

Public Document Pack



Committee: Planning Committee
Date: Thursday 17 December 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 - 27)

To confirm as a correct record the Minutes of the meeting of the Committee held on 26 November 2015.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. **Land East Of Evenlode Crescent And South Of Langford Lane Kidlington**
(Pages 30 - 62) **14/02067/OUT**
8. **Land At Lince Lane With Access Off Station Road, Enslow, Kidlington, OX5 3AX** (Pages 63 - 90) **15/00822/F**
9. **The Bungalow, Cumberford Hill, Bloxham, Banbury, OX15 4HL**
(Pages 91 - 112) **15/01090/F**
10. **OS Parcel 2678 Adj A34, Part Of A34 By Hampton Gay And Poyle, Hampton Gay and Poyle, Oxfordshire** (Pages 113 - 130) **15/01605/F**
11. **Land North Of Bicester Avenue Garden Centre Adj To Oxford Road, Bicester**
(Pages 131 - 148) **15/01736/OUT**
12. **Land West Of Banbury Road, Twyford, Banbury** (Pages 149 - 181) **15/01773/OUT**
13. **Car Park, Ardley With Fewcott Community Hall, Ardley Road, Fewcott**
(Pages 182 - 187) **15/01839/F**
14. **Quills 36 Main Street, Duns Tew** (Pages 188 - 196) **15/01894/F**

Review and Monitoring Reports

15. Decisions Subject to Various Requirements (Pages 197 - 201)

Report of Head of Development Management

Summary

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

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

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

16. Appeals Progress Report (Pages 202 - 205)

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 9 December 2015

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 26 November 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 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

Substitute
Members:

Also Present: Councillor Ian Corkin

Apologies for absence: Councillor Sean Woodcock

Officers: Jon Westerman, Development Services Manager
Bob Duxbury, Development Control Team Leader
Caroline Ford, Principal Planning Officer
Nat Stock, Team Leader (Others)
Paul Ihringer, Team Leader (Enforcement)
Stuart Howden, Senior Planning Officer
Victoria Barrett, Assistant Planning Officer
James Kirkham, Senior Planning Officer
Aaron Hetherington, Democratic and Elections Officer

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

Councillor Lawrie Stratford, 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.

10. Land at Kraft Foods, Southam Road, Banbury.

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

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

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

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

11. The Bungalow, Cumberford Hill, Bloxham, Banbury, OX15 4HL.

Councillor Chris Heath, Declaration, as the applicant was known to her and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as the applicant was known to him and would leave the chamber for the duration of the item.

14. Land South Of Little Shotover and East of Cherry Cottage, Horn Lane Road, Adderbury.

Councillor Nigel Randall, Declaration, as the applicant was his immediate neighbour therefore would leave the chamber for the duration of the item.

15. 13 Hampden Close, Bicester, OX26 4UG.

Councillor Lawrie Stratford, 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.

17. Proposed Sports Pavilion and Sport Field, Whitelands Way, Bicester.

Councillor G A Reynolds, Declaration, as a member of Executive, Lead member for Recreation and a member of the project board and would leave the Chamber for the duration of the item.

Councillor Lawrie Stratford, Declaration, as a member of Executive and a member of the County Council and would leave the Chamber for the duration of the item.

Councillor Michael Gibbard, Declaration, as a member of Executive and would leave the chamber for the duration of the item.

Councillor Richard Mould, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application and would leave the Chamber for the duration of the item.

Councillor Rose Stratford, Declaration, as a member of Executive and the Bicester Sports Board would leave the Chamber for the duration of the item.

18. Bicester Furniture Studio, 24 Church Street, Bicester, OX26 6AZ.

Councillor Lawrie Stratford, 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.

120 **Requests to Address the Meeting**

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

At the discretion of the Chairman, the Development Services Manager advised the Committee that due to an administrative error, notification to parties who had submitted representations during the consultation period in relation to applications on the agenda for consideration at this meeting had not been sent until earlier that week instead of when the agenda had been published.

121 **Urgent Business**

There were no items of urgent business.

122 **Minutes**

The Minutes of the meeting held on 29 October 2015 were agreed as a correct record and signed by the Chairman.

123 **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.

124 **Land East Evenlode Crescent and South Langford Lane, Kidlington**

The committee considered application 14/02067/OUT, an outline application, for a Technology Park – 40,362 sqm office, R&D, laboratories, storage and ancillary space.

Councillor Clarke proposed that application 14/02067/OUT be deferred to allow notification to be sent to all interested parties prior to the application being considered by the Planning Committee. Councillor Blackwell seconded the proposal.

Resolved

That application 14/02067/OUT be deferred to allow notification to be sent to all interested parties prior to the application being considered by the Planning Committee.

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Land Adjacent to Esso Station Baynards Green, OX27 7SG

The Committee considered application 15/00758/F for a freestanding single storey restaurant with associated drive-thru, car parking and landscaping and installation of customer order display and canopy.

Councillor Ian Corkin addressed the committee as the local Ward member.

Nick Hemstock, agent for the applicant, addressed the committee in support of the application.

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

Resolved

That application 15/00758/F be refused for the following reasons:

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

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

The Committee considered application 15/00760/F for the 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

Alex Wilson, agent for the applicant, addressed the committee in support of the applicant.

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

Resolved

That application 15/00760/F be approved 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.
 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 Rev A - 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
3. Prior to the construction of the foundations of the buildings hereby approved, a stone sample panel (minimum 1m² in size) of the proposed beakstone 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.
 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.
 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.
 6. Prior to the construction of the foundations of the development hereby approved, 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.
 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.

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.
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.
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.
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. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.
12. Prior to the first occupation of a unit, the occupier where required by the OCC guidance and the Framework Travel Plan, will prepare a Travel Plan for that unit, 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, which shall be submitted to and approved in writing. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.
13. 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.

14. 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.
15. 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.
16. 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.
17. 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.
18. 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, steps and street furniture including benches.

19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. 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.
26. 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.
27. 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.
28. 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.
29. 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 - [9.00am to 5.00pm]
30. 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.
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.
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.

33. All non-residential buildings shall be constructed to BREEAM EXCELLENT.
34. All buildings shall be constructed with rainwater harvesting or incorporating such other agreed measures to significantly reduce water use, in accordance with an agreed scheme to be submitted and approved in writing by the local planning authority prior to commencement of construction of the relevant building. The development shall be carried out in accordance with the approved details
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.
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.
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.
38. Prior to the occupation of each non-residential unit or commercial building, the building shall be provided with a 'real time information' system.

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Land at Kraft Foods, Southam Road, Banbury

The Committee considered application 15/00831/F for the proposed development of a new Waitrose food store with car parking and access arrangement onto Southam Road and the demolition of an existing building.

Peter Monk, on behalf of the Civic Society addressed the committee in objection to the application.

Peter Frampton, agent for the applicant and Martin Gorman, on behalf of Waitrose, addressed the committee in support to the application.

In reaching their decision, the committee considered the officers report, presentation and the address and the public speakers.

Resolved

That application 15/00831/F be approved, 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.
 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
 3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
 4. Prior to the commencement of the development hereby approved, 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.
 5. Prior to their first use the external lighting shall be carried out and retained in accordance with the details shown on drawing 14-0275/E/001 11 submitted with the application.
 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.
 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.

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

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.
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.
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.
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".
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.
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.

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

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

128 **The Bungalow, Cumberford Hill, Bloxham, Banbury, OX15 4HL**

The Committee considered application 15/01090/F for the demolition of an existing dwelling, garage and car repair workshop and the erection of a terrace of 4 new dwellings with associated landscaping and parking to the rear.

Councillor Randall proposed that application 15/01090/F be deferred to allow for a formal site visit. Councillor Hughes seconded the proposal.

Resolved

That consideration of application 15/01090/F be deferred to allow for a formal site visit.

129 **Land adj to Vespasian Way, Chesterton**

The Committee considered application 15/01165/F for the erection of 6 no. Dwellings with associated means of access, car parking and landscaping.

Guy Siragher, representing 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 15/01165/F be approved, 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.
 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),
 3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
 4. Prior to the commencement of the development, 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.
 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'
 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.

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.
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.
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.
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.
11. All species used in the planting proposals associated with the development shall be native species of UK provenance.
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.

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.
14. Other than the approved access(s) no other means of access whatsoever shall be formed or used between the land and the highway.
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.
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.
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.
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.
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.
20. The proposed buffer planting within the curtilages of Plots 1, 5 and 6 shall be fenced from the remainder of the garden areas by post and rail fencing, and such fencing shall be retained thereafter.

