy Bicester 1 requires the submission of an economic strategy to be produced to support the planning applications for eco town proposals demonstrating how access

to work will be achieved and to deliver a minimum of one employment opportunity per new dwelling that is easily reached by walking, cycling or public transport. This requirement is also within the PPS Supplement and the Interim Draft SPD. The strategy should show consistency with the Masterplan Economic Strategy, which identifies 4,600 job opportunities on the site as a whole and it sets out the scale, type and location of jobs related to NW Bicester and an action plan. It considers around 1,000 jobs could be provided in the local centres comprising offices, retail/leisure, health facilities, community halls and community facilities possibly nurseries, care and extra care homes and a hotel. The local centres should also support the growth of the low carbon environmental goods and services sector.

- 5.22 The application is accompanied by an Economic Development Statement, which provides a summary of the changes to the provision for jobs contained in the 2011 Economic Strategy which supported the quantum and mix of uses approved by the Exemplar scheme. The Economic Strategy for the original Exemplar scheme explained how it will generate 430 new jobs, which included 320 permanent jobs created on site, in addition to construction jobs during the development phase and off site jobs generated mainly by additional demand from the new residents on the Exemplar. The change in the quantum of different uses in the local centre has been assessed and it is expected that the local centre will generate 433 new jobs, including 323 permanent jobs on site in addition to construction jobs and off site jobs. It is important to note that the number of jobs assumed to be provided in the Eco Business Centre remains the same as expected when the Exemplar was considered – but this is outside of the current application site area.
- 5.23 Oxfordshire County Council (Economy and Skills) have considered the change in quantum and mix of provision within the local centre and have expressed disappointment that the proposal sees a reduction in the number of potentially highly skilled B1 office jobs (from 90 to 37) with the increase in retail, pub/restaurant and nursery jobs and they emphasise that Bicester is identified as a key location for employment growth. OCC requests the provision of an Employment and Skills Plan to ensure that local people have access to training (including apprenticeships) and employment opportunities.
- 5.24 In the view of Officers, the proposed change to the quantum and mix of the proposed local centre is acceptable and that it will continue to serve its function as a supporting service that will meet local needs. This takes into account the size and number of the proposed retail units as well as taking into account that the local centre will serve a wider area than only the Exemplar now that a resolution to approve application 14/01384/F for land North of the Railway has been made. The reduction in the provision of B1 is considered acceptable albeit the concerns raised are noted. The conclusion set out within the Applicant's Business Case detailing that the Local Centre areas are predominantly as a service centre than a recognised office environment is noted and it is now possible to appreciate the areas across the site which are set aside for business use within the Masterplan, which was not available at the time that the Exemplar was considered. It is therefore considered that the proposed quantum and mix of uses is appropriate and acceptable, will support the new community and allow the centre to be a vibrant area supporting the sustainable nature of the site.
- 5.25 The layout of uses and the size of the units across the local centre is considered to be acceptable. Whilst the community centre is at first floor, the principle of this was accepted via the HYBRID application and no objections have been received from the Council's Community Services team (other than in relation to the layout of the centre which will be addressed later). The applicant seeks some flexibility in the use of the units. It is common for Local Centres to provide a mix of uses including retail, small business units, restaurant/ cafes and takeaways. It is therefore considered to be acceptable to allow such flexibility, however conditions are recommended to secure

the range of uses proposed for each unit to ensure that the local centre retains its ability to provide the range of local services to support the community.

Zero Carbon

- 5.26 The Eco Towns PPS at standard ET7 states;
The definition of zero carbon in eco-towns is that over a year the net carbon dioxide emissions from all energy use within the buildings on the eco-town development as a whole are zero or below. The initial planning application and all subsequent planning applications for the development of the eco-town should demonstrate how this will be achieved.

This standard is higher than other national definitions of zero carbon as it includes the carbon from the buildings (heating and lighting = regulated emissions) as with other definitions, but also the carbon from the use of appliances in the building (televisions, washing machines, computers etc = unregulated emissions). This higher standard is being included on the exemplar development which is being referred to as true zero carbon.

- 5.27 The NPPF identifies at para 7 that environmental sustainability includes prudent use of natural resources and the mitigation and adaptation to climate change including moving to a low carbon economy. Para 93 it identifies that 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.'

- 5.28 The ACLP policy Bicester 1 seeks development that complies with the Eco Town standard. Policy ESD2 seeks carbon emission reductions through the use of an energy hierarchy, Policy ESD3 seeks all new residential development to achieve zero carbon and for strategic sites to provide contributions to carbon emission reductions Policy ESD4 encourages the use of decentralised energy systems and ESD5 encourages renewable energy development provided that there is no unacceptable adverse impact.

- 5.29 The application is accompanied by an energy strategy that sets out how the development will achieve zero carbon development through predominantly on site technology and draws on that considered and approved by the Exemplar Phase as a whole. As part of the Exemplar and adjacent to the Local Centre is an Energy Centre, which has been designed to power the Exemplar Phase site wide district heating network from a primary gas combined heat and power (CHP) engine with top up gas boilers and appropriately sized thermal stores. This is combined with enhanced fabric energy efficiency standards and roof mounted PV. This option allowed the true zero carbon requirement to be achieved, entirely on site. This option is however the appropriate treatment for the Exemplar site as a whole and that all areas should be considered collectively relative to meeting the target. The local centre element of the Exemplar may not meet, independently, the target as this has elevated levels of energy demand and a reduced potential for mitigation through renewable technologies. The Energy Statement has assessed the potential energy demand and emissions using standard benchmarks however due to there not being confirmed occupiers, there is still some uncertainty in relation to the energy needs of the future occupants of these non-domestic buildings. The Statement outlines the Be Lean (use less energy), Be Clean (supply energy efficiently) and Be Green (use renewable energy systems) approach which is to be followed. This involves adopting appropriate future proofed building standards to ensure energy efficiency by way of a range of measures, incorporating high performance building fabric, air tightness, the use of natural ventilation (with limited mechanical ventilation), the optimisation of daylight to reduce the electrical energy use for artificial lighting (and where artificial lighting is

needed to choose options that offer the best balance of performance and efficiency) and to monitor energy use effectively. Following the incorporation of these areas, the 'Be Clean and Be Green' standards of onsite low carbon and renewable energy technologies should be used. The preferred approach will follow that established for the Exemplar scheme as set out above. Roof mounted PV is proposed to the local centre and additionally to be incorporated on a canopy over part of the northern car park area and the total requirement is calculated within the Energy Strategy. Whilst the incorporation of PV will make a contribution to the reduction of carbon emissions, there will be residual carbon emissions that would need to be mitigated by carbon savings elsewhere on the site. This shortfall was also noted on the outline approval that supported the Exemplar scheme. This will therefore fall short of achieving the true zero carbon target for the Exemplar when considered in isolation, however it is considered that this can be mitigated through additional savings elsewhere on the North West Bicester site.

- 5.30 Advice has been received from Bioregional in relation to some of the specific figures given, the benchmarks used through the report and how certain conclusions had been reached. The applicants submitted a response and this has been reviewed, and the advice is that generally the conclusions reached in relation to baseline demand and associated carbon emissions appear to be accurate. The PV calculations are also now confirmed to be correct now that information has been provided on the mix between roof based and canopy based panels.
- 5.31 Based on the above and the comments from Bioregional, it is considered that the proposal contributes to the requirement to meet zero carbon as far as it possibly can by way of the incorporation of as much PV as possible and that it will generally align and be part of the wider energy strategy that is being utilised across the rest of the Exemplar site. As this proposal does fall short of meeting the carbon emissions required for this particular area, it does have the potential to have a knock on effect in terms of whether the Exemplar can meet the zero carbon requirements. The Exemplar proposal included planning condition 4 which required details of how zero carbon energy use could be met through on site solutions and where this identified that this would not be possible on site, then a scheme for offsite mitigation in Bicester should be provided. It is considered necessary for a similar planning condition or note to be recommended pursuant to the current scheme to ensure that this shortfall is picked up and to allow the Exemplar as a whole to meet the zero carbon requirements.

Climate Change

- 5.32 The Eco Towns PPS at ET8 advises;
Eco-towns should be sustainable communities that are resilient to and appropriate for the climate change now accepted as inevitable. They should be planned to minimise future vulnerability in a changing climate, and with both mitigation and adaptation in mind.
- 5.33 ACLP policy ESD1 seeks the incorporation of suitable adaptation measures in new development to make it more resilient to climate change. Policy Bicester 1 requires all buildings requires all new buildings to be designed incorporating best practice in tackling overheating.
- 5.34 Work was undertaken by Oxford Brookes University and partners, with funding from the Technology Strategy Board (now innovate UK), in 2011/12 looking at future climate scenarios for Bicester to 2050. Climate Change impacts are generally recognised as;
- a) Higher summer temperatures
 - b) Changing rainfall patterns
 - c) Higher intensity storm events
 - d) Impact on comfort levels and health risks

The Design for Future Climate project identified predicted impacts and highlighted the potential for water stress and overheating in buildings as being particular impacts in Bicester. Water issues are dealt with separately below. For the exemplar development consideration of overheating led to the recognition that design and orientation of dwellings needed to be carefully considered to avoid overheating and in the future the fitting of shutters could be necessary to avoid overheating.

- 5.35 Whilst the proposal is for commercial development, a consideration of daylighting and overheating issues has been taken into account in the design of the building as far as possible taking into account that the future occupiers requirements and potential ventilation strategies cannot yet be known. The design of the elevations has considered daylighting and overheating factors in the proposed positioning of windows and proportion of openings to solid walls. An overall balance of windows to solid walls, typically of under 40% and shallow depths of rooms from windows generally allows the internal designs to meet the required standards. The ground floor units are largely retail and typically provide large areas of shop front glazing. This would provide flexibility for appropriate daylight and overheating is proposed to be mitigated by self-shading from the upper floor projecting over the openings on the south facing arcade, adjacent buildings on the east and on west facing windows, external blinds can be used for shading. At first floor level, the overall balance of windows to solid walls and shallow depth of rooms creates a good balance and additional rooflights are provided where rooms have greater room depths. The windows are of generous height to provide a vertical scale and unify the elevations across each unit and to provide good daylight. Windows also have the ability to introduce obscure or tinted glass at high level through the subdivided windows, without needing to change the elevation openings and window proportions. It is considered that the proposal has appropriately taken into account future climate change issues and that the design has evolved from a consideration of ensuring that this area of the site is resilient to future climate change impacts.

Local Services

- 5.36 The PPS identifies the importance of providing services that contribute to the wellbeing, enjoyment and health of people and that planning applications should contain an appropriate range of facilities including leisure, health and social care, education, retail, arts and culture, library services, sport and play, community and voluntary sector facilities. The NPPF advises that to deliver social, recreational, cultural and services to meet the communities needs that you should plan positively to meet needs and have an integrated approach to the location of housing economic uses and community facilities and services (para 70). The ACLP Policy Bicester 1 identifies the following infrastructure needs for the site: education, burial ground, green infrastructure, access and movement, community facilities, utilities, waste infrastructure and proposals for a local management organisation and BSC 12 seeks indoor sport, recreation and community facilities.
- 5.37 The proposal seeks to provide a local centre which will represent a local facility including retail, business, a community facility and services such as a pub and nursery for the residents of the site and which will contribute to the achievement of making sure that services are available for the community. In particular respect to the community centre, amendments have been secured to the layout of the community facility internally in line with advice from the Council's Community Development Team so that it functions in the way it is to be used. Further amendments resulting from the last comments and confirmation that this is an acceptable layout is awaited at the time of writing this report. This facility, alongside the wider facilities to be provided on the site will ensure that local services are provided to support the community.

Healthy Lifestyles

- 5.38 The Eco Town PPS identifies the importance of the built and natural environment in improving health and advises that eco towns should be designed to support healthy

and sustainable environments enabling residents to make healthy choices. The NPPF also identifies the importance of the planning system in creating healthy, inclusive communities. The ACLP identifies the need for a 7 GP surgery which is supported by information provided by NHS England. The Interim Draft SPD includes 'Development Principle 7 – Healthy Lifestyles', which requires health and wellbeing to be considered in the design of proposals. Facilities should be provided which contribute to the wellbeing, enjoyment and health of people, the design of the development should be considered as to how it will deliver healthy neighbourhoods and promote healthy lifestyles through active travel and sustainability. The green spaces should provide the opportunity for healthy lifestyles including attractive areas for sport and recreation as well as local food production.

- 5.39 The proposal provides local services for the benefit of the community in a location that is relatively central to the Exemplar site and which will also be accessible to the wider community once other areas of the site begin to be developed. The site follows the HYBRID application in terms of green space provision i.e. the redesign of the local centre does not change that over 40% of the Exemplar as a whole is to be provided as Green Infrastructure. Furthermore, a significant number of cycle parking spaces are provided, including within very accessible locations (which will be discussed below), which will provide the necessary facilities to encourage sustainable modes of transport.

Design

- 5.40 The NPPF makes it clear that good design is a key aspect of sustainable development. It states that Local Planning Authorities must aim to ensure that developments establish a strong sense of place, to function well and add to the overall quality of the area and to respond to local character and history. At the local level, saved policy C28 of the Adopted Cherwell Local Plan 1996 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'. Policy ESD15 of the 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. Policy Bicester 1 has a further 33 design and place shaping principles. These requirements include contributing to the areas character, respect traditional patterns and integrate, reflect or re-interpret local distinctiveness, promote permeability, take a holistic approach to design, consider sustainable design, integrate and enhance green infrastructure, include best practice in overheating, enable low carbon lifestyles, prioritise non car modes and support sustainable transport, providing a well-designed approach to the urban edge, respect the landscape setting, visual separation to outlying settlements, provision of public art.
- 5.41 The HYBRID application granted outline approval for a local centre on this land and the Design and Access Statement included indicative proposals for what this could consist of. This suggested a continuous arcade type arrangement with feature corner buildings and set slightly back to give footways that are useable spaces. The DAS provides a potential palette of materials and considers how the design could be approached including a traditional and contemporary approach.
- 5.42 Whilst the current application is made for full planning permission, the overall context of the site remains as that set out to support the HYBRID application and so the design approach has evolved from a consideration of that information. The buildings take a largely contemporary approach with predominantly a flat roof, parapets and feature three storey 'bookends' at each of the buildings proposed. In the view of Officers, the design approach taken is acceptable.

- 5.43 The detailed design has been amended through the negotiation of the application to take into account Officer comments. The proposed community hall is at first floor and the original proposal sought to provide a pitched roof over this element. This sat at odds with the rest of the local centre, which includes predominantly a flat roof with parapet. A study was undertaken to look at options and the preferred approach was to retain the pitched roof but to include a parapet wall. In the view of Officers this is an acceptable compromise as this addresses the awkward roof line seen from the road but retains the ability to allow for a quality internal space for the community hall with a higher ceiling and the ability to include roof lights to provide daylight. The roof line of the building otherwise remains consistent (other than the three storey wings) despite the land level stepping. The justification for this is to allow a consistent internal floor level and overall it is not considered that this would be harmful in design terms. The proposal seeks to introduce a brick contrast detail to the book end features to provide some interest there. This was proposed as a textured detail, which Officers were not convinced would work particularly well. A study was also undertaken to look at options and Officers considered that a textured brick pattern with recessed bricks was the most suitable option being the most subtle change to the brick work but still providing a degree of interest. Amended plans have reflected this advice.
- 5.44 Taking into account these amendments, it is considered that the buildings themselves are acceptable in design and visual impact terms. The plans indicate how advertisements can be accommodated for the proposed units and the DAS considers how ventilation and extraction could be accommodated. In terms of ventilation, vent shafts are indicated which would be extracted at roof level and where the parapet detail would provide a visual screen for any upstands from any equipment. The specific detail of any future ventilation/ extraction equipment would be the subject of a planning condition which would seek full technical details. In terms of materials, the proposal is for a beakstone for the lower element of the building which would reflect that currently being used on some of the residential units, with a buff brick used elsewhere and with frames provided in a reconstituted stone. The soffit and internal walls of the arcade would be a render in a reconstituted stone colour. The materials palette chosen is generally considered to be acceptable in principle and conditions can be used to seek options for the materials. The nursery and pub buildings would be adjacent to the river corridor and would require retaining, details of which can be requested by way of a planning condition.
- 5.45 The plans also provide an indicative design for the Eco Business Centre and how this could be accommodated taking into account the design for the rest of the local centre. This is outside the red line area for the current application.
- 5.46 The external space is generally hard landscaped with a block paving proposed (albeit this will need later agreement as discussed in the highway section at paragraph X). Relatively wide footways are provided and within this area four trees are proposed, along with benches, the necessary lighting columns and a bus stop as well as cycle parking provision. The external space has had to also take into account the technical highway requirements such as the need for large vehicles to be able to enter/ exit the servicing areas. It is considered that the external layout of the local centre will contribute towards it being an active place that will be attractive and compliment the range of uses within the local centre.

Landscape and Historic Environment

- 5.47 The Eco Town PPS advises that planning applications should demonstrate that they have adequately considered the implications for the local landscape and historic environment to ensure that development compliments and enhances the existing landscape character. Measure should be included to conserve heritage assets and their settings. The NPPF recognises the intrinsic character and beauty of the countryside (para 17). The NPPF advises that where significant development of

agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. Adopted Cherwell Local Plan Policy Bicester 1 requires 'a well-designed approach to the urban edge which related development at the periphery to its rural setting' and development that respects the landscape setting and demonstrates enhancement of wildlife corridors. A soil management plan may be required and a staged programme of archaeological investigation. Policy ESD13 advises that development will be expected to respect and enhance the local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.

5.48 The ES Compliance Statement considers the overall impact of the local centre and concludes that the location, scale and massing of the proposal would be comparable with that considered and approved in outline through 10/01780/HYBRID and that no additional harm would be caused either in landscape impact terms or to the historic environment, including nearby listed buildings. The design of the building has been considered taking into account that previously considered (as discussed) as well as aiming to respond to the local vernacular and respecting the local landscape character.

5.49 In relation to the landscaping proposals for this site, there have been a number of comments received from the Council's Landscape and Arboricultural Officers in relation to the tree species along the main street and the proposals for the perimeter planting and it is considered that these can be requested via the imposition of conditions. The comments in relation to the planting within the parking area are noted, however this will not be possible to be accommodated due to the canopy proposed, which is required in relation to the provision of PV. This area is to the rear of the arcade of shops and so this is acceptable in the view of Officers. The proposal also includes some intermittent planting between the solar panels on the roof of the local centre, however otherwise the landscaping proposed is generally hard in nature. Providing this is carefully designed, it is considered that this could represent a quality environment within this busy local service provision. It is therefore considered that the proposal is acceptable in landscape terms overall and that the policies outlined above are complied with.

Green Infrastructure

5.50 The PPS requires the provision of forty per cent of the eco-town's total area should be allocated to green space, of which at least half should be public and consist of a network of well-managed, high quality green/open spaces which are linked to the wider countryside. Adopted Cherwell Local Plan Policy BSC11 sets out the minimum standards that developments are expected to meet and it sets out standards for general green space, play space, formal sport and allotments. Furthermore, site specific, Policy Bicester 1 requires the provision of 40% of the total gross site area to comprise green space, of which at least half will be publicly accessible and consist of a network of well-managed, high quality green/ open spaces which are linked to the countryside. It specifies that this should include sports pitches, parks and recreation areas, play spaces, allotments, the required burial ground and SUDs.

5.51 The Exemplar as a whole provides over 40% Green Infrastructure in a range of forms including public open space, the stream corridor, allotment provision and hedgerow lanes. The proposed Local Centre does not change the level of Green Infrastructure provision (other than the loss of the swales through this area) and continues to provide protection to the hedgerow to the south which is currently being protected as well as a 3m buffer. This hedgerow buffer is to be enhanced and other landscape features are to also be included. It is therefore considered that the provision of Green Infrastructure continues to be provided and that the proposal complies with the above mentioned policy requirements.

Transport and Highway Safety

- 5.52 The Eco Towns PPS sets out that Eco Towns should 'support people's desire for mobility whilst achieving the goal of low carbon living'. The PPS identifies a range of standards around designing to support sustainable travel, travel planning and travel choice, modal shift targets; ensuring key connections do not become congested from the development and ultra-low emission vehicles. The PPS seeks homes within 10 mins walk of frequent public transport and local services. The PPS recognises the need for travel planning to achieve the ambitious target of showing how the town's design will enable at least 50 per cent of trips originating in the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent.
- 5.53 The NPPF advises that the transport system needs to be balanced in favour of sustainable transport giving people a real choice about how they travel (para 29). It is advised that encouragement should be given to solutions that support reductions in greenhouse gas emissions and reduce congestion (para 30). Transport assessments are required (para 32). The ability to balance uses and as part of large scale development have mixed use that limit the need to travel are identified (para 37 & 38). It also advises that account should be taken of improvements that can be undertaken within the transport network that cost effectively limit the significant impacts of the development and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (para 32).
- 5.54 Policy Bicester 1 relates to the NW Bicester site and requires proposals to include appropriate crossings of the railway line, changes and improvements to Howes Lane and Lords Lane, integration and connectivity between new and existing communities, maximise walkable neighbourhoods, provide a legible hierarchy of routes, have a layout that encourages modal shift, infrastructure to support sustainable modes, accessibility to public transport, provide contributions to improvements to the surrounding road networks, provision of a transport assessment and measures to prevent vehicular traffic adversely affecting surrounding communities.
- 5.55 The application is supported by a Transport Assessment, which considers the proposal alongside that prepared for the Exemplar and 14/01384/OUT (Land North of the Railway Line) and takes into account the amended quantum and mix of uses within the local centre. This takes into account that the reduction in the currently approved B use class employment opportunities could result in an increase in out commuting from Bicester reducing the potential sustainability benefits and that the increases in size of the nursery and pub could attract users from outside the development and potentially beyond Bicester. The TA generally finds that the traffic generation associated with the consented land use and the proposed land use finds a reduction in peak hour trips based on trip generation rates per floor area used in the assessment of the HYBRID planning application. This takes into account the context of the development being wider than just the Exemplar now. The Exemplar proposal assessed traffic impacts and proposed mitigation that has been accommodated and the change in the proposal for the local centre does not suggest any further mitigation is required. In relation to the comments in relation to the reduction in the B use class employment opportunities, this is noted, however the wider site does provide these opportunities and the Exemplar should now be assessed in line with the wider Masterplan for NW Bicester.
- 5.56 The proposal for the local centre includes car parking and proposes 80 spaces in total – 34 for the public, 23 for the Eco Business Centre and 23 for staff. The spaces would be provided to the rear of the arcades with staff parking predominantly to the rear of the south arcade and public parking to the north with one disabled space proposed on the street. The numbers proposed are below the maximum parking standards and the Highway Authority express concern that this would not be adequate with the potential for all day staff parking to spill into the public parking spaces or into nearby

residential areas. The TA argues that the various uses do not generate demand at the same time and that a strict parking management regime would be needed to ensure that staff parking does not occur in public spaces or nearby residential areas.

- 5.57 Whilst it is recognised that vehicles will be used and that sufficient arrangements are required for them, the site is to be designed to support sustainable travel by way of walking and cycling routes and with regular bus services that will, in the short term, run through the Exemplar local centre. As the TA explains, there is a need to provide a balance in relation to car parking that meets the needs but does not unduly encourage car use and in these terms, the provision of infrastructure to support the use of sustainable modes of transport is important. A total of 154 cycle parking spaces are proposed including for staff and the public both covered (in secure racking type stores) and Sheffield stands in the street and the provision has been amended in line with the Highway Authority advice. Information in relation to the specification of the arrangements to ensure there is adequate space in and around the racking and whether space for trailers is provided has been requested and provided. A large proportion of these would be highly accessible and prominent and therefore would provide encouragement and the ability for users of the site to genuinely use sustainable modes of transport to reach this local service provision.
- 5.58 In terms of detailed matters, the Exemplar site has an approved S38 agreement for the main road through the site. The proposal for the local centre seeks a different material and layout for this area compared to what has been approved through the S38. This includes the use of block paving for both the paving and the carriageway and the introduction of features such as trees, benches and the cycle parking. The Highway Authority has expressed some concerns in relation to what could be accepted via a new S38 agreement. In relation to this point, it is considered that a condition is required to agree the final surface treatment following the approval of the application. In particular the currently proposed 'York' Stone for the vehicular highway would not be acceptable to the Highway Authority within an area to be adopted. The layout of the local centre area has been assessed by the Highway Authority through the consideration of this application and any concerns have been picked up. These concerns include the need for tracking to be provided and the design of the road and pavements to ensure that adequate access is provided to the servicing areas for large vehicles, the size of the servicing and disabled bays, the need for kerbs to be provided and identified and the need for pedestrian crossing points to be either very clearly differentiated or not marked on the carriageway at all. The Highway Authority request details of the bus stop infrastructure and detail in relation to how the bus stopping area as a whole works to ensure there is a clear walking route from the bus to the retail facilities. Amendments have been received to address these points and advice from the Highway Authority as to whether these are acceptable is awaited at the time of writing this report. Any further changes that may be required following a review through the S38 process would need to be separately agreed with the Local Planning Authority.
- 5.59 A travel plan exists and is approved for the Exemplar site as a whole. This is intended to be followed by individual travel plans for each of the uses at the local centre once the occupier is known. The developer does not propose to update the framework travel plan, however the Highway Authority consider that this is necessary as it contains specific matters including parking and cycle parking figures and provides the framework for future travel planning.
- 5.60 Overall it is considered that the proposal would not raise significant highway safety concerns over and above that considered through the HYBRID application taking into account the advanced stage that the Masterplan and proposals for North West Bicester are meeting. The proposal promotes sustainable transport measures and encourages modal shift. It is considered that the proposal is acceptable in transport and highway safety terms. Detailed matters can be dealt with through the imposition

of conditions including the requirement for a Parking Management Plan and for the travel plan to be updated.

Biodiversity

- 5.61 The Eco Town PPS requires that net gain in local biodiversity and a strategy for conserving and enhancing local bio diversity is to accompany applications. The NPPF advises the planning system should minimise impacts on bio diversity and providing net gains where possible, contribute to the Government's commitment to prevent the overall decline in bio diversity (para 109) and that opportunities to incorporate bio diversity in and around developments should be encouraged (para 118). The ACLP Policy Bicester 1 identifies the need for sports pitches, parks and recreation areas, play spaces, allotments, burial ground and SUDs and for the formation of wildlife corridors to achieve net bio diversity gain. Policy ESD10 seeks a net gain in bio diversity.
- 5.62 Ecology surveys were undertaken as part of the Exemplar scheme and the appropriate mitigation were included. The site currently forms part of a construction site and it is therefore concluded that it is of negligible nature conservation value albeit there is a species rich hedgerow and a 3m wide buffer of vegetation which are currently being provided and protected. The main issue to consider in this proposal therefore is biodiversity mitigation and how this contributes to net gain. The Exemplar scheme as a whole provides net biodiversity gain in a variety of ways and as this site is integral to that wider site, it is considered necessary to review this proposal in line with the wider Exemplar site proposals. However, in relation to this particular site, there is a hedgerow being reinforced as well as green roofs being provided around the solar panels and rooftop features such as beehives and invertebrate hotels. Furthermore bird nesting and bat bricks/ boxes are to be incorporated into the design of the buildings facing the river corridor which are additional to those sought through the rest of the Exemplar scheme and so contribute to the required net gain in biodiversity. The scheme is therefore considered to be acceptable in this regard.

Water

- 5.63 The Eco Towns PPS states 'Eco Towns should be ambitious in terms of water efficiency across the whole development particularly in areas of water stress. Bicester is located in an area of water stress. The PPS requires a water cycle strategy and in areas of serious water stress should aspire to water neutrality and the water cycle strategy should;
- a) the development would be designed and delivered to limit the impact of the new development on water use, and any plans for additional measures, e.g. within the existing building stock of the wider designated area, that would contribute towards water neutrality
 - b) new homes will be equipped to meet the water consumption requirement of Level 5 of the Code for Sustainable Homes; and
 - c) new non-domestic buildings will be equipped to meet similar high standards of water efficiency with respect to their domestic water use.
- 5.64 The NPPF advises at para 99 that when new development is brought forward in areas that are vulnerable care should be taken to ensure risks can be managed through suitable adaption measures, including through the planning of green infrastructure. The ACLP Policy ESD8 advises 'Development will only be permitted where adequate water resources exist or can be provided without detriment to existing uses.' Policy Bicester 1 requires a water cycle study and Policy ESD 3 requires new development to meet the water efficiency standard of 110 litres/person/day.
- 5.65 The current proposal is not accompanied by a separate Water Cycle Study, however the Exemplar proposal was and the Masterplan is also accompanied by a Water Strategy. The Exemplar includes proposals for rainwater harvesting and water

efficient appliances for all residential properties to reduce water use as well as the incorporation of SUDs. It is further noted that to reach BREEAM Excellent (which is set out as a planning condition), it is a requirement that high water efficiency standards are met and the applicant has set out their commitment to aspiring to water neutrality within their planning statement. It is recommended that a planning condition require the submission of further details to demonstrate how this proposal will contribute towards the requirement to reach water neutrality.

Flood Risk and drainage

5.66 The Eco towns PPS advises that the construction of eco towns should reduce and avoid flood risk wherever practical and that there should be no development in Flood Zone 3. The NPPF advises that inappropriate development in areas of flood risk should be avoided (para 100) and that development should not increase flood risk elsewhere (para 103). The ACLP policy ESD6 identifies that a site specific flood risk assessment is required and that this needs to demonstrate that there will be no increase in surface water discharge during storm events up to 1 in 100 years with an allowance for climate change and that developments will not flood from surface water in a design storm event or surface water flooding beyond the 1 in 30 year storm event. Policy ESD 7 requires the use of SUDs.

5.67 As part of the Exemplar scheme, a flood risk assessment and drainage strategy were undertaken and following this further detailed assessments were undertaken in order to discharge relevant conditions. The drainage scheme included a number of features through the site including permeable paving, swales and infiltration blankets. Swales were proposed, and are shown within the approved S38 drawing, through the Local Centre area. As part of the current application, an updated FRA and drainage strategy have been provided. All development on the site is within Flood Zone 1 with limited risk from flooding including taking into account the potential impacts of climate change. The drainage strategy provides for a scheme that will ensure that any increased peak surface water run off caused by the development can be attenuated to Green field rates and the scheme remains aligned with the overall drainage strategy but is proposed to be amended following refinement taking into account the design work carried out for the local centre. The revised scheme removes the proposed swales as the space available for them has reduced taking into account the detailed design and so the scheme proposes positive drainage via road gullies with oversized pipes underground to provide the necessary storage to attenuate the design event. This would sit alongside the green roof elements, permeable and impermeable areas which would be routed into an infiltration blanket. The Lead Local Flood Authority (OCC) have advised that the drainage scheme appears to be sufficient but that there may be a need for some final alterations at the detailed consideration stage. The foul water infrastructure scheme has been agreed with Thames Water through the Exemplar scheme and Thames Water raises no objections to the current proposal. Final comments are still awaited from OCC and an update provided in relation to this matter if necessary. It is therefore considered that the proposal will be acceptable in Flood Risk terms and that the amended drainage strategy is generally acceptable in its nature.

Waste

5.68 The Eco Towns PPS advises that applications should include a sustainable waste and resources plan which should set targets for residual waste, recycling and diversion from landfill, how the design achieves the targets, consider locally generated waste as a fuel source and ensure during construction ensure no waste is sent to landfill. The National Waste Policy identifies a waste hierarchy which goes from the prevention of waste at the top of the hierarchy to disposal at the bottom. The National Planning Practice Guidance identifies the following responsibilities for Authorities which are not the waste authority;

- promoting sound management of waste from any proposed development, such as encouraging on-site management of waste where this is appropriate,

or including a planning condition to encourage or require the developer to set out how waste arising from the development is to be dealt with

- including a planning condition promoting sustainable design of any proposed development through the use of recycled products, recovery of on-site material and the provision of facilities for the storage and regular collection of waste
- ensuring that their collections of household and similar waste are organised so as to help towards achieving the higher levels of the waste hierarchy

5.69 The application is accompanied by a Sustainable Waste Management Plan and Sustainable Waste and Resources Plan, which set targets for recycling and residual waste as follows:

- For the percentage recycled / composted / reused: 70% from initial occupation and 80% by 2025
- For residual waste levels: 300 kg per household per year from initial occupation and 200kg per household per year by 2025

The local centre forms the location for the recycling banks which are proposed to the rear of the southern parade and furthermore, the document will be used to estimate waste levels from the businesses to enable future decisions in relation to the number and type of waste containers and storage arrangements to be made. The plan does however propose waste to be provided to the rear of the units and so discreetly positioned generally. A Site Waste Management for the Exemplar site has been approved and as part of the current application, a draft plan has been prepared in relation to the scheme which would be updated following detailed review. A planning condition was applied to the Exemplar permission 10/01780/HYBRID which required a finalised Site Waste Management Plan demonstrating how zero construction waste would be sent to landfill and it is recommended that a condition relating to this matter is again imposed.

Masterplanning/ Transition

5.70 The PPS requires the submission of a masterplan to ensure comprehensive development. As discussed a masterplan has been submitted and is to be incorporated into a SPD, which is currently an interim draft but for use for Development Management purposes. As discussed earlier, the site for this local centre aligns with the Masterplan requirements and is in line with the outline approval established through 10/01780/HYBRID. The proposal is acceptable in this regard. In relation to transition, this relates to the timing of the delivery of services and facilities, the support and information to be provided to residents and how carbon emissions through the construction process will be reduced. The scheme forms part of the Exemplar scheme and it is proposed that this scheme must be linked to the S106 and the legal obligations set out for that proposal. This will ensure that services and facilities are provided in the expected way. The limiting of carbon from construction has been addressed through the work so far completed on the Exemplar application using measures such as construction travel plans, work on reducing embodied carbon and meeting CEEQAL (sustainability assessment, rating and awards scheme for civil engineering). This will continue to apply to the Local Centre.

Community Governance

5.71 The Eco Towns PPS advises that planning applications should be accompanied by long term governance structures to ensure that standards are met, maintained and evolved to meet future needs, there is continued community involvement and engagement, sustainability metrics are agreed and monitored, future development meets eco town standards and community assets are maintained. Governance proposals should complement existing democratic arrangements and they should reflect the composition and needs of the local community. ACLP Policy Bicester 1 requires the submission of proposals to support the setting up of a financially viable local management organisation.

- 5.72 The Exemplar scheme as a whole has established the principle of a Local Management Organisation and work has been ongoing to form this body through requirements set out in the Exemplar S106 agreement. As this proposal would be linked to the Exemplar S106, the obligations relating to the LMO and Community Governance would continue to apply.

Pre-application community consultation & engagement

- 5.73 The NPPF advises that 'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre application discussion enables better coordination between public and private resources and improved outcomes for the community' (para 188). The applicant has undertaken consultation and engagement in relation to the wider site including the Exemplar, the Masterplan process and the subsequent applications for the wider site (submitted by A2Dominion). As the current proposal sees to make relatively minor amendments to the scheme, no additional consultation has been undertaken, however details of previous consultation have been provided. The current proposal is generally consistent with the masterplan, the emerging local plan and the SPD and so this is acceptable.

Conditions and Planning Obligations

- 5.74 The wider Exemplar Site (10/01780/HYBRID) is subject to a S106 agreement relating to securing various mitigation and infrastructure necessary to make the development acceptable. The S106 includes obligations specifically relevant to this proposal relating to the non-residential retail, office, nursery, community hall, public house, eco business centre site and in relation to employment, skills and training. It is important that the applicant continues to be bound by such clauses alongside the wider site obligations and therefore it is considered necessary for the existing S106 to be linked to the current application.
- 5.75 Oxfordshire County Council requests an Employment and Skills Plan to support this application. As part of the Exemplar, an Employment and Skills Plan has been approved and this alongside the Economic Development Strategy already submitted addresses the matters that an employment and skills plan would usually cover. In respect to end users, developers have little scope to influence what occupiers of the units do or do not do in relation to their employment practices. Therefore it is considered that the approved plan is sufficient and that by linking the current scheme to the current S106 the current application will be bound by the same requirements.

- 5.76 It is considered that a series of conditions are required in relation to detailed matters that have been considered through this appraisal and to re-impose any necessary conditions that were included within the decision notice for the Exemplar application 10/01780/HYBRID.

Other matters

- 5.77 The Environmental Compliance Statement considers other matters discussed below:
Air quality
The proposed design of the local centre has taken into account the constraint of the energy centre and the potential emissions this may make. Further, the amendments to the car parking provision are considered to have raised no materially greater effects in air quality terms. The approved proposal for the Exemplar has agreed a Construction Environment Management Plan, which can also control the dust and air quality impacts that this proposal may cause.

- 5.78 Noise and Vibration

The conclusion reached is that generally the noise and vibration impacts of the proposal remain the same as assessed in relation to the Exemplar scheme and the mitigation therefore remains the same. Limitations to the assessment at the current

time relate to the lack of information as to the end users and the equipment that they may need therefore the Anti-Social Behaviour Team recommend a condition relating to the need for a noise survey which would need to take into account those future potential uses and any necessary mitigation. This condition is recommended, however it is important to note that the proposed mix of uses are not unusual within a local centre and therefore it is considered that there is likely to be appropriate mitigation available to overcome any concerns.

5.79 Contamination Land

The site was assessed for potential contamination at the time of the consideration of the HYBRID application. This has been reviewed and the potential sources have been identified as radon/ ground gases but at a low risk and so radon has protection measures are to be designed into the new buildings as mitigation. Currently the land is being used as a construction compound whilst residential development is being undertaken. Any potential contamination will therefore be mitigated prior to development commencing in line with the Construction Environment Management plan approved by 10/01780/HYBRID. Furthermore, a condition is suggested to deal with unsuspected contamination.

Generally, a Construction Environment Management Plan is recommended to be required by condition as this proposal is a standalone application and whilst it is likely to be similar to that approved by 10/01780/HYBRID, should be updated to reflect the current application

Engagement

5.80 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 and by maintaining regular contact with the applicant to secure amendments to the scheme.

Conclusion

5.81 It is considered that the proposal is acceptable in principle. The principle of a local centre is established through the grant of planning permission under 10/01780/HYBRID; the site sits within the allocated site for development at North West Bicester and is identified as being a location of a local centre within the Masterplan for the site. The changed quantum and mix of the uses within the local centre is also considered to be acceptable. Detailed matters in relation to design, transport, highway safety and other matters to meet the detailed Eco Town Standards are acceptable and can be secured by way of planning conditions and by linking the scheme to the S106 attached to 10/01780/HYBRID. The proposal is considered acceptable in other respects subject to the receipt of final comments as discussed through this appraisal. It is considered that the proposal would provide sustainable development and would cause limited harm as set out. The proposal therefore complies with the above mentioned conditions and is recommended for approval.

6. Recommendation

Approval, subject to:

- a) The applicants entering into a linking agreement to link this application proposal to the legal agreement pursuant to 10/01780/HYBRID to ensure the proposal remains bound by the clauses of that S106;
- b) The receipt of comments from consultees in relation to the most recent consultation and;
- c) the following conditions, with delegation to the Development Services

Manager to make any minor changes to the conditions to suit final amended plans:

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

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: application forms, design and access statement, transport assessment, energy statement and the following plans:

- BIMP6 700B – Location map,
- BIMP6 701A - Masterplan,
- 14058 (P) 100 Rev G – Site plan,
- 14058 (P) 110– Proposed floor plan uses,
- 14058 (P) 113– North arcade first floor plan,
- 14058 (P) 115– North arcade second floor plan,
- 14058 (P) 122– North arcade north elevation K & south arcade south elevation M,
- 14058 (P) 123– North arcade section EE & south arcade section FF,
- 14058 (P) 125 - North and south arcade section JJ & section NN,
- 14058 (P) 101 Rev Q – Ground floor plan,
- 14058 (P) 111 Rev A – North Arcade Ground floor plan,
- 14058 (P) 112 Rev A – South Arcade Ground floor plan,
- 14058 (P) 114 Rev C - South arcade first floor plan,
- 14058 (P) 116 Rev A - South arcade second floor plan,
- 14058 (P) 117 Rev A – North and south arcade roof plan,
- 14058 (P) 120 Rev A – North arcade south elevation A & south arcade north elevation B,
- 14058 (P) 121 Rev A - North and south arcade east elevation C & west elevation D,
- 14058 (P) 124 Rev A - North and south arcade section GG & section HH,
- 14058 (P) 130 Rev A – Proposed site elevations,
- 14058 (P) 131 Rev A – Details of proposed elevations,
- 14058 (P) 200 Rev B – Community hall layout,
- 7705-UA001881-UP33D-02-Commercial Centre Vehicle Accessibility

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

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

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

Framework.

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

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

5. Prior to the construction of the foundations of the buildings hereby approved, samples of the slate roofing material to be used for the community centre 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 that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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

7. Prior to the commencement of the development full details of the required retaining structures to the west of the nursery and its garden and the pub and its garden adjacent to the river corridor shall be submitted to and approved in writing by the Local Planning Authority. The retaining structures shall thereafter be installed in accordance with the approved details.

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

8. Notwithstanding the details submitted and prior to the commencement of the development hereby approved, full specification details of the spine road through the development including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the buildings in the local centre the road/footways etc. shall be constructed in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard

of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework. This must be pre-commencement as the construction, layout and drainage of the highway are crucial to be agreed before development begins.

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

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

10. Prior to the first use or occupation of the development hereby permitted, covered cycle parking and Sheffield stands shall be provided within the application site in accordance with the details submitted. The covered and uncovered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

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

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

12. Prior to the commencement of the development a Construction Traffic Management Plan providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction and a route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason - In the interests of highway safety and to safeguard the amenities of the occupants of the adjacent dwellings during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. Prior to the occupation of the development, a Parking Management Plan for the Local Centre shall be submitted to and approved in writing by the Local

Planning Authority. The Plan shall include how parking will be managed, monitored, the allocation of car sharing spaces and how it will be enforced. The Parking arrangements shall thereafter be operated in accordance with the approved plan.

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

14. Prior to the provision of the bus stop, details of the facilities to be provided at the bus stop including Real Time Information and a programme of delivery, shall be submitted to and approved in writing by the Local Planning Authority. The bus stops and facilities shall be provided in accordance with the approved details.

Reason – To ensure facilities to enable convenient use of public transport to achieve the requirements of Planning Policy Statement 1: Eco Towns.

15. 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 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.

16. Notwithstanding the submitted details and prior to the commencement of the development, full details of a drainage strategy for the site including how it connects into the wider Exemplar scheme, 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.

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 ESD7 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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

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

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

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

18. 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.

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

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

20. 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 indicating the protection to be provided to the tree, hedgerow and the 3m landscape buffer 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.

21. Prior to the installation of any green roofs, details of the construction and planting of these roofs along with details of the maintenance programme that will ensure the maintenance and long term maintenance of the roofs shall be submitted to and approved in writing by the Local Planning Authority. The

green roofs shall be constructed and maintained in accordance with the approved details.

Reason – To ensure the delivery of green infrastructure and biodiversity gain in accordance with Policy Bicester 1 of the Adopted Cherwell Local Plan.

22. Prior to the commencement of the development hereby approved, a plan showing full details of existing and proposed site levels for the proposed local centre buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

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

23. Prior to the commencement of the development hereby approved, full details of the location of bat boxes/ bricks and swift boxes to be installed on the elevations of the local centre shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the local centre, the bat and bird boxes shall be installed on the site in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage and to enhance biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

24. 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.

25. The use of each unit within the local centre shall be within the range of use classes annotated on drawing numbers 14058 (P) 111 Rev A – North Arcade Ground floor plan, 14058 (P) 112 Rev A – South Arcade Ground floor plan, 14058 (P) 114 Rev C - South arcade first floor plan, 14058 (P) 116 Rev A - South arcade second floor plan, 14058 (P) 113– North arcade first floor plan, 14058 (P) 115– North arcade second floor plan and as specified in the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) and for no other purpose(s) whatsoever. No unit shall be amalgamated.

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

26. All shop fronts and advertisements shall follow the guidance set out within the NW Bicester Exemplar Local Centre Design and Access Statement dated 24 April 2015.

Reason - In order to safeguard the amenities of the area and to comply with Policies C30 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

27. Prior to the first occupation of any unit to be within an A3 or A5 use hereby approved, full details of the method of mechanical ventilation/ extraction (should be it required) including and assessment of noise and odours and any external features shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each unit within such use, any required mechanical ventilation/ extraction shall be installed, brought into use and retained in accordance with the approved details.

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

28. There shall be no deliveries to any of the units within the local centre outside of the following times:

Monday-Saturday – [7.00am to 8.00pm]
Sunday and Public Holidays – [No time]

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

29. Prior to the installation of any external lighting, full details of any such lighting shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall thereafter be installed in accordance with the approved details.

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

30. Notwithstanding the submitted details and prior to the first occupation of the local centre, full details of all street furniture including benches, cycle stands, and cycle enclosures shall be submitted to and approved in writing by the Local Planning Authority. All street furniture shall be provided in accordance with the approved details.

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

31. Prior to the occupation of the development, the local centre and parking area shall be provided with solar PV to meet the required provision of solar PV as established through the Energy Strategy and additional information received.

Reason – To deliver zero carbon development in accordance with Planning

Policy Statement 1: Eco Towns.

32. Prior to the occupation of the development, full details of the measures that will be utilised to enable the scheme to achieve zero carbon, which should include details of offsite measures if necessary including the timescale for their provision shall be submitted to and approved in writing by the Local Planning Authority. The measures agreed shall be implemented in accordance with the approved details.

Reason – To deliver zero carbon development in accordance with Planning Policy Statement 1: Eco Towns.

33. All non-residential buildings shall be constructed to BREEAM EXCELLENT.

Reason – To support the creation of a low carbon community to achieve the requirements of Policies ESD1 and Policy Bicester 1 of the Adopted Cherwell Local Plan.

34. Prior to the commencement of development, details of the strategy to reach the aspiration of water neutrality including the use of rainwater harvesting or other agreed measures; shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved strategy.

Reason: The site is located in an area of water stress and to comply with Government guidance contained within the Eco Town PPS.

35. Prior to the commencement of the development, a report outlining how carbon emissions from the construction process and embodied carbon have been minimised shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved plan.

Reason – To ensure that the development achieves a reduced carbon footprint in accordance with Planning Policy Statement 1: Eco Towns.

36. The relevant services to deliver the District Heating System shall be provided to each unit of the local centre prior to the occupation of that unit.

Reason – To deliver zero carbon development in accordance with Planning Policy Statement 1: Eco Towns.

37. Prior to the construction of the local centre buildings, details of the provision of superfast broadband for the proposed uses within the local centre shall be submitted to and approved in writing by the Local Planning Authority. Each unit shall be provided with superfast broadband prior to its occupation.

Reason – To support the creation of a low carbon economy and to meet the requirements of Policy BSC9 of the Adopted Cherwell Local Plan.

38. Prior to the occupation of each non-residential unit or commercial building, the building shall be provided with a 'real time information' system in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason – To facilitate information delivery and travel information in accordance with Planning Policy Statement 1: Eco Towns.

39. Prior to the commencement of construction, a Site Waste Management Plan, which shall demonstrate how zero construction waste will be sent to landfill, shall be submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure no waste is sent to landfill to meet the requirements of the Planning Policy Statement 1: Eco Towns.

Planning Notes

1. The applicant is advised that Oxfordshire County Council as the Highway Authority will require a plan to show areas proposed for adoption.

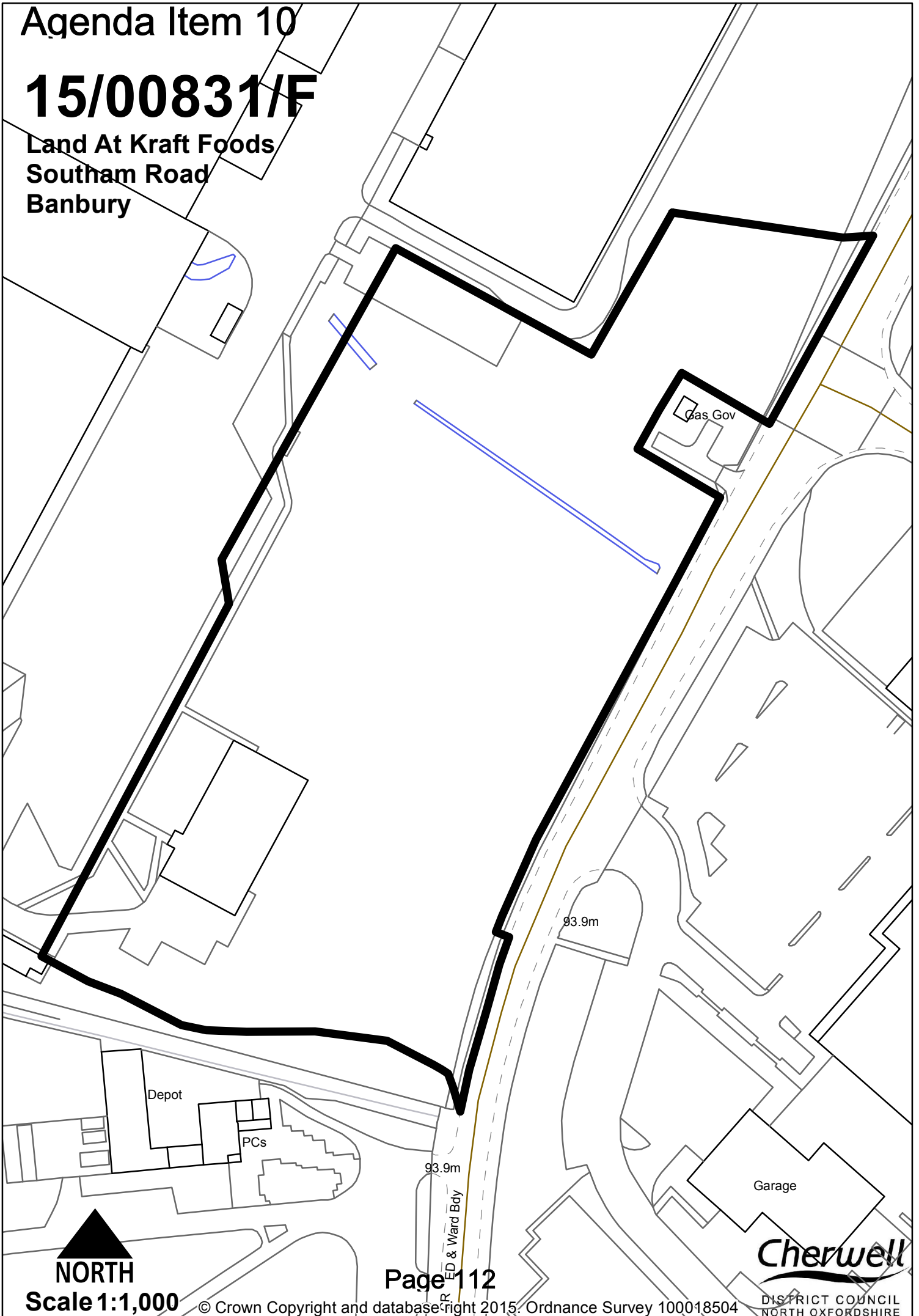
STATEMENT OF ENGAGEMENT

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 maintaining regular contact with the applicant to secure amendments to the scheme.