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Plot 1 Land North West of Golf Club, Mill Lane, Kirtlington

The Committee considered application 15/01301/F for the extension of the ground mounted PV array to include an additional 50kWp (200 module) array.

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

Resolved

That application 15/01301/F be approved, subject to:

- 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.
 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.
 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.
 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.
 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.
 6. No external lighting shall be installed within the site area unless agreed in writing with the Local Planning Authority.

The Committee considered application 15/01384/OUT an outline application for the erection of 5 residential dwellings.

Huw Mellor, 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 15/01384/OUT be refused subject to:

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 nearby listed buildings 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 paragraphs 7, 17, 75, chapter 7 and chapter 12.

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13 Hampden Close, Bicester, OX26 4UG

The Committee considered application 15/01565/F for the erection of a two storey side extension and a Change of Use from Class C3 residential to HMO (Sui Generis).

Graham Fullager, a local resident, addressed the committee in objection to the application.

Andy Bedwell, 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 speakers.

Resolved

That application 15/01565/F be refused for the following reason:

1. 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.

133

Garage Block Rear Of 52 To 58 Bucknell Road Bicester

The Committee considered application 15/01599/F for the demolition of existing garages and the development of 6 one bed apartments and the provision of a store area for adjacent shop unit with associated external areas to include parking, bin and cycle stores.

Ian Mills, 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 15/01599/F be approved subject:

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: 1416-02C, 03C, 04A, 05A, 06A and secure bike rack.
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.
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.

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.
6. That the rooflights in the west elevation shall have a minimum cill height of 1.7m above finished floor level.
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.
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.
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.
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.
11. All vehicular traffic accessing the development shall enter and leave the site through the north access and exit through the south access.
12. The cycle parking facilities shown on plan No. 1416/2C and Economy Two Tier Rack Assembly 1/7 received on 21/10/15 shall be provided prior to the first occupation of the development and be permanently retained and maintained for the parking of cycles in connection with the development.
13. 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.

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. Prior to the first occupation of the development hereby approved, the first floor Kitchen window serving unit 4 in the west elevation of the shall be fixed shut, other than any top hung opening element, and shall be fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.

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Proposed Sports Pavilion and Sport Field, Whitelands Way, Bicester

The Committee considered application 15/01615/F for the 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.

Duncan Lilwall, on behalf of the Kingsmere Residents Association, 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 15/01615/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: applications forms (to be added)
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
4. C2 – Carry out the landscaping
5. C9 Submit an Arboricultural Method Statement
6. C21 – details of tree pits for soft landscaped areas
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.

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.
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.
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.
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
12. The sports pavilion and cricket hit shall be used only for the purposes specified within the application and for no other purpose whatsoever.
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.
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.
15. The building hereby approved shall be constructed to at least a BREEAM 'Very Good' standard.

The Committee considered application 15/01724/F for the change of use from a Shop (Use Class A1) to a Hot Food Takeaway (Use Class A5) with internal and external alterations.

John Roberts, a local resident and Bob Hessian, the Chairman of Bicester Local History Society, addressed the committee in objection to the application.

Owen Pike, 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 speakers.

Resolved

That application 15/01724/F be refused for the following reason:

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.

136 **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.

137 **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 8.51 pm

Chairman:

Date:

PLANNING COMMITTEE

17 December 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

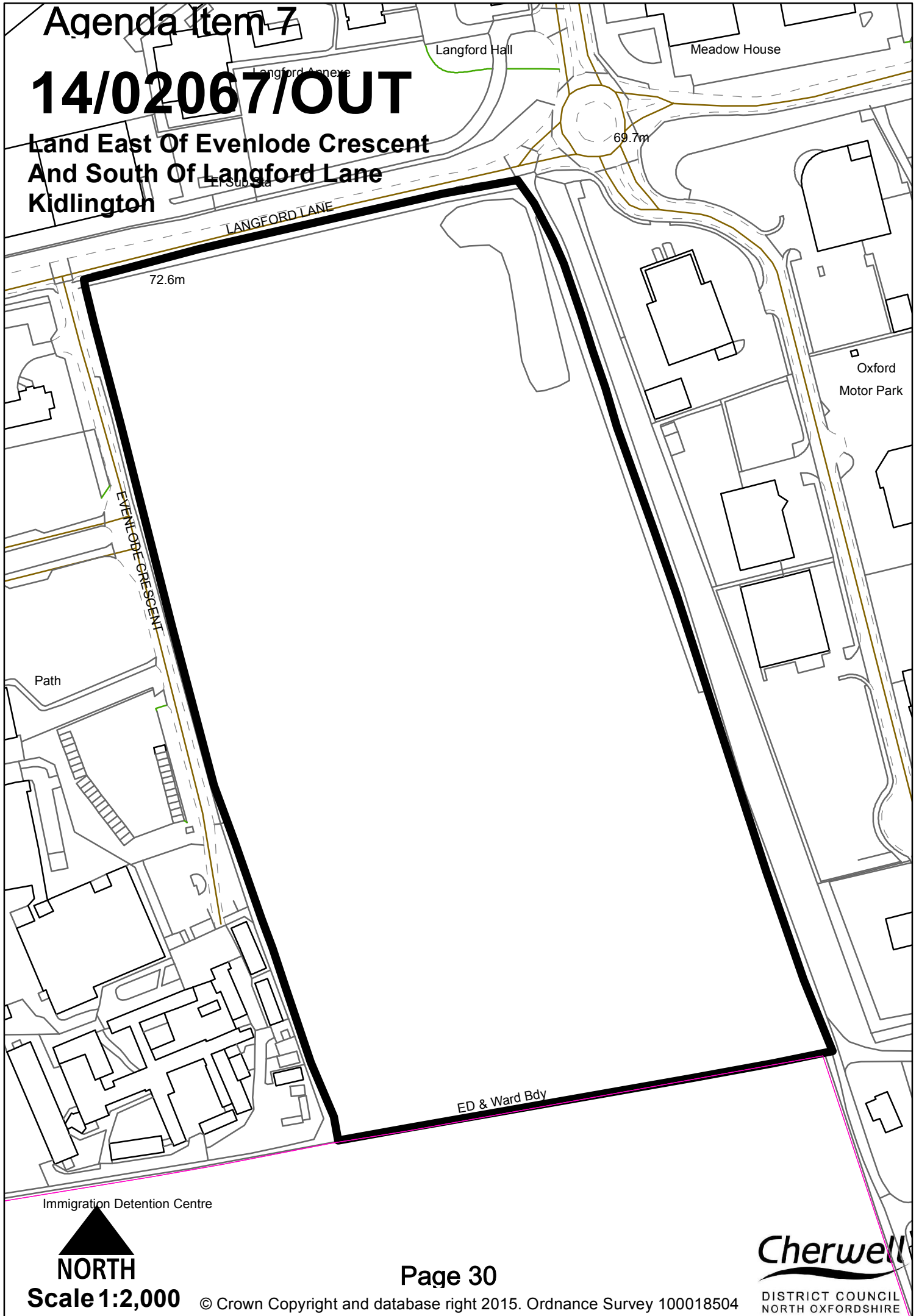
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision 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 At Lince Lane With Access Off Station Road Enslow Kidlington OX5 3AX	15/00822/F	Kirtlington	Approval	Matthew Parry
9	The Bungalow, Cumberford Hill, Bloxham, Banbury, OX15 4HL	15/01090/F	Bloxham And Bodicote	Approval	Matthew Parry
10	OS Parcel 2678 Adj A34, Part Of A34 By Hampton Gay And Poyle, Hampton Gay and Poyle, Oxfordshire	15/01605/F	Kirtlington	Approval	Stuart Howden
11	Land North Of Bicester Avenue Garden Centre Adj To Oxford Road Bicester	15/01736/OUT	Ambrosden And Chesterton	Refusal	James Kirkham
12	Land West Of Banbury Road, Twyford Banbury	15/01773/OUT	Adderbury	Refusal	Linda Griffiths
13	Car Park, Ardley With Fewcott Community Hall, Ardley Road, Fewcott	15/01839/F	Caversfield	Approval	Matthew Chadwick
14	Quills 36 Main Street Duns Tew	15/01894/F	The Astons and Heyfords	Refusal	Bob Neville

Agenda Item 7

14/02067/OUT

Land East Of Evenlode Crescent And South Of Langford Lane Kidlington



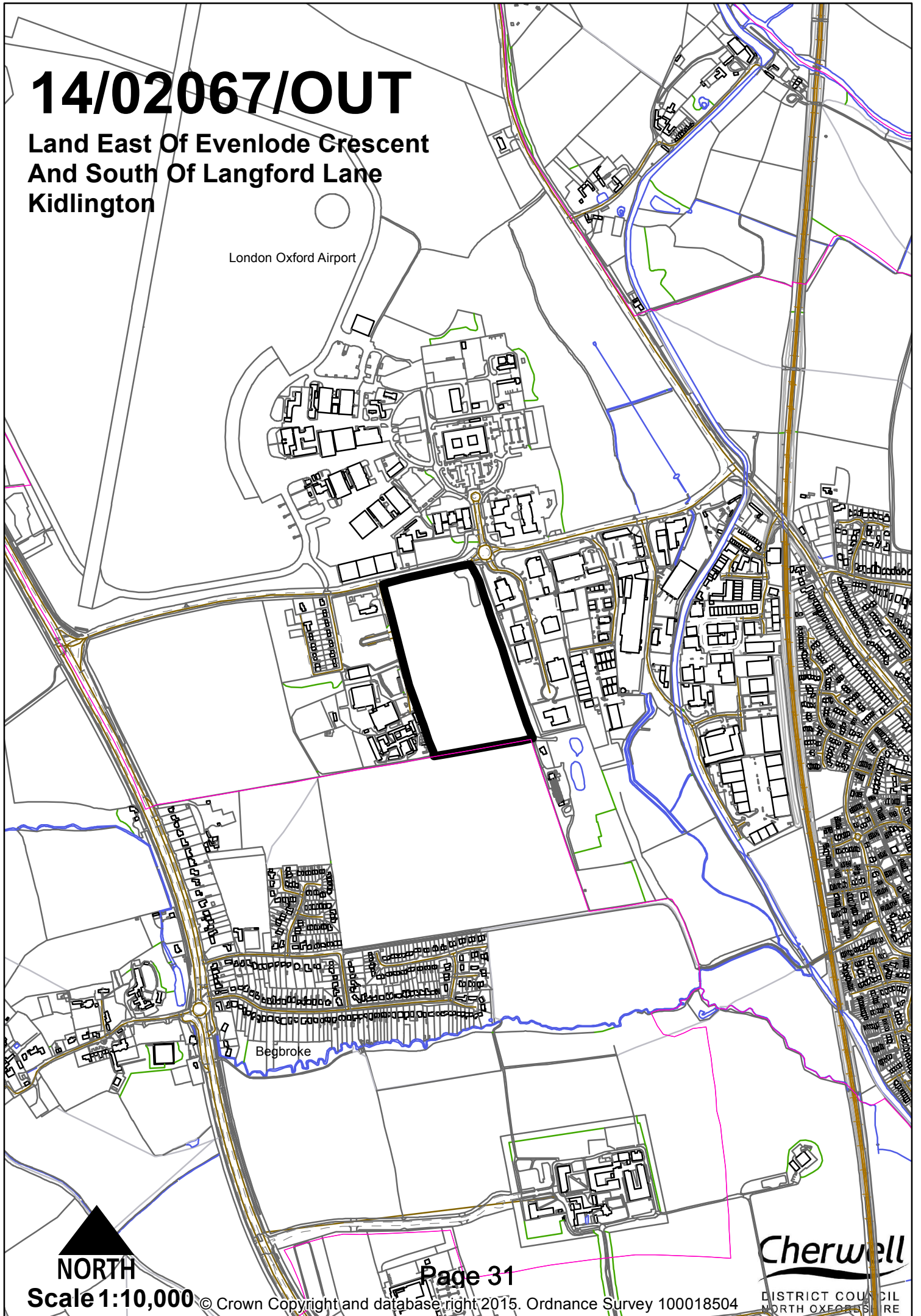
NORTH

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: 17th December 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.

28 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
Promote coalescence of settlements
Potential harm to the SSSI
Vacant premises on Langford Lane – so the demand is questionable
Trees have already been removed from the site

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

The consultee comments below were, in the main, written at the beginning of the year. However, where there has been a material change in circumstances as with the planning policy position, updated comments have been sought. It is worth noting that neither of the Parish Councils was asked to comment post the adoption of the CLP-2031.

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

PSD1: Presumption in Favour of Sustainable Development
SLE1: Employment Development
SLE4: Improved Transport and Connections
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
ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
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 of the NPPF 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 currently 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 (the fact that it is part of the search area also, it is argued, confirms the locational advantages of the site); 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, not much 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 for objections 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 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 an 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 (specifically mentioned in Policy Kidlington 1) 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 (some of which has to remain confidential) 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. The applicants however assert that some companies are waiting, because they have no choice, because of the limited supply, and are having to pay inflated rental prices as a result.

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 Oxford Innovation, the company in question (they have sites on Heyford Park and in Bicester as well sites elsewhere in the country), 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. 15 years after permission was granted) through Local Plan Part 2. 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 developers' consultant have been involved in protracted discussions. 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. This conclusion is supported by the fact 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, by setting a very precise floor area in the description of development, it could be argued the applicants are establishing the parameters for the scale of the development. However, any reservations about having a specified square metrage are tempered by the fact that the indicative plans show that it is possible to design a scheme of this size, which would not look out of context with the surrounding built environment. That said, and whilst noting that the design will no

doubt 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 should also be noted 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. A condition is recommended, requiring that any noise originating from the site is at an acceptable level. The proposal therefore complies with 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 Policy ESD10 of the CLP-2031 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 is ratified through Local Plan Part 2, which based on the current schedule could take two years to adopt, would risk losing future potential occupiers, most notably the innovation centre. 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)

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 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.

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

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

- 7 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.

- 8 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.

- 9 Prior to commencement of development 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.

- 10 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.

- 11 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. Also 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 as well as minimising the risk of pollution in accordance with Government guidance contained within the National Planning Policy Framework.

- 12 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.

- 13 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.

- 14 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.

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

Reason - To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

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

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

- 21 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

Planning Notes

1 In respect of condition 6, 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 7, 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.

- 5 The applicant shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a remediation and validation reports submitted to and approved by the Local Planning Authority. For further information please contact the Council's Environmental Protection Officer.