Agenda Item 10

15/00831/F

Land At Kraft Foods
Southam Road
Banbury



NORTH

Scale 1:1,000

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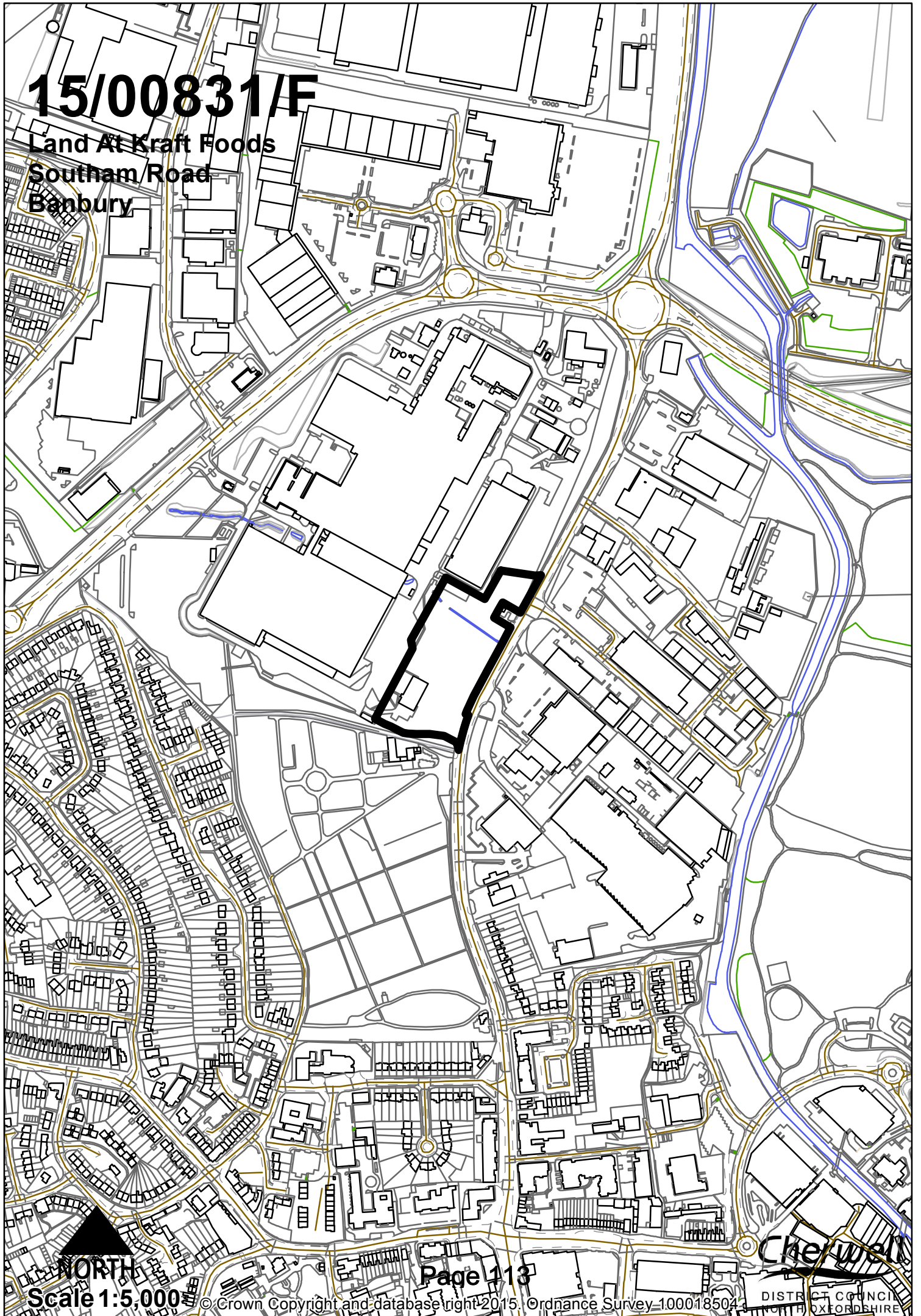
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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

15/00831/F

Land At Kraft Foods
Southam Road
Banbury



NORTH
Scale 1:5,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Ward: Banbury Neithrop **District Councillors:** Councillors Dhesi and Johnstone

Case Officer: Bob Duxbury **Recommendation:** Approve

Applicant: Barwood Capital and Mondelez International

Application Description: Proposed development of a new Waitrose food store with car parking and access arrangement onto Southam Road . Demolition of existing building

Reason for Committee consideration: Major application

1. Site Description and Proposed Development

- 1.1 This application relates to a site of 1.44 hectares on the western side of Southam Road, Banbury. It is currently part of the Jacobs Douwe Egberts site and lies to the north of the Southam Road Cemetery. On the opposite side of Southam road various bulky goods retailers and car showrooms are located behind their own car parks. There is currently no access to the JDE site from this road frontage.
- 1.2 The site is currently mainly laid to grass with groups of mature trees within it. There is a single storey building towards the southern end of the site which will be removed. The land is surplus to the requirements of JDE
- 1.3 The proposal is to construct a single storey food store with a floorspace of 3,695 sq.metres of which the sales area would be 2,697 sq.metres. . It would have a dedicated 220 space car park. The food store would be located at the southern end of the site. Two vehicular accesses are proposed , one at the southern end of the site to provide access to a service yard. The main customer car park entrance would be located at the northern end of the site, with a ghosted right turn arrangement off-set from the similar arrangement at the junction of Marley Way with Southam Road. It ius said that the proposal will generate 200 full and part time jobs.
- 1.4 The application is accompanied by a Planning Statement (incorporating a sequential assessment); a design and access statement; retail impact assessment; flood risk assessment; ecological appraisal; transport assessment and other technical assessments all of which are available on the Council's web-site

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and press notice, and site notices. The final date for comment was 11 June 2015. Two letters have been received from residents of Banbury commenting in the following way-

- Will affect the prospects for town centre development on the canal side which may be undermined and may not therefore go ahead
- Contrary to recently approved strategic plan
- Further retail-only developments on the fringes of the town will reduce the chances of the town developing a real character and attract visitors and businesses from elsewhere
- Contrary to High St First principle
- Concern about congestion and consequent effect upon air quality

One further letter expresses support for the proposal in terms of both improving the appearance of the site, applauding the design, welcoming investment from a company such as Waitrose and the 200 jobs that it would bring

- 2.2 An objection has been received from planning consultants acting for Aberdeen Asset Management dated 16/6/15 which is attached as appendix 1. They have also since written again in response to the applicants latest letter in which the comment

The applicant fails to address our comments about planned investment and impact on town centre vitality and viability. Planned investment would be compromised by the development which is evidence of significant adverse impact.

In the context of the sequential test, the applicant has shown insufficient flexibility in the assessment of the Spiceball site. A number of commercially based reasons are provided but these are not the necessary planning-based judgements on which the sequential test is based. Failure of the sequential test means refusal of planning permission.

Furthermore, not only is the overlay plan misleading (the Spiceball scheme is in outline where layout is not fixed), but the applicant suggests that no compromise can be made on the format of the store because Banbury is not the best trading location. Whilst demonstrating insufficient flexibility on format and scale, this also supports our view that the town centre is vulnerable. This is evidence that the impact of the development on the town centre would be significantly adverse. Where this is the case, NPPF directs refusal.

Because the applicant has not responded to the important matters raised by us on retail impact, we contend that Members may not have all of the information to make a decision on this application. However, if Members are minded to make a decision, then this must be one of refusal on the grounds of significant adverse retail impact and failure of the sequential test.

- 2.3 The Banbury Civic Society regrets that it must object to this application. We understand that there is enthusiasm for having a Waitrose in Banbury, both for the goods it offers and for its potential to attract shoppers from a wide area to the town, generating additional footfall in the town centre. This is the wrong site however. The Southam Road is already notoriously congested (notably northwards from the Warwick Road traffic lights), whilst the Southam road is also too far from the town centre for there to be any possibility of the new store generating significant additional town-centre footfall. The site is certainly not town-centre, nor is it even truly edge-of-centre. With Waitrose having been offered the Bolton Road site and the old Spiceball site, the Southam Road site clearly fails the sequential test. To this we would add that there is even a

further site that has not been considered. This is the old Sainsbury's site at Calthorpe Street (now called the Calthorpe Centre). This has recently been offered for sale, subject to the rental income of £507,000 p.a., with an asking price of £6.80 million. Whilst this is a lot of money, it has the clear advantage over other sites of being genuinely town centre and having a purpose-built modern supermarket and modern surface car park already on the site.

Cherwell Council have already wasted a lot of money contriving a SPD for Bolton Road with Waitrose as the anchor store. Scottish Widows have similarly invested an enormous amount of money in designing Castle Quay 2 around a Waitrose anchor store only. With an overready supermarket (Calthorpe Centre) available in the town centre, and with the edge-of-centre Bolton Road and Spiceball schemes being master-planned or consented specifically around Waitrose's needs, it is wholly unreasonable for Waitrose to now state that they will only come to Banbury if they can have consent for the far-edge-of-centre / out-of-town Southam Road site instead. This application clearly fails the sequential test and must be refused for that reason.

3. Consultations

3.1 Banbury Town Council: objects to the application and make the following comments -

Banbury Town Council are pleased to see Waitrose expressing a desire to have a store in the town, however, the Council wishes to OBJECT to this application for a number of reasons. With a large store such as Waitrose coming to the town there is huge potential for the store to help support the town centre and attract shoppers to the town from the wider area, however, it is felt that the current location is not suitable.

Impact on the Town Centre:

The Town Council is concerned that the proposed location of the site will have an adverse impact on the vitality of the Town Centre. Local and National Planning Policies suggest that local authorities should support the viability and vitality of town centres. It is not considered that this site will support the town centre as its location and parking facilities are too far removed from the centre itself. The town centre is already being impacted by a number of large out of town retail units such as the Banbury Cross Retail Park and the Banbury Gateway development. The impact of the Gateway development is yet to come but it is anticipated that there will be a draw away from the town centre, especially with no charge for car parking. Any future development outside of the town centre will have a significant negative impact.

The Sequential Test, considers alternative sites for development, and is contained within the

application. The test attempts to address seven alternative sites, including; Bolton Road, Castle Quay 2, and Calthorpe Centre. The Test concludes that the available town centre sites are not viable or suitable to Waitrose. The Town Council would argue that the results of the Sequential Test do not adequately deal with the options for alternative development sites and that further consideration be given to the Bolton Road and Castle Quay 2 sites. It is strongly felt that these sites should be prioritised over the development of a store at Southam Road.

Whilst the Castle Quay 2 site has been dismissed by Waitrose as not being big enough (22,000 sq ft net sales – compared to their proposed 29,000 sq ft net sales), Banbury Town Council strongly feels that this site is of an adequate size for their needs. The application for Castle Quay 2 was strongly based upon having a Waitrose as the anchor store and without their investment at this site the development could be undermined.

The Bolton Road site was once considered for a Waitrose store by Cherwell District Council as part of its SPD for the redevelopment of the Bolton Road area. The 2011 draft SPD identified that there would be an anchor food store in the region of 66,000 sq ft gross as well as other retail units and a Replacement car park (minimum 630 spaces). The Sequential Test dismisses this site as an option due to the nature of its mixed ownership and the 'medium to long term site assembly issues'. The Town Council feels that this site would provide the food store that Waitrose desires whilst also supporting the development and vitality of the old town.

Banbury Town Council supports Banbury Civic Society's view that, with a potential "supermarket (Calthorpe Centre) available in the town centre, and with the edge-of-centre Bolton Road and Spiceball schemes being master-planned or consented specifically around Waitrose's needs, it is wholly unreasonable for Waitrose to now state that they will only come to Banbury if they can have consent for the far-edge-of-centre / out-of-town Southam Road site instead. This application clearly fails the sequential test and must be refused for that reason".

Impact on Traffic:

The Town Council is extremely concerned about the adverse impact this application will have on the amount of traffic on the Southam Road. This road is already considered to be extremely congested, especially during peak times and the development of a Waitrose at this site will only exacerbate an already congested road.

The Town Council has objected to previous planning applications over concerns about the traffic and congestion on the Southam Road. In particular, the Town Council objected to Application 10/01347/F (4 storey Premier Inn, part 2 storey, part 1 storey Beefeater Restaurant, car parking, access, access over stream) on the grounds that the amount of traffic resulting from the development onto an already congested road would cause further traffic problems at peak times. Further, the Council raised their concerns over the difficulty motorists have exiting Marley Way onto the Southam Road and a busy junction on the opposite side of this road would be both dangerous and cause further congestion. It was requested that if development was to take place at this site, consideration should be given to the installation of a roundabout, which would help keep traffic moving. The application was subsequently refused on the grounds that the development of a hotel and restaurant at this out of town centre location did not accord with the national policy imperative to direct uses of this kind to locate in established town centre's where they can be easily accessible

The Town Council would like to support Oxfordshire County Council in stating that the proposals do not demonstrate safe and suitable access to the site for all people (NPPF) and that the proposals do not fully demonstrate that traffic arising from the site can be accommodated safely and efficiently on the transport network, contrary to Policy SD1 of Oxfordshire Local Transport Plan 3 and the National Planning Policy Framework. Further, the Town Council would like to draw attention to OCC's LTP4 documentation which tries to discourage

using the centralised routes and the inner relief road route (Windsor Street/Cherwell Street/Concorde Avenue/Hennef Way). Any development on this site will encourage the use of this route and add to the congestion.

OCC state that “there is only minimal public transport currently available along the Southam Road, consisting of very infrequent interurban services from Leamington Spa and Cropredy (but not in the opposite direction), and off-peak journeys on the Council’s financially supported route B10 to/from Hanwell Fields. Bus service B10 currently operates once per hour, Mondays to Saturdays between 0830 and 1630 approximately (into Banbury) and from 0915 to 1645 (from Banbury). Bus services 277 operates along the Southam Road inbound only, twice per day. The future of county council subsidies to both services cannot be guaranteed”. Banbury Town Council would argue that, as the site is not adequately served by public transport, the alternative town centre sites should be prioritised.

Banbury Town Council would like to reiterate that it would be happy to see Waitrose in the town, but due to the reasons detailed, it regrettably has to object to this application.

to all modes of transport and can also increase trips to complementary service, cultural and retail uses in those centres. The Town Council would like to reiterate their concerns previously made for this site.

3.2 **Planning Policy comments**

The application site is identified as an existing employment site in the new Local Plan (2011-2031) (Banbury policies map 5.3). Policy SLE1 seeks to retain existing employment sites unless the following criteria are met:

- the applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term
- the applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable
- the applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment.

The policy states that regard will be had to whether the present employment activity has an unacceptable adverse impact on adjacent residential uses and, to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in an employment use. The policy seeks focus employment development on existing employment sites.

The applicant’s planning statement states (para. 5.12), “*The applicant does not seek to demonstrate that any of these criteria [then in draft] are satisfied. Rather the extent of tension with the criteria attached to emerging Policy SLE1, and the underlying intent of paragraph 22 of the Framework should be placed into the planning balance that is required by the approach set out in the second bullet point of paragraph 14 of the Framework.*”

The Plan has since been adopted and must now be given full weight as part of the statutory Development Plan. The Plan, including policy SLE1, have been prepared having regard to the NPPF including paragraphs 22 and 14. The application should therefore be supported by information that assists detailed consideration of the proposals in light of policy SLE1.

Local Plan paragraph B.48 which supports SLE1 states that the provision or the loss of jobs will be a material consideration for determining proposals for any use classes. The supporting statement (para. 5.13) states that the provision of the foodstore would result in the provision of some 200 new jobs with provision for staff training and an emphasis upon local recruitment. It also states the capital receipt from site disposal would be re-invested in the factory (a major local employer) and that the proposed development would not harm the 'industrial processes undertaken on the retained land'. The application is described as being 'redundant' (para's. 1.2 & 2.9). On this basis, the provision of some 200 additional jobs is a significant consideration but does not negate the need to consider the criteria in SLE1.

Policy SLE2 states that retail development will be directed towards Banbury town centre and the Council will require a sequential test and an impact assessment in accordance with requirements in the NPPF and PPG. The policy requires that proposals not in town centres should be in edge of centre locations. Only if suitable sites are not available in edge of centre locations should out of centre sites be considered and that when considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.

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Policy SLE2 states that retail development will be directed towards Banbury town centre and the Council will require a sequential test and an impact assessment in accordance with requirements in the NPPF and PPG. The policy requires that proposals not in town centres should be in edge of centre locations. Only if suitable sites are not available in edge of centre locations should out of centre sites be considered and that when considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.

- i. Land at Banbury Canalside (Local Plan policy Banbury 1)
- ii. Land at Bolton Road (policy Banbury 8)
- iii. Land at Spiceball (policy Banbury 9)
- iv. Land at Calthorpe Street (paragraph C.158)
- v. George Street Car Park

It was also advised that a sequential test, in this case, need not extend beyond Banbury and that a retail impact assessment would be required.

Sequential Test

- i. Policy Banbury 1 - Banbury Canalside allows for residential, commercial and town centre uses in the northern part of the allocated site. The policy also states that there should not be any significant convenience retail on the site. Policy Banbury 7 states that main town centre uses will be supported in

Banbury town centre and identifies an 'area of search' for an extension to the town centre which will be explored in Local Plan Part 2.

The submitted sequential test considers two parts of the Canalside site closest to the existing town centre. It states, "*Neither site is considered a suitable site for Waitrose. Site A forms part of the Council's wider Canalside allocated site and should form part of that comprehensive redevelopment, it is also currently occupied and appears to be vibrant and healthy. Site A is far too small to accommodate even a part of the proposed development and would only appeal to much smaller independent retail outlets and has aspirations to remain as public open space.*"

As the policy seeks to avoid significant convenience retail in this location, it is accepted that it could not accommodate the proposed development under this restriction.

ii. Policy Banbury 8 sets out how land at Bolton Road will be redeveloped for town centre uses including small scale A1 and A3 uses, ancillary residential development and car parking. Paragraph C.167 explains how there is an option for food retailing to be provided on the site.

The sequential test notes, "*The Bolton Road site could potentially accommodate the scale of proposed retail supermarket. The site is presently in multiple ownerships and is occupied by a range of commercial uses and a substantial public car park. The emerging Development Plan indicates Cherwell District Council proposes a residential led scheme, contributing to the vitality and viability of the town centre*" (para. 4.5).

It also states (appendix 1), "*The site is identified to come forward as part of a comprehensive mixed use development adjacent to the Town Centre. The emerging allocation identifies that a variety of commercial uses should come forward on the site. A number of units on the Bolton Road site are occupied, therefore the availability of the site in the short to medium term is questioned. The site also relies of the delivery of a number of different uses (Hotel, Leisure, small scale Retail) to fulfill its policy requirement to be a comprehensive scheme. Accordingly the site is considered neither suitable or available and can therefore be discounted as a suitable site for Waitrose.*"

The Plan was modified in 2014 in deliver a larger residential component on this site with smaller retail units. However, in the view of the Council's land interest in the site and its desire to facilitate redevelopment, it is suggested that further consideration be given to its potential suitability and availability.

iii. Policy Banbury 9 – Spiceball Development Area provides for a mixture of town

centre uses comprising new retail and leisure, a landmark mixed retail and leisure development that supports the growth of the town centre to the north of the Oxford Canal. On 6 February 2014 the Council resolved to grant permission for a retail food store (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafes (Use Class A3 and A4) on the site subject to legal agreement.

The potential operator involved in the current application had been an interested party. The sequential test states, "*Waitrose has carefully considered the trading opportunity presented by this site and has concluded that it is not suitable for Waitrose. Waitrose will not undertake investment on this site. The reasons why this site is not acceptable to Waitrose are set out in the correspondence dated 20th May 2015*" (para. 4.3)

"Although the location is acceptable to Waitrose as a matter of principle, being edge of centre, the site does not present the opportunity for a successful

supermarket for Waitrose". The five reasons highlighted in the sequential test are:

"i) The size of the proposed foodstore at 25,000 sq ft net sales is not large enough to enable Waitrose to compete against existing food retailers in Banbury.

ii) The store configuration does not meet Waitrose's model layout; it is too long and thin and does not allow sufficient aisle width and or an acceptable store layout.

iii) The vertical circulation (goods lifts, customer lifts and escalators/travellators) sits within the sales area, further reducing the available selling space and compromising retail layout.

iv) The multi level car parking proposed is not of an acceptable layout and is not suitable for Waitrose customers. Multi level parking is a disincentive as customers find it inconvenient and more difficult to navigate, and so reduces sales and viability.

v) The overall scheme is a complex – multi level mixed use redevelopment of a constrained town centre site that includes a hotel, cinema, restaurants, bars and cafes. Customers are likely to find themselves competing for parking with users of the adjacent leisure centre, as well as users of the other facilities on the site." (para. 4.4)

Whilst this site and the approved scheme is not considered to suitable for Waitrose, its potential suitability for a foodstore, the possibility of an alternative scheme being promoted and the policy certainty brought about by an allocated site should be given consideration.

iv. Land at Calthorpe Street (paragraph C.158). The sequential test concludes *"The opportunity for development of any form to come forward on the site is extremely limited on account of Calthorpe Road dissecting the site Furthermore there is no prospect of the site coming forward in the short to medium term as the existing car parks serve a number of existing users."*

Land at Calthorpe Street has mixed use potential but at present is not given the priority in the Local Plan that has been given to Spiceball and Bolton Road. It is accepted that Calthorpe Street is likely to represent a longer term redevelopment opportunity.

v. George Street Car Park – including large public car park serving the town centre. The sequential test concludes, *"The redevelopment of the site does not present a suitable option, due to the fragmented nature of the sites. Furthermore the various land ownership issues surrounding the sites would require extensive discussion and negotiation, thus meaning that the likelihood of the site coming forward in the short to medium term is extremely unlikely. Considering the above, the sites can be discounted as a suitable site for Waitrose."*

Again, it is accepted that George Street is likely to represent a longer term redevelopment opportunity.

Retail Impact Assessment

With regard to the retail impact assessment, the PPG expects the likely effects of development on any town centre strategy to be considered. The RIA states, *"In relation to planned investment, outline planning permission has been granted for an extension to Banbury town centre, including a foodstore. This permission [note: resolution not permission] was granted without a confirmed foodstore operator. Waitrose has a longstanding aspiration to have a presence in Banbury and therefore considered this site in detail....they concluded it was not feasible for them. Whilst it is understood that the Council as a key*

landowner of the site is keen to facilitate the development, because there has never been any prospect of Waitrose operating a foodstore on that site, the delivery of the proposed foodstore will not impact on this aspiration or investor confidence more widely".

The RIA, goes on to conclude, "...In the event a foodstore comes forward as part of the Spiceball, the cumulative scenario shows that the impact on Banbury town centre will, in net terms be positive". No specific reference is made to the Bolton Road site.

In view of the importance of the Local Plan's policies for Spiceball and Bolton Road in strengthening the town centre to meet recently adopted Local Plan objectives, it is suggested that separate expert advice be sought on both the sequential test and retail impact assessment to ensure that the Plan's and the NPPF objectives for town centres are met.

The proposed development should also comply with Local Plan policy SLE4 which states that all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. The policy explains that development which has a severe traffic impact will not be supported. Policy ESD1 seeks to distribute growth to the most sustainable locations and deliver development that seeks to reduce the need to travel and which encourages sustainable travel options to reduce dependence on private cars.

In conclusion, the application site is outside the town centre in an out of centre location and therefore the proposed development would be inconsistent with the NPPF, the PPG and the policy approach in the Local Plan 2011-2031. There are at least two sequentially preferable sites in the town centre that are considered suitable for a foodstore in principle. Whilst the development would produce a significant number of jobs and assist the wider local economy, the tests of policy SLE1 need to be addressed and it is considered that further expert advice on the conclusions of the sequential test and retail impact assessment should be sought in the interest of meeting Local Plan and NPPF objectives.

It is noted that the proposals would allow for investment in the existing factory, a large and important local employer. It is also noted that the application site, despite being in an out of centre location is relatively close to the town centre and within reasonable walking and cycling distance. A car parking strategy for the site could also be secured. However, in the interests of ensuring that there would not be significant adverse harm to the delivery of Local Plan policies Banbury 7 (Strengthening Banbury Town Centre), Banbury 8 (Bolton Road) and Banbury 9 (Spiceball), it is recommended that further specialist advice be sought.

3.3 Ecology Officer

With regard to the above application the level of ecological information submitted is fine and I would concur with its conclusions. There are no major ecological concerns on site. The recommendations within the Ecological Appraisal to avoid any offences to protected species and for enhancements on site are all broadly appropriate. I would suggest the following conditions therefore (or similar wording):

K21 Construction Environmental Management Plans (CEMP) for Biodiversity

Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity with reference to the recommendations within sections 4.4.2, 4.4.5, 4.4.6, 4.4.10, 4.4.11, 4.4.12, 4.4.13 and 4.4.15 of the submitted Ecological Appraisal which was prepared by Peter Brett Associates, dated April 2015, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.
Reason KR2

K17 Biodiversity Enhancement

Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site, showing types and locations of provisions and planting with reference to sections 4.4.4, 4.4.8, 4.4.9 and appendix D of the submitted Ecological Appraisal which was prepared by Peter Brett Associates, dated April 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 KR2

3.4 **Thames Water**

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings.

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

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may

result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments

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

Thames Water recommend the following informative be attached to this planning permission.

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

3.5 **Environment Agency:**

We have no objection to the application as submitted, subject to the inclusion of a condition, detailed under the heading below, to any subsequent planning permission granted.

Without the inclusion of this condition we consider the development to pose an unacceptable risk to the Environment

Condition

If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

To ensure that any unexpected contamination encountered during the developments is suitable assessed and dealt with, such that it does not pose a unacceptable risk to ground or surface water.

3.6 **Oxfordshire County Council Consultees**

Attached as appendix 2 is the full Single Response from the County Council covering their initial transport comments; and drainage comments.

Since that time further negotiations have been held which have resulted in revised plans that overcome concerns about the safety of the main vehicular access, provide alternative cycle path arrangements across this entrance and has reached some measure of agreement on infrastructure contribution matters, albeit that there is still some difference with regards to some elements of the legal agreement south and the form of pedestrian crossing needed on Southam Road

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

4.1 **Development Plan Policy**

Cherwell Local Plan 2011- 2031 – part 1

Policy SLE1 (Employment)
Policy SLE2 (Securing Dynamic Town Centres)
Policy SLE4 (Improved Transport and Connections)
Policy ESD1 (Mitigating and Adapting to Climate Change)
Policy ESD 1 (Mitigating and Adapting to Climate Change)
Policy ESD 2 (Energy Hierarchy and Allowable Solutions)
Policy ESD 3 (Sustainable Construction)
Policy ESD 4 (Decentralised Energy Systems)
Policy ESD 5 (Renewable Energy)
Policy ESD 7 (Sustainable Drainage Systems)
Policy ESD 15 (The Character of the Built and Historic Environment)
Policy Banbury 7 (Strengthening Banbury Town Centre)

The following policies are indirectly relevant

Policy Banbury 1 (Banbury Canalside)
Policy Banbury 8 (Bolton Road Development Area)
Policy Banbury 9 (Banbury Spiceball Development Area)

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

Paragraph 19 of the NPPF states that *'Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. LPA's should promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas...*

Paragraph 23 of the NPPF states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality; Paragraphs 24 to 27 of the NPPF set out a requirement for a sequential test and impact assessment.

Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Paragraph 27 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Planning Practice Guidance

The PPG makes clear

- 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 (and therefore avoid the need to undertake the impact test)
- the sequential approach requires a thorough assessment of the suitability, viability and availability of locations for main town centre uses. It requires clearly explained reasoning if more central opportunities to locate main town centre uses are rejected.

5. Appraisal

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

Planning History
Principle of Development
Retail planning assessment
Design and Impact on the Character of the Area
Parking and Highway Safety
Ecology and Landscaping

Planning History

5.2 In November 2001 planning permission was granted for two-storey offices on this site, with a new HGV access and gatehouse That permission was renewed in 2006

5.3 In March 2009 outline planning permission was granted for 12 commercial units for B1,B2 and B8 uses with a new access to Southam Road. The access proposed included a right turn facility similar to that now proposed.

- 5.4 In March 2012 an outline application was submitted for a foodstore (with 5,574 sq. metres floorspace) and up to 7,432 sq.metres of non-food retail floorspace and a new petrol filling station. That application was subsequently withdrawn

Principle of Development

- 5.5 As noted in the Planning Policy Officers comments quoted at para 3.3 above the site is an existing employment site which Policy SLE1 of the Cherwell Local Plan (2011-2031) seeks to retain in employment use. The applicant seeks to suggest that Policy SLE1 is in tension with paragraph 22 of the NPPF which states that
Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 5.6 The land is surplus to the requirement of the owners and their operation will not be hindered by this development, and to the contrary the applicants indicate that the capital released from the sale of the site will be invested in the Banbury factory facilities and its operational capacity. This will assist in the future well-being of this factory and thereby aid the protection of the 700 jobs
- 5.7 The land has been available for a substantial period and has been marketed.
- 5.8 In paragraph B.48 (part of the supporting text that explains Policy SLE1) notes that the provision or the loss of jobs will be a material consideration in the determination of proposals for any use class. The applicants indicate that 200 jobs will be created by this development , and this is therefore a significant consideration. On balance your officers consider that this proposal is acceptable in employment policy terms

Retail Planning Assessment

- 5.9 The planning application is accompanied by a retail impact assessment and a sequential analysis of alternative sites. The Council engaged planning consultants DPDS to provide expert analysis of the submissions. Their conclusions are re-produced below
- 5.1 The site is in an out of centre location and under both national and local policy should be determined according to the sequential and impact tests.*
- 5.2 In relation to the sequential test, most of the sites considered by the applicants can be ruled out as not available. We consider that the applicant has not assessed the Bolton Road site correctly and should have considered the ownerships separately rather than rejecting it as in multiple ownership and therefore not available. The multi-story car park site, in Council ownership, should have been assessed on its own but we have concluded that in the absence of any clear steps to bring the site forward for redevelopment, it would be difficult to demonstrate that it could be available as an alternative.*

5.3 The Spiceball site is a town centre site with a resolution to grant planning permission a mixed use scheme including a foodstore. The site is vacant and clearly available. Under the Dundee judgement, a site's suitability has to be judged according to whether it is suitable to accommodate the development applied for but applicants are expected to demonstrate flexibility. Waitrose puts forward reasons why it is unsuitable for it. It claims that the site would not give the weekly sales to make it viable and cites several reasons it is unsuitable. In relation to weekly sales figures, there is no evidence submitted to support the contention. Although Waitrose cites confidentiality as the reason of the lack of evidence, the Council should not rely on this assertion without any evidence and it is, on the face of it, difficult to see why the weekly sales figures would be so different from a nearby site. Although Waitrose claims that the Spiceball site is a complex urban site in a mixed development, this does not appear to be correct, at least in relation to the application scheme. The foodstore is separated from the rest of the development, would operate as a freestanding foodstore and benefits from the same good vehicular access as the Castle Quays Shopping Centre

5.4 We conclude that the applicant has not demonstrated sufficient flexibility to pass the sequential test. The onus is on the applicant to demonstrate that the site is not suitable and we suggest that applicant is invited to submit further information on this matter. Both paragraph 27 of the NPPF and the NPPG indicates that development should be refused unless the sequential test is passed, and the NPPG suggests that there is no need to consider the impact test unless the sequential test is first passed.

5.5 The impact test as set out the NPPF has two parts – the impact on existing, committed and planned investment and the impact on the vitality and viability of the centre. In relation to the impact on planned investment, the key consideration is the impact on the planned development of the Spiceball site. We are advised that the majority of the development is being progressed in advance of the foodstore site and will go ahead whatever the decision on this application. In relation to the remainder of the development, the available evidence suggests that Waitrose would not go to the development if planning permission is refused on the Southam Rd site. It is also not clear that Waitrose is the only possible operator for the foodstore. We conclude that the evidence that the proposal would have an adverse impact on investment is not strong.

5.6 In relation to the impact on the vitality and viability of the town centre we conclude that the solus impact would not be sufficient to amount to a significant adverse impact. This arises from the size of the town centre turnover, derived mostly from comparison goods sales, and the fact a large proportion of the impact would fall on the large food stores which are out of centre.

5.7 In relation to the cumulative impact of the proposal together with other relevant permissions, the town centre is will shortly experience a substantial change with the opening of the Banbury Gateway development. The cumulative impact assessment is deficient in not assessing the diversion of comparison goods sales from the town centre and its impact. It also fails to explain the source of the figures and the calculations undertaken. Substantial revision to the impact assessment would be needed before it could be assessed let alone relied on. However, the current application would have only limited additional impact and it would be unreasonable to refuse planning permission on the basis of cumulative impact, if the development in question would make such limited contribution to the

cumulative impact. The argument is likely to go other way – that if the much larger impact of the Banbury Gateway development was acceptable, the Council is being inconsistent if it refuses the current application. The Council may therefore consider it unnecessary to ask for work on cumulative impact if it accepts this line of reasoning.

5.8 We therefore conclude that the proposed development is unlikely to have a significant adverse impact on Banbury town centre, or any other centre.

- 5.10 In response to this the applicants have responded by letter dated 22 October which is attached as Appendix 3. In summary it will be seen that they claim that it is self-evident that the Waitrose proposal will not fit on the Spiceball site. They quote at length from a recent appeal case, and attach a letter from Waitrose which gives detailed opinions what they see as the deficiencies of the CQ2 site (Appendix 4)
- 5.11 To complete the advice that is available to the Committee DPDS has been asked to advise us further, and their letter dated 3 November is attached as Appendix 5.
- 5.12 As can be seen from the above the analysis relates to three separate areas of consideration,
i) the solus and cumulative impact of the proposal upon the town centre
ii) the sequential test
iii) the impact upon investment
I address each of these considerations below
- 5.13 DPDS's advice on the retail impact of this store alone upon the town centre is straight forward. Because the town centre has only a very limited offer of large scale food retailing the extent of trade diversion will be small and not significant, and could not reasonably represent a reason for refusal. The issue of cumulative impact is more difficult to reach conclusions upon, especially given the newness of the Banbury Gateway scheme (which only started opening at the end of October) and which may currently be experiencing abnormal trading due to it being incomplete, a novelty, and in the pre-Xmas boom in trade. It is obviously too early to be able to have any empirical evidence of impact upon the town centre. DPDS say
The main part of the cumulative impact would derive from the Banbury Cross (sic should refer to Gateway) development and the Council could not reasonably allow that proposal and then object to a later application on the basis of a very much smaller impact even taking into account cumulative effects
Consequently your officers conclude that the proposal should not be resisted on impact upon trading grounds
- 5.14 With regards to the sequential test DPDS remind us that the flexibility that should be required of retailers remains a matter of judgement which the Council has to make. They point out that Waitrose has itemised eleven deficiencies in the Spiceball (CQ2) site from their point of view. They say that in their view none of these on their own would be sufficient to rule out the site, albeit that some, including size, come close . However they say that it is clear that the scheme as a whole falls considerably short of what Waitrose is looking for. Their conclusion is that it would be requiring too much flexibility from Waitrose

to choose the Spiceball scheme, and that in their view it does demonstrate that the Spiceball site is unsuitable for this operator. In terms of any other options only the Bolton Road site had any other unanswered questions. As there is not a clear timetable and project for this site DPDS consider that little weight could be given to that site in sequential test terms. Consequently they consider that the applicant has passed the sequential test. Your officers see no reason to disagree with that conclusion

- 5.15 Finally the Council needs to give consideration to whether the development would impact upon any planned investment in the town centre, especially having regards to the objection received on behalf of Aberdeen Asset Management and their interests in Castle Quay shopping centre and the proposed CQ2 development. From discussions with them the Council is aware that they are contemplating bringing the scheme forward in two phases, with the foodstore to follow as the second phase. Policy Banbury 9 effectively allows for this and states

A comprehensive approach to site planning and delivery is preferred with proposals for the whole site being accompanied by a detailed masterplan. A phased approach may be permitted provided it can be clearly demonstrated that proposals will contribute towards the creation of a single integrated and coherent development. In order to achieve continuity in design and delivery of the vision, a small-scale, piecemeal approach would not be appropriate.

The implementation of the first phase alone initially, and the delay in the bringing forward of the second phase for a foodstore, is therefore acknowledged and understood. Notwithstanding Waitrose's reservations about the adequacies of the superstore (as shown on the illustrative drawings accompanying the outline application) for their operation, your officers consider that it remains a suitable site which other operators, with different site requirements, will find attractive to operate from.

- 5.16 Overall therefore the proposal is considered acceptable in retail planning terms.

Design and Impact on the Character of the Area

- 5.17 The proposal is for a simple rectangular single storey flat roofed building located on the southern half of the site. It will be set back 12-15 metres from the Southam Road frontage and will have its main customer entrance on the northeast corner facing towards the car park to the north. The building will be 7 metres high, with an elevation length of 60metres to the road and 68 metres frontage to its car park. In materials terms it is intended to be predominantly a metallic silver cladding over a brick plinth on three sides with a Cotswold Stone feature at either end of the principle elevation facing towards the car park which will also include plenty of fenestration. That stone feature will wrap around onto the Southam Road frontage by the main entrance. It will have a crisp modern appearance and this is considered to be entirely acceptable in this streetscene which is made up of car showrooms and large unit retail stores.

Parking and Highway Safety

- 5.18 220 car parking spaces are proposed, which is considered appropriate for a store of this size. Cycle parking provision is also made. Servicing will take place to the rear of the building off a separate access to Southam Road. The service area is adequate to serve its purpose.
- 5.19 The customer vehicular access to the site has been the subject of much discussion between the applicant's highway consultants and the County Council. In particular it has focussed on the safety of the proposed right turn facility for southbound vehicles turning into the site and its proximity to the junction of Southam Road with Marley Way. The County Council has now accepted the access arrangements following the submission of amended plans. Notwithstanding the comments of the Town Council the County Council, as highway authority, has not raised objection on grounds of the adequacy of the network to accept more traffic
- 5.20 Initial concerns about creating a safe arrangement for cyclists to pass across the customer car park access have also now been overcome by amended plans setting the crossing point back from the junction and giving the cyclists priority across a raised table. A pedestrian crossing facility on Southam Road is required . The County Council are seeking this to be a traffic light controlled crossing.
- 5.21 It is understood that OCC have been withdrawn its request for a strategic contribution for highway improvements and has recently clarified its position on the need for contributions towards the establishment of a bus service. A verbal update on this will be given at Committee. Other contributions sought by the County Council have been agreed and will need securing via a Section 106 agreement

Ecology and landscaping

- 5.22 There are no major ecological concerns on site
- 5.23 The application is accompanied by a drawing showing appropriate measures for the protection of the trees that are to be retained both on the site and adjacent. A number of trees will be felled towards the southern end of the site along the Southam Road frontage , to enable the construction of the building, although a number of others will be retained.. A further group of trees will require removal to facilitate the formation of the car park and its entrance to Southam Road. No adverse comments to this degree of tree removal has been received. Submitted landscape plans show 22 new trees are proposed to be planted

Consultation with Applicant

- 5.24 Pre-application submission had been made and commented upon. Discussions have been on-going with OCC re access and related matters.

6. Recommendation

Approval subject to

- (i) The applicant first entering a legal agreement with OCC re transportation infrastructure**
(ii) 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 AR2](#)
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms Design and Access Statement and other documents and drawings listed in the agents letter dated 8 May 2015 and supplemented by plans received accompanying agents e-mail dated 13 November
[Reason AR4](#)
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 BR1](#)
4. 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 appropriate external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
[Reason BR2](#)
5. Prior to their first use the external lighting shall be be carried out and retained in accordance with the details shown on drawing 14-0275/E/001 11 submitted with the application.
[Reason BR1](#)
6. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed building and car park 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 BR5
7. Prior to the commencement of the development hereby approved, 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 prior to the first use of the building.
[Reason BR7](#)
8. Prior to the commencement of the development hereby approved, full details of

the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the building, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

[Reason BR1](#)

9. All planting, seeding or turfing comprised in the details of landscaping shown on drawings 5419/ASP4 -1 and 2 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 CR1](#)

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

[Reason CR2](#)

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

[Reason CR1](#)

12. Prior to the commencement of the development hereby approved, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

[Reason DR1](#)

13. 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 DR1](#)

14. Prior to the commencement of the development hereby approved, full specification details (including construction, surfacing and drainage) of the 220 parking spaces within the curtilage of the site, 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 DR3](#)
15. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
[Reason DR4](#)
16. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.
[Reason DR4](#)
17. 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 and in general accord with the PBA drawings 26004-2001-002C and 004C submitted with the application . 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 ER1](#)
18. If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
Reason
To ensure that any unexpected contamination encountered during the developments is suitable assessed and dealt with, such that it does not pose a unacceptable risk to ground or surface water
19. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing

biodiversity on site, showing types and locations of provisions and planting with reference to sections 4.4.4, 4.4.8, 4.4.9 and appendix D of the submitted Ecological Appraisal which was prepared by Peter Brett Associates, dated April 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 KR2](#)

20. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity with reference to the recommendations within sections 4.4.2, 4.4.5, 4.4.6, 4.4.10, 4.4.11, 4.4.12, 4.4.13 and 4.4.15 of the submitted Ecological Appraisal which was prepared by Peter Brett Associates, dated April 2015, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP

[Reason KR2](#)

21. All buildings hereby approved shall be constructed to at least a BREEAM 'Very Good' standard.

[Reason LR7](#)

Planning Notes

1. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.

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 in a timely and efficient way.

16 June 2015
Delivered by email

Bob Duxbury
Head of Planning
Cherwell District Council
Bodicote House
Bodicote
Banbury
OX15 4AA

Dear Sirs

REPRESENTATION ON BEHALF OF ABERDEEN ASSET MANAGEMENT TO PLANNING APPLICATION FOR NEW WAITROSE FOODSTORE ON LAND AT KRAFT FOODS, SOUTHAM ROAD, BANBURY 15/00831/F

We act on behalf of our client Aberdeen Asset Management. Officers will be aware of Aberdeen Asset Management's (AAM) interests in Castle Quay Shopping Centre (AAM acquired Scottish Widows' assets earlier this year). Officers will also be aware of our current outline planning application for mixed use leisure and retail at Spiceball, benefiting from a Committee resolution to approve. These proposals include a foodstore as an anchor tenant.

We therefore strongly object to the proposals for a new Waitrose foodstore on land at Kraft foods.

Historic proposals

AAM has historically objected to proposals for retail on this site (our objection letter dated 20 April 2012). In 2012 an outline planning application was submitted by Barwood for a foodstore with an unnamed operator (ref: 12/00329/OUT). We note that this remains undetermined and that it has not been updated since its submission. We remain of the view that this is not capable of being determined because it does not address the requirements of NPPF (having been prepared and submitted prior to this being introduced) and should be 'finally disposed of' and treated as withdrawn by your authority. The applicant's most recent planning statement suggests that the application is considered to be 'withdrawn' but this is not the decision recorded on the planning register. If this is the Planning Authority's decision on this application, it should be properly recorded as 'withdrawn' or 'finally disposed of'.

AMMs aspirations for the town centre

AAM have worked hard with your Officers and Members to collectively bring forward proposals at Spiceball. The proposals include a foodstore as an anchor tenant which is integral to delivering a successful mixed-use leisure and retail extension to the town centre. Our proposals are planning policy compliant and represent a significant investment in the future prosperity of the town centre. They represent 'planned investment' under the terms of NPPF and are at an advanced stage, being subject to a Committee resolution to grant outline planning permission.

9 Colmore Row
Birmingham
B3 2BJ

T 0121 233 0902 turley.co.uk

The foodstore proposed at Kraft Foods is on an out of centre site and is not in accordance with adopted or emerging policy. It is of serious concern to our client because of the impact it will have on our planned retail and leisure investment in Banbury town centre.

Objections

Our objections are related to the following matters which are explained below:

- The proposals are fundamentally contrary to national and local policy for town centres and economic investment.

Economic investment

The site is an 'Existing Strategic Employment Site' where para B.36 states that 'The Council will, as a general principle, continue to protect existing employment land and buildings for employment (Class B) Use'. The presumption is therefore that such sites will not be acceptable for other uses, including retail, unless the applicant can demonstrate that the criteria of policy SLE1 is met. As we demonstrate below, the applicant has undertaken no such assessment and so the proposals fail to meet the requirements of emerging policy which has significant weight and is in accordance with NPPF.

This policy has significant weight and the proposals fail to provide any evidence to quantify the effects, sufficient to perform the required balancing under NPPF para 14. The applicant makes no attempt to address the requirements of policy SLE1 relating to strategic employment sites, acknowledging that the site is identified as such in emerging policy that is at an advanced stage.

The policy is clear and requires the applicant to demonstrate the following:

- that the employment use should not be retained, including showing that the site has been marketed and has been vacant in the long term [our emphasis].
- that there are valid reasons why the use of the site for existing or another Class B use is not economically viable.
- that the proposal would not have the effect of limiting the amount of land for development.

The applicant undertakes no objective assessment of the suitability of the application land for continued employment purposes and no assessment of the viability of that use, or the effect of its alternative use on the overall supply of employment land. There is no evidence of marketing, or a demonstration that it has been vacant in the long term. The applicant simply states that there is a tension between the development and this policy and that it should be weighed in the balance with the investment Waitrose will bring. What the applicant means is that the proposal is in direct conflict with this policy.

The applicant then asserts at para 6.2 of the Planning Statement that Policy SLE1 requires one of the criteria to be met. This is not correct. The policy requires the criteria to be met in order for non-Class B uses to be considered [our emphasis]. The requirement is therefore plural, requiring all criteria to be met, though the applicant makes no attempt to provide any evidence to address these and instead simplistically asserts that the proposal's conflict with this policy is not significant. There is no analysis of the effects of the loss of employment land and no basis on which to quantify the severity of the effects of this policy conflict.

The decision-maker simply does not have all the facts to understand the impacts of allowing this development. Policy cannot be sidestepped by asserting (rather than demonstrating) that the harm (to employment policy SL1) is not severe. One must understand the effects in order to properly undertake the

balancing test in NPPF – paragraphs 14 and 22. Importantly the proposals must be assessed as a whole and for the reasons set out below, there is clear and demonstrable conflict with retail policy with a direct refusal (para 27).

Failure of the sequential test

We note that pre-application advice from Planning Officers confirms that the proposals are 'inconsistent with the aims of local policy...[being] to maintain a compact shopping area' (policy SLE2). We agree with your Officer's view.

The applicant accepts that Spiceball is a sequentially preferable site and that there is conflict with paragraph 22 of the Framework and the emerging local plan policy (presumably policies SL1 and SL2). Failure of the sequential test means permission should be refused. This is explained further in the attached note on retail and economic matters.

Significant adverse effect on planned town centre investment

This is explained further in the attached note.

Undermining town centre vitality and viability

As explained in the attached note.

Overstatement of economic benefits

The joint venture between Mondalez and the coffee maker is already committed and is not facilitated by this development. The claimed investment in the factory by the sale of the land is not quantified and is unlikely to constitute a significant economic benefit. Furthermore, there is an acknowledgement in the Planning Statement (para 3.9) that the Senior roles within the foodstore will be recruited internally from existing employees of the John Lewis Partnership. The true economic benefits must be seen in this context. These matters do not outweigh the conflict with retail and economic policy in NPPF.

Conclusions

The applicant makes no attempt to provide any justification for the loss of strategic employment land and does not provide any assessment of the effects this will have on supply. The proposals are contrary to emerging policy which seeks to retain strategic employment land. Applying the applicant's logic to NPPF paragraph 22 which requires an assessment of alternative proposals to be assessed on their merits, this still requires an assessment of whether its re-use for employment use is reasonable and the applicant makes no attempt to grapple with this issue.

In any event, the proposal, if permitted and developed, would have a serious adverse impact on planned investment in Banbury town centre and would undermine vitality and viability. There are sequentially preferable sites in Banbury, a matter acknowledged by the applicant. National planning policy (NPPF, paragraph 27) directs Local Authorities to refuse applications where there is a failure to comply with these key tests.

NPPF must be read as a whole and the applicant fails to recognise that failure of the 'retail tests' at para 26 and 27 equals refusal of planning permission. The balancing of impacts at paragraph 6.7 of the applicants Planning Statement is an assertion of various economic impacts, rather than an assessment as is required under policy SLE1.

The benefits of the proposals are overstated and do not provide adequate justification for a significant departure from development plan policy, or an NPPF balancing in favour of development.

As a departure to local plan policy the proposals are referable to the Secretary of State via the National Casework unit.

Please confirm that these representations are duly noted and that they will be included in your officer report to Planning Committee.

Yours Faithfully

Andrea Arnall
Associate Director

andrea.arnall@turley.co.uk

enc.

OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: Cherwell

Application no: 15/00831/F

Proposal: Proposed development of a new Waitrose food store with car parking and access arrangement onto Southam Road. Demolition of existing building.

Location: Land At Kraft Foods Southam Road Banbury

Purpose of document

This report sets out Oxfordshire County Council's view on the proposal.