Statement of Engagement

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

15/00822/F

Land At Lince Lane With Access
Off Station Road
Enslow
Kidlington
OX5 3AX

Station
House

Slipway

Hill Top Cottage

Stone Quarry House

81.3m

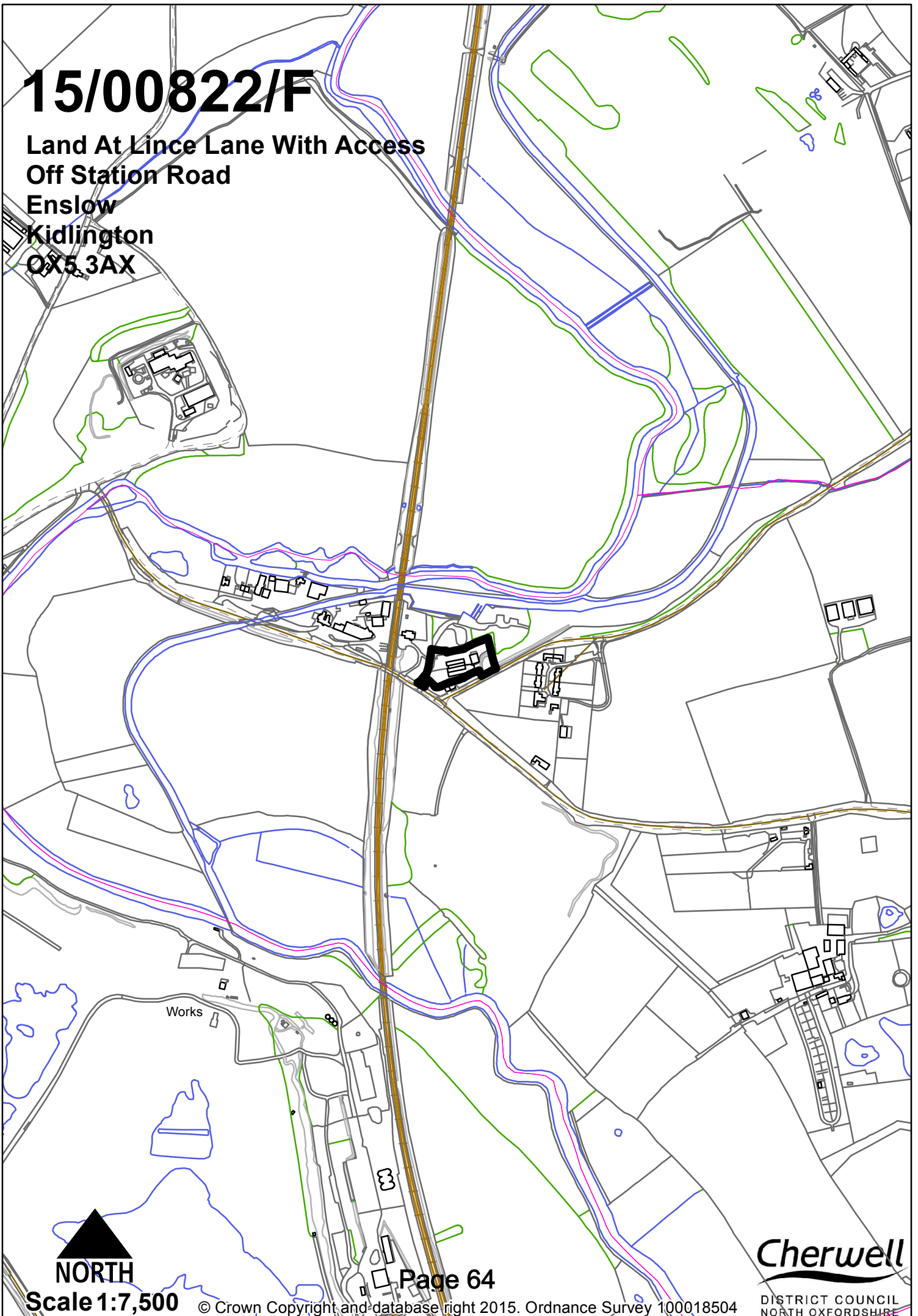
B 4027



NORTH
Scale 1:750

15/00822/F

Land At Lince Lane With Access
Off Station Road
Enslow
Kidlington
OX5 3AX



Scale 1:7,500

Land At Lince Lane With Access Off Station Road
Enslow
Kidlington
OX5 3AX

15/00822/F

Case Officer: Matthew Parry **Ward(s):** Kirtlington

Applicant: Portdevon (Oxford) LLP Minns Estates Limited

Ward Member(s): Cllr Simon Holland

Proposal: Erection of office building and 14 no. dwellings together with associated car parking, cycle parking, garages, public amenity spaces and new footway link

Committee Date: 17.12.2015 **Recommendation:** Resolve to grant planning permission subject to conditions following satisfactory completion of a legal agreement and receipt of amended plans that overcome OCC's concerns about parking provision

Committee Referral Major application

1. Application Site and Locality

1.1 The application site consists of a vacant employment site that was formerly the B-Line Business Centre in the village of Enslow which is approximately 1.5km to the west of Bletchington and south of Kirtlington. The site is broadly rectangular in shape with vehicular access from Station Road (A4095) which it shares with the marina to the north. The site itself is set back from the road frontage and is now comprised of an area of hardstanding now that the former warehouse buildings have been demolished. Whilst the site is comparatively flat the land slopes down noticeably to the north towards the canal and marina. The site is located within a mixed use area that features commercial development to the west, the marina to the north and a pair of semi-detached residential properties on higher ground to the south. On the southern side of Lince Lane is the modern residential development of Ingleby Paddocks on the site of the former dog kennels.

2. Description of Proposed Development

2.1 The planning application originally sought full planning permission for the erection of 16 dwellings and an office building on the site. Following discussions with officers during the application process, amended proposals were submitted that reduced the number of dwellings on the site to 14 houses in addition to the office building. Associated car parking, garages, bin/cycle stores, amenity spaces and a new footway link to the Rock of Gibraltar public house are also proposed. It is on the basis of the amended proposals that the application should be considered.

3. Relevant Planning History

<u>Application Ref:</u>	<u>Description</u>	<u>Status</u>
04/01629/OUT	Demolish existing buildings. Erection of office/industrial buildings. (Outline)	Permitted
05/02274/F	Removal of condition no.9 of 04/01629/OUT to allow the retention of existing access from Station House on to the A4095	Permitted
09/00112/OUT	Proposed demolish existing buildings, and erection of replacement office/industrial buildings.	Permitted
09/00647/OUT	Demolish existing buildings; erect replacement office/industrial buildings.	Permitted
10/00187/OUT	Outline: Demolition of existing buildings, erection of office building and eleven residential dwellings (inc. two affordable units).	Withdrawn
11/00367/OUT	OUTLINE: Demolition of employment buildings and erection of 5 detached dwellings	Refused
11/01071/OUT	OUTLINE: Demolition of employment buildings and erection of 1,700ft of Class B1 development, 7 dwellings and associated access	Refused
12/00643/OUT	Proposed demolition of existing buildings, erection of 170sqm of class B1 office development and 10 no. dwellings and associated access	Refused. Allowed on appeal
12/01110/OUT	Extension of time limit of 09/00647/OUT - Demolish existing buildings; erect replacement office/industrial buildings	Permitted

4. Response to Publicity

- 4.1 No third party comments have been received in response to the amended proposals however the following concerns were raised in response to the original proposals from two local residents:

- The 16 houses proposed are excessive for this site and out of keeping with the rural context;
- The office building is located too close to the adjacent pair of semi-detached houses to the south and so would significantly reduce actual and perceived privacy as well as the level of light and outlook experienced both within these dwellings and their gardens;
- The houses within the site could be orientated in a more varied pattern so that they do not all face towards the existing houses to the south;
- The level of parking provision is insufficient to serve the new homes proposed and would lead to congestion within the site;
- The new dwellings would not connect to the public sewer network but instead utilise a joint septic tank or filtration system. The arrangements for this are not clear and neither is the location for the septic tank;
- High levels of car ownership can be expected and this increase in vehicular movements would see new residents exiting out onto a 50mph road that is already dangerous;
- The proposed buildings are of a bland design that could be found all over the country rather than locally contextual;
- There is an absence of genuine communal amenity space which is essential for children given that the site is isolated and bound by roads and private properties.

5. Response to Consultation

Bletchington Parish Council:

In response to both the original and amended proposals the Parish Council has objected to the application. They have raised concerns regarding the safety of the vehicular access and the problem of exiting from the site onto the road which they claim is already hazardous. Queries have been raised about the treatment of foul water and whether a septic tank solution is appropriate. Concerns have also been raised about the level of parking provision within the site with many homes only having two spaces which includes use of a garage which will seldom be used. Furthermore they add that there does not appear to be any communal play area or space for it to be adequately provided as required by planning policy for developments of 6 dwellings or more.

Cherwell District Council:

Recreation, Health and Communities – No requirement for a community infrastructure contribution.

Waste and Recycling Services – No objection. A contribution of £106 per dwelling towards waste collection services is required.

Tree Officers – No arboricultural report has been submitted and there is the potential for plots 1-4 and their garages to have an adverse impact on trees outside the site. To ensure that these are protected during construction and that the construction methodology and tree protection measures are appropriate, a condition requiring an arboricultural method statement to be submitted, approved and implemented is necessary prior to any development commencing.

Ecologist - No objections as all issues can be satisfactorily addressed by conditions. The ecological report submitted states there are no non-statutory designated conservation sites adjacent or in close proximity which is no longer accurate. In addition to being in close proximity to two Local Wildlife Sites, the site directly abuts (and even looks to slightly infringe upon) the District Wildlife Site of Lincelane Copse to the North East. This is an area of valuable woodland and is also very likely to qualify as Priority (BAP) habitat. There is no information on how this development might impact this woodland. I would like to see this information submitted via condition and measures put in place to ensure that this area is

protected from adverse impacts during construction and in the future. In this location all planting on site should use native species.

The development is unlikely to have a significant impact on the LWS of Enslow Marsh or Bletchingdon quarry however the vegetation surrounding the development site forms, along with the DWS, a valuable vegetated corridor between waterways and is therefore likely to be of importance for foraging bats. Boundary vegetation should be retained where possible therefore and the design of the lighting of the development will be very important. Lighting should be as minimal as possible and adhere to the design guides issued by the Bat Conservation Trust.

A scheme for biodiversity enhancements should be conditioned. The proposals within the updated ecological report are broadly appropriate and full details should be included for enhancements within the landscaped areas and the buildings themselves. Birds are likely to nest on site in the areas of scrub and former garden as well as boundary vegetation, all clearance of vegetation should take place outside of the nesting season therefore.

Landscape Officer - These proposals for 14 dwellings plus office accommodation are sited on a constrained piece of land which although fairly level in itself has considerable sloping ground around it. The site is not particularly visible from surrounding roads but development will be visible from the canal towpath and the associated leisure facilities located there. The dwellings proposed are very dense and largely located near the edge of the plateau increasing visibility. In plots 1 and 2 the garages are built on the root protection areas of trees. The public amenity space is an awkward shape and consists of left over space rather than being designed into the scheme. The scheme is dominated by parking bays which will not provide an attractive environment. The landscape proposals are totally inadequate. There is very little space for any planting due to the density of development.

Planning Policy – The adopted Local Plan 2011-2031 Part 1 identified Enslow as a Category C village (Policy Villages 1), one of the least sustainable settlements in the district, where infilling and conversions will be permitted within the built-up limits of the village. The definition of ‘infilling’ is included in paragraph C.264 of the Plan which states “*Infilling refers to the development of a small gap in an otherwise continuous built-up frontage*” therefore the proposal would not be seen as an infilling development. The site has permission for 10 dwellings (net) which contributes to the district’s housing land supply. However, this proposal for 14 dwellings would not accord with Policy Villages 2 as it would not comprise infilling or conversion. It is the Local Plan’s overall strategy to focus most new development on the two main towns of Bicester and Banbury with some development at Category A settlements. Services and facilities at Enslow are limited therefore future residents are likely to travel to nearby Category A settlements such as Kirtlington, Bletchingdon or even Kidlington by private car. The additional dwellings will increase the number of trips made by car in order to reach services and facilities in the nearby villages and towns. It is therefore considered that the site would be unsustainable for a development of 14 dwellings and an office building therefore the sustainability of the site is a concern which needs careful consideration.

Oxfordshire County Council:

Local Highway Authority – Objection

Key issues:

- Potential impact of parking overspill
- Very limited opportunities for sustainable travel
- Issues with layout and cycle parking
- Tracking for refuse vehicle not provided

Should the Local Planning Authority be minded to approve, the following would be required:

Legal agreement required to secure:

- Highway improvements to be carried out under S278, including new footway linking the development with the Rock of Gibraltar public house, and gateway features to be agreed in consultation with the parish council
- S106 contribution to cover the cost of implementing a reduction in speed limit

Conditions:

Access: Full Details

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway including a footway from the development to the Rock of Gibraltar public house and village gateway features, 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 including the above mentioned footway and gateway features shall be constructed and retained in accordance with the approved details.

Estate Accesses, Driveways and Turning Areas

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.

Cycle Parking Provision

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.

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

Drainage

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this maybe secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365

- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing

Detailed Comments:

Note that in this case access is over a private road – if this remains private the internal roads of the development will not be adoptable. Further, the layout suggests that the internal roads would in any case be unlikely to be adoptable, due to their narrow width. The applicant is advised to contact the Road Agreements Team for advice.

Detailed comments:

The amendment has reduced the number of dwellings by two to 14. No amendment to access arrangements has been submitted, and an updated Transport Assessment has not been supplied. Many of the comments below were made in response to the original submission.

Sustainability of the site

The site is remote from public transport. Due to significant reductions in local authority finance it is highly probable that service 25 through Enslow village will cease operation in 2016. It does not offer a suitable timetable for commuting trips.

The location of this site is also poor for walking and cycling to alternative bus stops located on the A4165 near Bunkers Hill, and to Bletchingdon and to Kirtlington villages, due to these links being on twisting roads with fast traffic, encroaching vegetation and a lack of footways.

New residents in this location are likely to be completely car-dependent. There are no retail outlets, schools or other neighbourhood facilities in Enslow (apart from a public house).

Nevertheless, the developer must provide a travel information pack to each new resident at first occupation. This must be approved in advance by the Travel Plans Team at Oxfordshire County Council.

It is not known whether electric vehicle charging points for residents are still included in the proposals. They should also be considered for the office car park.

Access arrangements

The proposed access arrangements set out in Drawing 0929 011 include a footway linking the development with the layby in front of the Rock of Gibraltar public house. The footpath is welcomed and would offer an important connection with the limited facilities in the village, and provide a safe walking route to the southbound bus stop (the northbound bus stop will still require users to cross the busy road). In my opinion it is required to make the development acceptable in planning terms.

However, the section immediately adjacent to the access road is not shaded and this needs to be clarified. The footway must link the site access to the public house. Due to the change in level adjacent to the footway a suitable barrier may need to be provided to protect pedestrians from falling down the embankment, depending on the gradient. Due to constraints the footway may be substandard width in places, and this, combined with the lack of lighting and proximity to the busy road, means that the route is likely to be difficult to negotiate by people with mobility difficulties. A significant amount of vegetation will need to be removed. The proposals include works on the railway overbridge and whilst the Highway Authority has no objection to this, the developer should provide confirmation that permission has been obtained from Network Rail who own the bridge.

The visibility splay marked falls short of the DMRB requirement for 50mph, which is the speed limit past the site. However, it is an existing access and there have been no injury accidents in the vicinity during the five years to 31 October 2015. The county council has carried out a speed surveys which showed average speeds of 44mph. The proposals include providing village gateway features and a reduction in speed limit to 40mph. Therefore a contribution will

be requested via S106 agreement to cover the cost of implementing a speed restriction and the developer will be required to provide gateway features to enforce it. This will need to be the subject of further discussion with the Highway Authority.

There is vegetation growing within the visibility splay which will need to be removed, and trees overhanging from private property not in the applicant's control – these will need to be cut back to the highway boundary.

The road leading from the highway to the development is currently unadopted and unlikely to be adopted if offered. The road within the proposed development would not be adoptable because it is too narrow, at just over 4m with no footway. Any parking on the road is likely to obstruct access for the refuse vehicle and/or cause vehicles to overrun the edge of the carriageway. Attention is drawn to 'Informatives' above. The turning head looks tight – vehicle tracking drawing has not been provided and is required, showing how a large refuse vehicle will enter and exit in forward gear. I am also concerned about visibility for vehicles entering and exiting the parking spaces for plot 2 – possible conflict with vehicle exiting the marina. At plot 9, suitable visibility on the corner must be confirmed and maintained.

Two parking spaces are provided per dwelling, with no visitor parking. In this highly car dependent location this means that there is likely to be parking overspill, potentially causing obstruction on the access to the marina. Parking on the main road near the site access would be unsafe, as would parking in the bellmouth. There are over 40 parking spaces at the marina, with people living there on and off throughout the year and requiring access. There is also the need for emergency access and occasional access by trailers carrying narrowboats.

Cycle parking – most of the houses are without garages and these must have secure sheds for cycle parking (as well as rear access to reach the sheds). The cycle parking shed for the offices looks extremely small for the number of cycles, and the path to it is too narrow for people to be able to manoeuvre bikes in and out when a car is parked next to the shed.

Some parking spaces are too narrow - where the space is adjacent to a barrier such as a wall or fence additional space must be provided to enable people to walk around the car. A disabled space should be provided for the offices.

Education – The following financial contributions are necessary to provide the infrastructure necessary to mitigate the impact of the proposed development:

£55,825 through a section 106 developer contribution towards the expansion of Bletchington CE (VA) Primary School, by a total of 4.82 pupil places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.

Other contributions towards education infrastructure that would be affected by the development cannot be sought due to pooling restrictions on planning obligations that came into effect in April 2015.

Other External Consultees:

Environment Agency – Ground investigations at the site in recent years have established that it is the subject of contamination, predominantly through hydrocarbons. In order to ensure the development proceeds in an acceptable manner that does not contaminate controlled waters and is suitable for its future occupants, a phased contamination risk assessment approach is required and should be secured by condition. This will enable remediation of contaminants if necessary and final verification to ensure the site is suitable for its end users.

Natural England – No comments.

Thames Water - With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. As a result, details of the foul and

surface drainage strategy are required to be submitted to and approved by the Council prior to commencement of development.

Canal and Rivers Trust – No objection subject to conditions requiring approval of a landscaping scheme that screens the development from the Oxford Canal, details of contamination investigation and its remediation as well as a drainage strategy.

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 (LPP1)

BSC1 - District Wide Housing distribution

BSC2 - The Effective and Efficient Use of Land

BSC3 - Affordable Housing

BSC4 - Housing Mix

BSC11 - Local Standards of Provision - Outdoor Recreation

SLE1 - Employment Development

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

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 - Land Contamination

6.2 Other Material Planning Considerations:

National Planning Policy Framework (NPPF) - This 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 on interpretation of national planning policy and relevant legislation.