This report contains officer advice in the form of a strategic localities response and technical team response(s). Where local member have responded these have been attached by OCCs Major Planning Applications Team (planningconsultations@oxfordshire.gov.uk).

District: Cherwell

Application no: 15/00831/F

Proposal: Proposed development of a new Waitrose food store with car parking and access arrangement onto Southam Road. Demolition of existing building.

Location: Land At Kraft Foods Southam Road Banbury

Officer's Name: Lisa Michelson

Officer's Title: Locality Manager

Date: 09 June 2015

District: Cherwell

Application no: 15/00831/F

Proposal: Proposed development of a new Waitrose food store with car parking and access arrangement onto Southam Road. Demolition of existing building.

Location: Land At Kraft Foods Southam Road Banbury

Transport

Recommendation:

Objection

The proposals do not demonstrate safe and suitable access to the site for all people (NPPF). This could potentially be overcome with different access arrangements.

Additionally the proposal does not fully demonstrate that traffic arising from the site can be accommodated safely and efficiently on the transport network, contrary to Policy SD1 of Oxfordshire Local Transport Plan 3 and the National Planning Policy Framework.

Key issues:

- Car park arrangements – safety of access junction
- Pedestrian and cycle access – cycle route, crossings
- Goods access
- Junction assessments
- Public transport provision

In the event that the access arrangements are redesigned and the Local Planning Authority is minded to grant permission, the following would be required:

Legal agreement required to secure:

- Contribution towards increasing capacity along the Hennef Way (A422) – M40 route
- The developer to procure a bus service from opening day until the service funded by the residential development to the north can be delivered.
- Contribution for two Premium Route bus stop pole/flag./information cases and two shelters at an indicative cost of £16,000.
- Provision a safe walking route across the A361 in the vicinity of the bus stops, via S278 agreement
- Improvement to bus hard-standing area on the northbound bus stop (west side of the Southam Road), to eliminate the grass verge area between the footway and the kerb), via S278 agreement
- Contribution to cover costs of reducing the speed limit on Southam Road from 40mph to 30mph

Conditions:

Standard conditions would need to be applied for:

- Approval of detail of access arrangements
- Approval of car parking and cycle parking detail
- Travel plan
- Construction traffic management plan

A condition would also be required regarding submission of and approval of proposals for bus service provision and bus service infrastructure provision.

Informatives:

Detailed comments:

Access arrangements:

Although the TA points out that OCC has previously agreed to the principle of a priority junction instead of the previously proposed roundabout, this was in principle only, and did not constitute approval of the location or design of a priority junction. I have concerns relating to the location, layout and capacity of the junction.

Within the application documents there is a report entitled 'Road Safety Audit Response', but the safety audit itself does not appear to be attached, and is not referred to in the TA. The Response summarises the safety auditor's comments and reveals that the auditor had concerns about the safety of the junction, recommending instead a roundabout or signalised junction (a roundabout had been proposed previously). No speed survey data has been supplied.

The junction is located around 20m north of Marley Way. Volume 6 Section 2 of the DRMB states that a minimum stagger of 60 metres is required for a major road with a speed limit of 40mph. Notwithstanding the reason for this given in DMRB which concerns movements by large trailers between the minor roads, which I agree is not relevant here, in my view there is a risk of conflict between vehicles exiting the proposed store access and those exiting and turning right into Marley Way. The modelling shows that vehicles turning right out of the store would experience significant delay at peak time, and given similar conditions likely at Marley Way, this could lead to risky manoeuvres by drivers. In my view the side roads are so close that the modelling should have treated this as one junction and assessed the impact on turning movements at Marley Way. Marley Way is extremely busy as it is the access into Halfords, B&Q, and industrial/warehouse units beyond.

The safety audit also mentions the need for widening the right turning lane but it is not clear how this would impact on the on-carriageway cycle lane on the east side of Southam Road. The access arrangements drawings are not particularly clear and do not show how the new road markings would tie in with existing features.

Tracking has been shown for the new goods vehicle access - this does not include right turning in and out. The access road appears to continue beyond the store's service yard towards the Kraft site and I have concerns that it could be used for additional traffic. It is noted that the proposed goods access does not include a right turning lane and the junction has not been modelled. It is noted that the TA does not include details of goods deliveries.

I also have concerns about the impact on cyclists using the shared facility on the west side of Southam Road. Both vehicle access junctions are very wide and could be difficult to cross. The design could potentially incorporate a splitter island, though this would need to be wide enough for cycles. Given this is a strategic cycle route linking residential areas to the north of

Banbury with the town centre, I would like to see priority given to cyclists crossing the junctions and details of how the needs of cyclists and pedestrians would be met.

The site plan is unclear on the detail of pedestrian and cycle access into the site. In my view there should be a section of cycle path leading from the junction into the car park at a safe point. The cycle parking provision is also unclear. To meet Oxfordshire Cycle Parking Standards there should be 17 stands for shoppers, and 1 stand per 12 staff. The cycle parking for shoppers should be close to the main entrance. The staff cycle parking appears to be accessed through the service yard – it should be close to the personnel door and avoid cyclists having to negotiate the yard if at all possible.

Further, the safety audit states that an assessment should be made of the need for pedestrian crossings over Southam Road, and this has not been carried out or mentioned in the TA. The designer's comment that this could be dealt with at the detailed design stage is not accepted. This is a full planning application and the need should in any case be considered as part of the access arrangements. Currently there is no formal crossing that would pick up pedestrian movements to the store from the east side of Southam Road. There are links through to the canal towpath and paths crossing Spiceball Park, via Marley Way. These are used as alternative quiet and direct routes to the town centre. Additionally people visiting retail units on the eastern side of Southam Road are likely to cross the road to Waitrose on foot for small quantities of shopping, rather than move their vehicle across to Waitrose car park. Therefore there will be far more crossing movements than currently. As there are cycle facilities on both sides of Southam Road a Toucan crossing should be considered.

Given the increase in activity resulting from the development, it is recommended that the speed limit on Southam Road would need to be reduced from 40mph to 30mph, and the developer would be expected to cover the costs of this change. Nevertheless, the design should be based on actual speeds and allow for the event that the speed reduction, which would be subject to consultation, may not be successfully implemented.

Strategy

The impact on the local road network is discussed in the Transport Assessment. Many of the assumptions are based on the TA supplied for the previous application, 12/00329/OUT, which was for a different scheme of various retail stores and a petrol filling station.

The development is expected to generate 182 trips in the am peak (2-way) and 432 trips in the pm peak. This is significantly less than the previous proposal, but I do not believe this in itself to be justification for not providing assessment of any junctions other than the access junction.

I also note that the same assumptions of pass-by, transferred and diverted trips has been used, when the mix of development may in fact change this balance. It is notable that there is no petrol station, and the Waitrose store is likely to generate more new trips from outside Banbury, as it has a different offer to the other supermarkets in the area.

Also, given the fact that the Saturday peak traffic in the area is greater than the weekday am peak, I feel that this period should also be assessed. This will be a peak time for turning movements at the access junction and Marley Way.

The traffic counts used date back to 2011, and notwithstanding previous agreement that these counts could be used in the previously proposed scheme's TA, in my view these should be updated with more recent data. As part of work to develop a new strategic transport model for Banbury, traffic counts were carried out by the county council in late 2014, which may mean surveys do not need to be repeated.

Even if the impact on the junctions not currently assessed is relatively small, there will be a cumulative impact with the quantum of other development in the area, and the development would be expected to contribute towards schemes to increase capacity.

Southam Road / Hennef Way Roundabout

Oxfordshire County Council's Third Local Transport Plan (LTP3) 2011 - 2030 states that the Banbury Area Strategy *"identifies a series of improvements to increase the overall capacity of transport networks and systems within the locality, enabling them to accommodate the additional trips generated by development; to adapt to their cumulative impact and to mitigate the local environmental impact of increased travel. Where schemes are needed to mitigate one particular development, the developer will be expected to either construct or provide funding for the scheme; where a scheme is required due to the impact of more than one development, each developer will be expected to make a contribution proportional to the scale of their impact."*

In accordance with Policy BAN 2 Oxfordshire County Council will strengthen connections between key residential and employment sites and the strategic transport network, including the M40 by *"Increasing capacity along the Hennef Way (A422) – M40 route, including modifications to the Ermont Way, Cherwell Street and Southam Road junctions. This will help to facilitate employment generation to the east of the town, including the additional 500 jobs expected with the expansion of the industrial area to the west of the M40, by improving access to the motorway network, via the M40."*

Therefore, through Cherwell District Council's Supplementary Planning Document July 2011, we request the following contribution to the above scheme.

£824 per 42m² of A1 floorspace
Proposed Development – 3576m²

$3576 / 42 = 85.14$

$85.14 * 824 = 70155.36$

Total Contribution to be made = £70,155.36

The same scheme will be featuring in Oxfordshire County Council's Fourth Local Transport Plan (LTP4) which is expected to be adopted later this year.

Air quality

The assessment of air quality on the nearby AQMA is welcomed. The impact is not considered significant based on increased traffic volumes. However, this should be checked by Cherwell District Council's Environmental Protection team.

It is noted that no assessment has been made of the impact on Hennef Way AQMA.

Public transport

There is only minimal public transport currently available along the Southam Road, consisting of very infrequent interurban services from Leamington Spa and Cropredy (but not in the opposite direction), and off-peak journeys on the Council's financially supported route B10 to/from Hanwell Fields. Bus service B10 currently operates once per hour, Mondays to Saturdays between 0830 and 1630 approximately (into Banbury) and from 0915 to 1645 (from Banbury). Bus services 277 operates along the Southam Road inbound only, twice per day. The future of county council subsidies to both services cannot be guaranteed.

The Council's Local Transport Plan provides the policy background for much improved bus services in Banbury (the 'Banbury Bus Strategy'), as a means of increasing the proportion of people travelling by bus, and therefore reducing the currently very high proportion of car use for journeys wholly within the town, which causes significant traffic congestion.

A new bus service is proposed along Southam Road, linking new residential developments (and being funded by that developer) to the north of the Noral Way roundabout. The initial specification for this bus service is for it to operate twice per hour along Southam Road, linking with the Town Centre. The trigger point for delivery of the bus service is after the 50th dwelling. Work is proceeding with delivering this residential site.

The proposed development must ensure that a credible level of service of bus service is available to and from bus stops adjacent to the new store, from opening day until the date when the new bus service from the Southam Road residential area commences. This is so that staff and shoppers can make a sustainable choice of transport to the site from day one, rather than develop a habit of getting there by car.

This service will operate to the Town Centre (bus station or Bridge Street) where interchange is available to all parts of Banbury and to villages and towns beyond.

This service will consist of a vehicle which can be identified as a public service vehicle (ideally with a minimum of 28 seats) operating twice per hour in both directions between 0700 and 1900 Mondays to Saturdays. The service will operate from opening date of the store until the start date of the new bus service from the Southam Road residential development, or for two years, whichever is the earlier. Should bus service B10 continue to operate in a similar manner to the current service, then the specification would be reduced to one additional bus per hour (at a time past the hour which results in even-spacing of the timetable) for those hours which the B10 Hanwell Fields to Banbury Town Centre operates. The absolute maximum exposure of the developer to procure this bus service will be £300,000.

Whilst there are two bus stop flags located on the Southam Road, to the north of the site, the quality of the infrastructure is extremely poor, and not suitable for more than extremely marginal use. Significant improvements are required by the developer, through

- Funding for two Premium Route bus stop pole/flag./information cases and two shelters at an indicative cost of £16,000.
- Improvements to the bus hard-standing area on the northbound bus stop (west side of the Southam Road), to eliminate the grass verge area between the footway and the kerb).

The developer will be required to liaise with Banbury Town Council regarding the style of bus shelter to be procured, along with confirmation that the Town Council will take on the ongoing liability for maintenance.

Travel plan

A travel plan has been submitted with the application. At this stage I have a few suggestions for improvements:

- Oxfordshire Liftshare is promoted as the car share provider of choice <https://oxfordshire.liftshare.com/> so contact details should be included
- Incentives could be offered to staff that walk or cycle to and from work on a regular basis. As the cost of providing a parking space is around £2,000 per year this makes economic sense where space is limited.
- For customers who walk or cycle to the shop and spend over a certain amount Waitrose could consider offering free home delivery as this is often a barrier to customers walking and cycling.

The finalisation of the travel plan could be dealt with by condition.

Drainage

The submitted drainage plan is shown as preliminary. The calculation seems to support the greenfield run-off rate discharging from the site and mitigation measures are in place to avoid flooding of buildings on the site and adjacent lands / buildings during 1 in 100 year storm events + CC.

The final design for surface water drainage along with full calculations will need to be submitted and approved by the Lead Flood Authority prior to commencement of the development.

Officer's Name: Joy White

Officer's Title: Principal Transport Planner

Date: 08 June 2015

Our Ref: PJF/nss/PF/9166
(Please reply to Banbury office)

peter.frampton@framptons-planning.com

22nd October 2015

Mr R Duxbury
Development Control Team Leader
Development Management
Cherwell District Council
Bodicote House
Bodicote
Banbury
OX15 4AA

By email

Dear Bob

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION REF: 15/00831/F
LAND AT SOUTHAM ROAD, BANBURY**

I refer to the consultation responses that have been received from CDC Policy Section, DPDS your Authority's appointed consultant and the views expressed by Turleys on behalf of Aberdeen Asset Management. I firstly address the comments made regarding the Sequential Test.

Sequential Test

In the particular context of the Sequential Test, it is essential that the Planning Committee has knowledge of the Secretary of State's own understanding of his sequential test policy. This understanding has recently been articulated in the 'Rushden Lakes' decision which I attach in full. In this case the Secretary of State appointed a senior Inspector to hold an Inquiry on a 'call-in' application. Harold Stephens BA MPhil DipTP MRTPI FRSA dealt with the approach to the Sequential Test at paragraphs 8.43 - 8.46. Paragraphs 8.43 - 8.46 are set out below;

'The sequential test relevant to decision-taking is found at NPPF [24]. From the evidence that is before me the application site is out of centre, and the test would be satisfied if "suitable [in or edge of centre] sites are not available". There are differences of approach

between the Applicant, as against the objectors in relation to the concept of “suitable” sites in the sequential test – in essence, “suitable for what” is the question which arises. The answer to this question of law is suitable for the development proposed by the Applicant. The Legal & General submissions in relation to the legal construction of “suitable” were somewhat opaque. It is, of course, correct that the meaning of the term should be construed in its context. That involves consideration of the question of “flexibility” which is referred to in the last sentence of NPPF [24]. However, that the terms are to be construed (and therefore applied) in the real world of real development is beyond argument. The real world is the context.

The Supreme Court has told us in Dundee what “suitable” means and it has expressly rejected the approach advocated by the LAC and Legal & General that the concept relates to need and/or identified deficiencies in retail provision in the area in question; and it has expressly rejected the notion that “suitable” means that one should alter or reduce the proposal so as to fit onto an alternative site. The policy concerning the sequential approach as set out in the NPPF, and (to the extent that it is still relevant) the non-policy PG that accompanied PPS4, must be applied in a manner which complies with the legally binding case law on the meaning of the sequential approach. Plainly the case in question (Dundee) is of seminal importance.

In summary it establishes [a] that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach; and [b] that in terms of the size of the alternative site, provided that the Applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site. These points although related are distinct. Although much was made of the fact that the Dundee case was a Scottish case the Supreme Court’s decision applies in England (the Supreme Court is the Supreme Court for England too) as the High Court ruled in terms in the North Lincolnshire case at [61] and [62] in which it was read across and applied to the English sequential test then found in PPS4.

It is important to bear in mind that the sequential test as set out in NPPF [24] require applications for main town centre uses to be located in town centres and it then runs through the sequence, edge and then out-of-centre. This makes good the very simple point that what the sequential test seeks is to see whether the application i.e. what is proposed, can be accommodated on a town centre site. There is no suggestion here that the sequential test means to refer to anything other than the application proposal. So Dundee clearly applies to the NPPF.’

The Secretary of State agreed with his Inspector on the approach taken. At paragraph 15, the Secretary of State indicated:

‘The Secretary of State agrees with the Inspector that the application site is out of centre and that the sequential test would be satisfied if “suitable [in or edge of centre] sites are not available”, albeit that that involves consideration of the question of “flexibility” (IR8.43). Furthermore, having regard to the arguments put forward by the Inspector at IR8.44-8.48, the Secretary of State agrees with his conclusion at IR8.48 that the sequential test relates entirely to the application proposal and whether it can be accommodated on an actual alternative site (eg a town centre site). The Secretary of State agrees with the Inspector’s conclusions on the sequential test in IR8.48.’

It is self-evident that the proposal for investment by Waitrose in a new store at Southam Road Banbury will not fit on the Spiceball site. I enclose an overlay drawing which demonstrates that the Waitrose proposal cannot be accommodated on the Spiceball site. The CDC Policy response suggests that there may be a possibility of an alternative scheme being promoted. Such a comment is conjectural only and has no evidential basis. No suggestion has been made that the site is capable of being developed for the proposal with surface level parking of the scale sought by Waitrose.

It is submitted that the issue for consideration within the Sequential Test is whether or not Waitrose has been sufficiently flexible within the meaning of the relevant policy. In this context, paragraphs 8.49 - 8.50 of Mr Stephens’ Report are instructive, stating:

‘The NPPF requires developers to demonstrate flexibility on issues such as format and scale. No indication as to what degree of flexibility is required is contained in the NPPF. Such a requirement was previously contained in PPS4 and so any relevant PG advice continues to be material. PPS4 PG is of assistance: flexibility in a business model, use of multi level stores, flexible car parking requirements or arrangements, innovative servicing solutions and a willingness to depart from standard formats. No serious complaint by the LAC or by Legal & General has been made in respect of these matters.’

In relation to flexibility the Applicant has demonstrated flexibility on format – a large part of the retail element of the scheme, namely the two anchors and the associated unit shops – anchors B8 and C1 and terraces B and C have full cover mezzanines thus reducing very significantly indeed the footprint of the development. Mr Burnett also referred to flexibility in relation to “scale” and explained that the Applicant could readily have placed far more retail floorspace on the site than has been proposed – in this way the floorspace of the development is reduced. It is clear from the layout that this is correct. A significant part of the scheme is taken up by the hotel and leisure club and various lakeside buildings i.e. by non-retail uses. It is absolutely clear that the whole scheme could not realistically be moved to another location.’

The context of flexibility cannot ignore the realities of the convenience goods market. I attach a letter prepared by Cushman and Wakefield that summarises the changes that have recently occurred in the retail market particularly for large floorspace occupiers. Mr Lunn on behalf of Cushman and Wakefield confirms that the Southam Road site satisfies the locational criteria sought by Waitrose, whereas the Spiceball site does not.

It is of course acknowledged that Waitrose has existing stores within town centres, with customer car parking provided in a multi-storey format. However a decision to invest in a new store in Banbury has to be made on the basis of current market conditions; the trading potential of Banbury; an analysis of the strength of offer of competitors; and the forecast performance of a particular store on a particular site, all of which is informed in part by the experience of Waitrose across its entire retail store portfolio.

The recently opened Waitrose store at Aylesbury is an example where the trading performance is lower than anticipated and one of the reasons for this, in Waitrose's view, is that the attraction of the store to customers is compromised by the multi-storey layout of the car parking, and the consequent less convenient means of access for shoppers between car and store when compared with its local competitors with at grade parking and level access. The requirement for lifts and / or escalators for access to the store is considered by Waitrose to present an undesirable disincentive to shoppers visiting their stores - thereby adversely impacting upon trade turnover.

Clearly this is a case where a planning judgement has to be made by your Authority. In forming such a planning judgement a proper understanding has to be made of the application of the Sequential Test - as expressed by the Secretary of State through his Inspector in the recently decided Rushden Lakes decision and in the Supreme Court decision Tesco Stores Limited (Appellants) v Dundee City Council (Respondents) (Scotland) where Lord Hope commented at paragraph 38 on the Sequential Test criteria:

'these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.'

The application of the Sequential Test is not intended to be applied so as to 'beat Waitrose into submission' so as to locate in a town centre site or edge of centre site. Waitrose has explained in the correspondence dated 20th May 2015 that careful consideration has been given to the opportunities that exist in the town centre of Banbury. Given Waitrose's requirements for a store in Banbury (in terms of store size, layout and car parking) it became apparent to Waitrose that whilst some of its requirements could be met on the Spiceball site, meeting any one of those requirements would result in unacceptable compromises on the others. A small store with surface level, at grade parking would not deliver the size of store required by Waitrose to succeed in this catchment. A larger store with remote parking or parking on different levels would not appeal to customers and would not trade sufficiently well, and the store layout would be unacceptably compromised. Waitrose considered the

options but, in Waitrose's opinion, none of these would deliver a successful store or achieve the desired return on investment.

DPDS state in their report that (paragraph 3.25) that 'Waitrose is unlikely to take up the Spiceball option even if planning permission is refused on the Southam Road site. That, however is a commercial decision for Waitrose; for the sequential test, the question is whether it is being sufficiently flexible' Of course such a decision is a matter of commercial judgement- but it is a matter of planning judgement for the Planning Committee as to where the overall public interest lies. In summary form, the Committee may make a planning judgement that securing the investment and retail presence of Waitrose in Banbury in an out of centre, but highly accessible location, is in the benefit of the wider public interest.

There are fundamental disadvantages with the Spiceball scheme which have been explained in the correspondence from Waitrose. None of the sites identified within the town centre of Banbury or edge of centre fit the Waitrose scheme with flexibility being applied to the scheme. The position of Waitrose is that the Spiceball site imposes a range of constraints on operating a store, some of which, for instance the size of store and the shape of the store may be acceptable in applying flexibility. However it is the concentration of issues impacting upon the trading of a Waitrose store in Banbury, particularly the disincentive to customers from the impact of multi-storey car parking and the reliance on lifts and escalators that has led Waitrose to conclude that there is insufficient confidence in investing in such a location within Banbury.

I have asked Waitrose to provide further clarification as to the reason why investment in the Spiceball site would not be suitable to Waitrose. I attach correspondence dated 21st October 2015 together with a plan that identifies the key areas of concern.

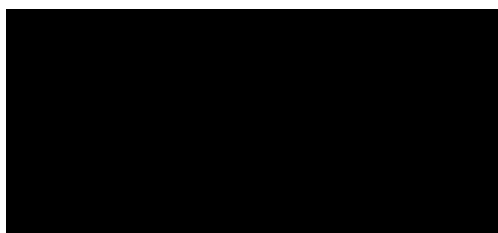
Such decision-taking is influenced by the trading potential of a particular town. Waitrose considers that the trading potential in Banbury is not sufficiently strong to withstand the operational deficiencies in the opportunity for a store at the Spiceball site. As such a decision by Waitrose to operate a store in Bath, London, Cheltenham and Southsea, should not be relied upon as an assumption that any town centre location will be acceptable to a retailer such as Waitrose. Such a generalisation misses the fundamental point that different towns have different trading characteristics upon which an individual trading assessment is formed. It should be recognised that for Waitrose to invest in Banbury, the company needs to have confidence the store will provide a shopping experience – including the convenience of car parking – which will encourage trade diversion from the existing retailer completion, which in Banbury is of a very high standard. A number of stores within the Waitrose portfolio underperform against expectations. Most of these situations occur where surface parking is not available, and customers have to access the store via decked car parking. The challenges in the convenience goods market is now such that compromises in store locations are given very careful consideration. Where the location gives rise to concerns that trading activity will not be realised, the decision is now generally taken to avoid investment in the particular town.

Waitrose has identified that the decision for investment in Banbury is a choice between the application site at Southam Road or no investment in Banbury based on the other sites that are potentially available. I urge you to form your planning judgement in reporting to the Planning Committee having regard to these considerations, as well as the comments made by the Policy Section at CDC; DPDS and Turleys.

Retail Impact Assessment

I welcome the overall conclusion expressed by DPDS (paragraph 5.8) that ‘the proposed development is unlikely to have a significant adverse impact on Banbury Town Centre, or any other centre’. As such I conclude your retail consultants are content the assessment required by paragraph 26 of the Framework is satisfied by this proposal. I consider that the detailed comments which have been made under various sub-headings of the DPDS report amount to professional differences of opinion, which do not alter the fundamental conclusions. I welcome the recommendations made by DPDS particularly at paragraphs 4.20 – 4.25; 4.32; 4.34, and 4.35.

Yours sincerely



Peter J Frampton

Encl: Rushden Lakes decision APP/G2815/V/12/2190175
Letter prepared by Cushman & Wakefield, dated 10th September 2015
Overlay drawing
Letter prepared by Waitrose, dated 21st October 2015, and accompanying plan

Cc: Mr C Matthews
Mr T Webster
Mr M Gorman



Waitrose



21 October 2015
JMG/JOK/0152

Mr P Frampton
Framptons
Oriol House
42 North Bar
Oxford OX16 0TH

Dear Mr Frampton

Waitrose - Banbury

Thank you for forwarding the consultation responses from DPDS, and the letter of representation submitted by Turleys. I respond to the request for further clarity on the reasoning why the Spiceball site is not suitable for Waitrose.

The Spiceball site has a number of constraints and I set out below an analysis of the points illustrated on the appended plans of the Spiceball layout, which I am informed, is with the Council for determination subject to the agreement and signing of a S106 agreement.

1. Size of store is too small

The 'Spiceball' scheme shows a store of 25,000 sq ft net sales, this is 16% less than the Southam Road scheme and is not large enough to suit our operational requirements. We have set stock lines that should be accommodated in each store, a lack of space limiting supply of stock will result in loss of trade to competition. The Council's retail consultants have advised that 10% flexibility in size is considered a reasonable degree of flexibility, at 16% the difference in size is clearly greater than this.

2. 'Long and thin' rectangular shape does not suit store layout or operation due to increase in aisle length and reduction in number of aisles achievable.

Our specification allows for a regular shaped building to give sufficient aisle width and length. Not only is it inconvenient for customers to need to walk further down a longer aisle to access product, we have a set layout and product mix common among our stores which is familiar to customers to aid in finding products quickly. Longer aisles result in reduced visibility and customer footfall to the product at the far end of aisles ultimately reducing trade volume for these products. The width of our aisles is wider than some of our competitors to make it easier for customers to navigate the store and access product. We are not convinced that this design objective would be achievable.

/2

Food shops of the John Lewis Partnership
Property Department
Partnership House Carlisle Place
London SW1P 1BX
Telephone 020 7828 1000
www.waitrose.com

3. Store frontage

The width of frontage is important to Waitrose as it provides visibility of the store which drives trade and makes the store inviting to our customers. A 35m frontage is too far removed from our objective of a frontage of around 68m to be attractive to Waitrose; this is 49% less than is sought at the Southam Road scheme.

4. Only 112 car park spaces at store level – Waitrose seek 220

To give customers easy access to the store and provide enough spaces for customers to park easily, Waitrose require circa 220 spaces. It is our experience that reduced car parking results in reduced trading. As mentioned above, the positioning and access to parking spaces should be convenient for shoppers. Hence store level parking is preferred. The Spiceball scheme only provides for 50% of the spaces required at store level.

5. Poor car park layout creates clogging/congestion

It is important that our customers are able to access the store as easily as possible; the layout to the 'Spiceball' scheme is convoluted and is likely to cause congestion. There is also too much conflict between pedestrians and cars due to the undesired number of spaces accessed off the main routes into and out of the car park.

6. End of car park too far from store

This is an inconvenience for our customers; the distance to the front of the store from the furthest parking spaces is more than is considered acceptable to Waitrose.

The far end of the car park on the Spiceball scheme is 122m from the store entrance as opposed to 88m on the Spiceball site – 39% further with a larger proportion of spaces further away from the store. The Spiceball site also has 64% less spaces within 50m of the store frontage at store level (44 opposed to 122 spaces on the Southam Road scheme).

7. Decked car parking contrary to Waitrose specification

Decked car parks by their nature are more difficult to navigate than single level car parks creating further inconvenience for our customers; it is a disincentive to customers using the store and would put Waitrose at a disadvantage to competitors with single level parking. The environment of a covered parking area is not as pleasant as an open air car park and does not fit with the aesthetics Waitrose are aspiring to achieve. There is also the undesired result of having split levels and as such customers are required to take trolleys up and down lifts/escalators between floors, this is inconvenient for customers. As such decked car parking is generally not preferred as a car parking arrangement.

8. Poor/convoluted entrance and exit for customers leaving store

The proposed 'Spiceball' car park entrance and exit are inconvenient and complicated requiring customers to drive up a ramp, through the first floor car park, down a further ramp into the underground car park and then out via a different exit, it is more complex than is desirable and does not allow for the ease of access that is preferable to Waitrose.

9. Escalators/lifts taking up trading space

As discussed above, escalators and lifts are far from ideal. Not only do they detract from the customer experience by creating inconvenience whereby customers are required to take trolleys up and down escalators, they also reduce trading floor space which as mentioned above is less anyway than sought by Waitrose.

10. Product storage at lower ground level complicates store operation

We prefer to have storage/back of house at the same level as the sales area to enable the efficient transfer of stock to the sales area. Whilst it is not ideal to have the stock at a different level, Waitrose are willing to show flexibility on this.

11. Constrained service yard

The service yard on the 'Spiceball' scheme is smaller than the Southam Road scheme, and is likely to cause issues when HGVs are manoeuvring particularly when you bear in mind that there will be more plant in the service yard than shown. The Spiceball scheme does not show the sprinkler tank, generator base and temporary container storage areas required for the store to be operational.

There is also no room to accommodate the eight parking spaces, and associated manoeuvring areas, required for our home delivery vans and as such it is likely that these will need to park and load in front of the store, which is not acceptable. This is more inefficient than loading at the rear of the store; it produces more traffic in the car park and takes up parking spaces, which are already less than desired at store level on the Spiceball scheme.

For the above reasons, I hope that it is clear why the 'Spiceball site' is far from suitable for Waitrose in its current layout and due to physical constraints it is simply not possible to amend the layout to fit these requirements.

The cumulative impact of all of the points must be considered as well as in isolation as the impact on trade will be cumulative and greater than when assessed on each point independently. We have considered whether the design deficiencies in the submitted drawings could be overcome sufficiently to satisfy investment by Waitrose in this location. Waitrose has concluded that the cumulative deficiencies could not be overcome to provide confidence for investment in a new store in this location.

Whilst Waitrose are able to offer flexibility on some of these issues such as having the back of house at a different level and a reduced frontage to the store, other factors such as the reduction in store size, reduction in store level parking spaces, poor parking layout and decked parking are enough to deter investment in isolation and would certainly not receive Board approval regardless of whether the other points were resolved.

Waitrose must pull customers both locally and from a wider area from competitors to secure the sales required for a sustainable shop. We therefore have to provide a better shopping experience including car parking that will attract customers to Banbury and away from the very good competitive supermarket schemes in the wider geographical context.

There are several examples of compromised stores that Waitrose have committed to in the past that have been shown to underperform and, as such, we have a good understanding of the factors that drive trade:

Aylesbury – the store underperforms due to the shop/scheme not being competitive due to the poor layout and entry fee/multi-level parking.

Huntingdon – the store underperforms due to poor scheme and car parking layouts Cheadle Hulme, Oadby, Crewkerne and Rickmansworth – all underperform due to decked parking.

Milton Keynes and Horsham – both stores were relocated due to poorly designed schemes becoming uncompetitive.

Having learnt lessons from the past it is now highly unlikely that any of these stores would receive board approval in the current competitive marketplace. As such we have recently rejected a store in the town centre redevelopment of Bishop's Stortford (following a CPO of the existing branch) due to the relocation option on offer being compromised compared to our existing shop and our competition. We have also recently rejected a store on the Cambridge University Local Centre site due to no surface parking.

Likewise, we would not invest in the Spiceball scheme due to the reasons outlined in this letter.

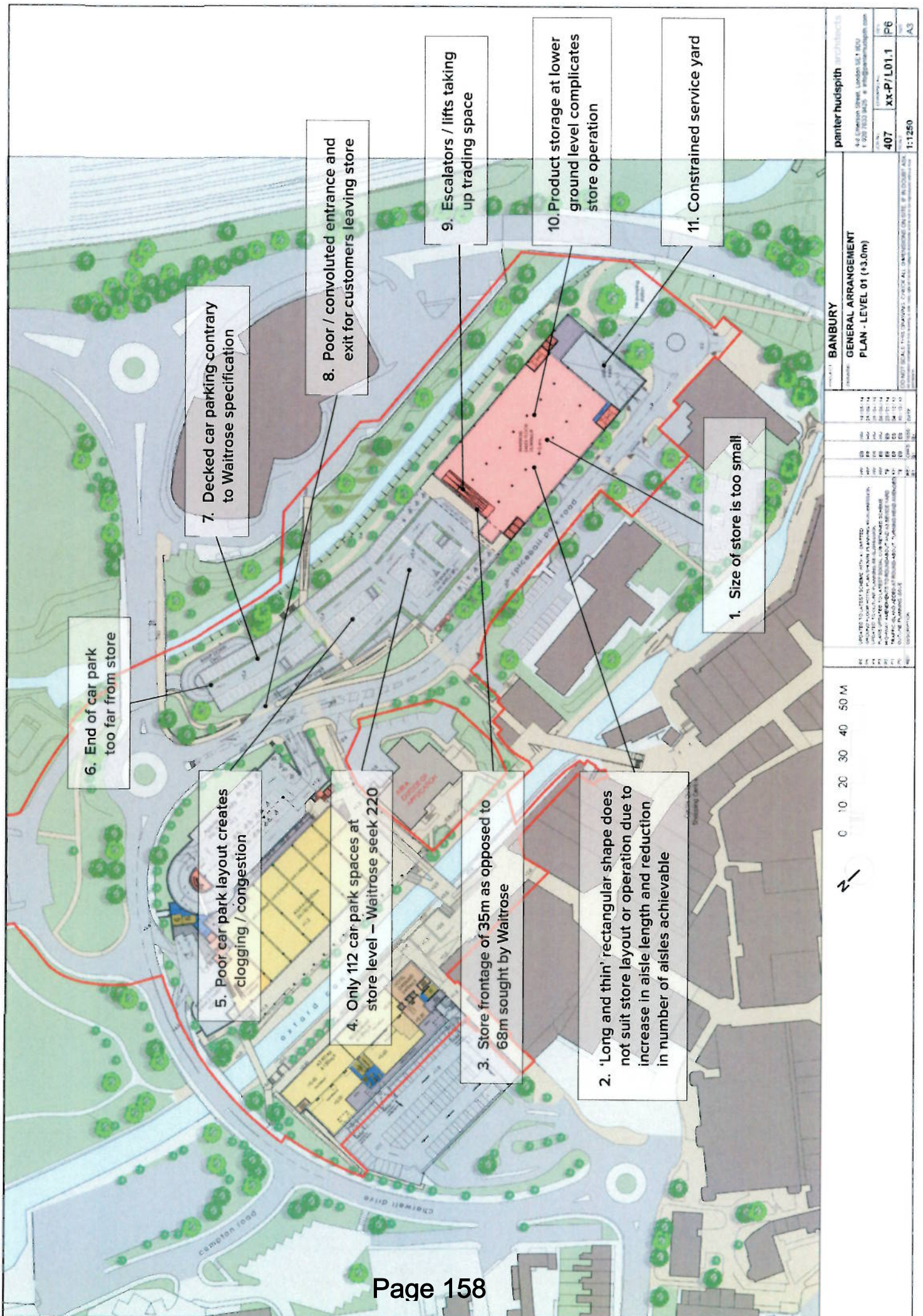
To reiterate from our previous correspondence, we are entirely satisfied that the site at Southam Road – which we believe is very well connected to the town centre – meets our trading requirements. We have received a considerable amount of positive feedback for this scheme and look forward to opening if consented. If planning permission is not achievable on the Southam Road scheme, then there is no suitable alternative site within the town centre or edge of town centre for Waitrose.

Yours sincerely



James Gilhooley
Head of Property (Development), Waitrose

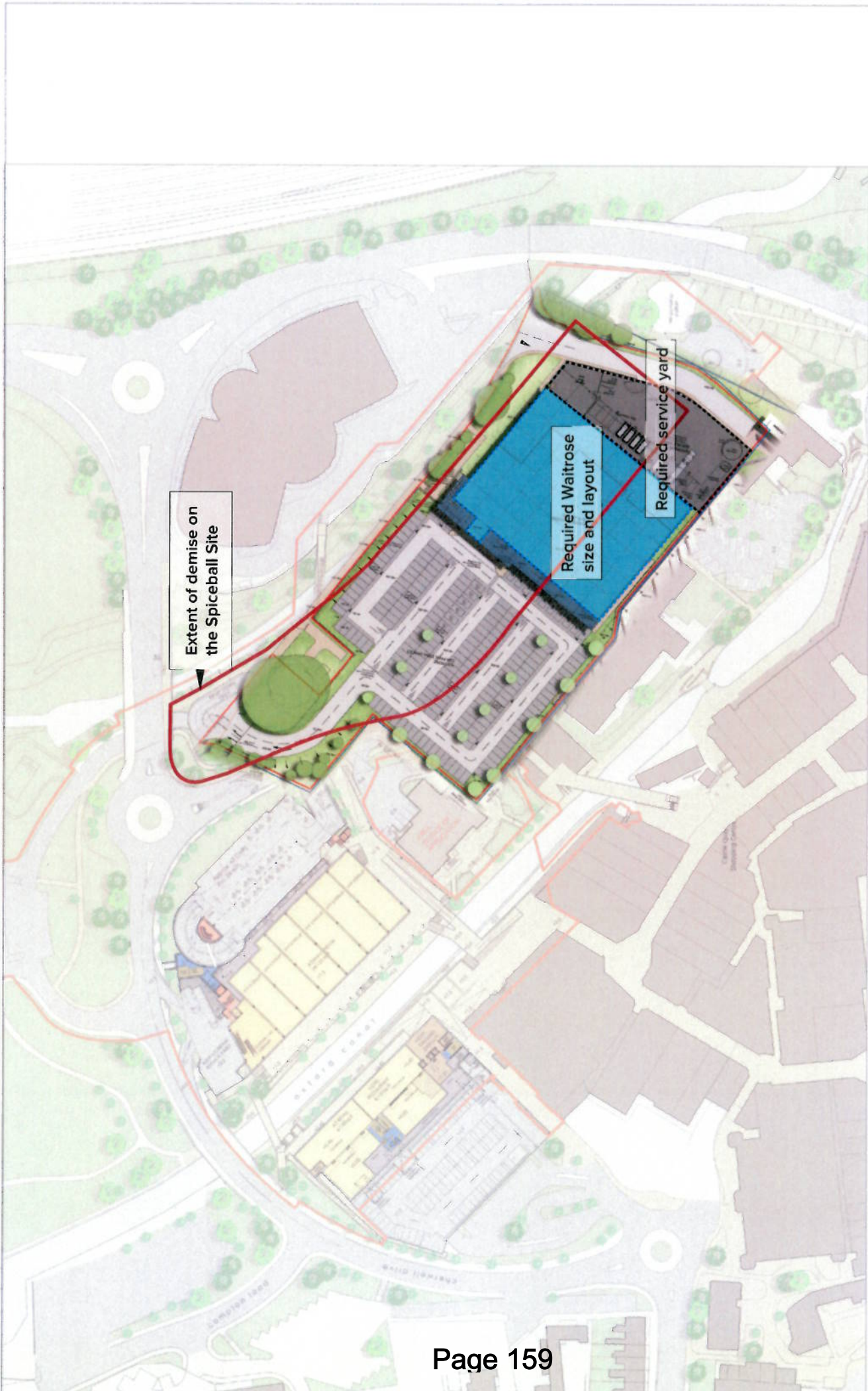
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PROJECT: BANBURY		panterhudsphith	
GENERAL ARRANGEMENT		407	
PLAN - LEVEL 01 (43.0m)		xx-P/L01.1	
DATE: 14/03/14		SCALE: 1:1250	
DRAWN BY: [Name]		CHECKED BY: [Name]	
APPROVED BY: [Name]		DATE: 14/03/14	
PROJECT NO: [Number]		SHEET NO: P6	
CLIENT: [Name]		SHEET TOTAL: A3	

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Extent of demise on the Spiceball Site

Required Waitrose size and layout

Required service yard

BANBURY		panther hudson	
GENERAL ARRANGEMENT		407	
PLAN LEVEL 01 (±0.0m)		xx-P/L01.1	
Scale: 1:1250		P6	
Date: 11/11/11		A3	
Author: [unreadable]		[unreadable]	
Check: [unreadable]		[unreadable]	
Drawn: [unreadable]		[unreadable]	
Approved: [unreadable]		[unreadable]	
Project: [unreadable]		[unreadable]	
Client: [unreadable]		[unreadable]	
Site: [unreadable]		[unreadable]	
Phase: [unreadable]		[unreadable]	
Discipline: [unreadable]		[unreadable]	
Drawing No: [unreadable]		[unreadable]	
Revision: [unreadable]		[unreadable]	
Notes: [unreadable]		[unreadable]	

Please Reply to: Swindon
Our Ref: DAM/C10251
Your Ref:
Date: 3rd November 2015



Mr R Duxbury
Cherwell District Council
Bodicote House,
Bodicote,
Banbury.
Oxfordshire OX15 4AA

By Email: Bob.Duxbury@Cherwell-DC.gov.uk

Dear Bob

Application 15/00831/F Waitrose Foodstore, Southam Rd Banbury

I refer to your request for comments on the additional information from the applicant attached to your recent email. This information comprises a letter from Framptons to the Council dated 22nd Oct, a letter from Waitrose to Framptons dated 21st Oct, a letter from Cushman Wakefield dated 10th September, and a plan with the Waitrose site layout overlaid on the Spiceball site. Further specific comment are therefore not necessary. I have also had regard to Turley's letter of 11th September on behalf of Aberdeen Asset Management (AAM).

Our report concluded that the proposed development would not have a sufficiently adverse impact on the town centre to warrant the refusal of planning permission. We expressed concern about the cumulative impact assessment submitted but we concluded that the contribution of the proposal to that cumulative impact was too small to justify requesting further work. The main part of the cumulative impact would derive from the Banbury Cross development and the Council could not reasonably allow that proposal and then object to a later application on the basis of a very much smaller impact, even taking account of cumulative effects. We also concluded that the proposal would not undermine the investment currently proposed on the Spiceball site because, as we were given to understand, Phase 1 of the proposal was going ahead without a named operator for the foodstore which formed Phase 2 of the overall development. Turley's letter challenges this conclusion and we will comment on that in due course.

The Sequential Test

In relation to the sequential test our report concluded that the applicant had not provided sufficient evidence to justify its claim that the Spiceball site was not suitable for the development. Framptons included the "Rushden Lakes" decision by the Secretary of State. The implications of that decision were taken into account in our report. The suitability of sites has to be assessed against the application proposals as established in the Dundee Judgment but the flexibility that should be required of retailers/developers remains a matter of judgement which the Council has to make in the first instance. The extract Framptons quotes does not draw attention to any passages where the SoS indicates his view of the extent of flexibility in general, policy terms and does not take the matter further in that respect. We also took full account of the Rushden Lakes Inspector's views on the availability of sites in considering the information on individual sites.

Cont/d...

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Consulting (Company Registration No 02091153); Development Planning & Design Services
Ltd (Company Registration No 2091708) and DPDS Architecture Ltd (Company Registration No
2937191)

Registered Office: Old Bank House, 5 Devides Road, Old Town, Swindon, SN1 4BJ
www.dpds.co.uk



Mr R Duxbury
Cherwell District Council



In relation to the sequential test we identified the following matters where we concluded the applicant had not established compliance with the test or further information would be helpful.

1. The timing of Waitrose discussions on the Spiceball site vis-à-vis the application site;
2. The need for a store of the application's size to compete with existing food stores;
3. The poor trading potential of the Spiceball site compared with the application site;
4. The poor configuration of the Spiceball site.

We also commented that we felt more consideration should have been given to the Bolton Rd multi-storey car park site.

The letter from Cushman & Wakefield makes the point that there are major changes occurring in the food retail sector and retailers sector are now cautious about making major commitments and are thus less flexible in the store requirements. The letter from Waitrose sets out in detail the deficiencies in the Spiceball proposal from Waitrose's point of view. The letters also cite examples where stores have performed below expectation and attribute this under-performance to on-site deficiencies. Frampton's letter sets out the policy context in which it believes these letters should be viewed.

The additional material does not comment on the timing of discussions on the application site vis-à-vis its consideration and rejection of the Spiceball proposal. The Waitrose letter addresses the size of the store but in operational requirement terms rather than in competition terms. It also addresses the trading potential of the site, and I understand from it that it is not so much location of the site and its relationship to transport that is seen as limiting its trading potential so much as site constraints. These can be considered in the context of the general configuration of the Spiceball scheme. Waitrose identify eleven deficiencies from its point of view.

In my view, none of these, on its own, would be sufficient to rule the site out, although some, such as the size of the store, certainly come close to doing so. However, it is clear that the scheme as a whole falls considerably short of what Waitrose are looking for and the decision for Waitrose has inevitably to be taken in that overall way – on the pros and cons. The suitability of sites has to be approached in much the same way if the Council is not to behave unreasonably. The question is whether a site is suitable for the development; there is no indication in the policy that any factor on its own should be of sufficient severity to make the site unsuitable. As noted in the Dundee Judgment, the test has to be applied in the real world.

I consider that it would be requiring too much flexibility from Waitrose, or any other retailer looking for a store of about the same size, to back the Spiceball scheme. It is a matter of judgement for the Council, but I believe that the applicant is likely to persuade an Inspector that the site is not suitable as a sequentially preferable alternative for its proposal if it were presented at an appeal.

Although the additional material does not answer all the questions we raised in our report, it does in my view demonstrate that the Spiceball site is unsuitable. That is all it required to do in the sequential test.

The applicant has not supplied any further information on the Bolton Road car park site. We commented in the report that the Council was probably in the best position to assess the availability of this site. However, it might be helpful for to comment that unless there is a clear timetable for the demolition of the site and appropriate Council resolutions, little weight would be given to it.

Cont/d....

Mr R Duxbury
Cherwell District Council

I therefore conclude that the applicant has, with the additional information, passed the sequential

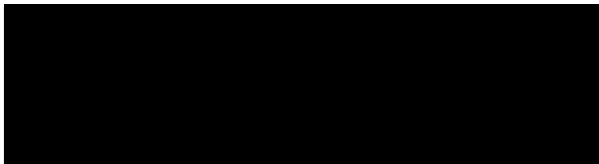
The Impact on Investment

This leaves the question of impact on planned investment in the centre raised by Turley's second letter. Turley notes our comments on the phased development planned and while describing this as misplaced, does not seek to argue that Phase 1 is dependent on the foodstore development for viability. Instead it argues that we have failed to take account of the policy requirement for the comprehensive development of the site.

Policy Banbury 9 prefers (my underlining) a comprehensive approach to site planning and delivery but clearly also contemplates the phased development of the site - provided it can be demonstrated that the development will contribute to an integrated and coherent development. It is only small scale piecemeal development which the policy rules out. I do not believe that the Phase 1 development could be considered to constitute small scale piecemeal development or that the objector would like to see the policy interpreted in that way. Furthermore even where such requirements for comprehensive development are applicable, they are generally given limited weight unless the need for comprehensive development is demonstrated as needed to achieve the objectives of the policy. I therefore see no need to amend our earlier advice on this matter on the basis of Turley's letter of 11th September.

For the reasons given in this letter, I conclude that the applicant has now demonstrated the proposal's compliance with the sequential test and that there is no need to amend our earlier conclusions on retail impact.