7. Appraisal

7.1 Officers' consider the following main issues to be of relevance to the determination of this application:

- Principle of the Development;
- Access and Highway Implications;
- Design and Layout;
- Landscape and Visual Impact;
- Affordable Housing;
- Quality of Accommodation;
- Impact on Neighbouring Amenity;
- Ecology;
- Drainage and Flood Risk;
- Energy Efficiency;
- Contaminated Land;
- Planning Obligations.

Principle of the Development

7.2 In September 2013 planning permission was granted on appeal for outline consent for the erection of 10 dwellings and a 170 sq m office development on the site following the demolition of the former warehouse buildings. This planning permission is extant and establishes the principle of the loss of an employment site for the development of up to 10 dwellings and an office building. With this fallback position needing to carry substantial weight, it is only necessary to consider the impact associated with the additional development now proposed on the site as a result of the increased number of dwellings.

7.3 The site is in an isolated location and the proposed intensification of occupation of the site in comparison to that approved would inevitably lead to additional trips by car to reach employment, education and amenities. In addition to the lack of facilities within safe and convenient walking and cycling distance of the site, it has only very limited bus connectivity and even this will shortly be discontinued as a result of the recent decision by OCC to cancel all subsidisation of publicly funded bus services. Despite these factors, at appeal the Inspector concluded that the proposals were sustainable given the contribution the development made towards meeting the significant shortfall in the Council's housing supply at that time and the benefits associated with the re-use of this redundant commercial site.

7.4 The Council now has up-to-date development plan policies relating to the supply of housing within the District given the adoption of the new Local Plan and the Council's five year supply of deliverable housing sites. The Local Plan generally provides a strategy that focusses the majority of new housing development at Banbury and Bicester with only limited new housing in rural areas to meet identified local need. Due to its small size and lack of facilities, Enslow is classified as a Category C village in Policy Villages 1. This policy only provides support for infill developments and residential conversions of which the scheme constitutes neither. As a

consequence, the proposals are contrary to the requirements of housing supply policies in the development plan.

- 7.5 However, the extant planning permission for 10 dwellings is a material planning consideration of substantial weight and it is only the impact of the four additional dwellings that can be considered now. Whilst it is acknowledged that the isolated location of the site makes it undesirable to accommodate a significant increase in residential development, the four extra dwellings proposed represent only a relatively minor increase on that allowed at appeal and as such it would be difficult to conclude that such an increase would constitute material harm in the context of the overall housing delivery strategy of the Local Plan.
- 7.6 It is also relevant to note that both Policies BSC2 and ESD15 of the new Local Plan and national planning policy in the NPPF encourage efficient and effective use of land. This is particularly important where such land is previously developed so as to prevent unnecessary further loss of greenfield sites. The extant planning permission is for a relatively low density scheme (significantly less than the normal minimum of 30dph specified in Policy BSC2) and in principle officers' have no objection to a minor increase in density of development on the site where this makes more efficient use of the land provided of course that the proposals are still appropriate in all other respects.
- 7.7 For these reasons, and in light of the Inspector's conclusions in the 2013 appeal decision, officers' are, on balance, satisfied that a comparatively minor increase in residential development on this site will still accord with the overall sustainability objectives of the Local Plan having regard to the extant consent which is a material planning consideration of substantial weight.

Access and Highway Implications

- 7.8 As already set out, it has been established at appeal that the site can safely and suitably accommodate 10 dwellings and a 170sq m office building in highway terms utilising the existing vehicular access point off the A4095. This was subject to, inter alia, a condition requiring the provision of a new footway that linked the site with the Rock of Gibraltar public house. Additional homes however are now proposed which will result in a greater number of traffic movements onto the A4095 both in comparison to the extant scheme and potentially the former commercial use too. OCC as local highway authority (LHA) has concluded that the current vehicular access falls short of the visibility splays expected for a road of this speed limit (50mph) based on the Design Manual for Roads and Bridges (DMRB) standards. However, the LHA has carried out its own speed surveys which indicate a 44mph average speed along this stretch of road though in order to achieve suitable visibility splays based on DMRB standards the speed limit along this stretch of road would need to reduce to 40mph. The additional traffic movements that would occur as a result of the current proposals therefore justify a requirement for the developer to meet the costs associated with OCC implementing a speed limit reduction to 40mph as well as the installation of village gateway features to help reduce traffic speeds. These funds would need to be secured from the developer through a legal agreement. The nature of the gateway features have yet to be determined but will need to be the subject of further discussion with the Highway Authority in advance of planning permission being granted so that the appropriate clauses can be included within the legal agreement.
- 7.9 At appeal in 2013 the Inspector found it necessary for a new footway to be provided that linked the development to the Rock of Gibraltar public house and bus stops which would enable improved pedestrian access to the facilities within Enslow. Officers endorse this view and therefore continue to find a new footway to be necessary. A condition is recommended to secure this new footway so that it is installed prior to occupation of the development and OCC is also seeking similar requirements within the legal agreement.

- 7.10 Some concern has been raised by Bletchington Parish Council and OCC about the standard of parking provision within the site. It is acknowledged that new residents would be heavily car-dependent given the isolated location of the site. In order to ensure that undue parking congestion does not occur within the site and to avoid it spilling out onto the private access road, a suitable level of car parking needs to be provided for each dwelling. 13 of the 14 homes proposed are three bedroom dwellings and so would typically need to be served by two off-street parking spaces to accord with OCC's parking specifications. A single detached four bedroom dwelling is also proposed (plot 10) and given its location should be served by three spaces. These ratios are met across the site and as such officers have no objection to the level of parking provision. However, it should be said that in many cases such provision relies on parking within garages some of which are of insufficient dimensions to make them genuinely usable for parking. Other parking spaces are awkward to access and their dimensions fall short of OCC's parking standards. As a consequence some on-street parking is likely within the site which could lead to congestion to the detriment of the new residential environment and possibly some overspill parking which is undesirable. However, six parking spaces are proposed to serve the new office building and these are likely to be available for use by residents during evenings and weekends to offer additional parking capacity. Notwithstanding that, officers are satisfied that suitable car parking spaces can be provided within the site without significant changes to the scheme and are therefore recommending that revised plans be submitted that demonstrate suitably sized and accessible parking spaces for each dwelling. Whilst these plans may be received in advance of Planning Committee, if they are not, officers recommend that Members resolve to approve the application subject to, inter alia, amended plans being received to the satisfaction of officers which overcome the parking concerns raised by OCC.
- 7.11 The LHA has raised some queries about provision of cycle parking facilities for both the new dwellings and the office building. In reality, given the isolated location of the site and the nature of its connecting roads, travel by bike is unlikely to occur regularly. However, it is proper for the new office building to cater for such parking and a facility is provided that officers consider to be adequate in the circumstances. The houses either have garages which could be used for cycle parking (provided revised plans are submitted that show them of adequate size) or there is space available within rear gardens for an outbuilding to store bikes.
- 7.12 As a consequence, subject to a planning obligation that provides funding for speed limit reductions, village gateway features and a new footway as well as the receipt of satisfactory amended proposals that demonstrate suitably sized car parking spaces, officers are satisfied that safe and suitable access to the development can be achieved in accordance with national policy contained within the NPPF.

Design and Layout

- 7.13 Policy ESD15 of LPP1 requires new development to complement and enhance the character of its context through sensitive siting, layout and high quality design. The policy also requires development to contribute positively to an area's character and identity by reinforcing local distinctiveness and respecting the surrounding landscape. Policy C28 of the LP 1996 has similar requirements and includes the need for new development to be designed so that it is sympathetic to its rural context. These policy requirements reflect the strong emphasis within the NPPF on the importance of good design in achieving sustainable development.
- 7.14 The proposed new buildings differ somewhat from the indicative drawings considered as part of the outline application which included houses designed in a style akin to barns set within an agricultural courtyard. The current proposals represent more regular two storey housing albeit relatively traditional in form with steeply pitched slate-covered roofs together with combinations of stone and timber clad external walls. A number of traditional vernacular design features are incorporated including modest pitched roof dormer windows, chimneys, canopy porches and balanced casement windows. The proposed office building is designed in

very much the same manner as the houses and so would sit comfortably within the new development. As a consequence, in immediate views from the access road down to the marina, as well as from the handful of neighbouring dwellings, the proposals represent a significant visual enhancement in comparison to the derelict condition of the current site.