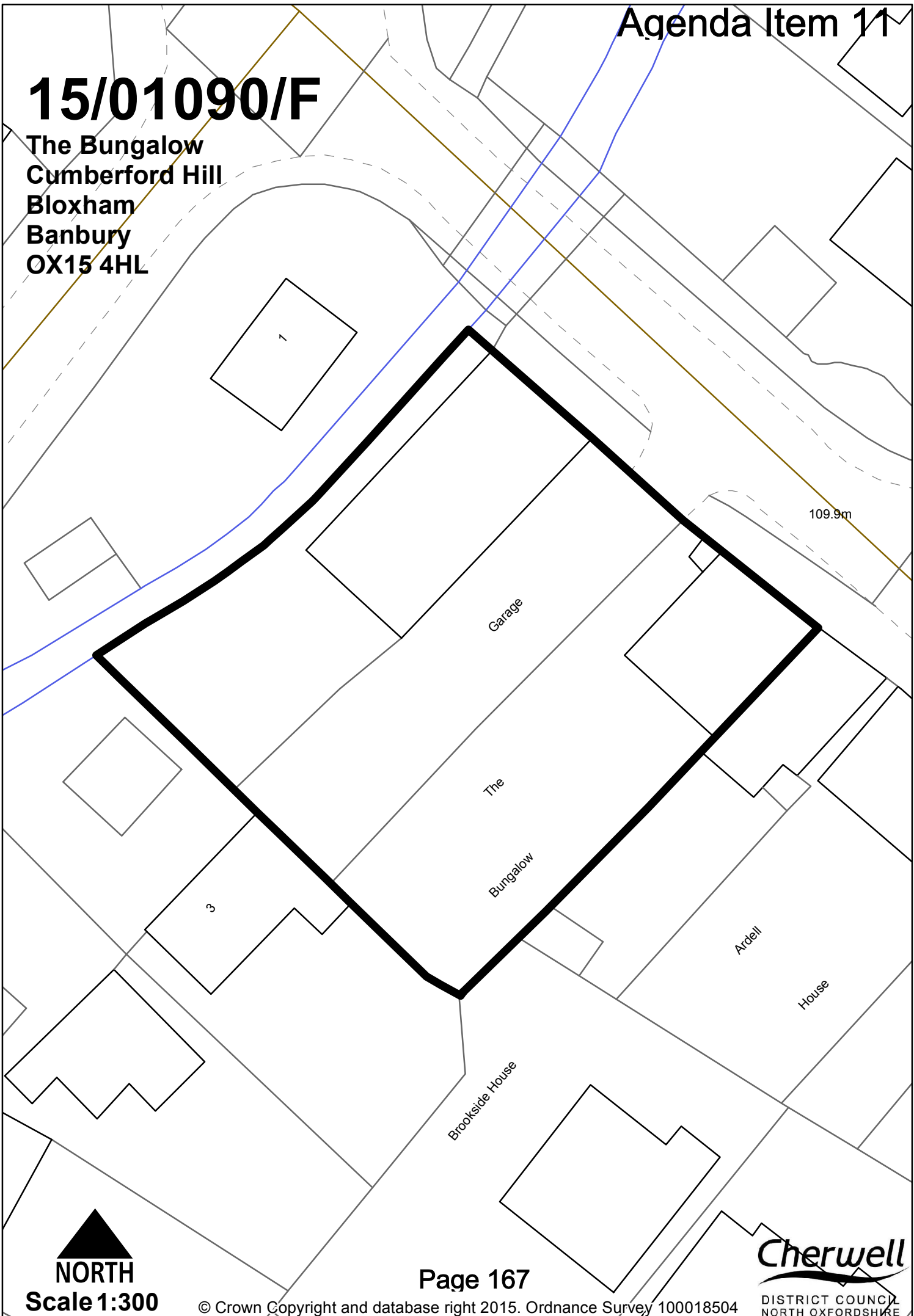
Yours sincerely,



Duncan McCallum, BA(Hons) MPhil MRTPI
Consultant
Development Planning & Design Services Ltd
dmccallum@dpds.co.uk

15/01090/F

**The Bungalow
Cumberford Hill
Bloxham
Banbury
OX15 4HL**



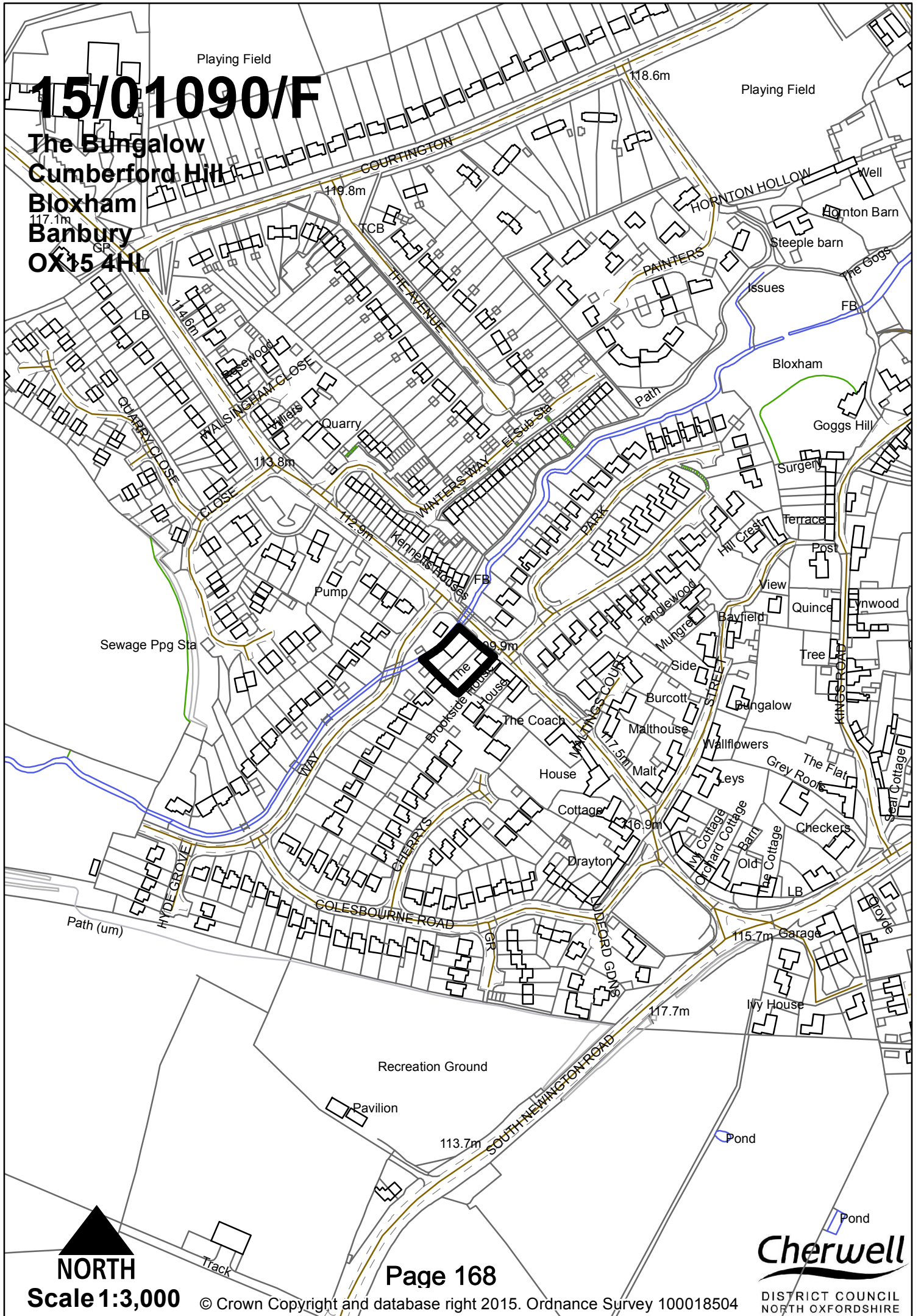
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15/01090/F

The Bungalow
Cumberford Hill
Bloxham
Banbury
OX15 4HL

Playing Field

Playing Field




NORTH

Scale 1:3,000

Page 168

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**The Bungalow
Cumberford Hill
Bloxham
Banbury
OX15 4HL**

15/01090/F

Case Officer: Matthew Parry **Ward(s):** Bloxham And Bodicote

Applicant: Inglenook Properties Ltd

Ward Member(s): Cllr C Heath

Cllr L Thirzie Smart

Proposal: Demolition of existing dwelling, garage and car repair workshop. Erection of a terrace of 4 new dwellings with associated landscaping and parking to the rear

Committee Date: 26.11.2015 **Recommendation:** Approve subject to conditions

Committee Referral: Referred by Development Services Manager

1. Site Description and Proposed Development

- 1.1 The application site consists of two distinct but adjoining properties located towards the bottom of Cumberford Hill in Bloxham. The first is a now vacant bungalow together with its associated curtilage and the second a vacant workshop premises formerly used for car repairs. The bungalow is a small uniformly proportioned dwelling featuring smooth rendered walls under a distinctive blue slate pyramidal roof with a centrally positioned red brick chimney stack. It has a garage to the rear of the bungalow which is of a more utilitarian style with a shallow pitched roof. The larger part of the application site comprises a rather dilapidated red brick workshop building and its associated hardstanding. This premises was previously home to a small car repair business but the site has been vacant for the past couple of years. The bungalow site slopes from east to west and features a number of retaining walls to manage this but the workshop premises is on flatter ground at the bottom of the hill where the ground level flattens towards Bloxham Brook.
- 1.2 The eastern edge of the site forms a boundary with the designated Bloxham Conservation Area and therefore impacts upon its setting. Further up Cumberford Hill to the east lies a cluster of grade II listed buildings set around the junctions with Queens Street and Colesbourne Road. The entirety of the site lies within Flood Zone 3 as defined by the Environment Agency's flood maps.
- 1.3 The application seeks consent for the demolition of all existing buildings on the site and the erection of a 2 ½ storey terrace of 4 x three bedroom houses with a four bay carport to the rear. A single vehicular access is proposed that would enter the site at the appropriate position of the existing workshop building and would lead through to car parking at the rear.

2. Relevant Planning History

95/00230/OUT - Demolish existing workshops and erect 3 no. dwellings with associated car parking spaces. (Outline) - **Application Permitted 07.04.1995.**

98/00164/OUT - Renewal of 95/00230/OUT. Demolish existing workshops and erect 3 No. dwellings with associated car parking spaces. (Outline) - **Application Permitted 27.03.1998.**

01/00535/OUT - Renewal of 98/00164/OUT. Demolish existing workshops and erect 3 No. dwellings with associated car parking spaces. (Outline) - **Application Permitted 10.05.2001.**

04/00502/OUT - Renewal of planning permission 01/00535/OUT for the demolition of existing workshops and erection of 3 No. dwellings with associated car parking spaces. (Outline) - **Application Permitted 21.04.2004.**

07/00406/OUT - Renewal of planning permission 04/00502/OUT for the demolition of existing workshops and erection of 3 No. dwellings with associated car parking spaces. (Outline) – **Withdrawn 26.04.2007.**

14/02147/F - Demolition of existing dwelling, garage and car repair workshop; erection of 5 No dwellings with associated landscaping – **Not determined. Dismissed at appeal 02.11.2015.**

3. Application Publicity

3.1 The application has been advertised by way of neighbour letters as well as a site notice and press notice. Amended proposals were received during the course of the consideration of the application and these were re-publicised in a similar manner. One third party objection was received in response to the latest amended proposals and the following comments were raised:

- The driveway serving the new house would run alongside the boundary of 1 Brookside Way with car movements increasing noise and light pollution to this neighbouring dwelling;
- The proposals result in the loss of an employment site contrary to the emerging Bloxham Neighbourhood Plan;
- No bungalows are proposed contrary to that required by the emerging Bloxham Neighbourhood Development Plan;
- The proposed buildings should be constructed out of natural stone in keeping with the Conservation Area rather than a combination of brick and stone.

3.2 Whilst the proposals have since changed from those originally consulted upon, for completeness the following comments were raised in three third party objections in response to the originally submitted proposals:

- The proposed 2 ½ storey buildings do not respect local context as they are too large for the street given that other buildings are predominantly two storey in height;
- The proposals overdevelop the site with limited space between and around the houses such they would visibly appear crammed into the site to the detriment of the adjacent Bloxham Conservation Area;
- As a result of the height of the buildings and their rearward projection into the site, Unit 4 would overshadow and overbear the adjoining garden of Brookside House. Upper level rear and side facing windows would allow significant overlooking of this neighbouring garden and also leave the new houses with little privacy as well;
- Demolition of The Bungalow could affect the stability of the adjoining house

and surrounding land which slopes down towards the brook at the northwest of the site;

- The proposals do not include sufficient off-street car parking for the new houses to serve both future residents and their visitors making it likely that some parking will take place on Cumberford Hill. This road already suffers from parking pressure with existing residents often parking on the verges/footways;
- There is no requirement for this new housing in Bloxham as there are extant planning permissions for hundreds of new dwellings already;
- The site was previously used as a gas works before it was used for car repairs. The surrounding area was formerly part of an old quarry and some houses shake when lorries pass by. These issues have not been adequately assessed as part of the application submissions;
- The proposals are on a site designated as Flood Zone 3 by the Environment Agency and the increase in the number of properties is likely to exacerbate problems arising from flooding from Bloxham Brook and there is no detail on how flood risk will be addressed;
- The proposals will result in the loss of employment facilities contrary to the requirements of the Cherwell Local Plan and Bloxham Neighbourhood Plan.

4. Consultations

4.1 Bloxham Parish Council: Object to the amended proposals for the following reasons:

- The land has previously been used for employment and the emerging Bloxham Neighbourhood Plan seeks the retention of such sites to meet the needs of its growing population. It is questionable whether the land was properly marketed for employment;
- The proposals represent overdevelopment of the site detrimental to the setting of the adjacent Conservation Area;
- Part of the site flooded as recently as November 2012 and the Parish Council is not satisfied that adequate measures have been proposed to ensure that no future flooding of the site will occur;
- No safe and secure bin and cycle storage is proposed;
- It is not clear that the site is suitable for this residential development given contamination from previous use of the land as a gas works;
- The height of the houses is not sympathetic to the local area and red brick should not be used where visible from the street. The proposals include an awkward catslide roof which is not typical of the area. The front door to Unit 1 is in the side elevation facing onto the shared driveway which appears awkward.
- There is no need for this additional housing within Bloxham and there are other more sites available;
- The proposals would significantly reduce privacy for occupants of 1 Brookside Way and could allow overlooking of properties in Cherrys Close to the rear;
- There is inadequate car parking provision within the site making it likely that on-street parking will increase on surrounding roads. Parking on pavements is already a significant problem in Bloxham.

Cherwell District Council Consultees

4.2 Conservation Officer: There have been a series of schemes put forward for this site which have ranged in architectural style from contemporary to this scheme which is faux C19 terraced vernacular housing. All the elements that an observer would expect to see in C19 artisan housing are represented in this row of proposed dwellings. The materials are right (stone, brick and slate for the roof), window and door design is correct, passageway and umbrella porches are there. There are not enough chimney stacks as original cottages of this type would have had a stack each

– but that is just an observational detail as chimney stacks are not necessarily essential to modern living. Unit 4 would preferably have a second floor window on the front elevation – a total of three windows, one per floor – to balance the front elevation.

- 4.3 Environmental Protection Officer: The Listers Geotechnical Consultants Phase I Geoenvironmental Desk Study Report (report no. 14.12.009, dated January 2015) and Phase II Preliminary Intrusive Investigation (report ref AD/CN/14.12.009a, dated 20 February 2015) demonstrates that the site is affected by contamination but that such contamination can be viably and acceptably remediated. Further works will be required to clarify the exact risk and inform remedial proposals but these can be provided through conditions.

Oxfordshire County Council Consultees

- 4.4 Highways Liaison Officer: No objection subject to conditions requiring the following to be carried out prior to occupation of the dwellings:
- Extension to existing footway to ensure that it continues along the front of the new houses;
 - Re-location of pedestrian crossing point.

Further conditions have been recommended requiring approval of the specification of the proposed shared driveway and its connection to the public highway prior to commencement of development.

Other Consultees

- 4.5 Environment Agency: No objection subject to conditions requiring:
- The development to be carried out in accordance with the submitted Flood Risk Assessment;
 - Approval of a scheme providing unhindered 24 hour access for Environment Agency staff to and from the Bloxham flood warning station;
 - Intrusive ground investigation and contamination remediation strategy;
 - No infiltration of surface water into the ground unless otherwise approved by the LPA subject to it being demonstrated that there is no risk to controlled waters;
 - A scheme for the provision and management of an 8m wide buffer zone along the Bloxham Brook.

5. Relevant National and Local Policy and Guidance

5.1 Development Plan Policies

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1 (LPP1)

BSC1 - District Wide Housing distribution

BSC2 - The Effective and Efficient Use of Land

BSC3 - Affordable Housing

BSC4 - Housing Mix

BSC9 - Public Services and Utilities

ESD1 - Mitigating and Adapting to Climate Change

ESD3 - Sustainable Construction

ESD6 - Sustainable Flood Risk Management

ESD7 - Sustainable Drainage Systems (SuDS)

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD15 - The Character of the Built Environment

VILLAGES 1 - Village Categorisation

Cherwell Local Plan 1996 (Saved Policies) (LP 1996)

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

C31 - Compatibility of proposals in residential areas

ENV12 - Development on contaminated land

ENV1 - Development likely to cause detrimental levels of pollution

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

5.2 **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Cherwell District Council's Home Extensions and Alterations Design Guide (March 2007)

6. **Appraisal**

6.1 The key issues for consideration in this application are:

- Principle of Residential Development;
- Housing Mix;
- Design, Appearance and Impact on the Bloxham Conservation Area;
- Impact on Neighbouring Properties;

- Quality of Accommodation;
- Access and Parking;
- Flood Risk;
- Land Contamination;
- Energy Efficiency.

Principle of Residential Development

- 6.2 Policy SLE1 of the LPP1 resists the loss of existing employment sites unless, inter alia, it is demonstrated that it is no longer economically viable or that there is no genuine interest has been expressed despite long term marketing. The policy also adds that regard will be had to whether the location and nature of the employment activity is having an unacceptable adverse impact on neighbouring residential properties. Notwithstanding this, over the past two decades there have been numerous planning applications submitted and approved for residential development on the workshop site. Between 1995 and 2007 there was extant consent for the demolition of the workshop and the erection of a terrace of three houses along the front of the site. The Council has therefore previously accepted that this employment site can be redeveloped for residential purposes although the planning policy context has since changed. Despite the granting of numerous planning permissions, the car repair business continued to operate on the site and only vacated the premises in the past couple of years.
- 6.3 However, prior to the submission of this planning application the applicant had submitted another application proposing a scheme for five houses on the site. Officers raised significant concerns about this scheme and an appeal against non-determination of this application was lodged before the Council could issue a decision. The Council resolved however that it would have refused the application were it still able to do so for, amongst other reasons, the harm caused by the loss of an employment site without sufficient marketing evidence to demonstrate that it was no longer necessary or viable. Whilst the appeal was ultimately dismissed earlier in November 2015 on other grounds, in his decision the Inspector concluded that it was appropriate to redevelop the employment site given its poor state of repair, the unsuccessful marketing that had been carried out and the general need for housing in the District. As a consequence, officers are satisfied that the principle of the loss of the employment site is acceptable and that no objection to the proposals can reasonably be sustained on this basis.
- 6.4 With the principle of the loss of the employment site accepted, it is also necessary to consider the principle of erecting housing on the site given the time that has elapsed since the expiration of previous planning permissions and the changes to the planning policy context in the interim. In doing so, it is necessary to have regard to the requirements of Policies BSC1 and Villages 1 of the LPP1. Together these policies set out the approach to delivering housing to meet the objectively assessed needs of the District over the next 15 years. Larger, more sustainable Category A villages such as Bloxham are expected to contribute towards meeting this housing need and to reflect this there is planning policy support for small scale windfall residential developments within the built-up limits of Bloxham. Consequently, officers are satisfied that in principle a small-scale development of new housing on the employment site is acceptable in the interests of sustainably delivering planned growth in the District.

Housing Mix

- 6.5 The NPPF requires local authorities to plan for a mix of housing to meet the identified current and future needs within their administrative areas. To this end the LPP1 includes policies that require affordable housing as part of developments over specified thresholds as well as appropriate mixes of dwellings within schemes. Whilst there is no policy requirement of this scheme to make provision for affordable housing, Policy BSC4 of the LPP1 does require an appropriate mix of homes to be provided to meet identified housing need. The proposed development however is of small scale and as such there is little scope to make provision for a genuine mix of housing in a manner that would make efficient use of land and be visually compatible with its surroundings. Nevertheless, the Oxfordshire Strategic Housing Market Assessment (SHMA) of 2014 did however conclude that Cherwell District was in greatest need of 3 bedroom homes and the proposals would help to contribute towards meeting this need. Consequently officers are satisfied that given the constraints of the site the proposals would deliver a type of housing that is generally consistent with the housing needs of the District in accordance with the requirements of Policy BSC4 of the LPP1 and Government guidance set out in the NPPF.

Design, Appearance and Impact on the Bloxham Conservation Area

- 6.6 Policy ESD15 of the LPP1 requires new development to complement and enhance the character of its context through sensitive siting, layout and design. It also adds that proposals should respond to local distinctiveness and successfully integrate within existing streets. Policy ESD15 of the LPP1 and Policy C23 of the LP 1996 further add that new development should be designed and sited to ensure that heritage assets are conserved or enhanced in a manner appropriate to their significance. Policy BSC2 of the LPP1 is also material in that it requires new development to make efficient and effective use of previously developed land. Together these development plan policies are consistent with national planning policy set out in the NPPF which, inter alia: encourages prioritisation of brownfield sites over greenfield land; emphasises the importance of good design in achieving sustainable development; requires significant weight to be attached to conserving designated heritage assets; and expresses desirability for new development to make a positive contribution to local character and distinctiveness. Furthermore, given the proximity of the site to the designated Bloxham Conservation Area, the Council should also have regard to its statutory duty to consider the desirability of preserving or enhancing conservation areas.
- 6.7 The Council's Bloxham Conservation Area Appraisal document identifies views of the bottom of Cumberford Hill as having an adverse impact on the special character of the Conservation Area. This adverse impact particularly stems from the unkempt appearance of the workshop site and the dilapidated condition of the building. Whilst the bungalow is of an unusual form, scale and detailing, it is nonetheless an interesting and characterful feature within the streetscene. Its open curtilage and large gap to its side however together with its more utilitarian driveway and garage building are rather at odds with the more intimate and close-knit pattern of buildings in the more established streetscene of Cumberford Hill. Overall therefore, officers consider the application site to be having an adverse effect on the setting of the Conservation Area and in principle welcome new development where it would deliver an enhancement to this designated heritage asset.
- 6.8 The proposals involve a terrace of four x 2 ½ storey houses that continue the pattern of development from that to the east by abutting the highway verge. The terrace proposed is however not uniform as it seeks to reflect the undulating scales and varying styles evident in existing buildings as they decline down Cumberford Hill as well as the mixed pallet of materials used in their construction. As a result, Unit 4 is proposed to be of red brick construction with a ridge and eaves height greater than that of the following three new houses. Officers endorse this approach which responds to the more organic character of the immediate streetscene. Whilst the

houses proposed are 2 ½ storey and have accommodation in the roofspace, from the street they will appear to continue the two storey rhythm of adjacent houses and so integrate successfully into the established rhythm of the street. Beyond the scale and form, the houses are also proposed to incorporate traditional vernacular design detailing including through the use of building materials appropriate to their setting (natural rubble ironstone and red brick external walls, blue slate roof), pitched roof forms, clipped eaves and verges, modest front canopy porches, red brick chimneys and timber framed windows and doors. Whilst dormer windows are proposed to the rear, these have been avoided in the front roof slopes in keeping with existing buildings of Cumberford Hill to ensure the predominantly simple unbroken roofslope character is preserved. Where dormer windows and rooflights have been proposed, these are to the rear and are modest and traditionally styled so that they do not dominate their roofslopes. Conditions are recommended to be imposed to ensure appropriate control over any changes to these design features.

- 6.9 To the rear the houses have a little more variation consistent with that at other surrounding buildings. Given the site constraints the houses are relatively narrow and therefore project comparatively deeply into the site to generate sufficient floorspace. The two central houses are larger and feature 2 ½ storey gabled elements to the rear whereas the two end-terrace units feature 1 ½ storey catslide lean-to additions. The central 2 ½ storey rear additions are relatively large but are still thought to be proportionate to the scale of the overall terrace and, as they are sited to the rear, will not be prominent in key public views. From the northwest on the approach to the Conservation Area it will be the side wall of Unit 1 that will be principally experienced in public views and this features a natural ironstone main flank wall with a subservient red brick lean-to addition to the rear – a combination historically common in the locality and which should add definition and interest to streetscene views. The side wall of Unit 1 also features a handful of traditionally proportioned timber casement windows to ensure an active wall faces onto the public realm. As a result, in comparison to existing views from the north and west, the proposals should represent a significant enhancement to the experience of the streetscene and Conservation Area.
- 6.10 A timber post and beam four bay car port is proposed to the rear. Whilst being relatively wide so as to accommodate four cars it is modest in height and in practice would have little appreciable impact on the character and appearance of the surrounding area. However, with its simple traditional form and blue slate roof it should complement the character of the proposed new houses and sit comfortably within the resultant residential environment.
- 6.11 Officers are mindful of Government guidance in the NPPF and its requirement for great weight to be afforded to the conservation and enhancement of designated heritage assets as they represent irreplaceable resources. For reasons set out above, officers are satisfied that the proposals overall would improve the appearance of the site and thereby enhance the setting of the Conservation Area in a manner that also makes efficient and effective use of this previously developed land. In this regard the proposals are found to be consistent with both national and local planning policy objectives.

Impact on Neighbouring Properties

- 6.12 Policy ESD15 of the LPP1 requires the amenity of both existing and future development to be adequately safeguarded in terms of privacy, outlook, natural light and indoor/outdoor space. Policy C30 of the LP 1996 has similar requirements. Together these policies reflect one of the core principles of the planning system which is to seek a good standard of amenity for existing and future occupants of land and buildings.

- 6.13 The amended proposals have significantly reduced the depth and height of Unit 4 where it projects past the rear wall of Brookside House, the adjacent property. As a result the eaves of 1 ½ storey rear element to Unit 4 would not extend significantly above the existing high boundary fence and should therefore neither unacceptably overbear nor overshadow the neighbouring property having regard to the daylight assessment criteria set out in the Council's Home Extensions and Alterations Guide. Upper floor side facing windows are not proposed in Unit 4 either so that neither actual nor perceived privacy for occupants of Brookside House would be adversely affected.
- 6.14 Existing houses to the rear would be separated from the new houses by a generous distance with close to 20m between the flank wall of 3 Brookside Way and the rear walls of the proposed new houses. This comfortably exceeds the separation distances generally considered to be appropriate within the District having regard to the Home Extensions and Alterations Guide. Moreover, there are no principal windows to habitable rooms in the flank wall of 3 Brookside Way that would be unduly affected by overlooking from rear facing windows in the new houses. Whilst there is the potential for some loss of privacy for the rear gardens of 3 Brookside Way and 9 Cherrys Close from rear facing upper floor windows in Units 3 and 4, this would be modest due to the distances involved and in the context of existing mutual overlooking between properties.
- 6.15 1 Brookside Way is sited on the opposite side of Bloxham Brook. The existing workshop building is located alongside the brook and in far closer proximity to this existing dwelling than any of the proposed houses. Demolition of the workshop building would therefore improve the daylight and outlook experienced from the rear of this dwelling. Whilst windows are proposed in the side wall of Unit 1 these would not allow significant overlooking of 1 Brookside Way given that this neighbouring house features few windows in its rear elevation and its main private garden is situated to the side of the house rather than the rear with the house itself therefore blocking direct views of it from the new dwellings.
- 6.16 It should also be recognised that the existing lawful use of the employment site (general industrial – Use Class B2) has the potential to cause noise and disturbance for surrounding residential properties. Whilst the previous car repair operator did not appear to be causing undue nuisance, a future occupier could well do so without being subject to any planning control. As a consequence, residential development of the site would secure a more neighbourly use for the site in the long term to which weight should be afforded. In the interests of protecting neighbouring amenity during construction works, officers have recommended a condition that requires the prior approval and implementation of a Construction Environment Management Plan that would need to set out, amongst other things: hours of working, controls over noise and dust, disposal of materials and the routing/parking arrangements for construction vehicles.
- 6.17 For the above reasons officers have concluded that the proposals would adequately safeguard neighbouring residential amenity in accordance with both national and local planning policy requirements and so consequently, in this regard, the proposals are found to be acceptable.

Quality of Accommodation

- 6.18 Policy C30 of the LP 1996 requires new residential development to provide an acceptable standard of amenity for future occupiers which reflects the core planning principles that underpin national planning policy set out in the NPPF.
- 6.19 Each of the new dwellings is laid out in such a manner that all habitable rooms are genuinely usable with a reasonable quality outlook and access to sufficient levels of

sunlight/outlook to ensure they provide satisfactory living accommodation. Whilst the two central units are proposed to feature 2 ½ storey rear additions they would not project significantly past the rear walls of the other two proposed end-of-terrace units (Units 1 and 4) and so would not overbear or overshadow these houses or their gardens. Whilst the proposals would give rise to the potential for mutual overlooking of the gardens of the new houses, this is a relationship inherent within any development of terraced housing and is therefore thought to be appropriate. The distances to other existing dwellings also ensures that there would not be unacceptable levels of privacy within the new houses or their gardens.

- 6.20 Units 2, 3 and 4 are shown to be served by comparatively generous rectilinear rear gardens with all having direct pedestrian access to car parking at the rear as well as to the street. As a result, dedicated bin and cycle storage provision could be made within the rear gardens and a condition is recommended to be imposed to secure this prior to occupation of the houses. Unit 1 would be served by a smaller rear garden which is restricted due to the siting of the proposed carport to the rear. Whilst small in comparison to the house, the garden is south facing and has a good usable layout. It should therefore, on balance, provide sufficient space for occupants to enjoy sitting outdoors and growing plants as well as have capacity for storage of their bins. However, reflecting the more constrained nature of the rear gardens and the relationships between the new houses, it is recommended that a condition be imposed removing householder permitted development rights to erect extensions or outbuildings. Subject to such a condition, officers are content that the proposals would deliver new housing of an acceptable standard in accordance with the requirements of both local and national planning policy and so have no objection to the proposals in this respect.

Access and Parking

- 6.21 National planning policy of the NPPF states that decision-taking should take account of whether, inter alia, safe and suitable access to the site can be achieved for all people. The Council no longer has specific car parking standards within its development plan and guidance in the PPG resists the use of such standards unless robustly justified with local evidence. Nevertheless, a common sense approach is required and the County Council (as LHA) has developed its own parking standards document for residential development which can be material.
- 6.22 The scheme proposes three bedroom houses and includes two off-street car parking spaces per dwelling. This ratio accords with the LHA's own residential parking standards document and is consistent with the approach typically taken by the Council in the past on other similar developments. Each space proposed is of an appropriate size (at least 2.5m x 5m) and, whilst it results in tandem parking within the site, there is sufficient space to easily manoeuvre vehicles and exit safely onto the highway to ensure that the parking arrangement is attractive to use. To this end the LHA is satisfied with the parking arrangements proposed and has found that the new access arrangement provides sufficient vision splays to enable safe entry and exit of the site for all users.
- 6.23 At present a grass covered highway verge lies to the front of the site. If this were to remain, pedestrian access to the new houses would not be encouraged and at the advice of the LHA, officers recommend a condition that requires an extension of the existing footway all along the front of the new houses to be completed prior to occupation of the homes. The re-sited vehicular access into the site would also prejudice an existing pedestrian dropped kerb crossing point which is useful to wheelchair users and those with pushchairs. To ensure that this dropped kerb continues to be provided, a condition is recommended at the advice of the LHA that requires the repositioning of this dropped kerb further along Cumberford Hill at the applicant's expense prior to occupation of the development.

- 6.24 Notwithstanding all of the above, it is recognised that it may occasionally be desirable for future residents and/or their visitors to park on the roadside as it could be more convenient than using the parking court to the rear. Whilst occasional limited parking here on the verge is unlikely to be materially harmful to safe and efficient use of the highway for vehicles or pedestrians, it could become so if it were to be a more common occurrence. Parking on the verge in this location could also adversely affect the appearance of the street. As a consequence, and in reflection of the concerns raised by the Parish Council, officers are recommending a condition that requires the submission, approval and completion of a scheme of wooden posts to be installed along the edge of the newly created footway that would prevent car parking on the verge and thereby encourage use of the rear parking court. The wording of the condition would prevent occupation of the new dwellings until such posts have been installed in agreement with the LHA.
- 6.25 In accordance with national planning policy, it is also necessary for new development to encourage and prioritise sustainable modes of travel. To this end, there is sufficient space within each garden for a dedicated cycle store to be provided with easy access out onto the highway and so a condition is recommended requiring cycle stores to be provided for each dwelling prior to their first occupation. Subject to the recommended conditions set out above, officers are satisfied that the proposals would be acceptable in terms of access and parking provision in accordance with the requirements of national planning policy set out in the NPPF.

Flood Risk

- 6.26 The site lies with an area that the Environment Agency (EA) flood maps indicate to be in Flood Zone 3 which means that it has a greater than 1 in 100 year risk of fluvial flooding. Policy ESD6 of the LPP1 reflects national policy by resisting any development that would increase flood risk either locally or elsewhere. The applicant has submitted a Flood Risk Assessment (FRA) for the development and, in accordance with statutory requirements, the EA has been consulted on this application. In response the EA has found that the development is likely to reduce flood risk overall as a result of the demolition of the existing workshop building which increases flood storage by over 30 cubic metres within the site and provides a significant increased gap between buildings and Bloxham Brook. 1 in 100 year flood levels provided by the EA have been used in the FRA in order to determine minimum floor levels for the new houses and guide the siting of the houses to ensure a minimum of an 8m buffer zone to the Brook has been provided to reduce the risk of the houses themselves being affected by flood water and to improve on-site flood water storage. All hardsurfacing within the development is proposed to be fully permeable to improve surface water drainage and therefore flood water storage capacity in comparison to existing site conditions. In accordance with EA advice, the new homes have also each been shown to have a safe secondary means of escape away from the Brook in the event of a flood. Consequently, subject to the imposition of conditions requiring the FRA recommendations to be carried out, an 8m buffer zone to be maintained to the Brook and access to be made available to the EA monitoring station at times, the EA is satisfied that the new dwellings would not be unduly at risk of flooding and the proposals would be likely to reduce the risk of flooding locally.
- 6.27 Notwithstanding the above, in accordance with the NPPF and related guidance set out in the PPG, it is necessary for both a sequential and exception test to be passed before residential development of a non-allocated site in Flood Zone 3 can be considered acceptable. The sequential test is the first that needs to be carried out and its purpose is to consider whether other appropriate sites at lesser risk of flooding are reasonably available by firstly considering those in Flood Zones 1 and 2 before finally accepting Zone 3. The FRA submitted by the applicant assessed the

suitability and availability of other sites in Bloxham which officers consider to be a reasonable and proportionate search area in this case due to the small scale nature of the proposals. It concluded that there was no other previously developed land available in Bloxham at lower flood risk that could accommodate a similar scale and type of development. In doing so officers accepted that it was preferable for greenfield land surrounding Bloxham to be excluded from the search as, whilst some land would be at lower risk of flooding, the overall adverse environmental consequences would be greater and thus render it unsuitable.

6.28 Having concluded that that the site is sequentially acceptable in planning policy terms, in accordance with national policy it is then necessary to apply the exception test. Doing so means that the proposed development has to meet both of the following criteria:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

6.29 The EA has already confirmed in its consultation response that the development meets the latter of these two criteria subject to appropriate conditions being imposed. The first criterion is however more of a matter for the LPA to consider having regard to the overall benefits of the scheme. Officers' consider the scheme to have a number of significant benefits which together weigh heavily in its favour:

- It would deliver much needed 3 bedroom housing in one of the most sustainable villages locations that would make a contribution as a windfall site towards meeting the overall housing need identified over the Plan period;
- For reasons set out earlier in this report, the proposals would enhance the setting of the Bloxham Conservation Area, a designated heritage asset;
- The proposals would make more efficient use of a redundant employment site;
- It would reduce the risk of flooding overall in the local area;
- For reasons to be set out later in this report, the proposals provide the opportunity to remediate the site that would otherwise remain contaminated.

6.30 The overall sustainability benefits of the proposals are therefore found to be significant and would, in officers' view, outweigh the risk of flooding to the new houses. As such, officers' consider that the proposals pass the exception test. Consequently officers are satisfied that the proposals are acceptable in flood risk terms and accord with the requirements of Policy ESD6 of the LPP1 as well as national planning policy and guidance.

Land Contamination

6.31 Policy ENV12 of the LP 1996 requires adequate measures to be taken to remove any threat of contamination to future occupiers of the site and the surrounding environment. It has been established through ground investigations that the site is contaminated as a result of its previous use as a gas works and car repair business. Residential development is a sensitive land use and, without remediation, could present health risks to future occupants due to contact with contaminants.

6.32 The Council's Environmental Protection Officers have visited the site and considered the results of the ground investigations carried out by consultants. Having done so they have established that the site is not as contaminated as first feared and that there is no doubt that the site can be remediated successfully prior to occupation of any of the dwellings to ensure future occupants are not at risk. Environmental Protection Officers are similarly satisfied that such remediation can ensure that any

construction work would not cause leaching of any contaminants outside the site or into controlled waters. They have therefore concluded that contamination and remediation can be addressed through the use of planning conditions which would prevent any development taking place until a full remediation strategy has been approved by the Council and that this remediation is then carried out before a verification report is submitted to the Council certifying that the site is acceptably remediated prior to occupation of the new dwellings. The proposals therefore provide benefits associated with the remediation of this contaminated site that would otherwise not have taken place and officers' recommend that some weight be afforded to this accordingly.

- 6.33 Members should be cognisant of Government guidance which advises that planning permission should not be refused where any residual concerns can be adequately addressed by the use of planning conditions. With this in mind and taking account of the views of the Council's Environmental Protection Officers, officers are satisfied that any contamination on the site can be properly addressed by the imposition of the conditions that have been recommended.

Energy Efficiency

- 6.34 Recent changes to Government policy since the publication of LPP1 has left Policy ESD3 no longer fully up-to-date. Whilst parts of this policy remain relevant, it is no longer possible to require all new dwellings to be designed to achieve zero carbon standard. However, until Part L of the Building Regulations has been fully updated the Council is still able to require new dwellings to achieve an energy performance standard equivalent to the former Code for Sustainable Homes Level 4. As a result, officers are recommending conditions be imposed to achieve this as well as a condition that imposes a water efficiency limit on the new homes.

Conclusion

- 6.35 The proposals would deliver much needed new housing on a redundant employment site in a sustainable location and as such make efficient and effective use of previously developed land. The proposals have been appropriately designed to ensure that the development would enhance the setting of Bloxham Conservation Area and adequately safeguard neighbouring residential amenity. Whilst the proposed new dwellings would be located in an area of higher flood risk, no other suitable sites at lower flood risk are available and the scheme has been designed so that the houses are safe for their use whilst reducing the risk of flooding locally. The site can be appropriately remediated to ensure that the new dwellings are safe for occupation whilst delivering the wider public benefit of cleaning up a site that would otherwise remain contaminated. Consequently, subject to the imposition of the recommended conditions set out below, officers have found that the benefits of the proposals significantly outweigh any harm associated with them and that the scheme is in accordance with the overall requirements of relevant policies of the development plan. Officers therefore recommend that Members resolve to approve the application.

7. Recommendation

Approval, subject to the following conditions:

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

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

2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings:

S5:722-001C

S5:722-002C

S5:722/03C

S5:722/04C

S5:722/05C

S5:722/06C

S5:722/08C

S5:722/09C

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

3 Prior to the commencement of the development hereby approved, samples of the external roofing materials to be used in the construction of the roof of the buildings in the approved development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the samples so approved.

Reason - It is necessary for this requirement to be pre-commencement to ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4 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 - It is necessary for this requirement to be pre-commencement to ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason - It is necessary for this requirement to be pre-commencement to ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. It is necessary for these details to be submitted at pre-commencement stage to ensure that the development is constructed in a manner appropriate to its context

7 Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels of the proposed development in relation to existing ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. Submission of details at a later stage would prevent the local planning authority adequately assessing the scale of the development given the sloping site levels.

8 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 shall be installed on site in accordance with the approved details prior to first occupation of any of the approved 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 Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. Such details are required at pre-commencement stage to ensure that, from the outset, the development is constructed in a manner appropriate to its context.

9 No dwelling hereby approved shall be occupied until 3 bins for the purposes of refuse, recycling and green waste have been provided for that dwelling in accordance with the following specification:

- One 240 litre blue wheeled bin for the collection of dry recyclable material
- One 240 litre green wheeled bin for the collection of residual waste
- One 240 litre brown bin for the collection of garden waste material

Reason - To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policies INF1 and BSC 9 of the Cherwell Local Plan 2011 - 2031 Part 1.

10 No occupation of any of the approved dwellings shall take place until details of dedicated bin and cycle storage facilities for each dwelling have been submitted to and approved in writing by the local planning authority. No occupation of the dwellings shall take place until the approved facilities have been provided on site and they shall be retained as such thereafter.

Reason - To ensure the amenities of future occupants are adequately provided for and to prevent unsightly storage of bins in the public realm in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Policy C30 of the Cherwell Local Plan 1996.

11 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: 14-1731-08-001 Rev B (Infrastruct CS Ltd, June 2015) and the following mitigation measures

detailed within the FRA:

1. Provision of compensatory flood storage as described in section 7 of the FRA and shown on Drawing 100 P02 (12 June 2015)
2. Provision of a safe route into and out of the site
3. Finished floor levels are set no lower than 110.35m above Ordnance Datum (AOD).
4. The use of flood resilient construction techniques.

The mitigation measures shall be fully implemented prior to occupation or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To reduce the risk of flooding to the proposed development and future occupants and prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with the requirements of Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1.

12 Prior to commencement of development a scheme shall be submitted to, and approved in writing by, the local planning authority in consultation with the Environment Agency ensuring unhindered 24 hour access for Environment Agency staff to and from the Environment Agency's Bloxham flood warning station, both during construction and upon completion of the development .

Reason - To allow the continued operation of the Bloxham Flood Warning Station, enabling the Environment Agency to operate a flood warning service on the Bloxham Brook. Such details are required at pre-commencement stage to ensure that the development is constructed in a manner that enables access to the flood warning both during its construction and after its completion.

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

Reason - Infiltration through previously contaminated ground from the site's former uses as a garage and gasworks have the potential to mobilise pollutants into groundwater. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

14 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. It is

essential that such details are required prior to commencement of development to ensure the site is investigated and remediated appropriately before occupation by a vulnerable residential use.

15 If contamination is found by undertaking the work carried out under condition 14, 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. It is essential that such details are required prior to commencement of development to ensure the site is investigated and remediated appropriately before occupation by a vulnerable residential use.

16 If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 15. 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 prior to occupation of any of the approved dwellings.

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

17 Prior to the commencement of the development hereby approved, full details of the means of vehicular and pedestrian 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 in accordance with the approved details prior to first occupation of the dwellings and retained as such thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework. It is necessary for such details to be provided at pre-commencement stage to ensure the access to the public highway is of an acceptable standard before construction works commence.

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

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

treatment, drainage and means of construction of the driveway to be assessed prior to its construction to ensure that it provides a suitably safe access to the highway and takes the opportunities available to reduce flood risk.

19 No occupation of any dwelling shall take place until a scheme for the construction of an extension to the existing footway so that it continues across the road frontage of all the approved dwellings has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. No occupation of any of the approved dwellings shall occur until the approved works to the footway have been completed.

Reason - To ensure suitable pedestrian access to the new dwellings in the interests of highway safety in accordance with the requirements of Government guidance set out in the National Planning Policy Framework.

20 No development shall take place until a scheme for the relocation of the existing dropped kerb pedestrian crossing point has been submitted to and approved in writing by the local planning authority. No occupation of any of the approved dwellings shall occur until the pedestrian has been relocated in accordance with the approved details.

Reason - To ensure the safety and convenience of pedestrians is not adversely affected by the development in accordance with the requirements of Government guidance set out in the National Planning Policy Framework. It is necessary for such details to be provided at pre-commencement stage to ensure existing residents continue to have a suitable and safe means of crossing the road at all times.

21 Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments/enactments, the approved dwellings 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 ensure that the development does not result in a cramped relationship on the site or adversely affect the living conditions enjoyed by occupants of both proposed and existing dwellings in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 as well as Policy C30 of the Cherwell Local Plan 1996.

22 Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments/enactments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within 8m of the bank of Bloxham Brook without the prior express planning consent of the Local Planning Authority.

Reason - To avoid harm to flood water flows in accordance with the requirements of Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1.

23 No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the Bloxham Brook shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out and managed thereafter in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from buildings, structures, lighting and domestic gardens and form part of wider green infrastructure provision along the brook.

Reason - To ensure the setting of the brook and its value to biodiversity is preserved

in accordance with the requirements of Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1. Such details are required at pre-commencement stage to ensure the scheme incorporates such a buffer within the development from the outset.

24 No occupation of any of the approved dwellings shall take place until a scheme for the prevention of car parking on the verge/footway of Cumberford Hill to the front of the approved dwellings has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. No occupation of the approved dwellings shall occur until the approved scheme has been carried out and the measures shall be retained as such thereafter.

Reason - To prevent residents and visitors parking on the verge/footway to the detriment of uses of the footway, highway safety and visual amenity in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance set out in the National Planning Policy Framework.

25 No occupation of the approved dwellings shall take place until the areas for the parking and turning of cars as shown on drawing no. S5-722-002C have been fully laid out and made available to occupants of the approved dwellings. Such areas shall be retained as approved for the parking of motor vehicles thereafter.

Reason - To ensure that the development does not result in on-street parking to the detriment of highway safety and neighbouring amenity in accordance with the requirements of Government guidance set out in the National Planning Policy Framework.

26 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 significantly adversely affect neighbouring residential properties 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 at all times.

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. Such details are required at pre-commencement stage to ensure that from the outset the construction works are appropriately managed to avoid causing unnecessary and undue disturbance for occupants of surrounding dwellings.

27 Notwithstanding anything shown to the contrary in the approved plans, any rooflight to be inserted into the approved dwellings shall be of flush fitting conservation type where no part of it projects beyond the roofslope in which it is positioned.

Reason - To ensure the development is visually appropriate to its context in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

28 No development shall commence until details demonstrating how each dwelling on the site will achieve an energy efficiency standard equivalent to at least a 44% improvement over the Target Emission Rate (as determined in the 2006 Building Regulation Standards) have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until it has been constructed to meet the required energy performance standard in accordance with the approved details.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and

Government guidance contained within the National Planning Policy Framework. Details are required at pre-commencement stage to ensure that from the outset each dwelling is designed and constructed to achieve a high level of fabric efficiency in the interests of environmental sustainability.

29 No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit from thereon.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

Informatives

1. 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), the Council has worked positively and proactively to determine this application in an efficient manner having worked with the applicant/agent where necessary to resolve any concerns that have arisen during consideration of the application in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

2. Under the terms of the Water Resources Act 1991, and the Thames Regional Byelaws 1981, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Bloxham Brook, designated a 'main river'.

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 to enable amended proposals to be submitted during the course of the application.

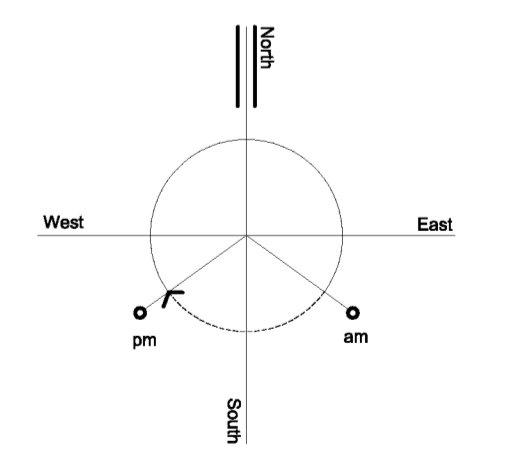
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SITE AREA
 999.7sqm

The Depot : Cumberford Hill, Bloxham, Oxfordshire.
 Planning Drawings - Block Plan



Project Development Site at Cumberford Hill, Bloxham, Oxfordshire. OX15 4HL		Drawing Title Scheme Drawings Block Plan	
Revision C	Date 29/10/2015	Scale 1:200 @ A1 1:400 @ A4	Date of first issue 11/09/2015
Drawn jct	Checked mjct	Drawing Number S5:722-001C	

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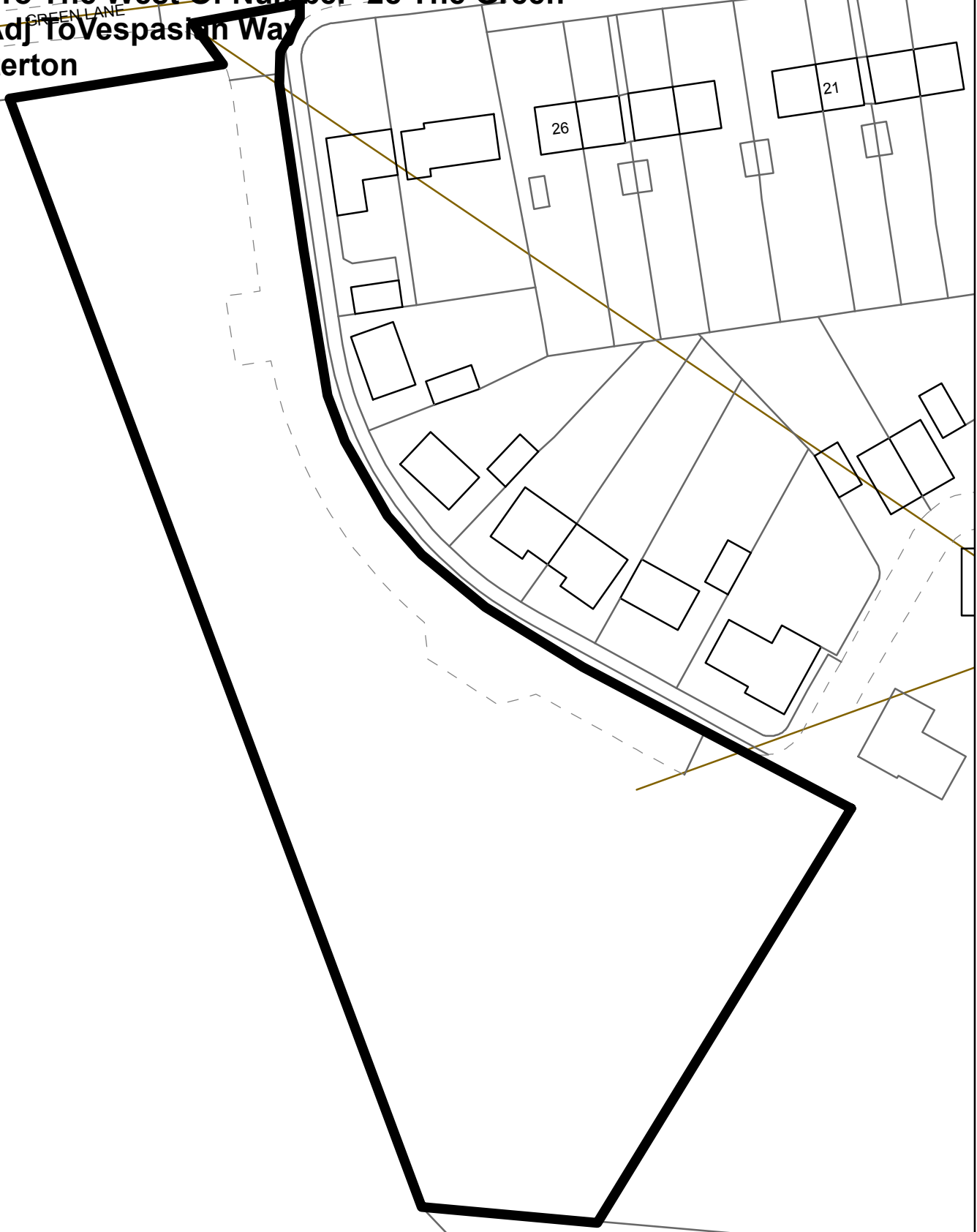
Agenda Item 12

15/01165/F

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

75.6m

GREEN LANE

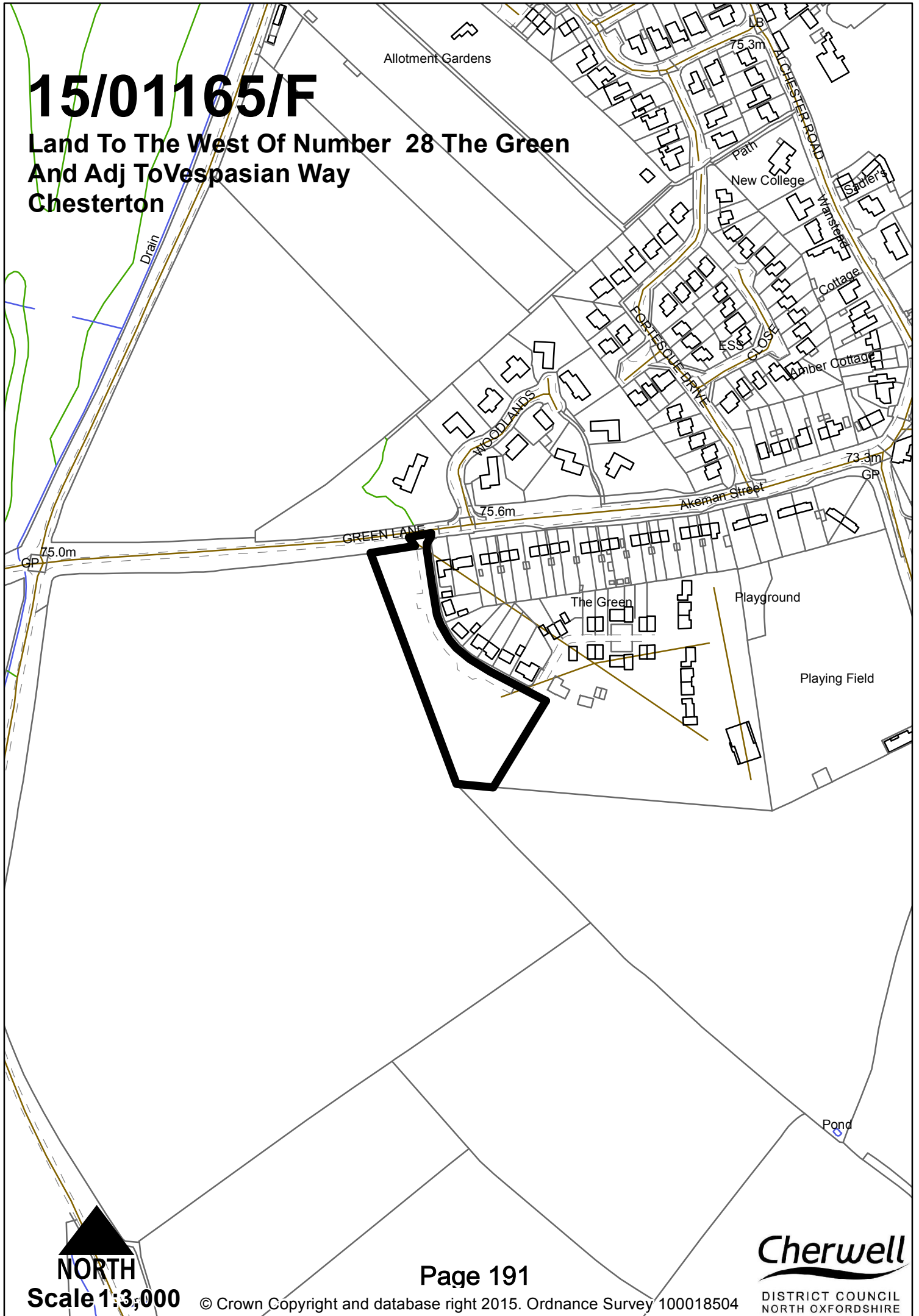


NORTH

Scale 1:750

15/01165/F

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



Scale 1:3,000

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

15/01165/F

Ward: Ambrosden and Chesterton **District Councillor:** Cllr Lynn Pratt

Case Officer: Aitchison Raffety **Recommendation:** Approval

Applicant: Hill Residential

Application Description: Erection of 6 no. Dwellings with associated means of access, car parking and landscaping

Committee Referral : Following earlier refusal of earlier major application

Committee Date: 25 November 2015

1. Site Description and Proposed Development

- 1.1 The application site is situated to the south of Chesterton, off Green Lane that runs along its northern boundary. The site sits adjacent to an existing housing development, currently under construction, for 44 dwellings, along with a village hall/sports pavilion. The site has an overall area of 0.66 hectares.
- 1.2 The proposal seeks consent for 6 dwellings, 2 of which would be affordable. The site would be accessed via a new vehicular access that has been constructed to serve the existing development of 44 dwellings currently under construction.
- 1.3 The site is situated beyond the existing built-up limits of the village.

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 6 August 2015. No comments have been received.

3. Consultations

- 3.1 **Chesterton Parish Council:** Whilst not objecting to this application concerns have been raised over increased traffic. Bearing in mind the proposed Taylor Wimpey development of 44 homes.

Cherwell District Council Consultees

- 3.2 **Ecology Officer:** The submitted ecological survey is fine and we should condition its recommendations. No further survey work is needed at this stage and there are no major ecological constraints as the primary habitat of value (hedgerow) is to be retained.

In general the landscaping and planting scheme is good from an ecological point of view with native species, fruit trees and reasonable connections through the development in terms of green corridors. I would like to see some more interesting mixes of grasses included as well as amenity grass. Areas of species rich grassland appropriately managed such as in the Southern corner around the fruit trees or on the grass bund would be beneficial for wildlife and make a more natural link to the surrounding countryside.

In line with NPPF recommendations and Policy ESD10 we should be seeking to ensure a net gain for biodiversity where possible and in order to maximize opportunities I would suggest a biodiversity enhancement scheme is conditioned to include provisions on the dwellings themselves (bat tubes, integral bird boxes etc..) as well as inclusion of areas of species rich grassland – they should refer to R1 of the submitted ecological report which lists suitable enhancements at this site (for hedgehogs, bats, reptiles and invertebrates, bats, birds etc..) and produce a plan of locations and types.

I would recommend the following conditions:

K19 Ecology: Compliance with Submitted Details

The development hereby approved shall be carried out strictly in accordance with recommendations R3, R4, R5, R6 and R7 set out in Section 6 of the Preliminary Ecological Assessment submitted with the application, which was prepared by Middlemarch Environmental dated November 2014.

Reason KR2

K17 Biodiversity Enhancement

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

Reason KR3

K20 Landscape and Ecological Management Plan (LEMP)

Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason KR2

3.3 **Planning Policy:** As it is only 6 dwellings, no comments.

3.4 **Landscape Officer:** When a revised proposal for this section of the development was discussed it was agreed that we would permit 4 dwellings in a small group in the NE corner of the site and that the remaining open space would remain undeveloped so I am surprised to see a further dwelling at the site entrance. I am happy with the 5 dwellings in the wide part of the site but not the additional dwelling at the entrance as it was agreed that the outward

facing dwellings should face onto open countryside, not a dwelling and a garden with all the domestic clutter that these contain.

This also reduces the open space to a much reduced proportion of the original.

The open space provides an opportunity for some large native trees rather than a large number of small garden trees (Sorbus, Acer Plat Globosum) Some fruit trees are acceptable but I would like to see larger trees in addition.

Oxfordshire County Council Consultees

- 3.5 **Highways Liaison Officer:** Oxfordshire County Council as Local Highway Authority 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.

It is noted that there is an agreement in place for a S278 access arrangement. Although the road is currently private/un-adopted, there will be a future agreement to adopt the new road at some future date.

The Private Drive proposed to serve access to Plot 5 and Plot 6 dwellings shall however not be adopted as it only serves two properties.

Development is also subject to S184 (dropped crossing application) arrangement for Plot 1 dwelling.

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 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 following policies are considered to be relevant:-

Policy PSD1	Presumption in Favour of Sustainable Development
Policy BSC2	The effective and efficient use of land
Policy BSC3	Affordable Housing
Policy BSC10	Open Space, Outdoor Sport and Recreation Provision
Policy ESD3	Sustainable Construction
Policy ESD7	Sustainable Drainage Systems
Policy ESD13	Local Landscape Protection and Enhancement
Policy ESD15	Character of the built and historic environment
Policy Villages 1	Chesterton is a Service Village

Adopted Cherwell Local Plan (Saved Policies)

C13	Area of High Landscape Value
C28	Layout, design and external appearance of new development
C30	Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

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

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

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

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

Policy H15	Category 1 Settlements
Policy H19	New dwellings in the countryside
Policy EN30	Sporadic development in the countryside
Policy EN31	Beyond the existing and planned limits of Banbury and Bicester
Policy EN34	Conserve and enhance the character and appearance of the landscape

5. Appraisal

5.1 The key issues for consideration in this application are:

- Site History
- Planning Policy and the Principle of Development
- Five Year Housing Land Supply
- Design
- Landscape impact
- Ecology
- Flooding and Drainage
- Transport Assessment and Access
- Delivery of the Site
- Planning Obligation

Site History

5.2 The application site was subject to an application for 10 dwellings last year (14/01899/F) that was refused at Committee. The application was refused for 3 reasons, those being as follows:

1. The proposed development will be conspicuous from public vantage points to the west and will be detrimental to the character and appearance of the countryside and to the setting of the village and the land is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996, nor is the application site proposed for development as a strategic housing allocation in the Submission Local Plan December 2014. The proposal will have a greater impact on these matters than the scheme being built that was allowed at appeal (re non 12/00305/OUT) and represents a sporadic, unplanned, urban extension, encroaching into the open countryside which fails to maintain its rural character and appearance. The application is, therefore, contrary to Policies H18, C7 and C8 of the adopted Cherwell Local Plan, Policies ESD13, and ESD16 of the Submission Cherwell Local Plan June 2014 (as amended by modifications) and national policy contained in the National Planning Policy Framework.

2. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to the Policy R12 of the adopted Cherwell Local Plan, Policy INF1 of the Submission Cherwell Local Plan January 2014 and national policy contained within the National Planning Policy Framework.

3. Development in the manner proposed will curtail the opportunity for the developer to deliver the informal open space that it is obligated to provide in the terms of a legal agreement entered into by the applicant in respect of the adjacent site that is currently being built to the detriment of the character and appearance of that scheme and the quantum of open space that should be provided, contrary to Policy BSC10 of the submitted Cherwell Local Plan.

An appeal has been lodged against that refusal of planning permission and a decision upon it is awaited.

Planning Policy and Principle of Development

- 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 in question is not allocated for development in any adopted or draft plan forming part of the development plan, but it does however fall within the application site boundary of the outline planning permission granted on appeal for 44 houses in February 2013 (12/00305/OUT). At the time of the refusal for 10 dwellings, Chesterton was designated as a Category 1 settlement in the 1996 Cherwell Local Plan. Policy H13 (now not saved) of that plan stated that new residential development within the village will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the settlement, or the conversion of non-residential buildings.
- 5.5 Policy Villages 1 of the recently adopted Cherwell Local Plan 2011-2031 designates Chesterton as a Category A village, and therefore one of the Districts most sustainable settlements based on criteria such as population, size, range of services and facilities and access to public transport. Policy Villages 1 replaced Policy H13 of the 1996 Local Plan, but broadly follows the same ethos, in principally allowing minor development within the confines of the settlement, infilling and conversions. Policy Villages 2 seeks to distribute the amount of growth that can be expected within these villages, although how the numbers will be distributed is not specified as precise allocations within each village would be set out in the Local Neighbourhoods Development Plan Document, based on evidence presented in the SHLAA.
- 5.6 Quite clearly the development fails to comply with the new Policy and in doing so also potentially conflicts with Policy ESD13 of the Local Plan that seeks to protect and enhance local landscapes.
- 5.7 Paragraph 49 of the NPPF states 'housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites.
- 5.8 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides

(paragraph 17) a set of core planning principles which amongst other things require planning to:

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

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

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

5.10 Whilst it is acknowledged that Chesterton is one of the more sustainable villages, this does not necessarily mean that the proposal itself constitutes sustainable development. The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below. In respect of the appeal at The Green, it is important to note that the Inspector concluded that Chesterton is a sustainable location. Furthermore, in an appeal at Bourne Lane, Hook Norton an Inspector concluded that whilst the village does not have a piped gas supply and that electricity supply and broadband connectivity can be poor, that these did not alter his overall assessment of the range of facilities available within the village and that it was sustainable.

5.11 In terms of the environmental dimension, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Whilst this is a green field site and its loss will cause harm to the character and appearance of the countryside, this would be limited to short–medium distance views within the immediate vicinity of the site.

5.12 Paragraph 14 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole. The identified issues of relevance are identified and considered below.

Design & Layout

- 5.13 The application is a detailed scheme and so full plans and elevations of the proposed dwellings have been provided. The proposal is for 6 detached houses. Plot 1 would have been served via an access directly onto Green Lane and would be the only property as part of this development to do so. Following comments received from the Council's Landscape Officer, a hipped roof has been placed on the single storey element on the western side of the property that would face towards the wider open countryside in order to mitigate its impact.
- 5.14 Plots 2 and 3 would front onto the access drive into the wider development of 44 dwellings currently under construction. These 2 properties would be the affordable units on the site. Plot 4 would also front onto this road.
- 5.15 Plots 5 and 6 would be served via a private drive that runs between plots 3 and 4.
- 5.16 Centrally within the site would be an area of informal open space. Members will recall that the previous application for 10 dwellings was refused as it would have resulted in the loss of informal open space related to the adjoining development and so have a detrimental effect on the character and appearance of this scheme. A balancing pond would also lie adjacent to this area of open space and plot 2.
- 5.17 In terms of the design of the proposed dwellings, all would be two-storey, with a mixture of materials to include stone and buff brick and red brick. The roofs would be constructed from a mixture of grey and terracotta plain tiles.
- 5.18 The design of these properties seeks to sit comfortably and match those properties currently under development on the adjoining site. Indeed, both sites are owned by the same developer and so there will be an obvious correlation between the sites and ensure that they do not conflict with each other.
- 5.19 It is considered that the design details provided that the proposed development would fit with the context of the wider village.

Landscape Impact

- 5.20 The application site lies beyond the built up limits of the village in an area of open countryside. Policy ESD13 of Cherwell Local Plan 2011-2031 seeks to resist development if it would result in demonstrable harm to the topography and character of the landscape but also to secure appropriate mitigation where damage to local landscape character cannot be avoided.
- 5.21 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of internal, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological works.
- 5.22 The application site, like the adjoining land under development, is not within any locally or nationally designated landscapes. Indeed, the wider site was considered by the Planning Inspector in allowing the adjoining development for 44 dwellings and the landscape impact was found to be minor.
- 5.23 The main concern raised by the Council's Landscape Officer relates to Plot 1, which fronts onto Green Lane and would be the most visible of the plots when approaching the village from the west. Following these comments, amended plans have been received from the applicant, which propose to hip the westerly facing single storey element of the proposed house. In addition, a 6m deep landscaping buffer is proposed along the western boundary adjacent to Plot 1 to mitigate the impact and enhance the current landscaping position on this approach into the village.
- 5.24 With the omission of the middle section of the development, it is considered that the development proposed would have a reduced prominence in the wider area and in views from the Little Chesterton road to the west in particular, and with the provision of mitigation measures to further enhance the approach into the village it is considered to be acceptable and in compliance with Policy ESD13 of the Cherwell Local Plan 2011-2031 and Government advice in the NPPF. This is a very balanced judgement however, and the Council could choose to be firm and not allow this land, previously identified in the earlier appeal permission as informal open space, to be developed at all.

Ecology

- 5.25 The application is accompanied by an Ecological Assessment that confirms that the site is not within or adjacent to any statutory or non-statutory wildlife sites and that the proposed development would not cause any significant impacts to such sites.
- 5.26 The Ecological Assessment considers the potential impact on a number of species, including bats, badgers, hedgehogs, brown hare, birds, reptiles and amphibians.
- 5.27 In respect of all these species, none were found specifically on the site but within the proximity of the surrounding area. As such, it concludes that whilst there is unlikely to be any direct impact arising from the development,

precautionary measures need to be taken during construction to monitor the situation further.

- 5.28 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 5.29 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and: ‘local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a ‘competent authority’ in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places’.
- 5.30 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-
1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
 2. there is a satisfactory alternative
 3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 5.31 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 5.32 The Council’s Ecologist has assessed the Ecological Assessment which has been submitted with the application and considers that it is appropriate in scale and depth. The Ecologist recommends 3 conditions to ensure that appropriate measures are put in place to ensure that protected species are adequately managed. Consequently, having regard to the above, it is considered that Article 12 (1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on the site will continue, and will be safeguarded, notwithstanding the proposed development. The proposal therefore accords with the NPPF and Policy ESD10 of the Cherwell Local Plan.

Flooding and Drainage

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

Transport

- 5.34 The majority of the application site would use an existing, consented access, that serves the adjoining development of 44 dwellings and so in respect of the position and size of the access, it is not considered to be inappropriate.
- 5.35 In respect of the new access onto Green Lane to serve Plot 1, as well as the wider development, Oxfordshire County Council Highways have raised no objections.

Planning Obligations

- 5.36 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. The draft Supplementary Planning Document (SPD) relating to the requirements was considered by the Council's Executive in May 2011 and was approved as interim guidance for development control purposes.
- 5.37 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/services. Obligations are the mechanism used to secure these measures.
- 5.38 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
- 5.39 Having regard to the above, the Heads of terms relating to the additional development would include the following:-

CDC Contributions

- Provision of 2 affordable dwellings
 - Provision and retention of on-site informal open space
 - Monitoring fee - £1500
- 5.40 Whilst this site is small and would not in the usual scheme of things require contributions towards County Council infrastructure, this proposal is effectively a second phase on the scheme just being built out. On that basis it is considered reasonable to seek further pro-rata payments for those elements that continue to comply with the CIL Regulations. This matter requires further discussion with OCC, and an update will be given at Committee.

Engagement

- 5.41 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

- 5.42 Whilst the Council are currently able to demonstrate a five year supply of housing sites, this does not preclude the ability to approve dwellings outside of the village confines and an individual judgement needs to be made as to whether the benefits arising outweigh the harm. The NPPF at paragraph 14 sets out the presumption in favour of sustainable development at the heart of decision taking within the planning system. The application site lies within an area that formed the site for an approval for 44 dwellings, currently under construction. It is located within a sustainable location and in your officers opinion will not cause undue harm to the character and appearance of the countryside, and so, therefore, on balance, it is considered that there is support for the principle of development.
- 5.43 In accordance with paragraph 14 of the NPPF, the adverse impacts of the proposed development do not outweigh the benefits and so there should be a presumption in favour of sustainable development.

6. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph 5.39 and 5.40,
- b) the following conditions:
1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

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

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Site Location Plan (063-1000), Existing Site Layout (063-1001), Proposed Site Layout (063-1010A), Plot 1 & Plot 4 (063-1101A), Plots 2 & 3 (063-1102), Plot 5 (063-1103), Plot 6 (063-1104), Planning Statement, Design and Access Statement, Tree Protection Plan (HILL/19532/03a), Landscape Proposals (HILL/19532/11a), Arboricultural Impact Assessment (HILL19532aiaA), Preliminary Ecological Assessment (Nov 2014), Flood Risk Assessment (June 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 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 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development, a plan showing the details of the finished floor levels of the proposed dwellings in relation to existing ground levels on the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason – To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with 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 permitted, 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. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which this scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Associations current edition 'sewers for adoption'

Reason – To ensure that the development is served by proper arrangements for the disposal of surface/foul sewage, to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework

6. All planting, seeding or turfing comprised in the approved Landscaping Proposals and Specification 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.

7. Notwithstanding the details submitted in the approved Landscaping Plan, prior to the commencement of the development hereby approved, a landscaping scheme for the proposed buffer to Plot 1 (as indicated in plan 063-1010A) 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 provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. The development hereby approved shall be carried out strictly in accordance with recommendations R3, R4, R5, R6 and R7 set out in Section 6 of the Preliminary Ecological Assessment submitted with the application, which was prepared by Middlemarch Environmental dated November 2014.

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

9. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

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

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 on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

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

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

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.

12. Prior to the commencement of the development hereby approved, a lighting scheme will be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - 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 commencement of the development hereby approved, full details of the access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwellings the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.

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

14. Other than the approved access(s) no other means of access whatsoever shall be formed or used between the land and the highway.

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

15. The delivery bay adjacent to the LPG tanks shall be kept free of obstructions at all times and used only for the specified purpose.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.

16. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

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

17. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

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

18. That the garage accommodation shall be retained as such and shall not be adapted for living purposes unless planning permission has first been granted by the Local Planning Authority on a formal application.

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

19. A final drainage design plan and full drainage calculation need to be submitted and approved by Oxfordshire County Council prior to the development commencing on site.

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

Planning Notes

1. PN19
2. PN22

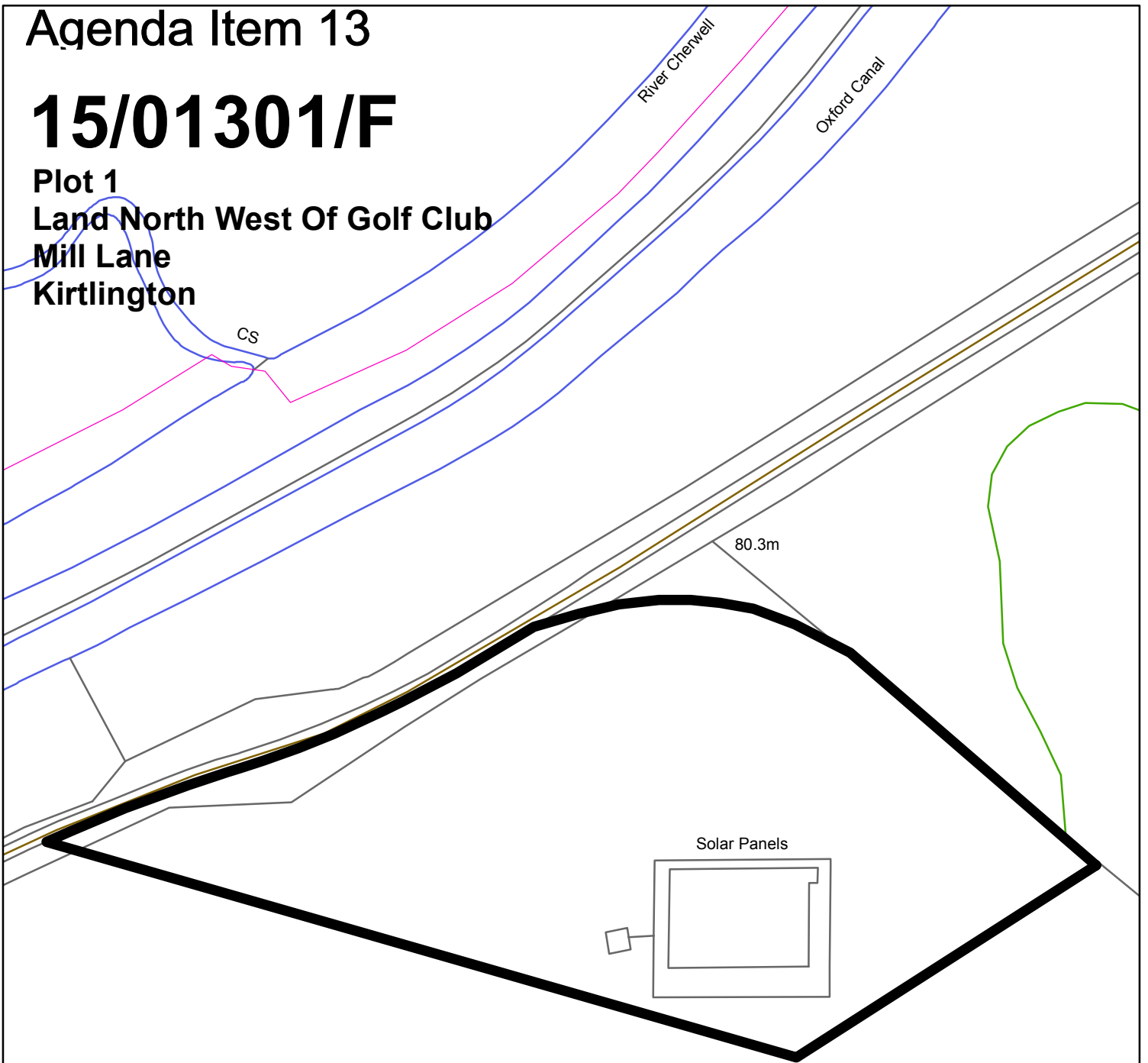
Statement of Engagement

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 13

15/01301/F

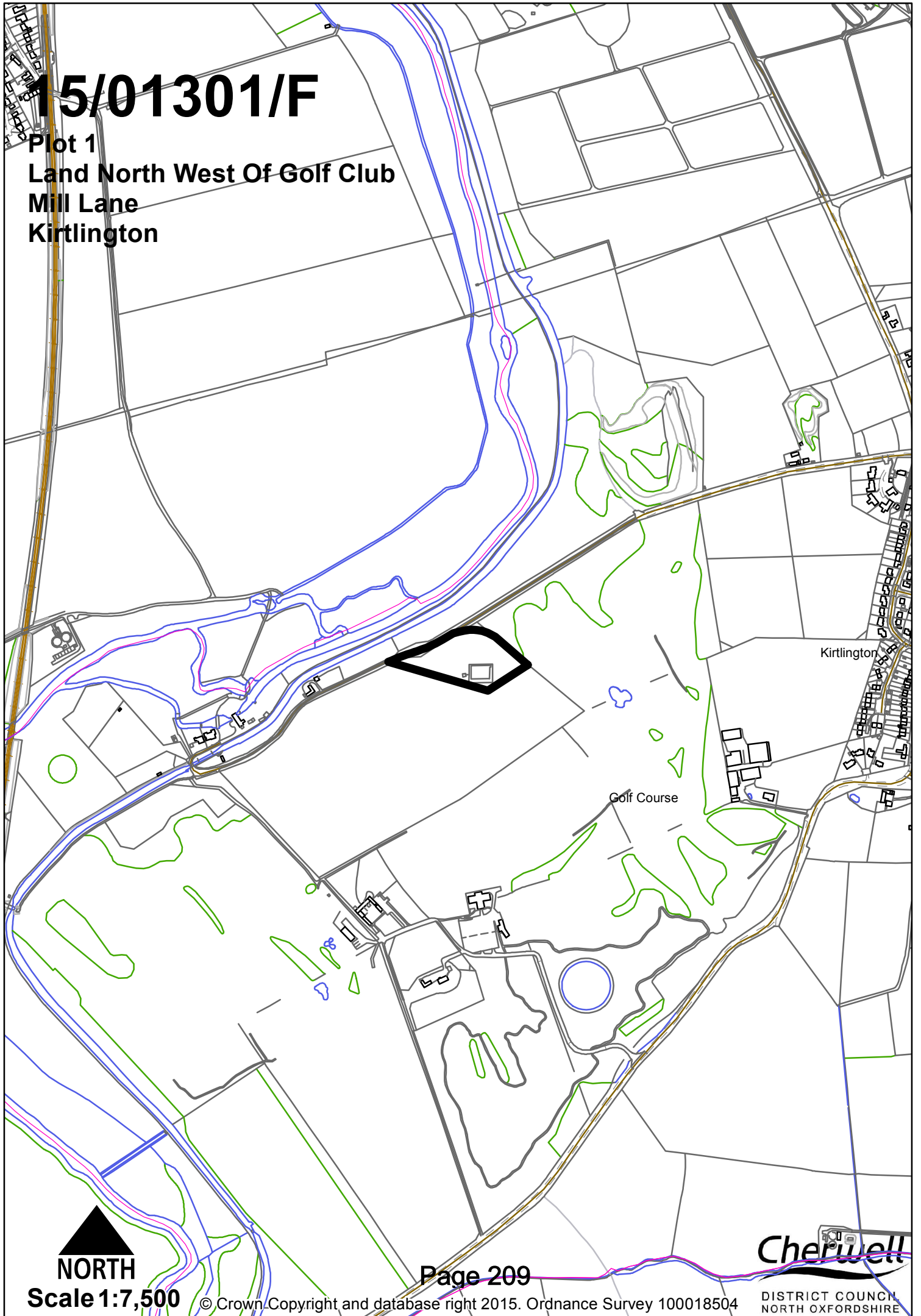
Plot 1
Land North West Of Golf Club
Mill Lane
Kirtlington



NORTH
Scale 1:1,250

15/01301/F

Plot 1
Land North West Of Golf Club
Mill Lane
Kirtlington



Kirtlington

Golf Course



DISTRICT COUNCIL
NORTH OXFORDSHIRE



NORTH
Scale 1:7,500

**Plot 1,
Land North West of Golf Club,
Mill Lane,
Kirtlington**

15/01301/F

Ward: Kirtlington

District Councillor: Cllr Holland

Case Officer: Stuart Howden

Recommendation: Approval

Applicant: Mr Kasmir Johai

Application Description: Extension of the ground mounted PV array to include an additional 50kWp (200 module) array

Committee Referral: Site over 1 hectare

Committee Date: 26.11.2015

1. Site Description and Proposed Development

- 1.1 The site comprises an area of agricultural land within an agricultural parcel of land to the south east of Mill Lane, to the west of the built up limits of the village of Kirtlington (by approximately 500 metres) and to the north west of Kirtlington Golf Club. The site is situated on a valley which gently slopes westwards towards The Oxford Canal and River Cherwell. A two storey agricultural building constructed from stone and slate is situated in the northern corner of the site. The south side of the site accommodates approximately 200 solar modules. Cabling connects the existing panels to a solar inverter cabin and then a power line to the west of the existing solar array. Access to the site is taken via a gate leading from Mill Lane.
- 1.2 Planning permission is sought for 200 additional solar modules to the east of the existing solar modules on the site and this would therefore result in 400 solar modules on the site overall. The proposed modules would be connected together and the array would be connected to the existing array. The proposed solar array would extend off the 11 rows of the existing solar array. The system would be connected to the existing power line and it is proposed to support the local network. The maximum height of the system above the ground would be approximately 0.6 metre and the modules would be set at a 30 degree angle from ground level. The modules proposed have a total rated power of 50 kilowatts-peak (kWp) and combined with the existing modules, this would equate to a total rated power of 100 kWp. 2 additional inverters are proposed in the existing weather poof cabin on the site.
- 1.3 No listed buildings are within close proximity to the site. The site is not within a Conservation Area, but the Oxford Canal Conservation Area runs to the north west of the site (approximately 30 metres away from the site). Shipton-on-Cherwell Quarry Site of Special Scientific Interest (SSSI) is located approximately 2.3KM to the south west of the site, whilst Kirtlington Quarry SSSI is situated to the north east of the site by approximately 300 metres. The site lies adjacent to the Lower Cherwell Valley Conservation Target Area which is to the north of the site and there are records of several notable protected species within close proximity to the site including the Grey Wagtail, European Otter and Bluebell. A Public Footpath (270/11/70) runs adjacent to the north west boundary of the site along Mill Lane.
- 1.4 A screening opinion in September 2015 (15/00076/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 site notice. The final date for comment is 27th November 2015. 3 letters of objection have so far been received and the concerns raised are summarised below:

- The panels should be well screened;
- Highways safety issues as Mill Lane is a badly damaged;
- Land ownership concerns.

3. Consultations

3.1 Kirtlington Parish Council: No comments received to date.

Cherwell District Council Consultees

3.2 Landscaping Officer: *“As long as the northern and eastern boundary hedgerows are retained and maintained to a minimum of 3 metres for reasons of mitigating the development from detrimental views from Mill Lane PRow and the golf course I have no objections. Trees on these boundaries are also to be retained for the same reason. The eastern boundary hedgerow is to be protected from damage with protective fencing in accordance with BS5837 during the period of installation”.*

3.3 Ecology Officer: No objections.

Conservation Officer: No comments received.

3.4

Oxfordshire County Council Consultees

3.5 Footpaths Officer: No comments received.

3.6 Highways Liaison Officer: No objections.

Other Consultees

3.7 Canal & River Trust: No objections.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan (2011-2031) Part 1

PSD1: Presumption in Favour of Sustainable Development

ESD1: Minimising and Adapting to Climate Change

ESD2: Energy Hierarchy

ESD5: Renewable Energy

ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD11: Conservation Target Areas

ESD13: Local Landscape Protection and Enhancement

ESD15: The Character of the Built and Historic Environment

ESD16: The Oxford Canal

Cherwell Local Plan 1996 (saved policies)

- C4: Creation of new habitats
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C14: Countryside Management Projects
- C28: Layout, design and external appearance of new development
- ENV1: Development likely to cause detrimental levels of pollution

4.2 Other Material Policy and Guidance

National Planning Policy Framework (2012)

Planning Practice Guidance (2014)

Overarching National Policy Statement for Energy (EN-1) Planning (July 2011)

National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011)

Planning and Climate Change; Supplement to Planning Policy Statement 1

Planning Practice Guidance for Renewable and Low Carbon Energy (Jul. 2013)

UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (Oct. 2013)

UK Solar PV Strategy: Part 2 (Apr. 2014)

Solar energy; protecting the local and global environment – Written statement to Parliament (March 2015)

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History;
- The Principle of the Development;
- Agricultural Quality of the Land;
- Visual Impact and Effect on Landscape Character;
- Impact on Heritage Assets;
- Effect on Residential Amenity;
- Highways Safety;
- Ecological Impact;
- Other Matters.

Relevant Planning History

5.2 10/01920/F – Ground mounted solar PV array – Approved

In 2011 an application for 218 solar modules covering an area of 620m² was approved, but only 200 of these have been installed to the south of the application site.

5.3 11/01517/AGN – Agricultural shed unit – Approved – Not implemented

In 2011, an agricultural notification for the erection of an L shaped agricultural

building at the site for the storage of agricultural equipment and materials was approved. The approved building was proposed to have a height of approximately 8 metres and constructed from stone under a clay tile mono-pitch roof (see image below). However, a slate dual-pitched and a number of openings were installed, but these were later infilled.

5.4 15/00789/F – Retrospective – Erection of Agricultural Building.

Planning consent was sought to remedy the planning breach referred to in paragraph 5.3 of this report and the application at the site was approved subject to conditions on 21st October 2015.

The Principle of the Development

5.5 National planning policy and Government guidance with respect to renewable energy developments has been fluid in recent months with the latest changes taking place in March 2015.

5.6 However, the National Planning Policy Framework (NPPF) provides positive encouragement for renewable energy projects. One of the core planning principles set out in paragraph 17 is to: *“Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)”*.

5.7 Paragraph 93 of the Framework notes that: *“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”*. This constructive attitude to renewable energy is reiterated in paragraph 14 of the Framework which states that any adverse impacts of approving an application, which is considered to be sustainable, would have to significantly and demonstrably outweigh the benefits.

5.8 Paragraph 97 of the Framework goes on to state that Local Planning Authorities should *“recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources”* and that they should:

- *“have a positive strategy to promote energy from renewable and low carbon sources;*
- *design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;*
- *consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and*
- *identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.”*

5.9 Furthermore, paragraph 98 of the Framework advises that when determining planning applications, Local Planning Authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;

and

- approve the application, unless material considerations indicate otherwise, if its impacts are (or can be made) acceptable...

5.10 The NPPF also recognises the need to accord with European legislation. Paragraph 2 states that planning policies and decisions must reflect, and where appropriate, promote relevant EU Obligations and Statutory requirements. EU Directive 2009/28/EC necessitates member countries to increase renewable energy generation.

5.11 The Cherwell Local Plan Part 1 makes specific mention to renewable energy and reflects the positive approach of the NPPF. Policy ESD5 sets out a list of criteria against which applications renewable energy should be assessed - they read as follows:

- Landscape and biodiversity including designations, protected habitats and species and Conservation Target Areas;
- Visual impacts on local landscapes;
- The historic environment including designated and non-designated assets and their settings;
- The Green Belt, particularly visual impacts on openness;
- Aviation activities;
- Highways and access issues and;
- Residential amenity.

5.12 Paragraph B.199, which supports Policy ESD5, also seeks to direct solar farms away from the district's highest quality agricultural land. Using DEFRA's Agricultural Land Classification, land is put in to one of six categories (1, 2, 3a, 3b, 4 and 5). Grade 1 and 2 land, the most fertile, are considered to be too good to be used for renewable energy.

5.13 The Planning Practice Guidance (PPG) reiterates this point but goes further by directing developers to look at previously developed and non-agricultural land over greenfield land, when bringing forward large scale solar schemes. Paragraph: 013 Reference ID: 5-013-20140306 of the PPG states that:

"Particular factors a local planning authority will need to consider include:

- *"encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays..."*

5.14 The proposed solar array is proposed to be connected to the national grid and it is noted in the submitted application documents that the proposed 200 modules have a total rated power of 50 kilowatts-peak (kWp) and combined with the existing modules, this would equate to a total rated power of 100 kWp. Although it is unclear how many houses this proposal could generate electricity for, as noted above the NPPF sets out that it is not necessary for an applicant to demonstrate the overall need for renewable or low carbon energy and that small scale projects should be recognised as providing a valuable contribution to cutting greenhouse gas emissions.

5.15 Officers therefore consider that the proposal would provide a valuable contribution to cutting greenhouse gas emissions and that the proposal could be acceptable in

principle, but this is subject to the proposal avoiding significant harm to the local landscape character, biodiversity, historic environment, residential amenity, and the highway network. These issues are discussed below.

Agricultural Quality of the Land

- 5.16 Consideration of the agricultural quality of the land is more relevant when considering larger scale projects, and when assessing larger schemes land identified as Best Most Versatile (BMV) agricultural land should be discounted. The overall array as a result of this proposal would be of a relatively small scale and would cover a fairly limited area of the agricultural field it would be sited within as the majority of land within this field would still be maintained for agricultural purposes. Even so, the part of the site where the modules are proposed is not the highest quality agricultural land (Grade 3).

Visual Impact and Effect on Landscape Character

- 5.17 Policy ESD13 of the Cherwell Local Plan Part 1 notes that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to the local landscape character cannot be avoided. Policy ESD13 also states that: *“Proposals will not be permitted if they would:*
- *Cause undue visual intrusion into the open countryside;*
 - *Cause undue harm to important natural landscape features and topography;*
 - *Be inconsistent with local character;*
 - *Impact on areas judged to have a high level of tranquillity;*
 - *Harm the setting of settlements, buildings, structures or other landmark features: or*
 - *Harm the historic value of the landscape.”*
- 5.18 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“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.”*
- 5.19 Saved Policy C28 of the Cherwell Local Plan 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings. Saved Policy C8 of the Cherwell Local Plan 1996 seeks to protect the character of the open countryside.
- 5.20 Whilst the addition of 200 modules to the existing solar modules on the site would not result in a large scale array, the additional 200 ground mounted modules will have an impact on the character and visual appearance of the landscape surrounding the application site. However, simply being able to see the panels within the landscape is not a reason to withhold consent as evidenced by the presence of solar panels and farms around the country in rural locations. The impacts of the proposed development and whether the landscape has the ability to accommodate the ground mounted panels, having regard to the characteristics of the landscape and the cumulative impacts that will result from the proposed modules and the existing modules on the site, needs to be determined.
- 5.21 Officers are of the opinion that the proposed panels are of relatively small in terms of their height as they would be approximately 0.6 metre high. The existing panels on the site are of a similar height to the panels proposed and are not highly visible from the public domain of Mill Lane due to their relatively small height and because of mature landscaping along the highway boundary. The solar panels are only slightly

noticeable from Mill Lane through the main access into the site. These existing modules are also not highly visible from the Golf Course adjoining the site due to their relatively small height, the topography of the area and landscaping.

- 5.22 The proposed panels would effectively double the amount of panels on the site, but the overall array would cover a fairly limited area of the agricultural field it would be sited within as the majority of land within this field would still be maintained for agricultural purposes. The array would not be significantly more noticeable from the public domain as a result of this proposal given the landscaping surrounding the parcel of land the site is situated within, the topography of the area and due to the overall amount of relatively small modules which would be located within the application site.
- 5.23 The requirements of Policy ESD5 of the Cherwell Local Plan make no distinction between public or private views, only that renewable energy projects should not have a significant adverse visual impact upon the local landscape. Whilst, it is reasonable to conclude that the impact on publicly available views should be given greater weight given that they are more likely to be experienced by greater numbers of people, it is considered that the panels would be relatively well screened from most areas outside the parcel of land the site is located within, including the Kirtlington Golf Course which adjoins the site due to the small scale nature of the proposal, the topography of the area and the landscaping which surrounds the parcel of land the site is situated within.
- 5.24 The Council's Landscape Officer has no objections to the proposed modules as long as the northern and eastern boundary hedgerows are retained and maintained to a minimum height of three metres in order to mitigate the development from detrimental views from Mill Lane and Kirtlington Golf Course. In order to provide an effective screen to the proposed development and in the interests of the visual amenities of the area, this has been recommended as a condition.
- 5.25 The Landscape Officer has also noted that the eastern boundary hedgerow of the site should be protected from damage with protective fencing in accordance with BS5837 during the period of installation. As this hedging would contribute in screening the solar array, this has been recommended as a condition.
- 5.26 Whilst the existing and proposed array combined would have an impact upon the character of the countryside given that they would cover agricultural land and this is a modern feature. However, officers consider that the 200 additional solar modules would be relatively well screened from most areas outside the parcel of land the development site is situated within, including the public highway of Mill Lane. The overall array would be of a relatively small scale and it is considered that the landscape has the ability to accommodate the existing and proposed array together, and that the proposal would not have a detrimental impact upon the visual appearance or rural character of the countryside. Subject to the aforementioned conditions, the proposal is considered to be in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies C8 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Impact on Heritage Assets

- 5.27 Section 12 of the NPPF (Conserving and Enhancing the Historic Environment) states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution of local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation. Proposals that preserve those elements should be

treated favourably.

- 5.28 The Oxford Canal Conservation Area is approximately 30 metres to the north east of the site. Policy ESD16 of the Cherwell Local Plan Part 1 states that: *“The length of the Oxford Canal through Cherwell District is a designated Conservation Area and proposals which would be detrimental to its character or appearance will not be permitted”*. Saved Policy C5 of the Cherwell Local Plan 1996 also states that the Council will seek to protect the rural character of the Oxford Canal and the River Cherwell through the control of development.
- 5.29 The Oxford Canal is set in a valley and to the south west of The Oxford Canal are a number of large trees therefore the site itself is well screened from the Oxford Canal. Given the above and the relatively small height of the panels, officers are of the opinion that no proposed modules would be clearly visible from the public footpath which runs beside The Oxford Canal. It is considered that the overall array would not unduly affect the setting of the Conservation Area.

Residential Amenities

- 5.30 The site is not within a residential area and there are no residential properties within close proximity to the site with the nearest properties being over 350 metres away to the west next to the Three Pigeons canal lock. The solar panels proposed are designed so that there is limited glare. Furthermore, solar array development does not give rise to the issues of noise emission, traffic generation, visual dominance and electromagnetic disturbance of reflected light. Given the above, officers consider that the proposal would not cause detrimental harm to neighbour amenity whilst the solar array is in operation. In terms of the installation period, this is a relatively small scale scheme and any disturbance caused is likely to be for a very limited period of time.

Highways Safety

- 5.31 The site is accessed via Mill Lane and concerns have been raised by third parties in relation to the suitability of this highway. However, the Local Highways Authority have no objections to the proposal from a traffic and highway safety point of view. Whilst Mill Lane is in a poor state, officers consider that the proposal would not lead to a significant intensification of this highway given the fairly low scale movements associated with both installing and maintaining the array which is of a relatively small scale. It is therefore considered that the proposal would not cause adverse harm in terms of highway safety.

Ecological Impact

- 5.32 The Ecology Officer has no objections to the proposal given the scale and nature of the proposal. It is therefore considered that the proposal would not cause adverse ecological harm.

Other Matters

- 5.33 The matter of land ownership was raised by a neighbouring resident, but this is not a material planning consideration in this case.

Engagement

- 5.34 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

- 5.35 Given the above assessment, officers consider that the proposal is acceptable and that the application is compliant with the policies outlined in section 4 of this report. The application is therefore recommended for approval and planning permission should be granted subject to appropriate conditions.

6. Recommendation

Approval, subject to the:

- a) Expiry of the 21 day consultation deadline (27th November 2015);
- b) 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 condition, the application shall be carried out strictly in accordance with the following plans and documents:

- Application form submitted with the application;
- Design and Access Statement submitted with the application;
- Risen Solar Technology (SYP240S ~ SYP260P) document received from the applicant's agent by e-mail on 24th September 2015;
- 2 E-mails received from the applicant's agent on 24th September 2015;
- Drawing Numbers: EN5279-D-02, EN5279-A-07 and EN5279-B-07 received from the applicant's agent by e-mail on 14th October 2015; and
- E-mail received from the applicant's agent on 14th October 2015;
- E-mail received from the applicant's agent on 11th November 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. No works or development shall take place until a scheme for the protection of the retained trees on the eastern boundary of the site has been agreed in writing with the Local Planning Authority. This scheme shall include the details and position of Tree Protection Barriers (Section 6.2 of BS5837) at the installation phase. The Tree Protection Barriers shall be erected prior to the installation of the solar panels and remain in place, and undamaged for the duration of the installation of the solar panels.

Reason – To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. The existing hedgerow along the north and east boundaries of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The permission shall expire no later than 25 years from the date when electricity is first exported from any part of the array to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after the event.

Reason - In order to safeguard the amenities of the area and protect the rural character of the landscape in accordance with the requirements of Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 and Government guidance contained within the National Planning Policy Framework.

6. No external lighting shall be installed within the site area unless agreed in writing with the Local Planning Authority.

Reason - In order to safeguard the amenities of the area, biodiversity and to protect the rural character of the landscape in accordance with the requirements of Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 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.