- 7.15 The development proposes that the new buildings be arranged within a cul-de-sac layout that culminates in a small parking court enclosed by a row of terrace houses and bordered by public green space. This is a similar arrangement to that proposed at outline stage and the parking courtyard is therefore an active space that is well integrated within the development.
- 7.16 As the development proposes over 10 dwellings a local area of play is required on site as part of public green space. Officers consider this to be important given the lack of access to other play areas for children as a result of the isolated location of the site. An informal play area is proposed alongside the parking court and to the side of plot 14 which officers consider to be of sufficient size and a usable space. The laying out and future maintenance of this area will need to be secured and officers' have recommended that suitable clauses be included within the legal agreement to achieve this.
- 7.17 There is space available for a suitable bin storage area to be proposed for the office building and, whilst none is shown for the new dwellings, there is clearly space to provide it with adequate access out to the street. A condition is thus recommended requiring approval of bin storage facilities as well as the provision of refuse bins for each dwelling prior to their occupation.

Landscape and Visual Impact

- 7.18 Both Policies ESD13 and ESD15 require new development to respect and enhance its local landscaping setting and be designed in a manner sympathetic to its rural context. Policy ESD13 resists development where it would cause undue visual intrusion into the countryside, or cause undue harm to important natural landscape features or local character. Together these policies are consistent with the key planning principles set out in the NPPF which recognise the intrinsic natural beauty of the countryside.
- 7.19 As already discussed, there is little doubt that the proposals would deliver an enhancement to immediate views of the site given its current unsightly derelict nature. This would mainly be noticeable from the two adjacent houses on the corner of Lince Lane and Station Road as well as the access road leading down to the marina. However, as the site itself is flat and set back from the public highway the current condition of the site is having no appreciable impact on prominent public views and the wider landscape.
- 7.20 Since the determination of the outline application in mid-2013, there appears to have been some significant vegetation clearance on the marina site to the north to facilitate new parking and landscaping arrangements. The result is a comparatively steep slope lacking in vegetation that drops down from the northern boundary of the application site to the marina and canal beyond. As a result, from the canal and marina as well as the countryside to the north, the site is prominent and there is little proposed to soften the appearance of the new development. Three trees remain at the north western edge of the site and whilst these are not of particular individual quality their retention is important to help mitigate the visual impact of the development from the north. To this end it is necessary for a condition to be imposed requiring the implementation of an agreed arboricultural method statement and tree protection measures throughout the construction process. Officers are also recommending a condition that requires a landscaping scheme to be submitted and approved that would need to include meaningful vegetation planted along the northern boundary of the site as well as details of its future maintenance.

- 7.21 As already noted, the houses proposed have been designed in a relatively traditional vernacular style which is essential in this case to ensure that they sit comfortably within the landscape given the initially prominent views of them from the north. Officers have also recommended a condition that requires approval of boundary treatments to ensure that inappropriate fencing is not proposed along the northern boundary that could appear unduly stark within its landscape setting. It is envisaged by officers that a stone wall along this boundary would be necessary to complement local countryside character and the design of the houses.
- 7.22 In conclusion, having regard to the enhancements it would delivery to immediate views, the sympathetic design of the proposed buildings and subject to relevant landscaping and boundary treatment conditions, on balance officers are content that the proposed development would not be unduly prominent in the open countryside or cause significant harm to local landscape character and thereby accord with the requirements of Policies ESD13 and ESD15 of LPP1.

Affordable Housing

- 7.23 Policy BSC3 of LPP1 requires all residential development of 10 dwellings or more in rural areas to provide 35% of the new homes as affordable housing. However, in common with the approach taken on the extant outline consent, officers recommend that an equivalent financial contribution is provided instead of on-site provision which would need to be secured through a legal agreement. This would enable delivery of affordable housing in a more appropriate location that better responds to identified housing need rather than in this isolated location. The Council's housing strategy officers have calculated the commuted sum as £735,634. And officers recommend that delegate to officers the arrangements for securing this necessary financial contribution through a legal agreement.

Quality of Accommodation

- 7.24 Policy ESD15 of LPP1 and Policy C30 of LP 1996 require new dwellings to be provided with adequate privacy, outlook, natural lighting and reasonable indoor and outdoor space.
- 7.25 Each of the new houses enjoys a garden that is proportionate in size to the dwelling and of a suitable layout to ensure usability. The houses are generally laid out in a linear fashion such that no dwelling projects significantly forward or rearward of its adjacent dwelling that could unduly affect light or outlook. Plot 10 is orientated somewhat differently but it is sited so that it would not allow significant direct overlooking of neighbouring houses/gardens and is separated by a sufficient distance to ensure that it is not overbearing.
- 7.26 Internally each new dwelling appears to be of a satisfactory layout with each habitable room enjoying adequate access to light, privacy and a reasonable outlook. As already discussed, there is an appropriate level and quality of public outdoor space on the site to serve the occupants of the homes.
- 7.27 Consequently, having regard to the requirements of the aforementioned planning policies officers have concluded that the new dwellings provide living conditions for future occupants at an appropriate standard.

Impact on Neighbouring Amenity

- 7.28 Many of the surrounding properties are either in less sensitive commercial uses or are separated from the site by a significant distance to prevent material harm being caused to their amenity. There are only three dwellings nearby - Station House, Hill Top Cottage and Stone Quarry House. Of these, Station House to the west is separated from the site by a generous distance and so the privacy, light and outlook it enjoys would not be affected. Hill Top Cottage and Stone Quarry House are closer to the site and located on much higher ground to the south. These are unusual properties not just because of their respective

elevated position but also due to the layout of their plots. The two houses have their principal garden areas to the side of the houses rather than at the rear where there is little space to the boundary with some of this space being overshadowed by the houses themselves for long periods. Hill Top Cottage features a couple of small extensions to the rear though there is also an extant planning permission for demolition of these existing extensions and the erection of a larger replacement extension to its side and rear which would further reduce this space and must be taken into account.

- 7.30 The proposed office building would be in relatively close proximity to the two neighbouring houses but due to the significant difference in ground levels its eaves line would be lower than the ground floor windows of Hill Top Cottage and Stone Quarry House. Outlook from the rear windows of the two houses would therefore not be significantly adversely affected given that a large section of the roof of the office building slopes away from the houses rather than presenting a visible solid wall towards them. Whilst part of the southern gable of the office building does face towards the rear of Stone Quarry House, the separation distance is greatest at this point and, in any event, it is not an element of significant mass that would dominate or overbear this neighbouring house. Furthermore, as the application site is to the north of these two existing dwellings, the office building should not materially reduce the sunlight they receive. In addition, given that the main gardens of the two existing properties are to the side of the houses rather than the rear, the light and outlook enjoyed from their private outdoor spaces would also not be significantly adversely affected.
- 7.31 It is also worthy of note that the proposals would actually introduce a more neighbourly residential use in comparison to the previous distribution centre that would have given rise to daytime noise and disturbance for neighbouring residents or at least had the potential to do so in the future. The benefits in this respect are reflected in the comments made by third parties who appear to in principle support residential development on this site. Notwithstanding the above, there is the possibility that two first floor south facing windows proposed in the office building could give rise to a perception of increased overlooking of the two existing dwellings despite the difference in ground levels. As a result, these two windows have been shown to be obscure glazed and a condition is recommended to secure this in perpetuity.
- 7.32 Subject to this condition, officers are satisfied that overall the proposals would adequately preserve if not improve neighbouring living conditions in accordance with the requirements of Policy C30 of the LP 1996.

Ecology

- 7.33 Policy ESD10 of LPP1 reflects national policy in the NPPF in that it seeks protection of species and habitats of importance as well as net gains for biodiversity. This in turn is consistent with the Council's statutory duty imposed through the Natural Environment and Rural Communities Act 2006 to have regard within its functions to the desirability of enhancing biodiversity.
- 7.34 The site is adjacent to a locally designated District Wildlife Site (DWS). The development is unlikely to have a direct impact on the DWS as all of its woodland and vegetation would be retained however measures need to be in place and secured through conditions that recognise the sensitive siting of the development to ensure no lighting affects the woodland and that a vegetated corridor is provided to allow wildlife movement around the site. As part of delivering biodiversity enhancements on the site, it is recommended that a method statement is requirement to be approved prior to commencement of development which should include many of the recommendations set out in the submitted ecological appraisal. Hedgehogs are now a Priority Species for conservation to which the Council must have regard – the Council would be seeking boundary treatments that allow space for movement of hedgehogs between gardens.

7.35 Consequently, subject to conditions requiring prior approval of a lighting scheme and a suitable landscaping scheme as well as a method statement for biodiversity enhancement, officers are satisfied that the proposals would not materially harm any protected or priority habitat/species and that the proposals could deliver the net gains for nature required by both national and local planning policy.