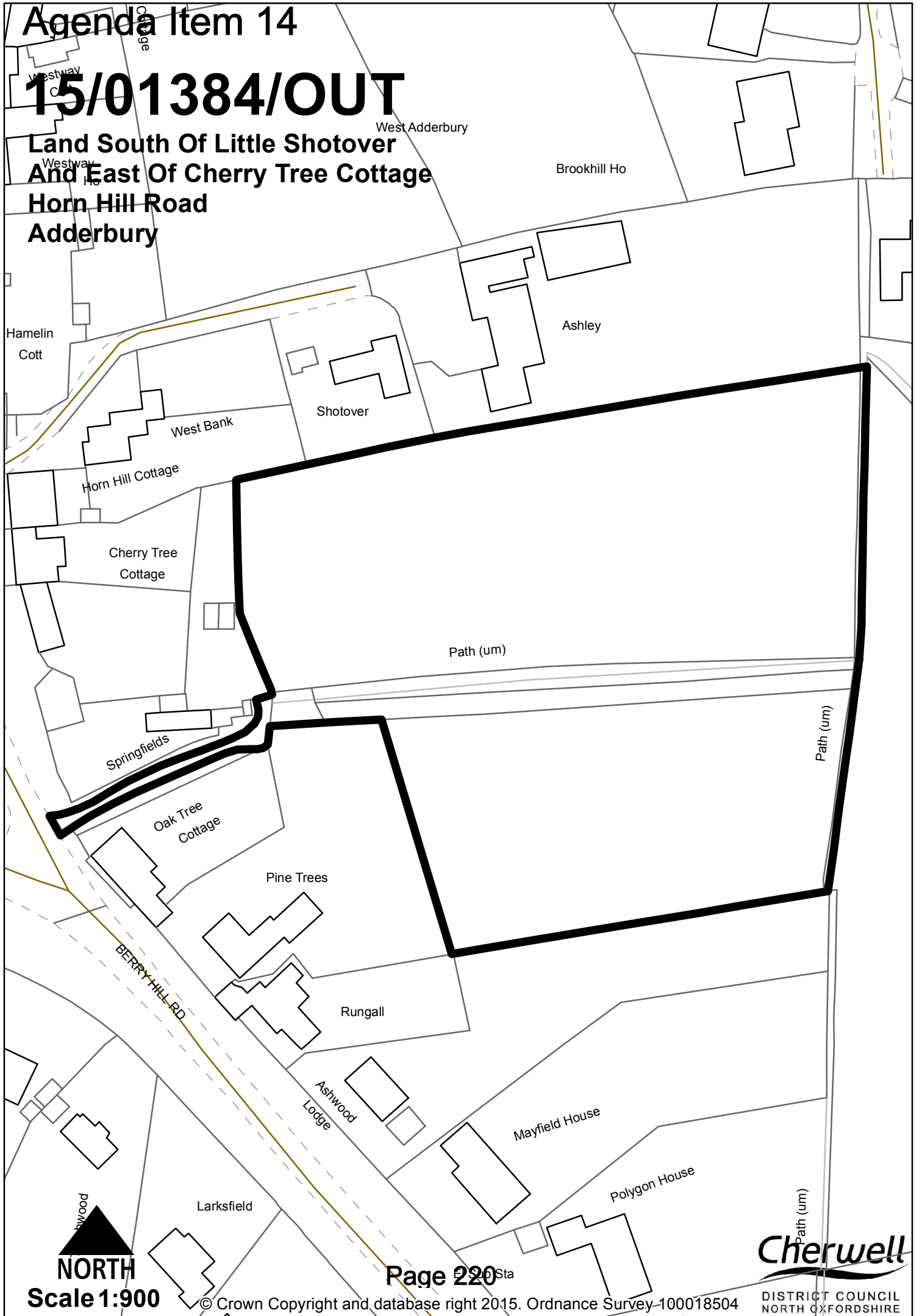
STATEMENT OF ENGAGEMENT

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. 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 14

15/01384/OUT

Land South Of Little Shotover And East Of Cherry Tree Cottage Horn Hill Road Adderbury

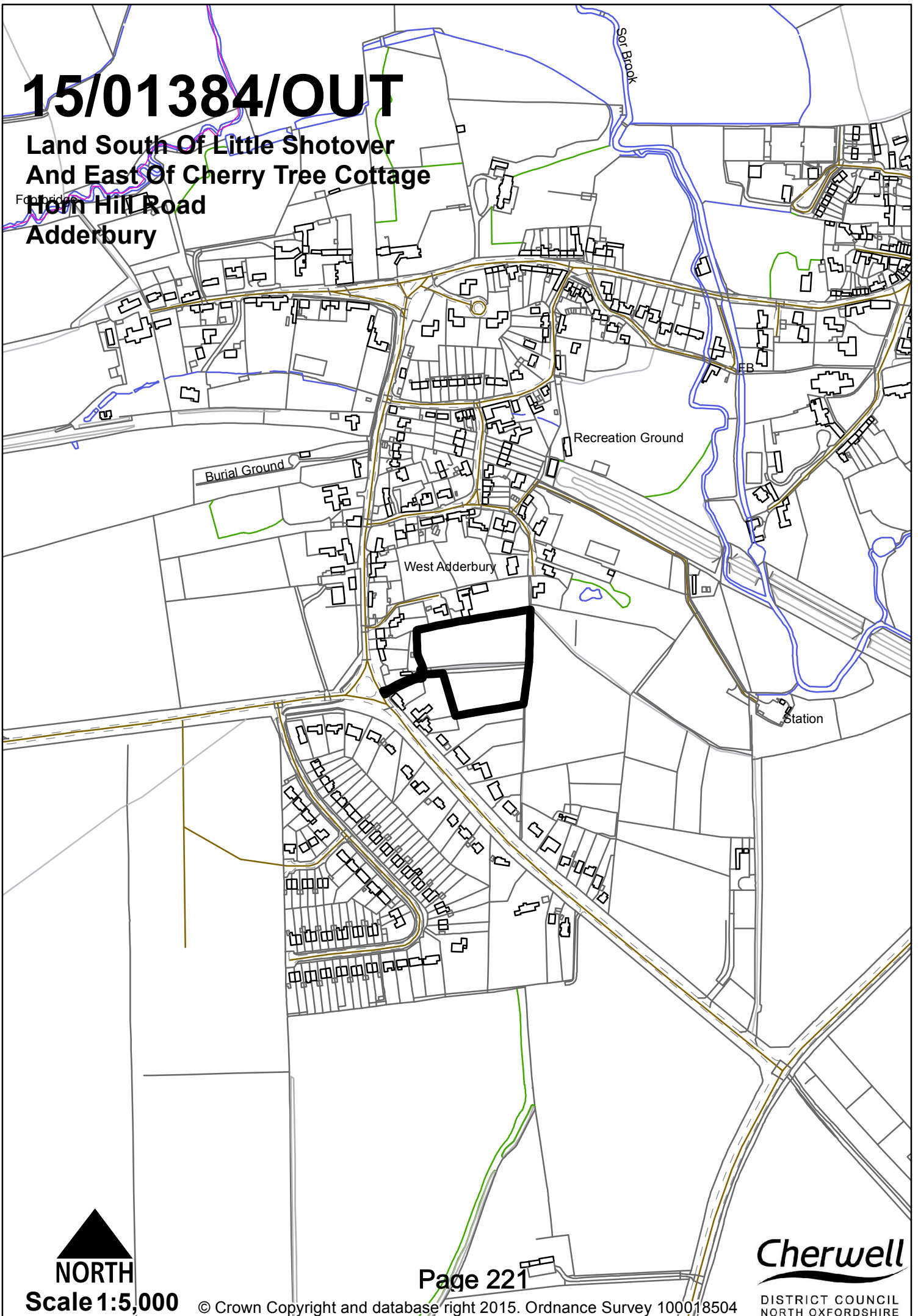


NORTH
Scale 1:900

15/01384/OUT

Land South Of Little Shotover
And East Of Cherry Tree Cottage

From Hill Road
Adderbury



Scale 1:5,000

**Site Address: Land South Of Little
Shotover and East of Cherry Cottage,
Horn Lane Road, Adderbury**

15/01384/OUT

Ward: Adderbury

District Councillor: Nigel Randall

Case Officer: James Kirkham

Recommendation: Refusal

Applicant: Mr William Aylward

Application Description: Outline:- Erection of 5 residential dwellings

Committee Referral: Major

Committee Date: 26.11.2015

1. Site Description and Proposed Development

- 1.1 The application site is an area of open land which is located to the rear of the properties which face onto Berry Hill Road and Horn Hill Road in Adderbury. It is located within the Conservation Area and the character of the area is edge of settlement with a rural appearance. The site is also located in an archaeological priority area.
- 1.2 The application site is accessed by a track between Springfields and Oak Tree Cottage from Horn Hill Road. The application site is dissected by a public footpath which runs across the centre of the site on an east west axis. An overgrown stone wall runs parallel with this footpath. The northern part of the site is on higher ground than the southern part and is currently used for agricultural pasture land. The southern field is currently maintained as a garden area associated with the property known as Pine Trees however much of this area does not have planning consent to be used for garden and its lawful use is agricultural land. This breach has been reported to the Councils Planning Enforcement Team who are investigating the matter.
- 1.3 The site slopes relatively steeply from a high point in the west to a low point in the east with a drop of approximately 7 metres across the site. A large conifer hedge exists on the eastern boundary of the site beyond which lies a further public footpath and open fields. Residential dwellings and gardens exist to the north and west of the site. The gardens of the large properties on Berry Hill Road exist to the south of the site.
- 1.4 The current application seeks permission for 5 large detached dwellings on the site. The only matters for consideration in this application are access and layout. The appearance and scale of the buildings and landscaping of the site are reserved for future applications.
- 1.5 The site layout shows the erection of 3 dwellings on the northern part of the site and a further 2 on the southern part. The footpath running down the centre of the site would be retained as would the wall. The properties would be accessed from a private drive which would split at the west end of the site and then run parallel either side of the footpath to serve the properties. This is to accommodate the levels difference between the two parcels of land which the applicant states will be retained.
- 1.6 The properties would have a mix of footprints with different plan depths and a number of projections. The applicant has provided illustrative plans of the appearance of the buildings which show a variety of architectural styles which are characteristic of the larger modern detached dwellings to the south of the site.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 1st October 2015.

149 letters of objection have been received. The following issues were raised

Material planning comments:

- Proposal is outside the development boundary (identified in the Neighbourhood Plan) and built up limits of the village
- Site is green field land where only agricultural development is allowed.
- The proposal will detract from the visual amenity and open agricultural character of the Conservation Area and area of high landscape value.
- Detrimental impact on the setting of nearby listed buildings and views towards the church
- Development will adversely impact on users of the public footpath.
- This development is not infill development. It is backland development and is on an important green space protected by policy C33.
- The development will not enhance or preserve the character and appearance of the Conservation Area contrary to policy C27 and ESD15
- The houses are very large and are not sympathetic to the surroundings
- Previous applications have been refused on the site.
- Inadequate access to the site due to the width and position and poor visibility. Also the location conflicts with the bus stop.
- Increase in traffic and risk of accidents
- Adderbury has already had significant development and growth
- Impact on wildlife and biodiversity
- There are inaccuracies within the application.
- Concerns over flooding.
- Approving the development could set a precedent for future developments.
- Loss of privacy and overlooking to neighbouring properties.
- Development will not be affordable for local people.
- Impact on school capacity.
- Problems with the sewers
- Lack of consultation.
- There is no need for new housing.

Non material comments:

- Loss of view
- Encroaching onto land outside the applicants control
- Land ownership of the access track

3. Consultations

- 3.1 Adderbury Parish Council: OBJECT for the following reasons:

1. The application is outside of the residential settlement boundary as shown in the Adderbury Neighbourhood Plan.

2. The site is an important green space, close to the village centre with a number of well used Public Rights of Way (PROWs). This application would change the nature of this open space and detract from the enjoyment and amenity value for residents of Adderbury.

3. The PC objects to potential urbanisation of this area by tarmacing what is

essentially still a rural lane alongside the historic walled Pound, owned by the Parish Council.

4. The site is within the Adderbury Conservation Area, as designated by CDC . This application does not enhance the Conservation Area but instead limits the views across an unspoilt part of the village especially to the Church. It is therefore contrary to CDC's landscape policies.

5. The site is next to several listed buildings and would adversely affect the setting of these buildings, which is contrary to CDC's policies.

6. The application may be inaccurate because the applicant states that he owns the access drive, however, the Land Registry only shows that the applicant has a right of way. The application also states it only affects one residential house, however it serves five residential properties.

7. The track is very narrow and could cause problems for vehicles attempting to enter and exit from the proposed development.

8. The applicant may not be able to comply with the suggestions of the highway report as he does not own it, which raises issues of deliverability. The report also overlooks that there is a public right of way along this access which is well used to access field footpaths. This right of way is not restricted to any particular part of the track so pedestrians may be in the way of vehicles.

9. The junction of the access track and the highway could be an accident area. The bus to Oxford/Banbury stops just beyond the track and many school buses also use this area – additional vehicle movements are likely to affect the safety of all users of this service.

Cherwell District Council Consultees

3.2 Councillor Nigel Randall: I will comment on this planning application now as, although I am a member of the Planning Committee, I would be unable to speak at any meeting due to being a neighbour of and knowing the applicant.

3.3 Mr Alyward has never made any secret of his long-term ambition to build houses on land he owns behind Berry Hill Road as a financial investment, and this is one of a series of attempts to gain permission for development. To that end, this is one of his better and smaller concepts: however, the project suffers from two major hurdles: position and access.

3.4 The application is to build 5 houses on land clearly within the Adderbury Conservation Area and, whatever spin is put on this in the submitted Landscape and Visual Impact Assessment, I fail to see how building any houses here - whatever their design, layout or appearance - could ever "preserve or enhance the character or appearance of the conservation area" (an objective in the Adderbury Conservation Area Appraisal adopted by CDC in April 2012).

3.5 This is clearly agricultural land, and not "in mixed use of part garden part paddock" stated in the submitted Planning Statement. Mr Alyward had applied to change the use of this area from Agriculture to Garden in his application 10/00430/F, but this was refused as it would "detract from the visual amenities and open agricultural character of this part of the Conservation Area and Area of High Landscape Value". Nothing has changed in my estimation, and saved planning policies C13 and C28 of the adopted Cherwell Local Plan apply.

- 3.6 Adderbury is denoted as a Category A Village in the adopted Cherwell Local Plan where small-scale development is permitted as infill: building on this site would clearly be backland development as the properties would not fill gaps in an otherwise continuous built-up frontage, and therefore not permissible under Policy Villages 1.
- 3.7 Access to this area is currently in the form of a private single-track farm lane with grass verges each side. This lane does not merely serve one residential dwelling, as stated in the submitted Traffic Assessment: there are 3 houses, other than Pine Trees, that have right-of-access along this lane to their properties: for two of these properties this is the only point of access for their vehicles. Although this lane is public footpath 101/7 there is no specifically constructed or designated footpath along it. I note that the application suggests that the existing vehicular access will be improved by widening the current 3m track by using the grass verges. If this application is approved this lane would then service the 5 new dwellings and 4 current properties: I suggest that this single track road would be totally unsuitable for the expected traffic, more especially as there would be no pedestrian path for public safety.
- 3.8 Overall, I do not believe that the proposed development would improve the quality and amenity value of the public realm in this conservation area, and should therefore be refused.
- 3.9 Planning Policy Officer: No comments received.
- 3.10 Conservation Officer: OBJECT. The proposed development was the subject of discussions and comments. A number of issues were raised during the pre-application process.
- 3.11 There is an objection in principle to the proposal, which is back land development that does not preserve or enhance the character and appearance of the Adderbury Conservation Area. It is not possible to overcome this concern with any form of development on the site due to the fundamental issue of the location of the land. It is appreciated that there are developments of a similar nature in the locality, but this is not a historically characteristic form in the area and should not set the precedent for further unsympathetic development. The previous developments were permitted in a different planning policy context.
- 3.12 Notwithstanding the comments above there are also concerns with the form of the development proposed. The large detached properties which are set back on large plots of land with substantial driveways and detached garages are not considered to reflect the historic configuration of the settlement. The buildings are of a similar form to the modern buildings in the area, but these are not considered to positively contribute to historic character and appearance of Adderbury Conservation Area.
- 3.13 The proposed development will also impact on the settings of the listed buildings in the area. The grade II listed build of West Bank, Horn Hill Cottage and Cherry Tree Cottage are located to the west of the site and the impact is to both the appreciation of the rear of the buildings from the south and east and the views out from the listed buildings themselves. The settings of these buildings have already been compromised by existing development, but the proposed development will further reduce the rural setting of these buildings. The grade I listed building of St Mary's Church is located at some distance to the north east of the site, but there are clear view lines to the church which would be compromised by the proposed new development. The presence of boundary features or screening is not considered to be a significant mitigating factor
- 3.14 Concerns were raised during the pre-application process regarding the access to the

site. The current access is rural in character and is part of the southern gateway to the site. Despite modern development the area retains its rural, edge of settlement character. The Design and Access Statement outlines that the access road will need to be 'improved' in both width and surfacing and although the full details of this are not contained within the application it is likely to have a detrimental impact on this area. The 'improvements' are conceived to be highways improvements or alterations rather than aesthetic improvements or anything that will enhance or better reveal the significance of the conservation area.

- 3.15 Concerns were raised during the pre-application process regarding the retention of the drystone wall along the existing footpath. The outline application indicates that this would be retained within the proposed development and this is considered to be a positive element of the proposals.
- 3.16 The development does not comply with The Cherwell Local Plan 2011-2031, Part 1 Adopted 20 July 2015 as it does not 'Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing street and public spaces and building configured to create clearly defined active public frontages' or 'Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features'
- 3.17 The development is contrary to the National Planning Policy Framework as it is considered to lead to less than substantial harm to the Adderbury Conservation Area and setting of the neighbouring listed buildings of West Bank, Horn Hill Cottage and Cherry Tree Cottage . There are not considered to be any public benefits to outweigh this harm.
- 3.18 Landscape Officer: Generally agrees with the landscape and visual receptor results of the LVIA. However in respect of the residential receptors on the southern boundary there is no evidence in the LVIA that they have been considered, namely residences 'Rungall', the 'Lodge' and 'Mayfield House'. Receptors. The 'Pine Trees' residence receptor should also be considered. Considers that a medium/adverse effect will be experienced by these receptors. The southern and western boundary is generally open with the occasional intervening trees in resident's gardens. Because of shade and light reduction issues to homes and gardens associated with a tall vegetated screen on this boundary because of the southerly aspect it would be appropriate to have a medium-sized growing 'informal' hedge.
- 3.19 The site is well contained behind conifer hedgers on the eastern and western boundaries and a hedgerow on the northern boundary. The conifer hedges, although do not appear to have much arboricultural merit do provide an effective screen and containment to the site. Views from viewpoint 9 and viewpoint 10 will include roofline of the southeast plot where the hedge is lower on this section of the boundary. Early morning sun will cast substantial shade on the plots, depending of the height of the hedge. A shadow assessment should be carried out. The hedge heights should be considered for reduction to reduce shade but also retain their value as screens. The access drive to the adjacent plots are to be considered in respect of the Root Protection Zones of the aforementioned conifer hedges and the hedgerow on the northern boundary. These RPZ must be indicated on the detailed landscape drawing to ensure that the position of the garage close to the hedgerow is reconsidered in respect of the RPZ, and similarly for the garage location close to the retained Pine Tree on the western boundary.
- 3.20 As mentioned previously the planting of groups of naturalistic Silver Birch trees to the eastern boundary will help to mitigate views of the development for visual receptors – refer to Viewpoints 11/12 and 16.

- 3.21 The dry stone wall through the middle of the site should be assessed for repair and to be protected by a Construction Exclusion Zone where the levels are retained,. The feature and the associated vegetation are strong physical and visual barrier between the visual receptor and the plots to the north. The arboricultural assessment indicates that G2 would benefit from hedgerow species planting, I support this.
- 3.22 The recommended planning conditions to cover:
- landscape details (hard and soft)
 - Hedges and hedgerow retention and minimum maintenance heights
 - Tree pit details
 - Landscape maintenance
- 3.23 Nuisance Investigation Officer: NO OBJECTION. Part of the northern hedge adjacent to Plots 1, 2 and 3 is subject to a high hedges remediation notice.
- 3.24 Environmental Protection Officer: No comments received.
- 3.25 Ecologist: NO OBJECTION. The preliminary ecological appraisal for the site did not find anything of particular concern. There is one tree on site which if not retained will need to be checked for bat roosts prior to removal as it has some potential otherwise there are few constraints as the existing hedgerows are due to be retained as is the dry stone wall (which can have ecological value also). Vegetation clearance will need to be avoided in the bird nesting season (March - August inclusive) unless an inspection by an ecologist confirms nesting birds are not present.
- 3.26 There are opportunities on site to add biodiversity enhancements and in line with NPPF recommendations and CDC Policy we should be seeking to achieve a net gain for biodiversity where possible on developments. The loss of the green space and various habitats on site for wildlife can be overcome with native planting, strengthening hedgerows and ongoing appropriate management of such, inclusion of bird and bat boxes within the dwellings themselves and on mature trees, green roofs/walls, pond creation, areas of meadow grassland, planting to benefit invertebrates in particular. Could not tell from the proposed masterplan whether the hedgerows, which do represent wildlife corridors in this landscape, would be part of the gardens to be maintained by the residents. This set up might not be ideal for their future retention. No objection subject to conditions.

Oxfordshire County Council Consultees

- 3.27 Highways Liaison Officer: NO OBJECTIONS subject to conditions. The private access is a single gravel track with grass verges on each side. The Design and Access Statement makes mention of plans to improve this access which will include enhancing the dropped kerb, resurfacing and widening of the first 5 meters from Horn Hill Road. This should be widened to 4.5 metres and tarmacked. In the wake of such improvements, this access would be appropriate for this particular development taking into account factors such as volume of traffic, traffic composition and pedestrian activity. The trip generation from such a development is unlikely to have a significant impact on the existing transport network. This has been demonstrated with TRICS software which shows that a development of 8 dwellings (including existing properties) in such geographical area would generate not more than 5 vehicular trips in any peak hour.
- 3.28 A point of concern that has come to light however, is the requirement for the prospective home owners to drag wheeled refuse bins over substantial distances owing to the fact that the access road shall remain private and there is no indication

for it to be adopted highway. Suggests that this issue should be looked at from a planning and design perspective.

3.29 Drainage Officer: No comments received.

Other Consultees

3.30 English Heritage: No comments received.

3.31 Thames Water: NO OBJECTION. Advise that the sewerage and water infrastructure is adequate to accommodate the development.

3.32 Adderbury Conservation Action Group: OBJECT for the following reasons:

- The proposed site is outside the Residential Settlement Boundary described in the Adderbury Neighbourhood Plan.
- The site is Greenfield/agricultural land on which only buildings of an agricultural nature are permitted.
- Whilst small developments are permitted as infill in Class A villages however, this is backland development that cannot be classed as infill. It is on green space therefore contravenes retained policy C33 'protection of important gaps of undeveloped land.
- The proposed development is well within the Adderbury Conservation Area. It is difficult to come to the conclusion that any houses of whatsoever design or materials could do anything to enhance or preserve the character or appearance of the conservation area thereby contravening policy C.27 now replaced by ESD 15.
- A previous application for change of use (10/00430/F was dismissed as it would 'detract from the visual amenities and open agricultural character of this part of the Conservation Area and Area of High Landscape value'. We believe that the situation is as was then and that planning policies C13, now replaced by ESD13, still apply.
- The single track that currently gives access already serves four dwellings, there is no footpath available although it is classed as a public footpath. The development would, if granted, bring the total number of properties to be served by this public footpath to nine. It would presumably be unacceptable to leave it as it is; a grass track. It would therefore have to become a roadway, providing a proper service road capable of accepting public service vehicles and providing a safe walk way for pedestrians. It appears that the access available would not be capable of providing such a roadway.

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 20 July 2015.

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 policies of the new Local Plan most relevant to this application are:

PSD1: Presumption in favour of sustainable development
SLE4: Improved transport and connections

BSC1:	District wide housing distribution
BSC2:	Effective and efficient use of land
ESD3:	Sustainable construction
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
Villages 1	Village categorisation
Villages 2	Distributing growth across the rural areas

Cherwell Local Plan 1996 (saved policies)

H18:	New dwellings in the countryside
TR1	Transportation
C28:	Layout, design and external appearance of new development
C23:	Features in conservation areas
C30:	Design of new residential development
C33:	Retention of undeveloped gaps
ENV1:	Development likely to cause detrimental levels of pollution
ENV12:	Contaminated land

OTHER MATERIAL POLICY AND GUIDANCE

4.2 Adderbury Neighbourhood Plan (pre-submission version)

The neighbourhood plan for Adderbury is still at an early stage. A pre-submission version of the plan has been out for consultation and currently it is understood the consultation responses are being considered. Given the early stages of the plan it cannot be given significant weight in the determination of planning applications.

National Planning Policy Framework (NPPF): in particular paragraph 17 'Core planning principles' and sections 4 'Promoting sustainable transport', 6 'Delivering a wide choice of high quality homes', 7 'Requiring good design', 11 'Conserving and enhancing the natural environment', and 12 'Conserving and enhancing the historic environment'

Planning Practice Guidance (PPG): in particular the sections on design, heritage, housing, transport, and noise

Oxfordshire Strategic Housing Market Assessment (SHMA) 2014

Strategic Housing Land Availability Assessment (SHLAA) update 2014

Annual Monitoring Report (AMR) 2014

5. **Appraisal**

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle
- Impact on character and appearance of area and heritage assets
- Neighbouring amenity
- Highways
- Other matters

Planning History

- 5.2 The site has a complex and detailed planning history. The most relevant applications are detailed below.
- 5.3 10/00430/F – Change of use from agriculture to garden – Refused. This related to part of the southern piece of the site. It was refused as the loss of land from agricultural land to garden was considered to detract from the visual amenities and open agricultural character of this part of the Conservation Area and would set a precedent for further encroachment into the open countryside.
- 5.4 09/01177/F – Single storey timber outbuilding in the rear garden of Pine Trees – This related to a small timber outbuilding in the ground of Pine Trees and was refused due to concerns over the impact on the Conservation Area however this was subsequently allowed on appeal.
- 5.5 07/00667/F - Two storey front extension to dwelling, conservatory, lean-to, raise height of rear roof. Extension to garage/annex. (As amended by plans received 22/05/07). – This allowed for extensions to Pine Trees and was approved. It clarified the extent of residential garden of property.
- 5.6 98/01148/F- Building for use as garaging, domestic store and residential accommodation – Refused. This was for a building to the rear of Pine Trees which was refused on neighbour impact however it was subsequently allowed at appeal.
- 5.7 95/01332/F – Erection of detached dwelling and garage - Approved. This related to the construction of the dwelling now known as Pine Trees and included a condition restricting the extent of the residential garden excluding part of the southern part of the application site.
- 5.8 A number of applications have also been received on part of the northern part of the site closest to Cherry Tree Cottage. These are as follows:
- 5.9 82/00633/N – Erection of one dwelling – Refused as outside built up limits, poor access, impact on neighbours and undesirable precedent.
- 5.10 83/00301/N – Erection of bungalow - Refused as outside built up limits, poor access, impact on neighbours and undesirable precedent – Appeal dismissed on basis of backland development.
- 5.11 87/00108/N – Erection of bungalow - Erection of one dwelling – Refused as outside built up limits, poor access, impact on neighbours and undesirable precedent.
- 5.12 98/01151/F – Replacement agricultural building to be used for storage – Refused. This was located to the rear of Cherry Tree Cottage on the northern part of the application site. It was refused due to constituting a visual intrusion into the undeveloped landscape, and the impact on the conservation area. A subsequent appeal was dismissed

Principle

- 5.13 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of the Cherwell Local Plan Part 1 (2015) and the Saved Policies of the Cherwell Local Plan (1996).

- 5.14 The National Planning Policy Framework (NPPF) is a material planning consideration and states that development that accords with an up-to-date development plan should be approved and proposed development that conflicts should be refused unless material considerations indicate otherwise (para. 12). At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means approving development which accords with the development plan without delay and where a 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 framework taken as a whole, or
 - Specific policies in the framework indicate development should be restricted.
- 5.15 In a recent planning appeal at Kirtlington (14/01531/OUT) the inspector concluded that the Council is able to demonstrate a five year supply of deliverable housing sites that follows the relevant housing requirements of the recently adopted Local Plan. Therefore the policies which control housing in the Local Plan are considered to be up to date and can be given significant weight in determining planning application.
- 5.16 Policy Villages 1 of the Local Plan Part 1 provides a categorisation of the villages in the district to direct unplanned and small scale development to the villages which are best placed to accommodate small scale growth. This includes Adderbury as a Category A village which is amongst the most sustainable rural settlements. Policy Villages 1 states within the built up limits of Category A villages minor development, infilling and conversions of buildings may be considered acceptable subject to other material considerations. Saved Policy H18 of the Local Plan is also of relevance and states that planning permission will only be granted for new dwellings beyond the built up limits of settlements when it is essential for agriculture or a rural exception site and the development will not conflict with other policies.
- 5.17 In considering the application under Policy Villages 1 it is important to assess whether the development is considered to be within the built up limits of Adderbury. The northern boundary of the application site has a number of detached properties which form the existing built up limits to the north of the site. To the east of the site are undeveloped open fields. The properties to the west of the site face onto Berry Hill Road and Horn Hill Road and the application site clearly extends beyond the built up limits in this area. Whilst the larger properties on Berry Hill Road are situated on generous plots with gardens extending along the southern boundary of the site, the main buildings associated with these properties are sited closer to the road in a linear manner and the rear gardens remain open and undeveloped. Therefore whilst the development is bounded to the south by residential gardens, the garden areas are not considered to represent the built up limits of development in this area and a more appropriate extent of the built up limits of the settlement is considered to be the rear of the properties and outbuildings which exist to the front of these properties.
- 5.18 Given the surrounding built development the current application site is therefore considered to lie outside of the extent of the build-up limits to the village. The proposed development would therefore be contrary to Policy Villages 1 of the Local Plan relating to minor development as this only relates to development within the built up limits. Furthermore the proposal does not meet any of the exceptions under Policy H18 and is therefore also contrary to this policy.
- 5.19 Policy Villages 2 of the Local Plan Part 1 provides a framework for delivering larger scale development in the rural areas. This directs development to most sustainable settlements outside the towns of Banbury and Bicester (i.e. Category A villages). Policy Villages 2 of the Local Plan states that a total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site

'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014. It goes on to state that sites will be identified through the Local Plan, Neighbourhood Plans and through the determination of the planning application. Paragraph C.272 of the Local Plan Part 1 makes it clear that the intention of Policy Villages 2 is to allow the development of sites of 10 or more dwellings. As the development only proposes for 5 dwellings it does not fall to be considered under this policy.

5.20 Notwithstanding the above, of the 750 dwellings that are referenced in Policy Villages 2, planning permission has been approved for 341 dwellings as of 31st March 2015. This leaves 409 further dwellings to be considered under Policy Villages 2 up to 2031 if the housing strategy for the rural area is to be achieved in accordance with the adopted plan. There are other deliverable sites in the Housing Delivery Monitor in the 2014 Annual Monitoring Report that are located in the rural areas which did not have permission on 31 March 2014. This would further reduce the remaining allocation set in Policy Villages 2. It is noted that Adderbury has already contributed a considerable amount to this allocation with 117 dwellings being approved in Adderbury between 1st April 2014 and 31st March 2015. Based on a pro-rata approach by population size the fair allocation of the 750 dwellings over all of the category A settlements would result in Adderbury receiving 48 of the 750 dwellings. Therefore there are concerns that allowing further development outside the built up limits of Adderbury could lead to an uneven distribution of the rural housing growth.

5.21 A number of public representations have made reference to the emerging Adderbury Neighbourhood Plan and the proposed development being contrary to this document which defines this site as lying outside the built up limits. Given the early stages of this document it is not considered that its contents can be given significant weight in planning decisions and therefore at this point the conflict with these policies is not considered to be a determinative factor.

5.22 Overall the principle of the developing the site for housing is considered to be contrary to Policy Villages 1 of the Cherwell Local Plan Part 1 (2015) and given the scale of development does not fall to be considered under Policy Villages 2. The proposal is also considered to be contrary to Saved Policy H18 of the Local Plan (1996) which seeks to control development outside the built up limits. It is therefore important to consider whether there are any other material consideration which would outweigh this conflict with the development plan policies.

Impact on character and appearance of area and heritage assets

5.23 The application site is located within Adderbury Conservation Area with the boundary of the conservation area running along the southern and eastern boundaries of the site. The site also lies within the setting of three grade II listed buildings (West Bank, Cherry Tree Cottage and Horn Hill Cottage) which are situated to the north west of the site.

5.13 The conservation area and listed buildings are defined as designated heritage assets in the NPPF. The NPPF requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and seeks to ensure that new development should make a positive contribution to local character and distinctiveness. It goes on to state when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset and any harm or loss should require clear and convincing justification. It goes on to state that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy ESD 15 of the Cherwell Local Plan echoes this advice. Furthermore

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken and Section 72 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

- 5.14 Saved Policy C23 of the 1996 Local Plan states that there will be a presumption in favour of retaining walls, trees and other features which make a positive contribution to the character and appearance of a conservation area and Policies C28 and C30 seeks to ensure the layout, scale and design of development is of a high standard.
- 5.15 The NPPF states that: the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. Paragraph 61 goes on to explain that: securing high quality and inclusive design goes beyond aesthetic considerations and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 5.16 Policy ESD13 of the Cherwell Local Plan states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes onto state that proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements. Policy ESD15 of the Cherwell Local Plan states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. This includes a requirement for new development to respect the traditional pattern of routes, spaces and plots and the form scale and massing of buildings. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.
- 5.17 The proposed development would constitute a backland form of development which is not characteristic of the wider linear pattern of development which characterises the Conservation Area. It would therefore not respect the traditional pattern or grain of the development in the settlement which is linear. Whilst twentieth century developments have led to the formation of some backland development this is not a positive characteristic of the conservation area. The formation of this backland development would therefore have a harmful impact on the character of Adderbury Conservation Area.
- 5.18 The application site currently has a rural undeveloped edge-of-settlement character which positively contributes to the character, appearance and setting of the village. The land falls significantly from the west to east and the northern part of the site is on higher land than the southern part of the site. The applicant has not included details in this submission of how the challenging levels difference across the site would be addressed to accommodate the development apart from stating the development will not impact on the topography of the site. Therefore the properties on the northern and western part of the site are likely to be located on significantly higher ground than the southern properties.
- 5.19 Whilst views of the site in the wider context are relatively well contained by landform and screening of trees and buildings, the proposed development will impact on the visual amenities of the site in the more immediate area. The public footpath which runs down the centre of the site and a number of footpaths to the east of the site particularly brings the site into public view points.
- 5.20 Views from the west and south west of the site are largely screened by existing buildings until entering the site however glimpse views are available through buildings

and the development would add a depth to the development in this area which does not currently exist.

- 5.21 The proposed vehicular access to the site from Horn Hill Road is situated in a prominent position opposite a small triangle green at the junction of Berry Hill, Horn Hill Road and Milton Roads. This area is recognised as an important green space and as a gateway to the historic village in the Conservation Area Appraisal. The access is currently an informal grass and gravel track with grass verges and positively contributes to the rural character and appearance of the conservation area. As part of the proposed development it is intended that the access would be widened and resurfaced. This would have a detrimental urbanising impact on the rural character and appearance of this area and views of the site at this sensitive location.
- 5.22 Upon entering the site from Horn Hill Road along the public footpath views across the undeveloped site and the wider undeveloped land to the west towards the Sor Brook Valley gives the impression of leaving the built up area and entering the open countryside. Some views are also available towards the Grade 1 listed St Marys Church spire and the undeveloped agricultural nature of application site positively contributes to the rural setting of these views and the village.
- 5.23 The development would lead to a high magnitude of adverse change to the character and appearance of the site from this public footpath. Rather than appearing as part of the wider open countryside, the rural character of the site would be eroded to form a suburban setting for the footpath including the proposed access roads, buildings and residential gardens eroding its rural character. The proposal would also include the coppicing of a multi-stemmed sycamore tree which provides an attractive feature of the site which would further impact on the character and appearance of the site. The properties on the northern part of the land would be situated on higher land which would exacerbate the impact.
- 5.24 The applicants assessment of the visual impacts of the development on views of the site from the areas and footpaths to the north east, east and south east are based on the retention of the tall conifer hedge which currently exists on the eastern boundary of the site. However this hedge is not considered to be a positive element of the local landscape character or the conservation area and appears as an incongruous feature. Its only benefit associated with the development would be its ability to screen the development. However it is likely that future occupants of the dwellings would want to lower or remove this hedge allowing views over the open fields. Whilst the removal of this hedge in isolation would have a positive impact on the character and appearance of the site it would also significantly open up views of the proposed development which would cause further harm to the character and appearance of the area.
- 5.25 With the removal or reduction in height of the hedge the dwellings would be clearly visible and will have detrimental and urbanising impact on these public footpaths which currently have a pleasant rural character. Currently there is a gentle transition between the built development and development of the village and the surrounding countryside from these view points as the existing buildings are contained to the higher land and the land sloping down to these footpaths is undeveloped. This along with the scale of the buildings allows for a soft edge to the built form of the village. The proposed development would lead to the development on the slope and would provide a harsh edge to the village when viewed from the east which would detrimentally impact on the appearance of the conservation area, setting of the village and also the rural character of the site. This would be further exacerbated by the fact that the dwellings would be on higher ground. Therefore it is considered that the applicants' assessment of the visual impact of the development from these vantage points underestimates the impacts of the development.

- 5.26 In addition to the concerns relating to the impact of the development on views of the church from the public footpath across the site, the site also lies within the setting of a number of grade II listed building to the north west of the site, namely Cherry Tree Cottage, Horn Hill Cottage and West Bank. The proposed development will impact on the rural setting of these buildings however subject to scale the proposal would have limited impact on setting from public views. However the proposal would be visible from the rear of these properties and it is considered the proposal would have some limited adverse impact on the rural undeveloped setting of these vernacular buildings which positively contributes to them.
- 5.27 In addition to the concerns discussed above there are also concerns regarding the proposed layout of the site. The layout and access of the site is for consideration in this application. The layout of the site is defined in the NPPG as: *the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.* The access includes the accessibility to and within the site, for vehicles and pedestrians and circulation routes and how these fit into the surrounding access network.
- 5.28 The proposed layout of the site would be dominated by access roads and would not provide a strong frontage to any part of the development or create a sense of place. The properties would be very substantial in size and would appear as dominant buildings poorly related to the layout of the area which would be at odds organic linear pattern of development in the conservation areas.
- 5.29 The dwellings to the east of the site would be orientated to the face east which would be at odds with the traditional pattern of development which faces onto the streets. The spacing between the buildings would not create a strong frontage and the layout would not respect local distinctiveness. The layout of the dwellings with projecting elements and detached garages would be more strongly related to the modern properties to the south west of the site which lie outside of the conservation area than the traditional buildings which exist within the conservation area. This is reinforced by the indicative elevation plans that the applicant has provided. Overall the proposed layout would fall to respect the traditional pattern of streets and plots in the area or the form or detailing of the properties in the conservation area.
- 5.30 The applicant has stated that the dry stone wall which runs adjacent to the public footpath will be retained and this is considered to be a positive element of the conservation area.
- 5.31 Overall the backland position of development and the proposed layout of the dwellings are considered to be poorly related to the historic pattern of the village. The development is considered to represent an undue intrusion into the open countryside and would detrimentally impact on the setting of the village and nearby listed buildings, the character and appearance of the conservation area and the enjoyment of users of the public footpaths in the vicinity of the site. The alterations to the access from Horn Hill Road would also further erode the character and appearance of the conservation area at a key gateway to the historic village. The proposed development is considered to lead to less than substantial harm to the designated heritage assets and there are not considered to be any public benefit which would outweigh this harm. The proposed development is therefore considered to be contrary to advice in Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan (1996) and advice in the NPPF.

Density

- 5.32 Policy BSC2 of the Cherwell Local Plan Part 1 seeks to make efficient use of land

and states new housing should have a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for a lower density development. The existing development around the site is loose knit and generally consists of larger properties and generous plots.

- 5.33 The proposed development would represent approximately 5 dwellings per hectare. Whilst the density of the site is comparable with some of the surrounding properties the low density of the development significantly limits the social and economic benefits of the development by only providing 5 dwellings. This also adds to the environmental concerns relating to the development as it does not making efficient use of land. Given the constraints of the site a density of 30 dwelling per hectare would not be appropriate for the site and raises questions on the suitability of the site for development. The low density of the development is therefore considered to weigh against the proposal.

Amenity of neighbouring properties

- 5.34 Both the NPPF and Policy ESD15 of the Local Plan Part 1 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings.
- 5.35 Whilst the proposed dwellings would be visible from the existing surrounding residential properties given the size of the proposed plots and distance to the neighbouring properties they are not considered to result in a significant level of overlooking or loss of privacy to the neighbouring properties that would justify refusal of the application. The distances would be in excess of the informal guidance for separation distances. The exact position of windows in the proposed dwellings would be determined in future reserved matters application where care would need to be taken to ensure acceptable living conditions were established for both existing and proposed residents.
- 5.36 The property to the south of the access, Oak Tree Cottage, has its side elevation and garden adjacent to the access. Springfield is the property to the north of the access and has its front elevation facing onto the access way. The proposed development will lead to some increase in noise and disturbance to these properties through the additional vehicle movements however given the size of the development and the relative positions of the dwellings this is not considered to result in a significant impact which would justify refusal of permission on this basis.

Highways

- 5.37 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to a site can be achieved for all people however development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy SLE4 of the Cherwell Local Plan Part 1 states that all development, where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. It goes onto state that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.
- 5.38 The site would be accessed from a private drive between Springfields and Oak Tree Cottage from Horn Hill Road. This access also includes a public footpath. This access currently has a rural character being a low key gravel track with grass verges either side and is used by a number of properties including the applicants property. The proposed development would result in works to the access which includes the enhancement of the dropped kerb and the resurfacing and widening of the first 5

metres of the private road from Horn Hill Road. .

- 5.39 Whilst OCC Highways have raised no objection subject to conditions at the current time, it is not currently clear whether the application site includes all the land necessary to achieve OCC's suggested dimensions of the access. Clarification on this matter is being sought from OCC and the applicant and will be updated to Committee. In terms of the impact of the development on traffic generation the Highway Authority do not consider the additional dwellings would have a significant impact on the road network. They have raised no objection to the visibility from the junction and it is noted that the amount of traffic using the access is likely to be relatively low given the scale of the development.
- 5.40 The shared use of the access with the public footpath would continue the existing arrangement. Whilst it is acknowledged that the 5 new dwellings would involve additional vehicle movements using this access and this would have some adverse impact on the users of the public footpath given the modest size of the development and the fact the vehicle speed would be likely to be slow at this point it is not considered that this would lead to a significant highway safety concern.
- 5.41 The internal site arrangement is such that cars can enter and leave the site in a forward gear and sufficient space for parking exists within the plots.
- 5.42 Overall the level of traffic associated with the proposal is not considered to have a significant impact on the road network and the site is considered to provide sufficient levels of parking. Clarification is being sought on the suitability of the access in terms of width and layout and will be reported in an update to Committee

Flood Risk

- 5.43 Paragraph 103 of the NPPF states that: *when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.* The site is in Flood Zone 1, which is the zone of lowest flood risk. A Flood Risk Assessment has been submitted in support of the application, and this concludes that the risk of flooding is low and that the incorporation of SuDS (sustainable drainage systems) into the development is adequate to mitigate any potential increase in surface water flooding, either on site or elsewhere.
- 5.44 Neither the Environment Agency nor Thames Water have objected to the development and it is considered a planning condition could ensure an appropriate drainage strategy for the site to ensure that run-off from the site would not exceed greenfield run-off rates. Therefore officers are satisfied that the potential impacts of the development in terms of flood risk and drainage can be made acceptable through planning conditions.

Biodiversity

- 5.45 Paragraph 99 of Circular 06/05 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by a proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Likewise Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity.
- 5.46 The application has been accommodated by a Preliminary Ecological Appraisal. This concludes that the site is of low wildlife value. It noted that one tree on the western

boundary has potential for bat roosting however this tree is shown to be retained. The report includes a number of recommendations such as native planting and replacement planting to compensate for any loss in biodiversity which could be controlled through a detailed condition if the development were to be considered acceptable in all other respects. The Councils Ecologist has raised no objection to the application subject to conditions.

Sustainable construction

- 5.47 Policy ESD3 of the new Cherwell Local Plan states that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. In respect of water efficiency, it also states that Cherwell District is in an area of water stress and so developments should achieve a limit of 110 litres/person/day.
- 5.48 The supporting text to Policy ESD3 explains that its requirements are to be applied flexibly, but with the onus on the developer to demonstrate why the requirements cannot be met. It is considered that this can be addressed by way of a condition requiring the submission, approval and then implementation of a sustainable construction strategy detailing the measures to be incorporated into the development to satisfy the requirements of Policy ESD3. Therefore officers are satisfied that the development can be made acceptable in this respect.

Engagement

- 5.49 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the applicant has been made aware of concerns relating to the development through pre-application advice. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.50 The proposed development is considered to lie outside the built up limits of the settlement and given the scale of the development below 10 dwellings does not fall to be considered under Policy Villages 2. The proposed development is therefore considered to be contrary to the Policy Villages 1 and Saved Policy H18 which seeks to restrict development outside the built up limits.
- 5.51 The proposed development would result in a backland form of development which would not be in keeping with the traditional linear pattern of development in the conservation area. The proposed development would result in the loss of an undeveloped area of land and formalisation of the access way which currently positively contributes to the character and appearance of the Conservation Area and setting of listed buildings, the setting of the village and the enjoyment of the public rights of way across and near the site.
- 5.52 The proposed layout of the development would be dominated by access roads and the layout and form of the buildings would fail to relate well to the surrounding traditional pattern of development and would not create a strong sense of place.
- 5.53 The density of the dwelling at approximately 5 dwelling per hectare would fail to make efficient use of land which also weighs against the development given its inefficient use of land.
- 5.54 The suitability of the proposed access to the development will be updated to committee and matters relating to biodiversity, flood risk and sustainable construction could be made acceptable through the use of planning conditions.

5.56 Overall it is considered that the proposed development would be contrary to development plan in relation to the provision of housing and protection of the environment. It is not considered that the relatively modest social and economic benefits arising from the development would outweigh this harm and conflict with the development plan. It is therefore recommended that planning permission be refused.

6. Recommendation

Refusal: Subject to clarification of the highway matter referred to in paragraph 5.39 above

1. The proposed development would be outside the built up limits of Adderbury and within the open countryside. Taking into account the amount of new housing development already planned to take place at Adderbury, the Council's ability to demonstrate that it has a current 5 year housing land supply, and the very low density of the proposed development, the development is considered to be unnecessary, undesirable and unsustainable new housing development that would harm the rural character and setting of the village. Therefore the proposal is considered unacceptable in principle and conflicts with Policy Villages 1 of the Cherwell Local Plan Part 1, and Saved Policies H18 of the Cherwell Local Plan (1996), the NPPF in particular paragraphs 7, 8, 9, 10, 14 and 17 and section 7 'Requiring good design', and the PPG.
2. The proposed development by virtue of its intrusion into the open countryside, loss of open land, backland position, and proposed layout and access would have a detrimental impact on the character and appearance of the Conservation Area, the setting of the village and the enjoyment of the nearby rights of way. There are no public benefits which would outweigh this harm. The proposed development would therefore be contrary to Policy ESD13 and ESD15 of the Cherwell Local Plan Part 1, Saved Policy C28, C30 and C33 of the Cherwell Local Plan (1996) and advice in the NPPF in particularly particular paragraphs 7, 17, 75, chapter 7 and chapter 12.

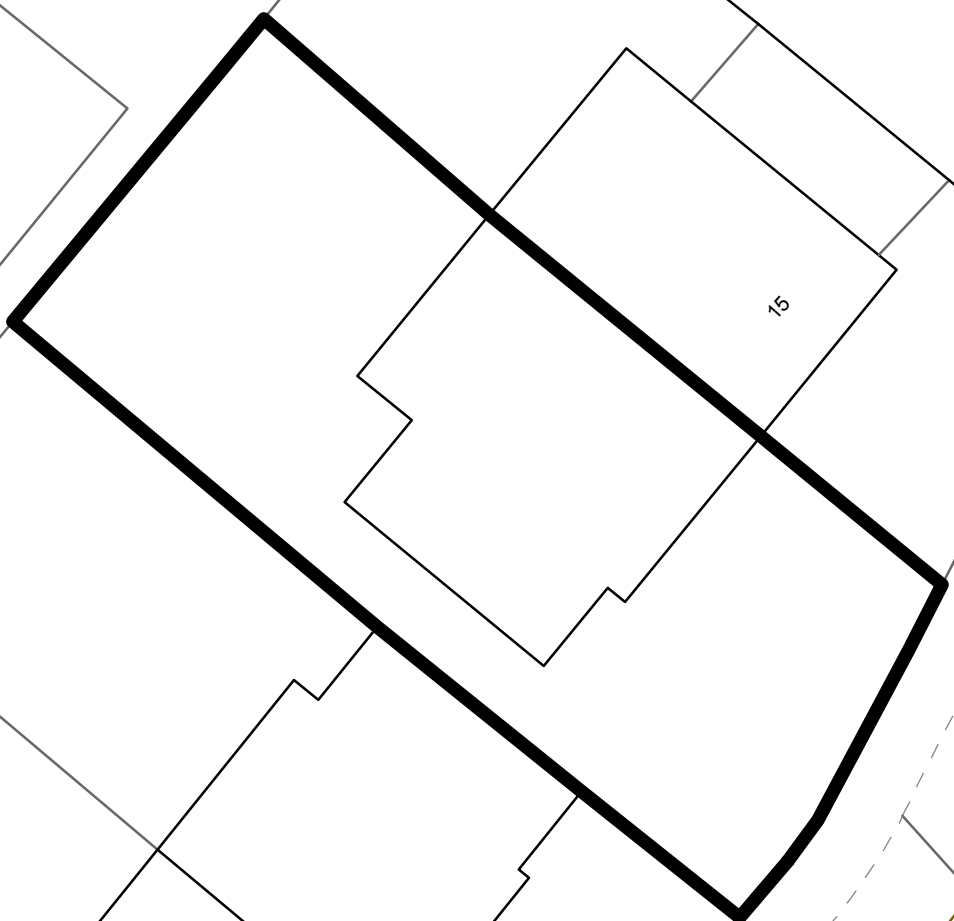
STATEMENT OF ENGAGEMENT

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 15

15/01565/F

13 Hampden Close
Bicester
OX26 4UG

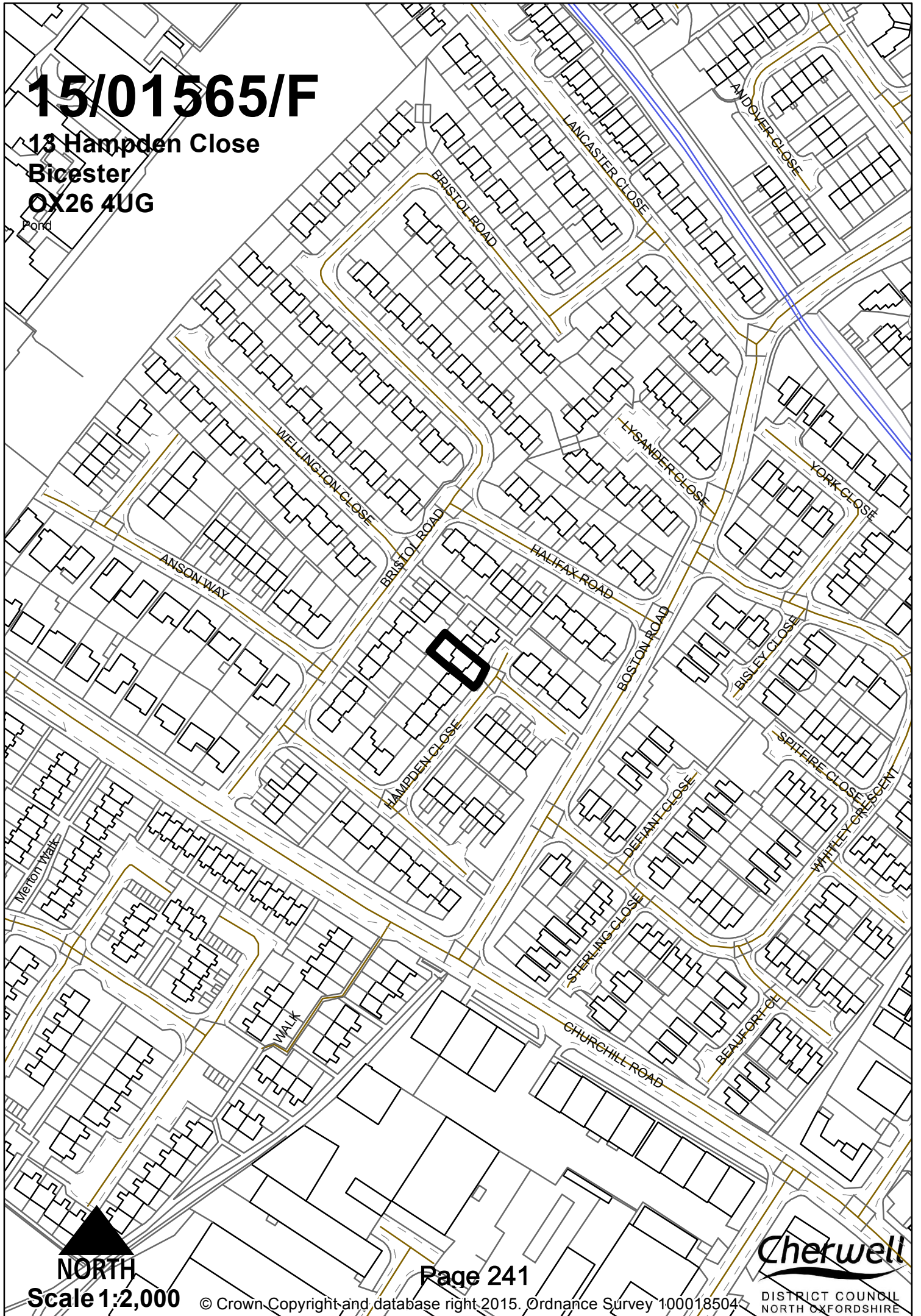


NORTH
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15/01565/F

13 Hampden Close
Bicester
OX26 4UG

Pond



Scale 1:2,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Michael Sackey **Ward(s):** Bicester East
Applicant: Mrs Vashti Bedwell
Ward Member(s): Cllr Mrs Rose Stratford, Cllr Lawrie Stratford
Proposal: Erection of two storey side extension and Change of Use from Class C3 residential to HMO (Sui Generis)
Committee Date: 26 November 2015 **Recommendation:** Refusal

Committee Referral: Member Request

1. Application Site and Locality

- 1.1 The application relates to a two storey semi-detached dwelling, constructed of brick with a tiled roof, and facing Southeast on to Hampden Close. There are no changes in the levels across the site that would significantly affect the application assessment. The site which lies within the built form of Bicester is bounded by 15 Hampden Close to the Northeast, 26 Bristol Road to the Northwest and 11 Hampden Close to the Southwest.
- 1.2 The application property does not have any previous Planning applications and is not affected by restrictions or other relevant designations.
- 1.3 The application property is situated approximately a mile away from Bicester Town Centre, 0.8 miles from Bicester North Train station and within a few minutes' walking distance to the local shops and bus routes.

2. Description of Proposed Development

- 2.1 The current application is for a two storey side extension and change of use from residential to (HMO) Sue Generis. The proposed development measures approximately 9.1m in depth, 3.4m in width and overall roof height of 7.1m sloping down to an eaves height of 5m.
- 2.2 This application was called in by the local Councillor to the Planning Committee because of the nature and number of objections from the application property's neighbouring residents.

3. Relevant Planning History

N/A

4. Response to Publicity

The application was publicised by way of neighbour notification letters (x14); the final date for comment was 24.11.2015. Twelve letters were received from households as a result of the consultation. Issues raised include: Overlooking, loss of outlook, traffic, Parking and Health and safety.

5. Response to Consultation

- 5.1 Bicester Town Council:

No comment

5.2 Oxfordshire County Council:

Highways/Transport – Objection. Oxfordshire County Council as Local Highway Authority (“LHA”) hereby [notifies] the District Planning Authority to refuse planning permission for the reasons stated below.

There are 4 parking spaces proposed in this application. For houses in multiple occupation it is desirable to provide 1 parking space per 2 bed spaces which appears to be the case in this application. In assessing proposals I have taken regard to existing and predicted levels of on-street day time parking demand and night time parking stress within the vicinity of the development.

The property frontage with a 4 parking space provision leaves no safe clearance for residents and visitors to access the property within its confines. And it should be noted that a 1.2m width clearance to and from the front door for emergency access notwithstanding the narrow parking spaces should be provided. To achieve this safe access would require a unit loss of parking space to 3 (spaces).

Cycle parking must be provided within the site boundary of all houses in multiple occupation in the form of a secure cycle shed for the purposes of storage for at least half of the occupants. There is no indication for this to be proposed in this application. The location, type and number of cycle storage spaces should be indicated on the plans.

A combination of these issues would see an exacerbation of on-street parking which is already sensitive for the area.

[NB. Officer comment – Cycle parking has been discussed with the applicant who is willing to provide the required cycle parking and happy for a condition to be imposed accordingly. This was put to the LHA, who advised as follows:]

I hereby clarify that the objection would stand based on insufficient parking provision (taking 3 parking spaces to accommodate a safe access width to the front door) which would eventually create a material impact on the existing parking demand.

5.3 Other External Consultees:

N/A

5.4 Internal Consultees:

Housing Strategy Officer - The proposed House in Multiple Occupation (HMO) will meet the Council’s HMO Standards.

- The individual bedrooms are each suitable to accommodate a single person.
- As each bedroom will have an en-suite shower room or private bathroom, personal washing facilities the ratio of WCs to people far exceeds the councils minimum standard.
- The communal kitchen is large enough to provide a safe layout of facilities which are adequate for 7 individuals sharing this area and allowing more than one person to cook at the same time.
- The proposal also provides a large communal living area, which will create a certain dynamic in the property. Instead of creating a bedsit type HMO the communal area will make the property more sociable and closer to a shared house.

The applicants have refurbished and currently run a number of Houses in Multiple Occupation in Bicester, all of which have been refurbished to a high standard; these exceed the minimum standards the council sets for this type of property.

In relation to any future management concerns regarding the property, since these landlords initially started converting, refurbishing and letting Houses in Multiple Occupation in Bicester (at the beginning of 2012), we have not received any complaints relating to the management of their properties. We have carried out a number of proactive inspections of the different properties to ensure that the Management of Houses in Multiple Occupation (England) Regulations 2006 are being complied with, and they have been on every occasion. The management regulations cover landlords' responsibilities in relation to ensuring the living accommodation is maintained in a good condition and repair, that the property as a whole is maintained to a good standard and that there is adequate waste and recycling provision for the number of occupants living in the property.

Private Sector Housing Services – No comment

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

Policy C28 – layout and design of new development

Policy C30 – design of new residential development

6.2 Other Material Planning Considerations:

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

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

7. Appraisal

7.1 Officers consider the following matters to be relevant to the determination of this application:

Principle of HMO use

Impact on visual amenity

Impact on residential amenity
Impact on highway safety

7.2 Principle of HMO use

Six residents living together as a single household would constitute permitted development under Part 3 Class L of the General Permitted Development Order 2015. The proposed use, i.e. consisting of up to seven residents living as a single household, falls outside of use Class C4, and therefore requires permission. However, the use by seven residents is considered not to result in a materially different impact to the use by six residents, either through noise and disturbance, overlooking or the character of the resultant development, and the principle of development is therefore considered acceptable, subject to other considerations.

7.3 Impact on visual amenity

The proposed development would be set down in height and set back from the front elevation and would be set to the side of the existing dwelling. The proposal, even though visible from the Highway, would be set down in height from the main dwelling and, in relation to the host dwelling, would be harmonious in form and massing and not be unduly prominent. The proposal would be constructed of externally facing materials matching those of the existing dwelling with a gable roof. For these reasons, it is considered that the proposed extension would be sufficiently subordinate to the main dwelling, respect its character and would thus accord with retained Policy C28 of the Cherwell Local Plan 1996 (Saved Policies) and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

7.4 Impact on residential amenity

Having regard to its scale and siting, the proposed development would not have any significant impact on neighbouring occupiers. The proposal would be set off the boundaries of neighbouring properties and would not cause loss of light or outlook to the neighbouring properties than the current existing dwelling and would also comply with the 45° rule applied from the mid-point of the neighbours' nearest windows. The proposed development would be sited adjacent to the garage of number 11 Hampden Close and there is also a similar development at number 17 Hampden Close approved in 1987 (application reference 382/87).

Given that they would face sideward towards 11 Hampden Close, a condition is needed to ensure the proposed windows serving the shower rooms of bedrooms of 3 and 4 are obscurely glazed.

The proposed development would not cause material harm to the amenities of neighbouring residents or result in direct overlooking of the neighbouring properties. For these reasons, it is considered that the proposed development would not adversely affect the living conditions of neighbouring residents, and would thus accord with saved Policy C28 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

The effect on the amenities of future occupiers is covered in the following section of the report.

7.5 Highway safety

The proposed use, with the associated increase in number of bedrooms, would have an effect on the parking requirement at the property. The LHA advises this requirement is four spaces, i.e. one parking space per two bed spaces, but that, while the property's frontage has sufficient width for four spaces, this would leave no safe clearance for residents and visitors to access the property within its confines.

The LHA advises that a 1.2m width clearance to and from the front door for emergency access notwithstanding the narrow parking spaces should be provided. To achieve this safe access would require a unit loss of parking space to 3 (spaces). The forecourt is of approx. 9.6m width, which would allow for four spaces each of the required 2.4m width, with no other space remaining for the pedestrian access.

The proposal would therefore result in a severe level of harm to highway and pedestrian safety, including that of visitors and those requiring emergency access, and would result in a poor standard of design that would be unsafe, with poor access, and would fail to safeguard the amenity of future occupiers. The proposal would therefore fail to accord with paragraphs 14, 32, 58 and 64 of the Framework and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

7.6 Engagement

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

8. Conclusion

- 8.1 The proposed use is considered acceptable in principle, having regard to its effects relative to a use by six residents that would constitute permitted development. The proposed extension would be of an acceptable form and massing that, with materials matching that of the existing, would be a harmonious addition to the existing dwelling that would respect the character and visual amenity of the site's surroundings and respond appropriately to the site's characteristics, and not adversely affect residential amenity. However, by reason of the number of bedrooms proposed and the lack of available forecourt space at the property, the proposal would adversely affect highway and pedestrian safety, and would result in a poor standard of design that would be unsafe, with poor access, and would fail to safeguard the amenity of future occupiers. The proposal would therefore fail to accord with paragraphs 14, 32, 58 and 64 of the Framework and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

9. Recommendation

Refuse, for the following reason:

The proposal, by reason of the number of bedrooms proposed and the consequent parking provision requirement, would result in severe harm to local highway and pedestrian safety, and in a poor standard of design that would be unsafe, with poor access, and would fail to safeguard the amenity of future occupiers. The proposed development would therefore fail to accord with paragraphs 14, 32, 58 and 64 of the Framework and Policy ESD15 of the Cherwell Local Plan 2011-2031 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), the Council has tried to work positively and proactively with the applicant/agent during consideration of this application to try to find timely solutions to concerns in an effort to deliver sustainable development. Unfortunately, despite these efforts, the application proposals do not amount to sustainable development and consent must accordingly be refused.

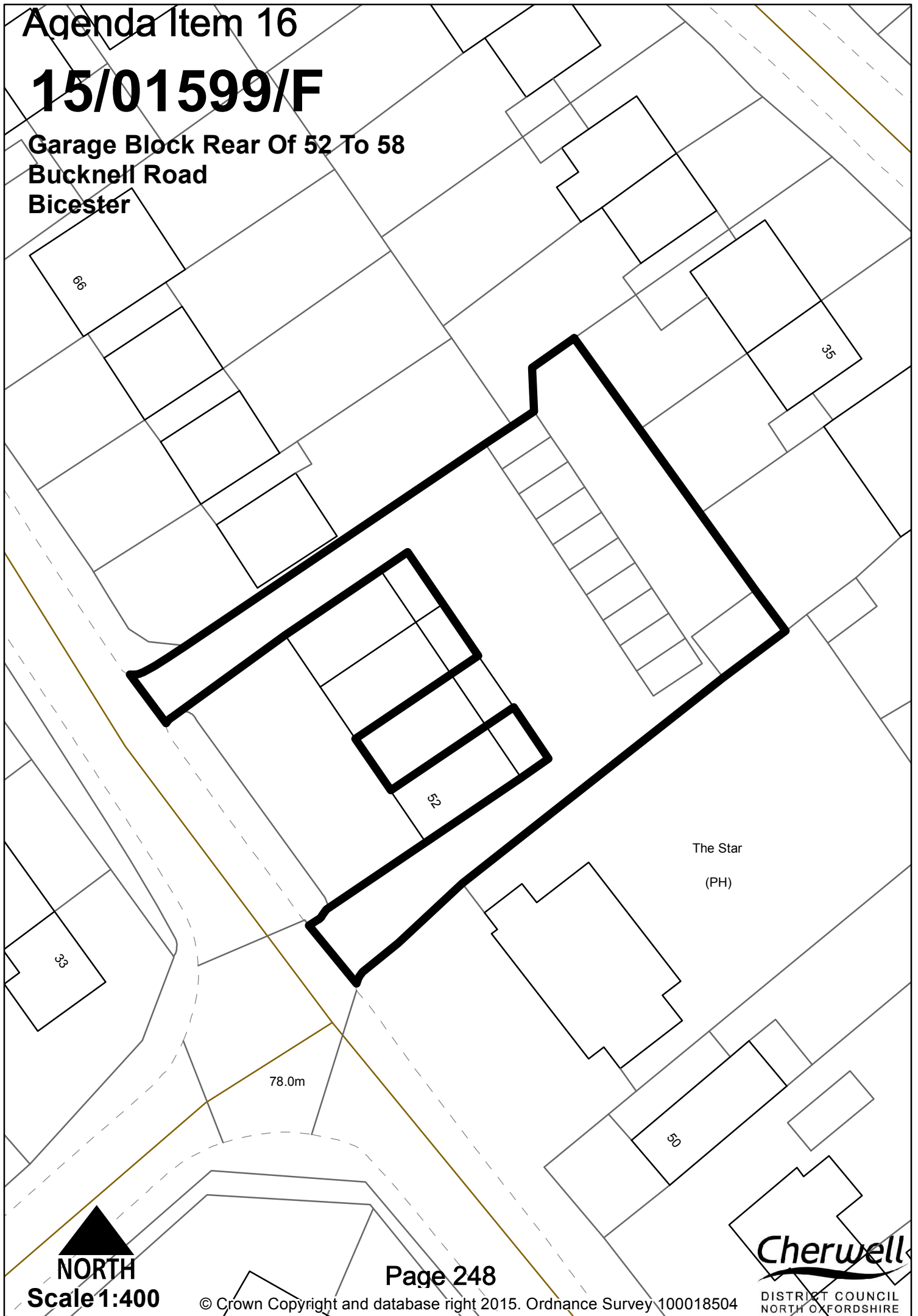
CONTACT OFFICER: Michael Sackey

TELEPHONE NO: 01295 221820

Agenda Item 16

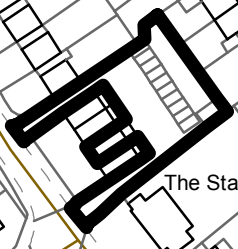
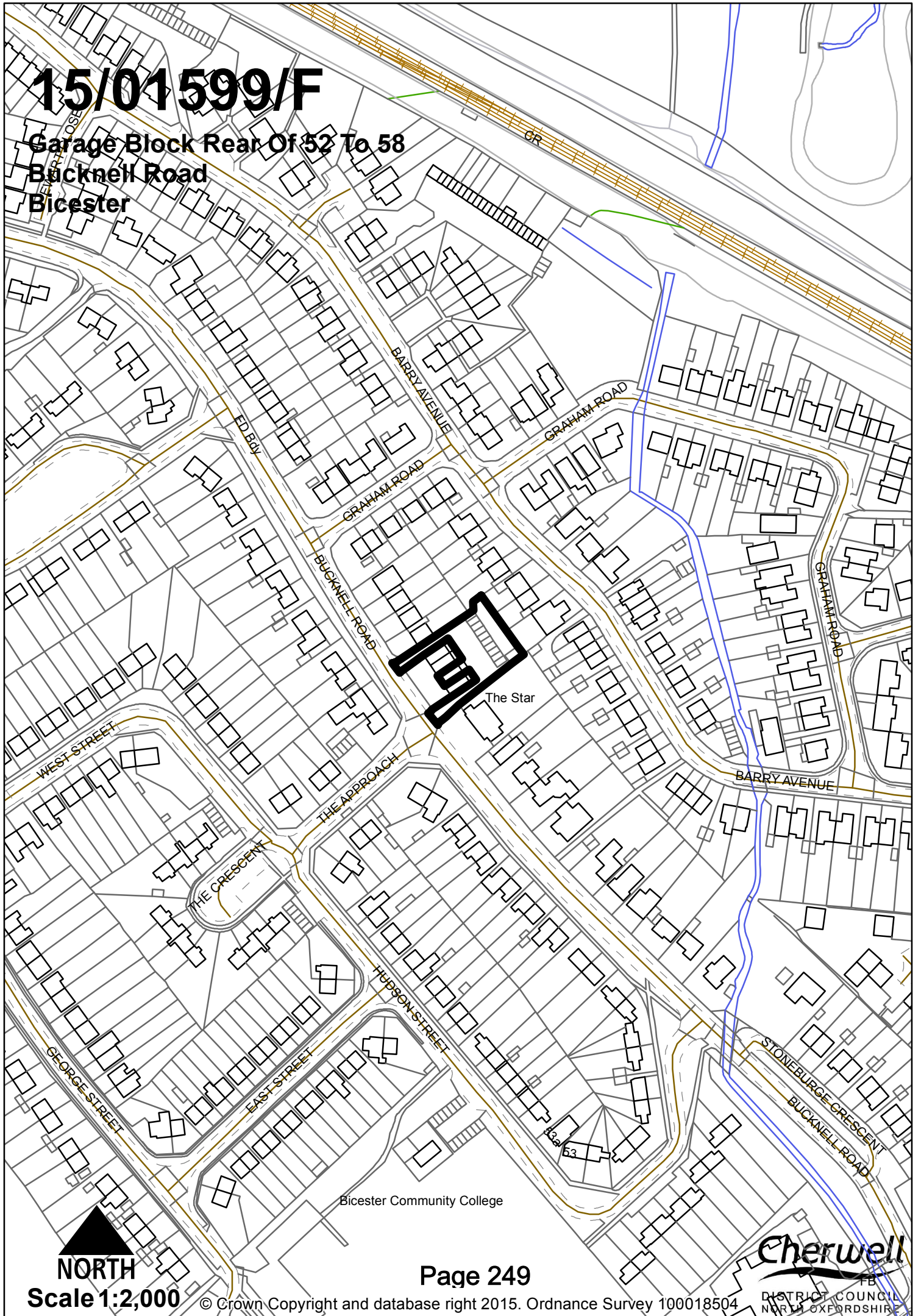
15/01599/F

Garage Block Rear Of 52 To 58
Bucknell Road
Bicester



15/01599/F

Garage Block Rear Of 52 To 58
Bucknell Road
Bicester



The Star

Bicester Community College



NORTH
Scale 1:2,000

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Case Officer: Shona King **Ward(s):** Bicester West

Applicant: Mr D Grant

Ward Member(s): Cllr Bolster, Cllr Hurle, Cllr Sibley

Proposal: Demolition of existing garages and development of 6 one bed apartments and the provision of a store area for adjacent shop unit. Associated external areas to include parking, bin and cycle stores

Committee Date: 26.11.2015 **Recommendation:** Approval

Committee Referral: Member Request – Cllr Sibley

1. Application Site and Locality

- 1.1 The application site is located to the eastern side of Bucknell Road in Bicester and lies to the rear (east) of a terrace of 4 shops with maisonettes above. The site comprises a block of 10 garages constructed from brick with flat roofs. The garages are in a poor state of repair and are not currently used.
- 1.2 To the south of the site is The Star Public House which has consent to be converted and extended to a retail unit with flats above (14/00183/F and 14/02062/F refer) and there are two storey dwellings to the east and north.

2. Description of Proposed Development

- 2.1 Consent is sought for the demolition of the garage block and the erection of 6 one bed apartments, a store area for the butchers shop and parking, bin and cycle stores for the apartments.

3. Response to Publicity

- 3.1 The application has been advertised by way of site notice and neighbour letters. The final date for comment was the 1 November 2015. Three representations have been received in respect of the application and the comments raised are summarised as follows:

- Traffic
- Noise and disturbance
- Increased roadside parking
- Overlooking
- Loss of light
- Maintenance of adjacent property
- Need a restriction on building hours, noise, dirt and pollution

4. Response to Consultation

Bicester Town Council: Object to the application as significant overdevelopment of the site and totally unsuitable. The development will have an adverse effect on the properties on Barry Avenue that back onto this site with regard to privacy. There are also concerns with parking and access in an already very busy area that will only get worse with the development of the former Star Public House into a One Stop Shop with flats above.

Cherwell District Council:

Private Sector Housing Inspector: (Original Plans) Concerns regarding the outlook from Unit 3. The bedroom and kitchen will look directly onto a boundary fence and the only other window, which is from the living area, looks out onto a car parking space for a neighbouring property

Private Sector Housing Inspector: (Revised Plans) The revised proposal has addressed my previous concerns regarding the outlook from the proposed units.

Environmental Protection Officer: Potential issues are:

- noise from any plant or machinery associated with the shop units located in front of the garages (on the plan two cold stores are shown to the rear of units 54 and 56)
- noise from any plant or machinery associated with the Star PH on the adjoining site. Potential noise impacts from the use of the pub garden will also need to be considered
- noise from road traffic on the Bucknell Road
- land contamination as a result of its former use as garages

Recommendations:

1. A noise impact assessment will be required that addresses all the potential noise issues to demonstrate that the site is suitable for its proposed end use.
2. A land contamination assessment will be required and the following conditions should be applied to any consent granted: J12, J13, J14, J15 and J16 of your standard conditions *(these relate to carrying out a desk study to identify all contaminative uses on the site on the site, carrying out of intrusive investigation if necessary, preparation of remediation scheme, carrying out of remedial works and if previously unidentified contamination is found during the development a remediation strategy is to be carried out and implemented)*

Oxfordshire County Council:

Highway Authority: No Objection subject to Conditions. On the basis of the information provided, Oxfordshire County Council as Local Highway Authority recommends the District Authority to impose upon any planning permission they may grant the conditions set out below with regard to ensuring a sustainable form of development that complies with Government guidance.

Conditions:

1. Cycle Parking Provision
Prior to commencement of the development hereby permitted, a plan showing the number and design of cycle parking facilities for residents shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shown on the agreed

plan shall be provided prior to first occupation of the development. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - To ensure sufficient amount of well-designed cycle parking is available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

2. Access: Vehicular Flow

All vehicular traffic accessing the development shall enter and leave the site through the north access and exit through the south access.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.

3. Turning Details for Service Vehicles

Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of:

- A) service vehicles in particular a fire tender turning within the site
- B) vehicle turning into Unit 6 parking space, 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 - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

Comments

- Drawing 1416/2B shows ample provision of cycle parking spaces on site. However, details are not specified of how the bicycles shall be secured within spaces. I have also noticed the width of doorways into cycle shelters are narrow. Cyclists generally push their cycles by holding the handlebars. They also instinctively lean the cycle slightly towards themselves to avoid hitting their shins with the pedals and so – 1100mm is a general guide to the width needed for a bicycle being pushed.
- No detailed tracking has been provided to show the manoeuvring of vehicles accessing the proposed development. Parking into Unit 6 space is likely to be inconvenient and a safety hazard given the lack of visibility round the apron of the wall at the back of the store and prep area for no 54. A swept path analysis showing the manoeuvring of a fire tender onto the site would also be a needed.
- Given the narrow curvature of the access within the cartilage of the development (at the back of property 52 and 58), it is appropriate to enforce a one-way system of vehicular movement for the context of safety and to avoid situations that may require vehicles to egress in reverse gear.

Other External Consultees:

Thames Water: There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

Surface Water Drainage

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface

water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality".

Water Comments

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

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

5. Relevant National and Local Planning Policy and Guidance

5.1 Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to

2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

5.2 Other Material Planning Considerations:

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

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

6. Appraisal

6.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of the development;
- Visual amenities
- Effect on living amenity;
- Highway safety and parking;

Principle of the development

6.2 The principle of providing residential units within the site is considered to be acceptable in housing location terms. It is a residential area within the built-up limits of Bicester and as such is a sustainable location making good use of previously developed land. The NPPF introduces a presumption in favour of sustainable development. It advises that proposals that accord with the development plan should be approved without delay and where the development plan is absent, silent or relevant policies are out of date, approving applications unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The NPPF encourages the use of brownfield land such as this site.

6.3 Whilst the majority of the surrounding residential units are dwellings, consent has been granted for 1 x 1 bed and 2 x 2 bed flats above a retail unit immediately to the south of the site at The Star Public House. Therefore the principle of flats in the area has already been accepted.

Design, layout and visual amenities

- 6.4 Saved Policies C28 and C30 of the Cherwell Local Plan 1996 seek to ensure that development is appropriate within its context and compatible with the appearance character, layout, scale and density of existing dwellings in the vicinity. Policy ESD15 of the Cherwell Local Plan 2011-2031 requires that new development complements and enhances the character of its context through sensitive siting, layout and high quality design.
- 6.5 The majority of the surrounding development is two storey and of similar height to that of the proposed apartments. No 60 Bucknell Road, to the north of the site, is approximately 7.1m to the ridge and the Star Inn is approximately 9.5 m to the ridge. Properties immediately adjacent to the site in Barry Avenue measure approximately 7.1m to the ridge. The highest part of the proposed apartment building is approximately 7.8m to the ridge. The gable spans of the new development are similar to those of the neighbouring properties. It is considered that given the context the scale is in keeping with the surroundings.
- 6.6 The existing three-storey shops/maisonettes to the west of the site, The Star Inn to the south and the dwellings to the north and east will partially screen the new two storey building in public views. Officers have had concerns regarding the design of the building with the mixture of hipped/straight gables, heights of the roofs of different elements of the building, the mix of fenestration styles and the use of arches to gain access to the parking areas but given the context and location of the building it is considered that on balance the design is acceptable and will not harm the visual amenities of the area. There are hipped gables to properties to the south and straight gables to the north, west and east and the roof pitches are similar to those surrounding the site.
- 6.7 The proposed materials, brick detailing with painted render, are similar to other properties in the immediate vicinity.
- 6.8 The proposed development is to the rear of the existing 'building line' of properties fronting onto Bucknell Road. However it is considered that this will not detract from the character of the area or set a precedent for other in depth development in the area as there are no other similar sites. There is an existing access at either end of the shops/maisonettes servicing the shops and providing access to the garages and whilst the garages are not currently in use there is the potential for activity and noise to the rear of the frontage buildings.

Effect on living amenity

- 6.9 The living amenities created for the occupiers of the new apartments are considered to be adequate. The size of the proposed flats now complies with the Council's space standards following amendments made to the scheme. The outlook from unit 3 has also been improved with the relocation of the bedroom window to the eastern elevation and the creation of a small area of outside amenity space. Previously the bedroom window was located to the southern elevation and the outlook was directly onto the boundary fence.
- 6.10 Units 1 and 3 have access to outside amenity space whilst the other units do not. It would be preferable for all units to have the benefit of an amenity space but it is considered that given the context and the precedent immediately adjacent to the site – maisonettes above the row of shops and the flats at The Star Public House – that the lack of amenity space would be a reason for refusal that could not be sustained at appeal.
- 6.11 It is considered that the living amenities of the existing residential units surrounding the site will not be significantly affected. The development will not give rise to an unacceptable level of overlooking due to the positioning of habitable room windows and the relationship with the surrounding dwellings. The windows on the western elevation serve non-habitable rooms and

comply with the Council's informal space standards. The distance between habitable room windows on the east elevation and those in the dwellings in Barry Avenue comply with the Council's informal space standards being in excess of 22m. The windows in the south elevation will overlook the pub garden but as previously stated planning permission has been granted to convert the building into a shop at ground floor and flats above and the windows will in the future overlook the car park if that permission is implemented. There is a first floor window in the northern elevation of the building which could potentially overlook the rear garden of No. 60 Bucknell Road and it is recommended that this window is obscurely glazed and fixed closed to a height of 1.7m above finished floor level.

- 6.12 Due to the relationship with the neighbouring dwellings, the height of the proposed building and the distances between the properties it is considered that the development will not result in a significant loss of light to the habitable rooms or private garden areas of the neighbouring properties.
- 6.13 Concerns have been expressed regarding an increase in noise and disturbance to neighbouring properties arising from the development. Currently the shops fronting onto Bucknell Road can be serviced by vehicles to the rear and whilst the garages are unused at the moment there is the potential that they could be used in the future and therefore the development is unlikely to increase the amount of noise and disturbance from vehicles and their occupants significantly above this level.

Highway safety access and parking

- 6.14 The Highway Authority is satisfied that the proposed development will not give rise to any significant adverse impacts on highway safety. They have recommended several conditions to ensure that any impacts can be mitigated. Officers have no reason to disagree with this conclusion, and are satisfied that the proposal could be made acceptable in highway safety terms.

Other issues

- 6.15 The occupants at No. 60 Bucknell Road have raised concerns regarding maintenance of their boundary fence/wall and access to it which lies to the north of the application site. Planning permission does not override or supersede other property rights and access to maintain their property is a matter dealt with under civil law.
- 6.16 Concerns have also been expressed about the hours that building works will be carried out and the level of noise and pollution during construction. These are matters that are controlled under Environmental Health legislation however a planning note is recommended drawing the applicant's attention 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.

7 Engagement

- 7.1 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the agent has been kept informed of problems or issues that have arisen during the application and the application has been amended. It is considered that the duty to be positive and proactive has been discharged through the approval of development that accords with sustainable development principles as set out in the NPPF.

8. Conclusion

- 8.1 To conclude, the development is considered to be acceptable in housing location terms, appropriate within its context and compatible with the appearance character, layout, scale and density of existing dwellings in the vicinity. It is considered that the proposal will not cause harm to the amenity of existing and proposed residents nor result in significant detriment to highway safety. It is recommended for approval subject to conditions as set out below.

9. Recommendation

Approval, subject to:

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

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered: 1416-02C, 03C, 04A, 05A, 06A and secure bike rack.

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

3. Prior to the commencement of the development hereby approved, samples of the 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 Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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

5. Prior to the commencement of the development hereby approved, a colour scheme for the

colouring of the external walls shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the walls shall be finished and thereafter maintained in accordance with the approved colour scheme.

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

6. That the rooflights in the west elevation shall have a minimum cill height of 1.7m above finished floor level.

Reason - To safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy C30 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, the first floor window in the north elevation of the unit 2 shall be fixed shut, other than the top hung opening element, and shall be fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.

Reason - To safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy C30 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

9. 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 building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

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

10. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning

Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

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

11. Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of service and emergency vehicle turning within the site and vehicle turning into Unit 6 parking space 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 - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

12. All vehicular traffic accessing the development shall enter and leave the site through the north access and exit through the south access.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.

13. Prior to commencement of the development hereby permitted, a plan showing the number and design of cycle parking facilities for residents shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shown on the agreed plan shall be provided prior to first occupation of the development. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - To ensure sufficient amount of well-designed cycle parking is available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

14. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason - To safeguard the existing local underground sewerage utility infrastructure and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. 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.

16. If a potential risk from contamination is identified as a result of the work carried out under condition 15 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.

17. If contamination is found by undertaking the work carried out under condition 16 prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

18. If remedial works have been identified in condition 17 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 17 A verification report that demonstrates the effectiveness of the

remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

19. 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.

20. Prior to the first occupation of the development hereby approved, the appropriate number of refuse bins required in relation to the dwellings shall be provided.

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

PLANNING NOTES

1. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
2. There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options

available at this site.

3. It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
4. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.
5. The developer is to demonstrate what measures are to be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. It is expected that the developer demonstrates what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality".
6. 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

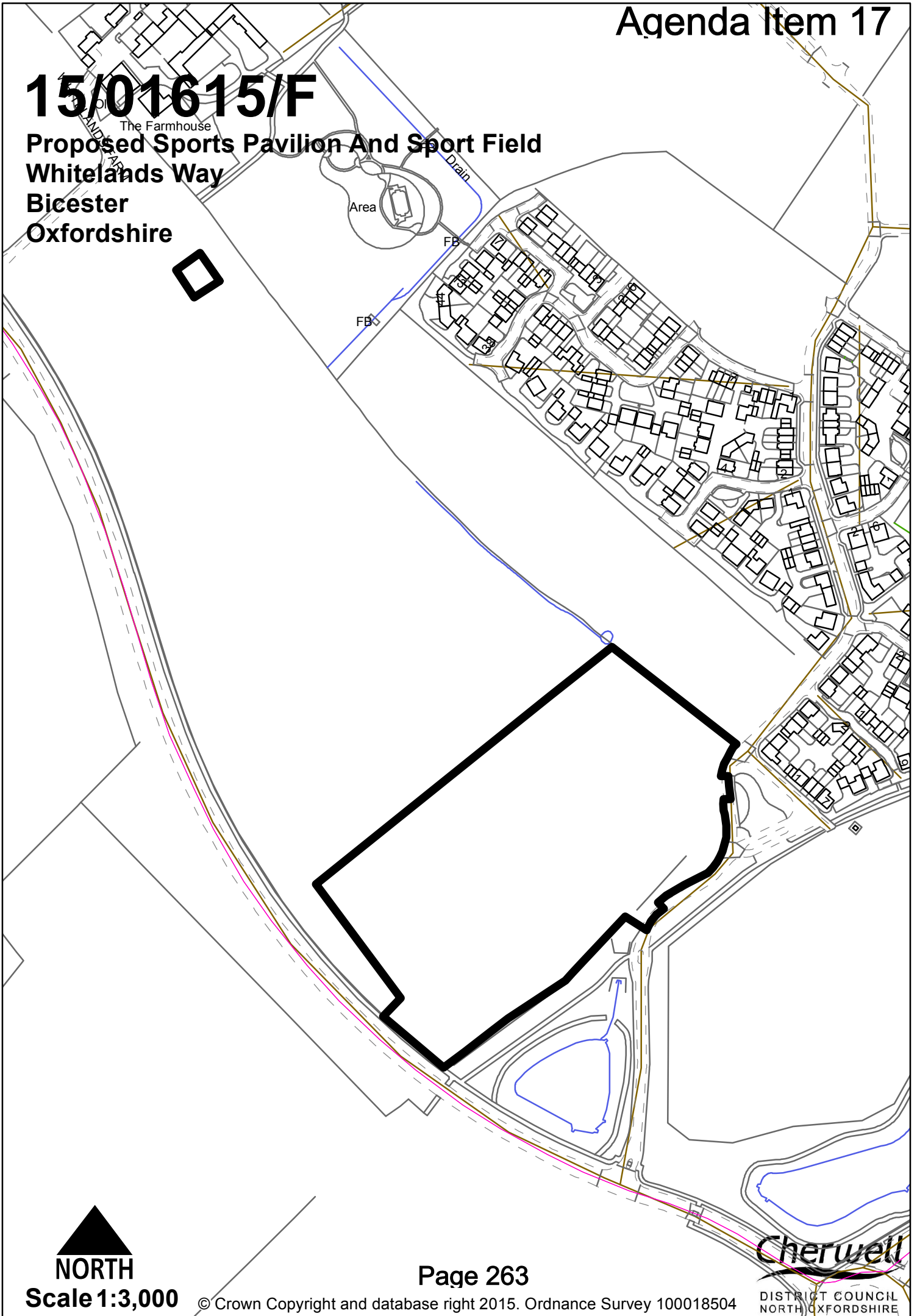
In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way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

CONTACT OFFICER: Shona King

TELEPHONE NO: 01295 221643

15/01615/F

Proposed Sports Pavilion And Sport Field
Whitelands Way
Bicester
Oxfordshire

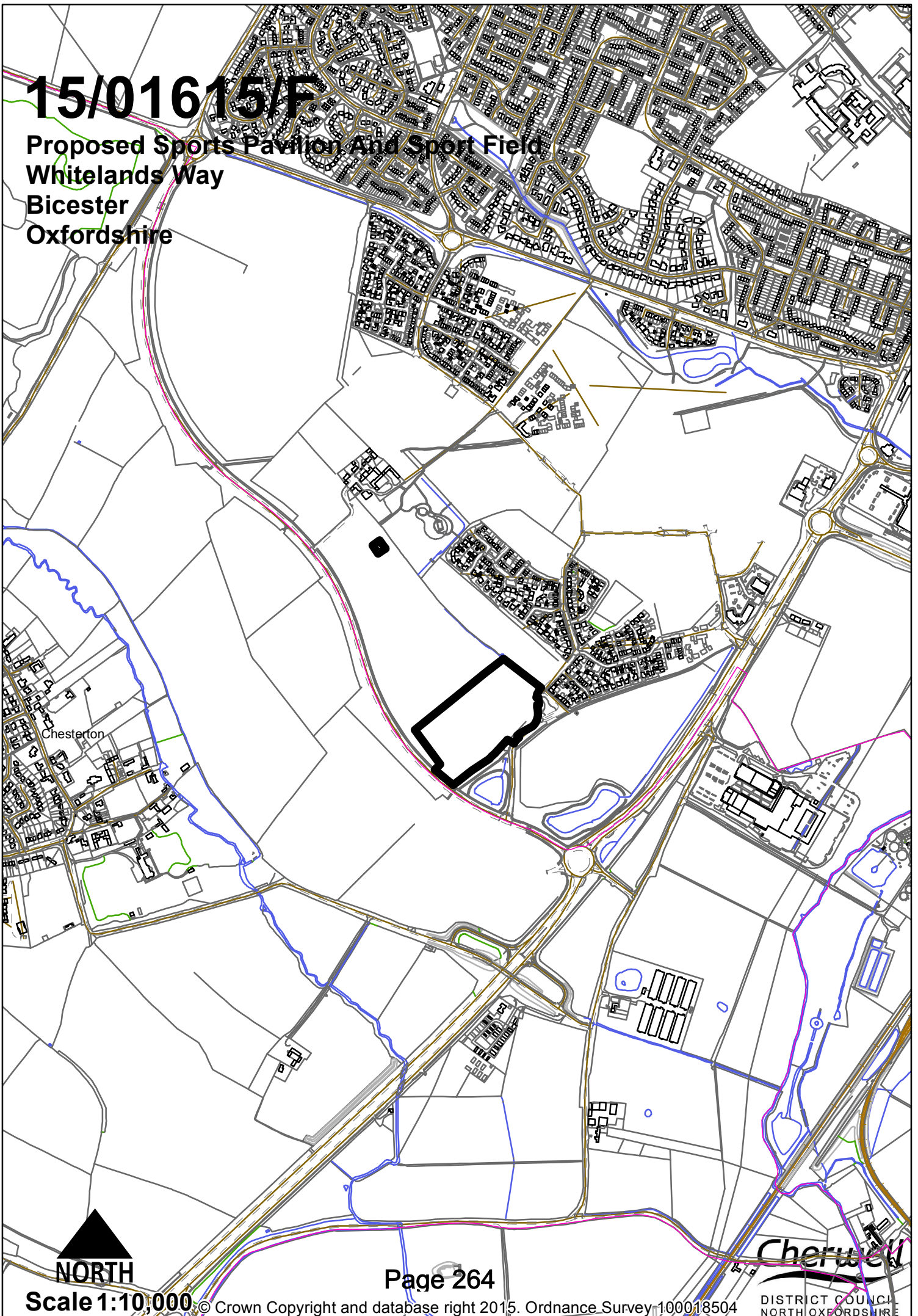


NORTH

Scale 1:3,000

15/01615/F

Proposed Sports Pavilion And Sport Field
Whitelands Way
Bicester
Oxfordshire



Chesterton

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE



**Site Address: Proposed Sports Pavilion
and Sport Field, Whitelands Way,
Bicester**

15/01615/F

Ward: Ambrosden and Chesterton District Councillor: Cllr Pratt

Case Officer: Linda Griffiths Recommendation: Approval

Applicant: Cherwell District Council

Application Description: Development of the South West Bicester Sports Village in two phases comprising Phase 2: Construction of a two storey sports and functions pavilion including vehicular access and parking; Phase 3A: Construction of a 3G synthetic grass rugby pitch, tennis courts and associated fencing and floodlights and the erection of a cricket hut

Committee Referral: Cherwell District Council Application

1. Site Description and Proposed Development

- 1.1 The Sports Village site comprises 17 hectares, within the wider 116 ha South West Bicester mixed use development, which was granted outline planning consent including 1585 new houses in 2008, (application number 06/00967/OUT refers). It is located at the southern edge of the site and is bounded by the perimeter road to the south which was constructed as part of this SW Bicester development and Whitelands Farm Public Open Space to the north.
- 1.2 The Sports Village development has been divided into three phases, the provision of the grass sports pitches being the first. Consent relating to the provision of these sports pitches was granted in August 2011 (11/00565/CDC refers). These have now been laid out but are not yet in use. Phases 2 and 3 relate to the provision of the sports pavilion and the all- weather pitches.
- 1.3 Phase 2 comprises the provision of a pavilion immediately adjacent to Whitelands Way, together with car and cycle parking and a recycling centre for local residents. Phase 3A comprises the construction of a floodlit 3G synthetic grass all-weather rugby pitch and the formation of floodlit tennis courts on the existing tables constructed as grass pitches adjacent to the sports pavilion proposal. The erection of a cricket hut is also proposed adjacent to the cricket pitch which will include a score board, together with refreshment and WC facilities. A further application will be submitted at a later date for Phase 3b adjacent to the secondary school.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and a notice in the local press. The statutory consultation period ended on 12th November 2015.

10 letters have been received. The following issues were raised

- The balcony should face away from houses on the estate and look towards the sports pitches
- The pavilion should be next to Vendee Drive
- The entrance should be from vendee Drive not Whitelands Way
- The pavilion should be away from the estate in order to maximise its potential revenue from using it as a venue

- The proposed access is on a bend in the road at a point which narrows and would have restricted visibility when trying to exit the car park.
- Additional traffic along Whitelands Way which is already busy and has a bus route through Kingsmere, and will only get busier as the development grows. The consultants proposing the scheme mention that ‘the peak car parking accumulation would be 152 vehicles between 1500-1600 hours’
- It is also next to the bus drop off & turning point for the proposed secondary school. This will create a traffic choke point and potential accident black spot
- In terms of design, it would appear no thought has been given to the Oxfordshire 2030 Priority Objective 3 to reduce Greenhouse Gas Emissions or to Bicester as an eco-town
- Floodlighting and general site lighting, if not implemented correctly, could cause significant light pollution to nearby residents
- Should be located closer to Vendee Drive to minimise the noise disturbances to nearby houses. Signage should be included to encourage people leaving the premises to reduce their noise volume
- Opening hours of the pavilion function room should be conditioned for early closure in the evening and on weekends to mitigate the effect of noise on local residents
- At the very least double yellow lines would need to be implemented to deter people parking their cars on Whitelands Way

Kingsmere Residents Association have submitted comments on behalf of residents as follows:

- Fully supportive of the development of the sports pitches and associated pavilion and believe it will be an asset for Kingsmere residents, schools and the wider Bicester community. However there are concerns in respect of the access for the pavilion and position of the pavilion in the context of the various pitches.
- Access to the main car park would be off Whitelands Way on a tight bend in the road at a point which narrows and would have restricted visibility when trying to exit – this presents serious safety concerns. Whitelands is already busy and is a bus route through the Kingsmere Estate, which is only going to get busier as the development grows
- Understand from OCC that there is the intention to use the Sports pavilion car park as a drop off point for the planned secondary school. This plan would create a traffic choke point and potential accident black spot where school children, parents, cars HGVs and buses will be fighting for the same piece of narrow road every morning and afternoon at peak times
- Strongly suggest an alternative access would be from Vendee Drive. A footpath with effective crossing point over Whitelands Way, could then provide access to and from the school, allowing the pavilion car park to continue offering a drop off point for school children and allow easy access to the sport facilities for the school
- Position of the pavilion seems to favour a single pitch, and could be moved more central to the area along Whitelands Way where the pitches are and closer to Vendee Drive, which could support the alternative access point off the B4030.
- Final point flagged was the potential for indoor court availability for tennis, basketball, football etc to ensure all weather/season accessibility of facilities for the Bicester community

3. Consultations

- 3.1 Bicester Town Council: has yet to comment
Ambrosden Parish Council: has yet to comment
Chesterton Parish Council: has yet to comment

Cherwell District Council Consultees

- 3.2 Environmental Services Waste and Recycling Officer: has yet to comment
3.3 Arboricultural Officer: has yet to comment
3.4 Ecology Officer: has yet to comment
3.5 Environmental Protection Officer: has yet to comment
3.6 Landscape Officer: comments as follows

Existing trees and Hedgerows – the root protection areas of the northern, eastern and south eastern boundary hedgerows and trees are to be indicated on the construction layout and (hard and soft) landscape proposals to ensure that there are no damage to tree and hedgerow roots and canopies by constructor's plant and ground level changes. The fence protection measures are to accord with BS5837. The introduced hedgerow on the north eastern boundary is unnecessary because one already exists. Cross-sections and proposed ground levels in relation to the retained north eastern hedgerow and trees is necessary to ensure that ground levels within the RPZ are not changed.

Approved Landscape Proposals – the hard and soft landscape drawings are to include all previously consented details that is not affected by the inclusion of the car park and highway access, for example, the individual Scots Pine trees to the area between the tennis courts and vendee Drive, and the existing and proposed hedgerows and trees should be accurately drawn on the construction layout and landscape proposals.

Footbridge Details Drawing no. SK12 Rev A – details of how the surface is going to cope with regular cleaning/hosing down/application of salt during icy conditions. A more robust surface material may have to be considered. Concern that the bridge is too narrow at 1.8m for the numbers of players and visitors that will need to get across at any one time. This width should be increased to allow persons three abreast, at least.

Landscape Frontage to Whitelands Way – with the transfer of the land to CDC from Countryside, the Oak Tree character of Whitelands way is to be retained. With the failure of existing trees it is the intention that replacement Oaks are to be planted in accordance with Countryside's specification (tree sizes, tree pit details and tree pit drainage) all of which must be indicated on the drawings.

Introduced Hedgerow to north of parking bays – the hedgerow is drawn too wide (5.5m) for the space provided. There will be insufficient space for people to access vehicles and park adequately unless there is enough clear space between the front or rear of vehicle and the kerb edge to allow for this. There should be a 1m wide grassed verge between the kerb and a barrier, such as robust 6" ascot rail fencing. The fence will prevent vehicle and pedestrian access onto the field and direct pedestrians to the designated exits off the car park. The ascot rail fence will help localised intervisibility between the car park and the playing field which is essential for public safety. However, from Vendee Drive visual receptors, the parking would benefit

from the addition of a row of clear-stemmed trees, planted on the northern side of the ascot rail.

Surface treatments – all ground surfaces treatments to be indicated: the surface should be amenity grass to car park edges, wildflower meadow area edges, footpath/cycleways, path/bin store to pavilion, highway grass verges, areas adjoining the swale and verges to service area/staff parking. The existing sward adjoining and northeast hedgerow is to be identified as being retained and, if necessary, enhanced with native herbaceous woodland edge species. A grass seeding specification is to address the matter of close mowing over kerb and path edges.

Introduced defensive hedgerow to swale – delete this hedgerow because it obscures surveillance of both the swale and playing field and prevent de-silting operations to the swale where contractor's access will be required from the service area/staff parking. A timber post and rail is recommended along the entire edge of the swale to prevent public access with a field gate installed to allow contractor's access. Additional post and rail fencing to the tops of the swale is necessary to prevent public access from the triangular area west of the pavilion.

Tree planting – additional tree planting for landscape mitigation (and amenity) of the service area, the pavilion, car park and flood lighting:

- Area south west of tennis courts/adjacent to overflow car park – plant Scots Pine with occasional groups of Silver Birch (leaf drop to tennis courts will be less significant with prevailing winds)
- Informally groups of native trees adjacent to the existing south eastern boundary hedgerow, 3m wide maintenance access permitting
- The triangular area to the west of the pavilion is the grassed (regularly mown) with three trees planted
- An informal group of trees to narrow northeast corner, between the swale and the existing hedgerow, 3m wide maintenance access permitting
- An irregularly spaced row of native trees to the western edge of the service area/staff parking
- Three trees to the south east elevation of the pavilion
- Delete any reference to Ash trees because of Chalara fraxinea (Ash Dieback)

Landscape Maintenance Access – landscape maintenance of grass, wildflower meadow and hedgerow flailing must be accommodated with dropped kerb/demountable bollard controlled access with 'grasscrete' drive-ons from the visitor and service area/staff car parks. All planting proposals are to take account of 3m wide grassed tractor/flail access near the hedgerows.

Woodland on Southeast boundary – the woodland is proposed in an area of consented landscaping which is under the care of Countryside Properties. This woodland area should be deleted from the drawing because of this. The implementation of the landscaping is to be achieved under current British Standards. A landscape maintenance specification will be required to ensure that the scheme is successfully established.

Oxfordshire County Council Consultees

3.7 **Transport:** No objection subject to conditions

Key Issues

- Traffic generated by the development will not have a significant adverse effect on the capacity surrounding road network junctions
- On site vehicle provisions are generally acceptable
- Overspill parking on Whitelands Way would be disruptive to traffic flow and must be avoided

- The Event Management Plan will require amendment
- Cycle parking should be relocated
- Drainage proposals are generally acceptable
- Legal agreement required to provide funding for double tallow lines with supporting signage on a section of Whitelands Way to be agreed

Detailed Comments

The principle of this development in this location has been permitted through previous granting of planning permission under application nos. 06/00967/OUT and 11/00565/CDC.

The planning application is accompanied by a Transport Assessment (TA). The TA presents estimates of trip generation for a development peak hour. The methodology is acceptable, and the resulting estimates demonstrate that the development trip generation will not have a significant adverse effect on the surrounding road network.

There are two separate points of access proposed, one for the main car park and one for the service area. This approach is acceptable. The visibility splays demonstrated for each access meet standards. The access design seems suitable and should be constructed to the relevant specifications.

Swept path analysis is presented for a refuse vehicle, fire tender and minibus accessing and egressing the service area and car park respectively. The analysis demonstrates that these facilities are fit for purpose.

In response to OCC advice, the car park now has an overspill area to cope with demand at peak use periods. The layout of the car park when the overspill facility is in use is shown in figure 10 of the TA. This requires reconfiguring the car park to lose some permanent spaces in order to give access to the overspill area. As such the overspill area can only be made available when specific permanent spaces are not occupied. This requires anticipation of the need for overspill in advance.

Car park accumulation analysis is presented for peak use period and demonstrates that the car park and overspill provision should be sufficient.

It is intended that coaches carrying patrons to the sports village will use the drop-off/pick-up facility on the south side of Whitelands Way which is primarily intended for use by the school. This is an acceptable arrangement since peak school hours and peak sports pavilion hours are unlikely to coincide.

However, it should be noted that this facility is intended for drop-off and pick-up not for coach parking. This leaves a residual problem of where coaches will park whilst waiting for a sports team to complete its match. It is suggested in the application that coaches could use the new Bicester park and ride facility, but a review of the proposed layout for this facility reveals that this would be difficult.

This planning application is accompanied by an Event Management Plan (EMP). The EMP sets out actions and measures that will be undertaken before, during and after an event to minimise its traffic impact. In overall terms the plan is acceptable. However, it would benefit from two specific amendments as follows.

- Provision of parking in the spaces that give access to the overflow area to be prevented in advance to allow for their availability
- Replace the suggestion that coaches could park in the nearby park and ride site with a form of words to instruct coach operators to make and agree coach parking arrangements prior to events

Public Transport

Whitelands Way is the main spine road for the Bicester South West, Kingsmere

development. The developer is obliged to make arrangements for bus services to serve Kingsmere, using Whitelands Way as a route for local and inter-urban buses.

Whitelands Way is currently served by bus services 26 (Bicester local) and S5 (Oxford inter-urban). The current level of provision reflects the partly completed Kingsmere development. During the full build-out phases of 1 and 2 of the development, this level of bus service will increase. The intended eventual level of bus service at Kingsmere is two inter-urban buses per hour in each direction and two local bus services per hour along Whitelands Way.

Whitelands Way has been constructed to quite restrictive geometric standard, a maximum of 6 metres wide, with various narrowed sections which make it difficult to operate bus services in practice.

Parked vehicles on Whitelands Way pose a particular threat to the effective operation of bus services through the development, and it is essential that parking does not take place along this narrow road, which would cause a long section of shuttle working with consequent delays for all road users. At full build-out of Kingsmere, there will be a much higher flow of traffic. A line of cars parked for a tournament would cause a significant deterioration in performance of this spine road and would create significant delays to buses and their passengers. If such occurrences became regular, then the bus operator would then be required to reduce the frequency of the local bus service, to reflect inflated journey times. This would also act as a major disincentive to the operator in providing the intended level of inter-urban bus service, and would represent a significant loss for current and future Kingsmere residents.

Parked vehicles on Whitelands way must therefore be avoided at all times. There is considerable concern that at busy times, such as Tournament days, some cars may be tempted to park on Whitelands way rather than queue for a parking space. The EPA must address this issue, providing a marshal at busy times to discourage any parking on the main carriageway of Whitelands Way.

Travel Plans

The proposed location of cycle parking is undesirable for security and safety reasons. This provision should be re-located to a site closer to the pavilion building. The production of the EPA is welcomed. The travel plan statement submitted with this application meets OCC criteria and is therefore approved.

3.8 **Drainage** : Proposals in the application are generally acceptable, although the following points should be noted:

- There are no calculations to prove the size of the underground storage is adequate
- No headwall details are provided for the discharge outfalls from the underground storage
- Grills are not required on the large culverts (1.5m x 1.0m).

Other Consultees

3.9 **Thames Water:** Waste – no objection

Surface water drainage – it is the responsibility of the 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.

Water Comments – on the basis of the information provided, no objection

3.10 **Environment Agency:** due to increased workload prioritisation we are unable to make a detailed assessment of this application. We have checked the environmental constraints for the location and advise as follows:

- Groundwater Protection – the site lies in a secondary aquifer

If infiltration drainage is proposed then it must be demonstrated that it will not pose a risk to groundwater quality. We consider any infiltration SuDS greater than 3m below ground level to be a deep system and generally not acceptable. All infiltration SuDS requires a minimum of 1m clearance between the base and peak seasonal groundwater levels. All need to meet the criteria set out in our Groundwater Protection: Principles and Practice (GP3) document. In addition they must be constructed in ground affected by contamination.

3.11 **Sport England:** request a meeting to discuss a number of concerns, some of which were raised at the inception of the project, which are endorsed by a number of the sports who may end up having clubs using the site as follows:

- The location of the club house – its proposed location will result in additional structures being built to service other parts of the site, including the tennis courts
- The proposal includes for a 3G rugby pitch – a fundamental concern is which rugby club will use it
- It is not clear that the right mix and types of pitches have been provided
- It is not clear how these facilities are to be run and managed
- There may be a need for additional floodlighting and the lighting levels need to reflect the level of play
- There is a health and safety issue with some types of footwear crossing the cycle track – there may be a need to create covered benching near pitches to change in to appropriate footwear
- There is no indication of maintenance of the pitches, including the Artificial Grass pitch
- No indication of the management structure which is vital if this project has a chance of working
- No business plan, which is a concern by the sports and Sport England showing how the long term sustainability can be achieved
- No indication what football clubs or tennis clubs are going to use the facilities
- How is cricket going to be serviced by the pavilion
- Are the proposed changing facilities big enough – there needs to be a programme to show how the site works
- The proposed changing layout does not adequately address the needs of BME groups or women
- The treatment room/first aid room needs to be relocated with easy access to the outside
- Storage is extremely light if there are a number of sports going to use this site
- Storage for grounds maintenance is unclear, as is for goal posts, nets etc
- There would need to be publicly accessible down stairs toilet provision

There are a number of other technical issues around the design which would be better discussed, round a table with the architect once some of the fundamental issues over the use have been properly established.

This should be a fantastic project for sport, and the planning application should have been straight forward, but unfortunately our advice and that of several NGBs seems to have been misplaced over time. I am sure all these issues can be resolved but some may take longer than others. Unless some of the fundamental ones such as business plans/programming/how the facility is to be run and managed, it is unlikely

public funding could be awarded to this project.

I am aware that some of the issues on the face of it are not primary planning issues, however we would consider them to be other material considerations. And if not addressed could result in additional planning applications coming for more accommodation, which given the current building design and position, may in fact result in new buildings/structures on the site which could result in loss of playing field area.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides that strategic planning policy framework for the district to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011-2031 Part 1

ESD 7 – Sustainable Drainage Systems (SuDS)

ESD 10: - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13: - Local Landscape Protection and Enhancement

ESD 15 – The Character of the built Environment

Adopted Cherwell Local Plan 1996 (Saved Policies)

C14: Seeks to promote additional tree planting and protect the ecological value of a site

C28: Layout, design and external appearance of new development

4.2 Other Material Policy and Guidance

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

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

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of Development
- Design
- Transport Assessment and Highway safety
- Landscape and visual Impact
- Flood Risk and Drainage
- Sport England

Relevant Planning History

5.2 This site forms part of the original development proposed for South West Bicester which was granted outline planning consent in June 2008 under application number 06/00967/OUT. The proposal is therefore included within the allocation of the site for development within Policy H13 of the Non-Statutory Cherwell Local Plan, although the precise location of the sports pitches and recreation facility has changed from that originally envisaged. The land in question was transferred to CDC as part of the Section 106 requirements. Consent for the construction of the sports pitches was granted in August 2011 (application number 11/00565/CDC refers). The sports pitches, known as Phase 1, have now been constructed and laid out although they have not yet been brought into use. The approved landscaping scheme relating to that development has not yet been implemented.

5.3 The application site is identified as the formal open space or recreation land within the Proposals Plan and Design Code approved following the grant of the outline application. The area of the Sports Village exceeds that which was necessary to purely meet the needs of the South West Bicester development and seeks to address, in addition, town wide recreational needs. In 2006 Cherwell District Council, in accordance with PPG17 carried out a study on the existing sports provision across the District and recommended that the shortfall in outdoor sports pitches for Bicester should be addressed. The playing pitch strategy produced in 2008 identified the shortfall in Bicester and advised that some of this shortfall should be met by the SW Bicester allocation. Its principle objective is to provide a high quality outdoor sport facility and is a priority scheme promoted by both Cherwell District Council and Bicester Town Council.

5.4 The Sports Village development has been divided into 3 separate phases. As previously mentioned, Phase 1 has been constructed, this application relates to Phases 2 and 3a which relates to the Sports pavilion building and a 3G pitch and tennis courts on an existing grass pitch with enclosure and floodlighting.

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 (Part 1). Section 72(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).

5.6 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; 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
- 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

5.7 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. The use of this site for sports provision has been approved in principle under the outline consent relating to the wider SW Bicester development, and subject to all other material planning considerations as specified as follows, the proposal is considered, in principle to be acceptable.

5.8 The development at South West Bicester is also subject to compliance with the Design Code which was required by a condition attached to the outline consent and approved in July 2008. The Design Code sets out the key issues to be addressed by developers and their agents, to ensure consistency throughout the development and to ensure that specific requirements are adhered to. Whilst this application has been submitted as a full rather than reserved matters application, it is considered that the key principles behind the Design Code requirements for this site remain important when considering this application.

5.9 The Section 106 Agreement attached to the outline consent and the Design Code requires that over 17 hectares of land is given over to formal sports pitches. The area in question is also specifically identified. Located at the southern gateway into the SW Bicester development site, it will be managed by CDC and Bicester Town Council and will provide outdoor grass sports pitches, sports pavilion and all weather pitch provision in conjunction with the secondary school provision. The Design Code envisaged that there would not be any floodlighting on the grassed sports pitches to the west of the pavilion, but that the floodlighting would be contained on the site to the east where the all-weather pitches were to be provided in conjunction with the secondary school provision.

Design and Layout

5.10 The main part of the formal recreation facility lies to the west of the pavilion site and sits at a slightly higher level. The whole of the Phase 1 area is circled by a 3m wide cycle track. The adjacent secondary school will have direct access to the Phase3b development, with a further link to the pavilion and sports pitches. It is intended that the school coach drop-off area will also be used in conjunction with the sports pitches and use of the sports pavilion. The application proposes a two storey sports and functions pavilion. The changing facilities are located at ground floor level and a function room to accommodate up to 200 persons at first floor level. The application also proposes a free standing cricket hut with score board, WC and light refreshment

facilities adjacent to the cricket square.

- 5.11 Pedestrian access between the pavilion and the sports pitches will be provided over the drainage channel by a new footbridge. The 3G rugby pitch will be located parallel to the west-side of the pavilion and the northern part of the proposed car park. It is proposed that this pitch will be floodlit and enclosed by a 3m high weld mesh fence. Six tennis courts will be provided adjacent to the 3G rugby pitch. It is also proposed that these would be floodlit and enclosed by a 3m high weld mesh fence.
- 5.12 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 to making places better for people’.
- 5.13 The NPPF advises at paragraph 58 that planning policies and decisions should aim to ensure that developments achieve a number of results including the establishment of a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and that developments should respond to the local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 60 advises that whilst particular styles and tastes should not be discouraged, it is proper to seek to promote or reinforce local distinctiveness.
- 5.14 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’.
- 5.15 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 within the area’.
- 5.16 Policy ESD 15 of the 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 the standards of layout, design and external appearance, including choice of materials, are sympathetic to the character of the urban or rural context of the development’.
- 5.17 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.
- 5.18 It is considered that the development of this site and the erection of the sports pavilion building, presents a great opportunity to provide an exciting opportunity for the Council to deliver a building of contemporary design which respects both its semi-rural location, on the edge of this new development and the adjacent new residential buildings. The approved Kingsmere Design Code envisages the erection of a landmark building up to 7m in height on this important and prominent gateway site, stating ‘*the Sports Pavilion is an important landmark building on a prominent part of the site. It is a civic building which will be used by a wide cross-section of the community. As such the building must be of the highest quality design*’. It also goes

on to say that it should be designed to fit horizontally into the landscape, facing out principally over the sports pitches but *'it must also have a clearly expressed main entrance which faces the car park and vehicular site entrance'*. A landmark building is defined within the Design Code as *'A strategically important building to convey special importance or of a particular visual significance'*.

- 5.19 The building proposed measures 6.5m to eaves and 11m to ridge and is designed as a two storey building accommodating the sports changing facilities at ground floor level and a function room, of sufficient size to accommodate 200 persons with bar area, kitchen and toilet facilities at first floor level. A number of local residents have expressed concerns about noise from an open balcony area, however, this aspect has since been removed from the scheme following the initial public consultation prior to the submission of the application. This area is now contained within the building under a pitched roof to provide an enclosed plant room.
- 5.20 The proposed sports pavilion building comprises a large rectangular building with wide gable spans and relatively shallow pitched roof. The applicant's agent states its design has been informed by rural buildings such as large agricultural buildings and by new buildings within the urban extension. It will give the appearance of a large barn within a landscape divorced from other buildings. The submission does not clarify or explain further however, this assertion in their submission. It is proposed to be constructed of a Roman brick base, which is a split cream coloured lignacite block (to mimic Oxfordshire stone), with Siberian Larch/Red Western Cedar timber panelling above. Full length PPC aluminium windows with sliding panels will be provided at first floor level, some with Juliet balconies. The roof treatment will comprise PPC coated standing seam panels, either light grey (lead coloured) or zinc coloured. The roof elevation facing towards Whitelands Way will have solar panels installed. The recessed entrances will be finished with highly coloured render for identification emphasis. Entrance doors will be PPC coated steel with heavy gauge ironmongery. In terms of the provision of public art on the building, this will be in the form of work laser cut steel panels on sliding frames to ground floor windows and doors.
- 5.21 The building will be clearly visible from the adjacent perimeter road, open countryside and adjacent residential development and will be a prominent structure on the skyline and when seen against the residential development in the background. It is considered that the design and scale of the building is disappointing, and an opportunity to deliver a well-designed landmark building has not been fully realised. Neither is it clear from the submission how the building has been designed to reflect a simple agricultural building, appearing more industrial in its scale and appearance.
- 5.22 However, notwithstanding the above, it is considered that a reason for refusal on design terms could not be justified in this instance.
- 5.23 The provision of a 3G all-weather pitch and tennis courts enclosed with 3m high weld mesh fencing and floodlighting adjacent to the pavilion as proposed is also regrettable. This area was specifically envisaged as open grass pitches with the all-weather floodlit pitches on the land adjacent to the school site. The reason for this was to retain the more rural character of this area, to provide a transition between the development and the open countryside and to protect the setting of the village of Chesterton. However, as above, it is not considered that a reason for refusal on the grounds of visual impact can be justified in this instance.

Transport Assessment and Highway Safety

- 5.24 A vehicular access from Whitelands Way is proposed in a position opposite the existing coach drop-off area, with the Phase 3b and Secondary School sites beyond. This access will be used for staff parking, servicing the pavilion and a public recycling centre to be positioned adjacent to the boundary with Whitelands Open Space. The

site at this point is at a lower level than Whitelands Way, so the access will need to be graded.

- 5.25 The proposed car and cycle parking area is to be provided to the south of the pavilion building, running parallel to the table that will accommodate the 3G rugby pitch and tennis courts. An existing hedge, which it is proposed to enhance, separates the car park from a balancing pond and the adjacent public footpath to the east. It is proposed that the car park will be lit. This car park will be served by a second separate vehicular access located on a bend in Whitelands Way. This new access will need to be constructed over the existing drainage channel which was constructed by Countryside as part of the overall drainage strategy for the southern part of the development site and which flows into the balancing ponds which were constructed adjacent to the A41 roundabout. This access will also provide the main pedestrian link to the pavilion and sports pitches from Whitelands Way. Again, due to the changes in land levels, the access will need to be graded.
- 5.26 A transport Assessment is submitted as part of this planning application and seeks to demonstrate that the proposed development will not have an adverse impact on the highway network. This has been assessed by the Highway Authority who considers that the methodology used to estimate trip generation for the development peak hour is acceptable, and demonstrate that the development trip generation will not have a significant adverse effect on the surrounding road network. In terms of the two proposed vehicular access points, these are acceptable to the Highway Authority who also advise that the visibility splays demonstrated for each access meet standards, have been suitably designed and should be constructed to the relevant specifications. The swept path analysis for emergency, refuse and minibuses accessing the site is also acceptable to the highway authority.
- 5.27 The plans submitted indicate the provision of 120 car parking spaces, 10 of which are disabled, 22 covered and secure cycle parking spaces and 4 mini-bus spaces. It is also proposed to provide additional overspill car parking provision should the need arise. To enable the overspill car park to be used effectively however, the highway authority require the car park to be reconfigured, which would result in the loss of some permanent spaces but would allow access to the overspill car park area when necessary.
- 5.28 The application is also accompanied by an Events Management Plan which sets out actions and measures that will be undertaken before, during and after an event to minimise its traffic impact. The highway authority has assessed this Plan and considers that it is acceptable but would benefit from two specific amendments relating to the provision for parking in the spaces that give access to the overflow area to be prevented in advance to allow their availability and to replace the suggestion that coaches could park in the nearby park and ride site with a form of words to instruct coach operators to make and agree coach parking arrangements prior to events. Whitelands Way is also a main bus route through the Kingsmere development and therefore in order to avoid any disruption to bus services, parked vehicles on Whitelands Way must be avoided at all times. There is considerable concern that at busy times, such as Tournament days, that some cars may be tempted to park on Whitelands Way rather than queue for a parking space. The Event Management Plan must also therefore address this issue. It is suggested by the Highway Authority that this could be done by providing a marshal at busy times to discourage parking on the main carriageway. A Section 106 or 278 Agreement is also suggested to provide funding for double yellow lines with supporting signage on a section of Whitelands Way to be agreed.
- 5.29 The concerns raised by local Kingsmere residents regarding the proposed access to the Sports Pavilion and Pitches have been taken into consideration, however, access to this facility was envisaged from Whitelands Way and is a requirement of the

approved Design Code, albeit a single access point rather than two separate vehicular access points was indicated. Furthermore, subject to the requirements above, no objections are raised by the Highway Authority in terms of highway safety and the proposal is in accordance with advice within the NPPF which states that: 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

Landscape and Visual Impact

- 5.30 A Landscape and Visual Statement produced by Hyland Edgar Driver Limited was submitted with the application which seeks to assess the likely significant landscape and visual effects that are expected to result from the proposed scheme.
- 5.31 The report concludes by stating that the development would realise a combination of positive and negative effects with the landscape effects tending to be adverse due to the introduction of new urbanising developments in this rural edge landscape. The introduction of new built features, such as floodlit playing areas and cricket pavilion, would have a locally urbanising effect on the baseline landscape, as this rural edge is essentially 'dark' at night. However, the landscape character changes represent an incremental rather than a step change and although adverse, would realise moderate to minor adverse effects as the planting around matures. Although an open site, views of it are contained within a relatively small area and would be viewed against the wider development.
- 5.32 The submitted Landscape and Visual statement has not been criticised by the Council's landscape Officer. The submitted landscaping scheme is not acceptable for a number of reasons as specified by the Landscape Officer in his consultation response. It is therefore proposed that the submission of a revised landscaping scheme for approval be conditioned.

Flood Risk and Drainage

- 5.33 The application is accompanied by a Flood Risk Assessment and drainage information. The surface water strategy approved and subsequently constructed for the southern part of the South West Bicester development incorporates a new drainage ditch from the existing Whitelands Farm ditch which runs along the northern boundary of the pitches and then cuts across the site to the attenuation basin which has been constructed adjacent to the A41 roundabout. OC as Drainage Authority have advised that the drainage proposals are generally acceptable although further details and calculations are required to ensure that the underground storage is adequate. It is proposed to condition this request.

Sport England

- 5.34 As detailed in the consultation responses above, Sport England have raised a number of concerns regarding the proposal and have requested a meeting to discuss. A meeting has been arranged for 23rd November. Members will be updated verbally the outcome of those discussions at the meeting.
- 5.35 It is accepted that many of the issues raised are not specifically planning matters. However, as the concerns raise issues about the potential need for further buildings and structures on the site and until there is a clear understanding about who and how the sports pitches and pavilion will be used, it is considered that the matters raised should be addressed now, to avoid the need for further amendments which could delay the delivery of the facility.
- 5.36 The Director of Community and Environment has responded to the concerns raised by Sport England. He advises that funding is not being sought from Sport England. The lack of a business plan demonstrating how the long-term sustainability of the development can be achieved is in hand with cost estimates, proposed funding, operating arrangement etc prepared. The lack of a management structure can be

quickly and easily explained. With regard to the technical issues raised, Sport England are quoting what their high spec level is, normally associated with a grant aid condition which does not apply here and carries a cost premium. We are very comfortable that we have addressed the appropriate level, specification and detail of the proposed facilities in a way which provides a durable and fit for purpose facility but not necessarily according to their precise specifications.

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

Conclusion

- 5.38 Having regard to the above assessment, it is concluded that the proposal is acceptable and will not have a significant adverse effect on the locality and is therefore in accordance with the Development Plan and Government advice as set out within the National Planning Policy Framework.

6. Recommendation

Approval, subject to:

a) 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 AR2
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: applications forms (to be added)
Reason AR4
3. Notwithstanding the details submitted, prior to the commencement of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include
Reason CR1
4. C2 – Carry out the landscaping
Reason CR1
5. C9 Submit an Arboricultural Method Statement
Reason CR2
6. C21 – details of tree pits for soft landscaped areas
Reason CR1
7. 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 DR1
8. Prior to the commencement of the development hereby approved, full

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

Reason DR1

9. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason DR4

10. Notwithstanding the details submitted, prior to the commencement of the development hereby approved, an Event Management Plan shall be submitted and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed EMP and run in accordance with the agreed details thereafter.

Reason DR5

11. The operational use of the premises shall be restricted to the following times:-
Monday-Friday 8.30am to 10pm
Saturday- 8.30am to midnight
Sunday and public holidays 9am-6pm

Reason GR9

12. The sports pavilion and cricket hit shall be used only for the purposes specified within the application and for no other purpose whatsoever.

Reason HR17

13. The floodlights hereby approved shall be used only in connection with the sporting activity taking place at the grounds and not at any other time for any other purpose and shall be turned off when that activity has ended and shall not be left on overnight.

Reason JR4

14. Prior to the commencement of the development hereby approved, full details of a scheme for the provision and location of bat and bird boxes or bricks within the structure of the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the building the boxes/bricks shall be installed and thereafter maintained in accordance with the approved details.

Reason KR2

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

Reason LR7

Planning Notes

1. PN 9 - Thames water and Environment Agency consultation responses
2. PN 22 – Construction Sites
3. PN 24 – Biodiversity/protected Species

4. PN 26 – Nesting birds

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 18

15/01724/F

**Bicester Furniture Studio
24 Church Street
Bicester
OX26 6AZ**

Convent

4 to 6

2

28

26

24

a

24

Church Terrace

13

11

9

PH

72.0m

CHURCH

NORTH
Scale 1:250

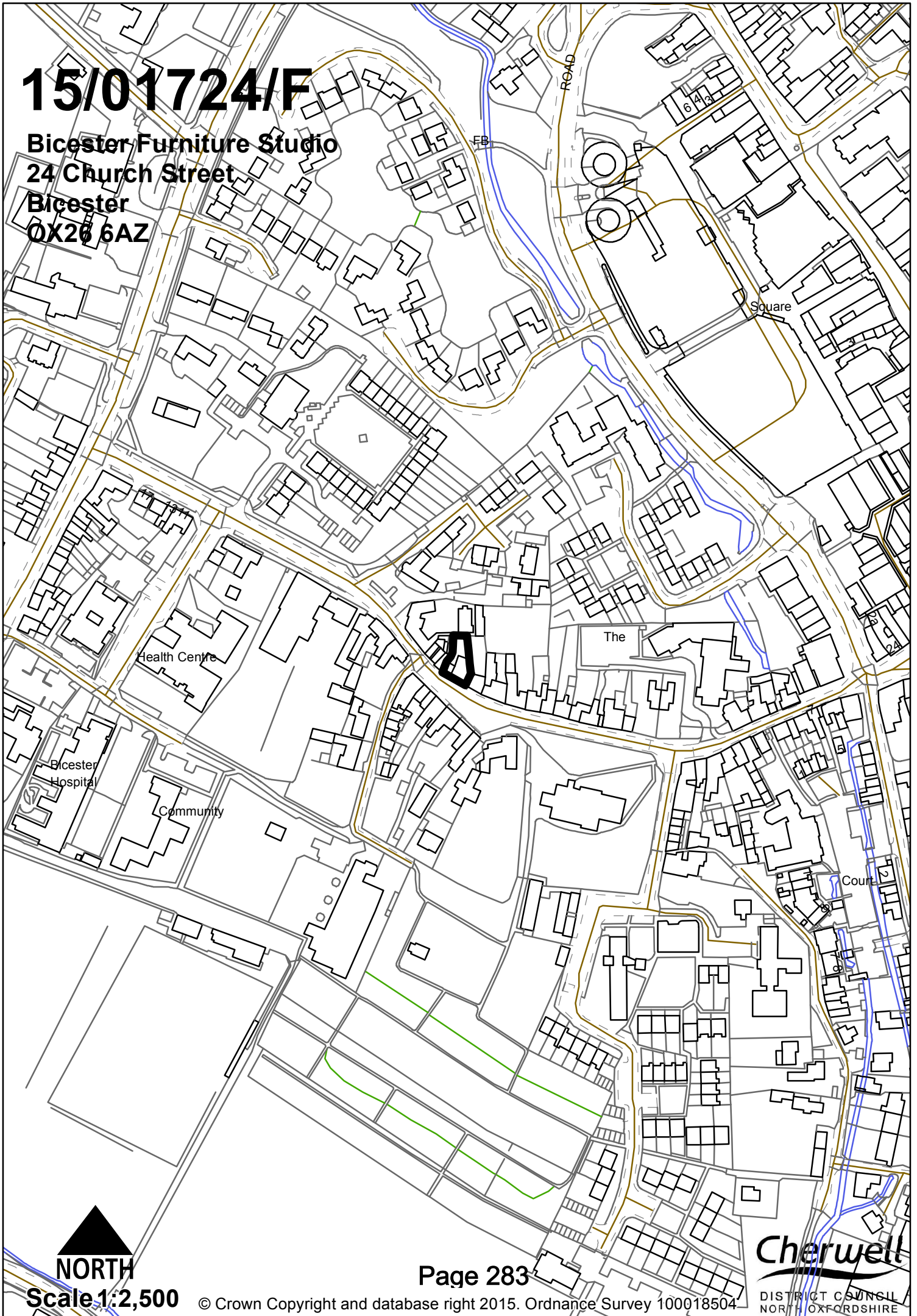
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

15/01724/F

Bicester Furniture Studio
24 Church Street
Bicester
OX26 6AZ



NORTH

Scale 1:2,500

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Gemma Magnuson **Ward(s):** Bicester Town

Applicant: Papa John's (GB) Ltd

Ward Member(s): Cllr D M Pickford, Cllr Richard Mould

Proposal: Change of Use from a Shop (Use Class A1) to a Hot Food Takeaway (Use Class A5) with internal and external alterations

Committee Date: 26.11.2015 **Recommendation:** Application Refused

Committee Referral: Member Request – Cllr Pickford

1. Application Site and Locality

1.1 The application relates to a vacant A1 retail unit south-west of Bicester town centre that was formerly occupied by Bicester Furniture Studio. The building is not listed, although the adjoining building to the south-east, Tudor Cottage, is Grade II listed. Grade II listed buildings are situated across the road from the site, including Grade II* listed The Old Vicarage to the south-east. Grade II listed Presentation Convent is situated to the north-west. The site is in the Conservation Area. Protected and notable species the Pipistrelle Bat, Long-eared Bat, Common Swift and West European Hedgehog have been identified in the area.

2. Description of Proposed Development

- 2.1 The development would involve the change of use of the unit from A1 retail to an A5 hot food takeaway. The application documents indicate that the end user would be Papa Johns, a take away and pizza delivery operator.
- 2.2 The building would not be extended in order to accommodate the new use, although the ground floor would be reconfigured and the shop front altered in order to create an entrance to the side rather than a central entrance. The shop front would be constructed using aluminium frames that are dark green in colour. A flue be installed within the roof of a single storey element to the rear, and a condenser unit would be positioned at low level on the rear elevation of the single storey element. The residential flat at first floor level would be retained as existing. The garage would be used to store waste and delivery scooters.
- 2.3 Proposed opening hours are 11am to 11pm Sunday to Thursday and Bank Holidays, and 11am to 1am on Friday and Saturday. The applicant intends to receive deliveries via Church Street, and they anticipate these occurring three times a week for a maximum of 20 minutes during each visit.
- 2.4 Signage has not been included on the current application and may be the subject of an application for Advertisement Consent, if required.
- 2.5 The applicant anticipates that the majority of customers will place orders and request deliveries to their homes, or other venues; a pattern that is observed at other stores within the

UK (on average 63% of orders are delivered). A high proportion of collections will also be made after 6pm. All products are oven baked rather than deep fried.

3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
03/02128/F	Demolition of existing shop and erection of 1 No. three storey house and 2 No. flats (as amplified and amended by plans received 26.11.03 and 09.12.03 and agent's letter dated 25.11.03).	PER
03/02129/CAC	Demolition of existing shop.	PER

4. Response to Publicity

4.1 The application has been advertised by neighbour letter, press notice and site notice. The final date for comment was 29 October 2015. 23 responses were received, the issues raised have been summarised as follows: (please refer to electronic file for full versions available via the website www.cherwell.gov.uk)

- Unsocial opening hours
- Noise/disturbance until late, opening hours to 1am are not suitable for this street which is largely residential, people loitering outside
- Additional traffic – congestion, noise from vehicles, lack of residents parking, no spare parking in Church Street, safety issues for pedestrians and cyclists
- Residents already compete with people looking to avoid parking charges in the town, residents have asked for residents parking on numerous occasions to no avail
- Unsightly garish frontage, neon signage – out of keeping with Conservation Area and setting of nearby listed buildings
- More litter/human excrement
- Church Street is one of prettiest and most popular with tourists
- There are alternative locations in the town centre – would be better located in the town
- Papa Johns Pizza business does not have a local character. Bicester needs to support its own local business rather than import American style international business
- Large delivery lorries will be stopping on road outside, it is on a bend and lorries will restrict view of passing traffic, car already drive round the bend too fast
- Lorries unable to stop in parking area opposite as cars park here day and night
- More pedestrians will be accessing the building – narrow pavement to west where people already need to step off road to let others pass
- Conservation Area impact – should protect and preserve oldest parts of Bicester
- Take away pizza business is out of keeping with character within Conservation Area and setting of listed buildings that form the core of our ancient market town
- Signage detail has not been provided but will inevitably include neon signage. Nearby restaurants have retained their original frontages.
- Already many take away businesses in The Causeway and Market Square – there is adequate parking in Market Square but none to spare in Church Street. Existing takeaways cause nuisance by people drinking and buying food late at night then discarding litter
- Already two restaurants in Church Street resulting in a lot of coming and going at lunch time and in the evening, a take away pizza would add to this
- Swift nesting areas in close proximity to the site, pollution and noise would disturb swifts
- Odour nuisance – extractors of existing restaurants still create smells
- Inadequate neighbour consultation for application
- The previous business was very unobtrusive

- Parking on the road opposite the car park is unrestricted after 6pm meaning the road is restricted in width in the evenings
- Site is opposite a junction leading to a primary school
- The existing A1 use would not have generated the same volume of traffic
- Whilst it is accepted that the rear of the site is not open to public view, little consideration has been given to the extract flue penetrating through the building
- The Market Square and streets leading up to it are dominated by similar units at the expense of retail use, consideration should be given to retain A1 use to retain commercial diversity within the town
- Wish to correct Design and Access Statement – there are no on-street parking bays opposite Piccolo Amore (formerly Six Bells PH) but there is limited and vary narrow parking space immediately outside Piccolo Amore
- The pavement is narrow and space is taken up by pushchairs, wheelchairs and motorised scooters for the elderly forcing pedestrians into road
- Fails to meet requirement of Bicester 5 of Cherwell Local Plan 2011-2031 as it would not enhance the Conservation Area and would not improve the character and appearance of the centre of Bicester
- Flue would be too close to the thatched roof of adjacent property – odours could be absorbed into roof thatch
- Detrimental to residents and businesses already on Church Street
- Previous furniture shop did most of its business on the internet so didn't cause much traffic – a take away would be substantially different to this former use
- Church and graveyard will become a focal point for late night al-fresco dining
- Business is not sustainable with sufficient pizza and other fast food takeaways in Market Square
- Fast food industry uses huge volumes of needless and wasteful packaging – thrown away after less than 5 minutes use, limited landfill space, limited supply of petroleum, loss of trees, replacement of natural forests with monoculture plantations, dangerous chlorine compounds use to bleach paper, ozone depletion, greenhouse effect, do not recycle
- Area does not need more fast processed food outlets, would be better to have other kinds of shops such as family businesses, bakeries and those selling fresh produce
- Promotion and sale of unhealthy food, particularly to children – the location is within 100m of a primary school and 500m of the towns main secondary school
- The decibels given for the fan mentioned range from inlet 66-93db and outlet 70-95db with the higher range being the same as a petrol lawn mower
- The cold storage to the rear of the property will have a condenser to the exterior wall again more noise from the fan and constant switching on and off 24 hours per day, the scheme E document states no noise and odour which is questionable
- Grease filters are installed in the extraction unit and rely on the staff to be cleaned, doubt over whether this would be done, if not odour will increase and effect residents in the area
- Having ovens next to a thatch property is a danger
- Council should be trying to preserve attractive buildings
- Many empty premises in the town where there would be parking for customers
- Detriment to residential amenity
- Negative impact on patients ability to relax when visiting nearby clinic
- Customers are likely to block driveway due to lack of parking on Church Street – driveway is used for visiting disabled patients
- Complaints regarding position of site notice, lack of neighbour letters and inability to submit comments using computer
- This is an oasis of architectural history surrounded by an ever increasing circle of new buildings and concern that this could be lost
- Adversely affect house values

5. Response to Consultation

5.1 Bicester Town Council: object to the application as the wrong site for this type of business. This is a busy and fairly narrow through fare and there will inevitably be customers parking directly outside the shop creating traffic concerns and nuisance to neighbouring properties. Bicester Town Council would welcome the business but not necessarily in this location.

5.2 Cherwell District Council Scientific Officer: I have no objections to this proposal conditional upon the extract system and plant being installed and maintained to the standard (or better) as specified in the statements supporting the application.

5.3 Cherwell District Council Ecology Officer: There are several records of swifts nesting in this street including next door to this property at number 26, so even if not nesting at this property they should be considered. Swifts are legally protected (as are all birds) from disturbance whilst nesting until the last young has fledged. Outside of the nesting season strictly the nest sites are not protected whilst not in use however because swifts return to the same nesting site year after year it is good practice to retain nesting sites where possible or offer an alternative.

As regards the installation of the flue I would recommend a condition is included such that this is undertaken outside of the swift nesting season (April to August inclusive) to avoid the chance of disturbing any nesting birds on the building or adjacent.

As regards the operational disturbance from noise etc. I don't know how much noise the flue is likely to emit (I'm not sure it would help if I did as I don't know what levels a swift will tolerate) but I think it is relatively unlikely that it would disturb a nesting swift on an adjacent building (although it could dissuade it from returning if it was very noisy).

Should permission be granted I would suggest a condition to enhance the building for swifts (addition of a box or two) in consultation with Swift Conservation. Should the local coordinator for Swift Conservation advise that there is nowhere suitable to install a box, a nesting box for another bird species (e.g. house sparrow) could be used.

5.4 Cherwell District Council Conservation Officer: no response at time of writing.

5.5 Oxfordshire County Council Highway Authority: This site is located within a tortuous section of public highway where the road narrows and footway provision is quite limited. The frontage of this site is located within a particularly poor section of this highway where the awareness of oncoming vehicles is very limited particularly to the north – west.

The use proposed is likely to generate significant usage both with regards to deliveries from the site and vehicles and individuals visiting the site. There are some limitations/controls on parking in the vicinity. The area which is public highway includes that opposite the site up to the frontage of the buildings, an area which is heavily utilised by existing uses.

The site is within a speed controlled area quite close to the town centre. During my assessment of the proposals I had some regard to the actual passing speed of traffic in the vicinity of the site.

H.A. is concerned at the lack of awareness as mentioned above and considers that there is a cause for concern given the nature of the use proposed, accordingly a recommendation of refusal is offered for consideration.

Recommend that the application be refused for the following reason. That movements generated as a product of this proposal will represent an increased hazard in the vicinity resulting in a detriment to the safety and convenience of other road users.

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

SLE2 – Securing Dynamic Town Centres
BIC5 - Strengthening Bicester Town Centre
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (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

6.2 Other Material Planning Considerations:

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

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

7. Appraisal

7.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of Development;
- Impact on Heritage Assets and Visual Impact;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Ecological Implications;

Principle of Development

7.2 The acceptability of the principle of the change of use of this A1 retail unit to an A5 hot food take away stands to be considered against Government guidance contained within the Framework and Policies Bicester 5 and SLE 2 of the Cherwell Local Plan 2011-2031.

- 7.3 The Framework advises that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Further, planning should operate to encourage and not act as an impediment to sustainable growth, and significant weight should be placed on the need to support economic growth through the planning system. With regard to town centres, it advises that it is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.
- 7.4 Main town centre uses are defined as retail development (including warehouse clubs and factory outlet centres), leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres and bingo halls), offices, and arts, culture and tourism development (including theatres, museums, galleries, concert halls, hotels and conference facilities).
- 7.5 Policy SLE 2 of the Cherwell Local Plan 2011-2031 states that retail and other main town centre uses will be directed towards the town centre of Bicester in accordance with Policy Bicester 5. The Council will apply the sequential test set out in the Framework, whereby proposals for retail and other main town centre uses not in town centres should be in edge of centre locations. When considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre. The Council will consider if the proposals satisfy the sequential test and if they are likely to have a significant adverse impact on one or more the factors in the Framework.
- 7.6 Policy Bicester 5 of the Cherwell Local Plan 2011-2031 seeks to strengthen Bicester town centre and states that shopping, leisure and other main town centre uses will be supported within the centre. Only A1 and A3 uses will be permitted on the ground floor in the primary shopping frontage. The Council will review the town centre boundary through the Local Plan Part 2, but prior to this, retail and other town centre uses will only be supported with and Area of Search if they form part of new schemes which help deliver the aims for central Bicester. Development should have particular regard to enhancing the character of the Conservation Area.
- 7.8 An A5 hot food takeaway use is not specifically defined in the Framework as a main town centre use. The site is not within the current town centre boundary although it is within the Area of Search. The development would lead to the loss of a ground floor A1 retail unit, although as the site is not within the Primary Shopping Frontage, and is currently vacant, this is considered acceptable. Whilst an A5 use is not a main town centre use, due to the requirement for people to travel to and from the premises, it is considered to represent an appropriate edge of centre use, being sustainably located within short walking distance of the town centre, residential properties and other employment generating uses, and benefitting from good public transport links. The existing night time economy within the town centre is also likely to support the use of the unit as an A5 hot food take away and the change of use is likely to enhance the vitality of the town centre during the evening.
- 7.9 The proposed development seeks to change the use of this vacant unit to an appropriate use within this sustainable edge of centre location, and given that Government guidance requires significant weight to be placed upon supporting economic growth, Officers are of the opinion that the principle of the change of use is considered acceptable in accordance with guidance contained within the Framework and Policies SLE 2 and Bicester 5 of the Cherwell Local Plan 2011-2031.

- 7.10 Government guidance contained within the Framework attaches great importance to the design of the built environment and 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, 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.
- 7.11 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 states that 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. Saved Policy C28 of the Cherwell Local Plan 1996 seeks to control new development to ensure that it is sympathetic to the character of its context.
- 7.12 The proposed change of use of the unit would require minor external alterations, to include the installation of a flue, condenser unit and a new aluminium framed shop front. The existing building is uninspiring and it is considered that it does not, at present, make a positive contribution to its historic context. The façade appears tired and would, in Officers opinion, benefit from refurbishment. It is considered that the installation of a new shopfront would enhance the appearance of the building, and the relocation of the entrance door would have a limited impact whilst enabling best use of the interior space for the functioning of the business. The positioning of the pizza preparation bench and customer area adjacent to the glazed frontage would ensure that the frontage is active; enhancing natural surveillance particularly during the evenings.
- 7.13 If illuminated signage is required it will require separate Advertisement Consent. No details of signage have been provided with the current application.
- 7.14 The flue and condenser unit are positioned to the rear of the unit and will not be visible from the public domain. Consequently, it is considered that they will have no impact upon the historic significance of the Conservation Area or the visual amenities of the locality. The installations would also be positioned a sufficient distance from the adjacent listed building to avoid harm to its setting.
- 7.15 The proposed development is considered to accord with Government guidance contained within the Framework, Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 in terms of visual impact.

Accessibility, Highway Safety and Parking

- 7.16 The site is positioned upon a bend in the road, opposite an area of public parking. The use of the site as a hot food takeaway is considered likely to lead to on-street parking in close proximity to the unit and a number of trips to and from the garage via delivery scooters. In addition, customers parking in the public parking spaces opposite the site will be crossing the road in this location where visibility is limited. Oxfordshire County Council highway authority has described the site as being positioned upon a tortuous section of public highway where the road narrows and footway provision is quite limited, and that the frontage is within a particularly poor section where the awareness of oncoming vehicles is very limited, particularly to the north-west.
- 7.17 Given that the proposed use is likely to generate significant usage with regard to deliveries from the site and individuals visiting the site, the highway authority has recommended that the

application is refused as it would represent an increased hazard in the vicinity of the site, resulting in detriment to the safety and convenience of other road users, contrary to Government guidance contained within the Framework that seeks developments that are located and designed to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Effect on Neighbouring Amenity

- 7.18 Government guidance contained within the Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy C31 of the Cherwell Local Plan 1996 seeks compatible development in residential areas and saved Policy ENV1 of the Cherwell Local Plan 1996 seeks to resist development that would result in materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution. Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 states that development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 7.19 The applicant has requested opening hours for the proposed use to be 11am to 11pm Sunday to Thursday, extending to 1pm closure on Friday and Saturday evenings in order to make the most of evening trade. The restaurants opposite the site currently have opening hours until 10.30pm and 11pm and it is considered that the closing time of 11pm Sunday to Thursday is acceptable in this edge of centre location.
- 7.20 However, it is considered that the proposed closing time of 1am is likely to lead to an unacceptable level of disturbance to local residents, with customers visiting the take away and deliveries being made for two hours after the closure of the restaurants opposite. Whilst the site is in close proximity to the town centre, where late night activity is to an extent anticipated, it is considered reasonable to restrict the opening hours to 12am on Friday and Saturday nights in order to safeguard the living amenities currently enjoyed by local residents and avoid significant harm in terms of noise and disturbance. In addition, a condition restricting the running of scooter engines within the garage or to the rear of the unit would avoid noise and disturbance emanating from the rear.
- 7.21 Concerns regarding litter and anti-social behaviour are acknowledged, although the planning system is unable to control the behaviour of individuals once they have left the premises. A condition can be applied in order to ensure that suitable facilities are available for the disposal of litter within the premises themselves.
- 7.22 The Scientific Officer has raised no objection to the proposal on the grounds of noise or odour nuisance, subject to the extract and plant being installed and maintained to the same standard as that set out in the submission.
- 7.23 The flue would continue to enable outlook from the rear facing openings of the flat above the unit, and as no extensions are proposed, it is considered that there would be no harm to amenity in terms of a loss of outlook or overshadowing.
- 7.24 Officers do not consider that there would be a loss of privacy as a result of the development, or – subject to conditions – that it would result in materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution, in accordance with Government guidance contained within the Framework, Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policies C31 and ENV1 of the Cherwell Local Plan 1996.

Ecological Implications

- 7.25 Government guidance contained within the Framework states that in determining planning applications Local Planning Authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last result, compensated for, then planning permission should be refused. Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 seeks both the protection and enhancement of biodiversity and the natural environment.
- 7.26 The Ecology Officer has assessed the proposal and considers it unlikely that the development will disturb nesting swifts. She has recommended that the works are undertaken outside of nesting season and that biodiversity enhancements in the form of nest boxes are installed on the building. It is considered that the development accords with Government guidance contained within the Framework and Policy ESD10 of the adopted Cherwell Local Plan 2011-2031.

8. Conclusion

- 8.1 Whilst it is considered that the principle of the proposed change of use from A1 retail to A5 hot food takeaway is acceptable, and that the development would not result in harm to the historic significance of the nearby listed buildings, the designated Conservation Area or the visual amenities of the locality, or cause significant harm to amenity and privacy currently enjoyed by neighbouring properties or biodiversity, this does not outweigh the harm that the development would cause to the safety and convenience of users of the public highway.

9. Recommendation

Refuse, on the following grounds,

The site is located within a tortuous section of public highway where the road narrows and footway provision is limited. The activity generated as a result of deliveries from the site and vehicles and individuals visiting the site would represent an increased hazard in the vicinity of the site resulting in significant detriment to the safety and convenience of other road users, contrary to Government guidance contained within the Framework in terms of sustainable transport.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as the Agent was informed of the objection from the Highway Authority.

CONTACT OFFICER: Gemma Magnuson

TELEPHONE NO: 01295 221827

Cherwell District Council

26 November 2015

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

Report of Head of Development Management

This report is public

Purpose of report

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

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

1.0	Recommendations	
	The meeting is recommended :	
	To accept the position statement	
2.0	Report Details	
	The following applications remain outstanding for the reasons stated:	
10/00640/F (re-affirmed 24.5.12)	Former USAF housing South of Camp Road, Upper Heyford Subject to legal agreement concerning on and off site infrastructure and affordable housing. May be withdrawn following completion of negotiations on 10/01642/OUT	
13/00330/OUT (6.3.14)	81-89 Cassington Road Yarnton Subject to legal agreement	
13/00433/OUT	Land at Whitelands Farm, Middleton Stoney Road, Bicester	

(11.7.13)	Subject to legal agreement concerning on-site and off-site infrastructure	
13/00444/OUT	Land west of Edinburgh Way, Banbury	
(11.7.13)	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	
14/00962/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) And 14/01641/OUT (29.10.15)	Bicester Eco-Town Subject to legal agreementS for affordable housing, and on-site provision and off-site infrastructure contributions ETC	
14/01737/OUT (19.2.15)	The Paddocks, Chesterton Subject to legal agreement to secure infrastructure contributions and affordable housing	
14/01843/OUT (19.2.15)	Land W of Great Bourton Subject to legal agreement to secure infrastructure contributions and affordable housing	
14/01816/F	Longford Park, Bodicote	

(3.9.15)	Subject to linking agreement to 05/01337/OUT	
14/02132/OUT (11.6.15)	Land at Bunkers Hill, Shipton on Cherwell Subject to legal agreement concerning on-site infrastructure delivery	
14/02156/OUT (3.9.15)	Land SW Cotefield Business Park, Bodicote Subject to agreement to ensure phasing after 11/00617/OUT and infrastructure contributions	
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	
15/00723/F (6.8.15)	The Pits, The Moors, Kidlington Legal agreement concerning off-site infrastructure completed and permission issued	
15/01024/F (1.10.15)	OCVC College, Banbury Subject to legal agreement re contributions to off-site infrastructure	
3.0	Consultation	
	None	
4.0	Alternative Options and Reasons for Rejection	
4.1	The following alternative options have been identified and rejected for the reasons as set out below Option 1: To accept the position statement Option 2: Not to accept the position statement. This is not recommended as the report is submitted to Members information only	
5.0	Implications	
5.1	Financial and Resource Implications The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate. Comments checked by: Denise Taylor, Group Accountant, 01295 221982, denise.taylor@cherwellandsouthnorthants.gov.uk	
5.2	Legal Implications There are no additional legal implications arising for the Council	

5.3	<p>from accepting this recommendation as this is a monitoring report.</p> <p>Comments checked by: Nigel Bell, Team Leader – Planning and Litigation, 01295 221687, nigel.bell@cherwell-dc.gov.uk</p> <p>Risk Management</p> <p>This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.</p> <p>Comments checked by: Nigel Bell, Team Leader – Planning and Litigation, 01295 221687, nigel.bell@cherwell-dc.gov.uk</p>	
6.0	<p>Decision Information</p> <p>Wards Affected</p> <p>All</p> <p>Links to Corporate Plan and Policy Framework</p> <p>A district of opportunity</p> <p>Lead Councillor</p> <p>None</p> <p>Document Information</p>	

Appendix No	Title
None	
Background Papers	
All papers attached to the planning applications files referred to in this report	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 bob.duxbury@cherwell-dc.gov.uk

Cherwell District Council

Planning Committee

26 November 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 **15/00250/OUT – Land South Of And Adjoining Bicester Services, Oxford Road, Bicester** – Appeal by CPG Development Projects Limited against the refusal of outline planning permission for 3 No Class A1 (retail); 3 No Class A3 (cafe and restaurants); 1 No Class D2 (gym); surface level car park, access, servicing and associated works.

- 2.2 **Forthcoming Public Inquires and Hearings between the November 26th and December 17th 2015.**

Hearing commencing Tuesday 15th December 2015 at 10:00 am in the Council Chamber at Bodicote House, White Post Road, Bodicote.

15/00454/OUT – Land north of Green Lane and east of The Hale, Chesterton – Appeal by Ms Philippa and Georgina Pain against the refusal of outline planning permission for up to 51 dwellings with vehicular access from The Hale together with public open space and surface water retention pond and associated infrastructure.

2.3 Results

Inspectors appointed by the Secretary of State have:

1) Dismissed the appeal by Miss Helen Priestly against the refusal of Listed Building consent for the replacement of rear window with french doors – Little London, Main Street, Sibford Ferris, Banbury, OX15 5RG – 14/00382/LB (Delegated)

The main issue in this appeal was the effect of the proposed works on the special architectural and historic interest of the Grade II listed building and the character and appearance of the Sibford Ferris Conservation Area (CA).

The inspector commented on the attractive appearance of the existing building and noted *‘the proposed french doors are not a feature that would be found on properties such as Little London, and to my mind they would appear as an alien and entirely inappropriate feature, even on the rear elevation. Furthermore, the doors would detract from those elements that make an important contribution to its special architectural and historic interest including its (still) traditional form and appearance’*. He concluded that the proposal to insert french Doors would not outweigh any public benefits there might be.

It is worth noting that an alternative was suggested to the applicant which involved the insertion of the doors within the previously extended part of the dwelling. However, the appellant was not willing to amend the proposal in this way.

2) Dismissed the appeal by Inglenook Properties Ltd against the refusal of planning permission for the erection of 5 new dwellings with associated landscaping – The Depot and The Bungalow, Cumberford Hill, Bloxham, OX15 4HL – 14/02147/F (Delegated)

The Inspector in his report concluded that the excessive scale and contrasting form of the development was inappropriate and out of character with the area and would result in material harm.

The height and mass of the proposed dwellings combined with their proximity to boundaries with neighbouring properties meant that they would overshadow and be overbearing on these neighbours. The first floor windows were also criticised due to loss of privacy.

The employment site was redundant and sufficient marketing had been carried out without genuine interest being expressed. There was therefore no objection to the principle of residential development.

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:

Denise Taylor, Group Accountant, 01295 221982,
denise.taylor1@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	
Report Author	Tom Plant, Appeals Administrator, Development Directorate
Contact Information	01295 221811 tom.plant@cherwell-dc.gov.uk