Drainage and Flood Risk

7.36 Policy ESD6 resists new development where it would increase flood risk either locally or elsewhere. The proposals however are on a site of low flood risk (Flood Zone 1) and so the new development would not be materially susceptible to fluvial flooding. Nevertheless, through requirements of Policy ESD7 of LPP1 it is necessary for the development to incorporate a sustainable drainage scheme that ensures surface water run off rates from the site are no greater than pre-development levels. A condition is recommended to be imposed that requires approval and implementation of such a scheme.

7.37 As noted by Thames Water, it is unclear how waste water would be managed as there may not be the ability to connect to the public sewer network. As a result, waste water would need to be managed via an on-site septic tank system in common with other properties locally. Full details of a drainage strategy are required to be submitted by condition and assessed in consultation with Thames Water to ensure the infrastructure is sufficient to accommodate the development.

Energy Efficiency

7.38 Policy ESD3 of LPP1 requires all new dwellings to be zero carbon. Whilst this standard is no longer of relevance due to changes to Government policy, it is still appropriate to require fabric energy efficiency to the former Code for Sustainable Homes Level 4 standard through the planning system up until this is properly incorporated into the building regulations. A condition is recommended to achieve this which officers consider to be suitable to meet the requirements of the policy.

Contaminated Land

7.39 The Environment Agency has noted that the site may be subject to low-moderate hydrocarbon contamination based on the results of past investigations. Given the proximity of the Oxford Canal to the north and a secondary aquifer near to the site, it is considered prudent to require by condition a phased contamination assessment to establish the level and nature of the contamination and, if necessary, an appropriate remediation strategy to ensure no leaching of contaminants into watercourses occurs during construction work. Such an approach would satisfy the requirements of Policy ENV12 of the LP 1996.

Planning Obligations

7.40 In accordance with the requirements of national policy and Policy INF1 of LPP1, it is necessary for development proposals to mitigate their adverse impact on wider public infrastructure. Subject to the limitations and tests set out in the CIL Regulations 2010, planning obligations can be used to secure this. They are also required to directly secure necessary on and off-site infrastructure provision where the use of conditions would be inappropriate. The Council's waste and recycling service has sought financial contributions from the development to mitigate the impact on provision of waste collection services though this cannot be secured following restrictions on planning obligations that came into effect in April 2015 as introduced by the CIL Regulations 2010. Officers' have concluded that the following items need to be secured through a S106 agreement with both the District and County Councils:

Cherwell District Council

- £735,634 as a commuted sum towards off-site provision of affordable housing;
- Long term maintenance arrangements for the on-site public green spaces and play area.

Oxfordshire County Council

- £55,825 towards the expansion of Bletchington Primary School;
- Financial contribution (TBC) to cover the cost of varying the traffic regulation order to implement a reduction to the speed limit on a section of the A4095 to 40mph;
- A requirement for the developer to provide a new footway through a s278 agreement linking the development to the Rock of Gibraltar public house as well as the installation of village gateway features prior to occupation of the development.

8. Conclusion

- 8.1 The principle of residential development on this site has been established at appeal and is a material planning consideration of substantial weight that outweighs the scheme's conflict with the development plan's housing supply policies. A minor intensification of development on this site beyond that approved at appeal would assist in making more efficient use of this redundant site to help meet local housing need. The proposals would deliver good quality residential accommodation and the buildings are designed in a form and style that responds appropriately to traditional vernacular character and preserves neighbouring residential amenity. Whilst some of the buildings would be initially very prominent in views from the wider countryside, marina and towpath to the north, with landscape mitigation this harm would in time be reduced to a more moderate level. As a consequence, subject to the receipt of amended plans to satisfy OCC's parking concerns, officers' have concluded that on balance the environmental, social and economic benefits of the proposals outweigh the environmental harm they would cause and as such they amount to sustainable development. The proposals are therefore considered to be in overall accordance with the requirements of national planning policy as set out in the NPPF and correspondingly officers recommend that Members approve the application subject to the conditions listed below following the satisfactory completion of a s106 agreement.

9. Recommendation:

That Committee resolves to approve the application but delegates the issuing of the decision notice to the Head of Development Management subject to:

- **Imposition of the conditions listed below;**
- **Satisfactory completion of a legal agreement to secure the items listed in paragraph 7.40 of this report;**
- **Receipt of amended plans to the satisfaction of the Head of Development Management that overcomes the concerns raised by OCC about on-site parking provision.**

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: 2014063/P51, 2014063/P52, 2014063/P53, 2014063/P54, 2014063/P55, 2014063/P56, 2014063/P57, 2014063/P58 and 2014063/P59.

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 and notwithstanding that shown in the approved plans, a schedule of materials and finishes for the external walls and roofs of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

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

4 Prior to the commencement of the development hereby approved, samples of the roof coverings to be used in the construction 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.

5 Prior to the commencement of the development hereby approved, a sample panel of all external walling to be used (minimum 1m² in size) 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 constructed in strict accordance with the approved 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.

6 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

7 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. Such details shall:

- Include a natural rubble stone wall along the site's northern and western boundaries;
- Provide for a screen between the office building and the existing houses of Hill Top Cottage and Stone Quarry House to the south;
- Make provision for suitable access between the enclosures for hedgehogs.

Thereafter, the approved means of enclosure shall be laid out prior to the first occupation of the development and thereafter so retained.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and help conserve Priority Species in accordance with the requirements of Policies C28 and C30 of the Cherwell Local Plan, Policies ESD10 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8 The dwellings hereby approved shall not be occupied until 3 bins for the purposes of recycling, residual and garden waste have been provided for each of the approved dwellings, 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.

9 Notwithstanding any details shown to the contrary in the approved plans, all windows to be installed on buildings within the development shall be flush fitting balanced casements that are recessed a minimum of 75mm within the window surrounds unless otherwise agreed in writing by the local planning authority.

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.

10 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is substantially completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this maybe secured by a Section 106 Agreement)

- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing

Reason - To ensure the proposals do not increase flood risk locally in accordance with the requirements of Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1. Such details are required at pre-commencement stage to ensure they are incorporated into the development in an appropriate and effective manner from the outset.

11 Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways, parking 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.

12 Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of encouraging sustainable travel modes in accordance with Government guidance contained in the National Planning Policy Framework.

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

Reason - In the interests of highway safety and the amenity of local residents in accordance with the requirements of Government guidance contained within the National Planning Policy Framework. Such details are required at pre-commencement stage to ensure that from the outset construction vehicles are routed and managed in an appropriate manner.

14 No development shall take place unless full details of a footway leading from the development to the Rock of Gibraltar public house (including its position, layout, construction,

drainage and vision splays) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no occupation of any dwelling shall occur (other than for construction purposes) until the footway has been provided in full in accordance with the approved details.

Reason - To ensure the new development integrates more successfully with existing development in Enslow in the interests of enabling safer access to local facilities. The details are required in advance of any development so that an assessment of whether the footway can be provided in an appropriate manner can take place.

15 Prior to first occupation of the approved office building, details of its bin storage facilities shall be submitted to and approved in writing by the local planning authority. Thereafter the building shall only be occupied once the approved facilities have been provided and such facilities shall be retained as approved thereafter.

Reason - In the interests of the appearance of the residential environment in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

16 Prior to commencement of development, a scheme that includes the following components to deal with the risks associated with contamination of the site shall have been 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. Reason

Reason - Previous activities at this site may have resulted in contamination. Potential sources of contamination and elevated levels of contaminants have been noted on this site. This site is located above a secondary aquifer and a surface watercourse is located in the close vicinity. These are controlled water receptors which could be impacted by any contamination present on this site. Further investigation would be required to determine the

extent of any contamination present and to what extent it pose a risk to controlled waters. Any risk identified would need to be adequately resolved to ensure that site does not impacted on controlled water receptors. This may include remedial works to resolve contamination issues.

17 No occupation of any part of the development 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.

Reason - To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters in accordance with the requirements of Policy ENV1 of the Cherwell Local Plan 1996.

18 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 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 development is suitable assessed and dealt with, such that it does not pose a unacceptable risk to ground or surface water in accordance with the requirements of Policy ENV1 of the Cherwell Local Plan 1996.

19 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 and it is necessary to ensure that sufficient capacity is made available to cope with the new development in order to avoid adverse environmental impact upon the local community in accordance with the requirements of Policy BSC9 of the Cherwell Local Plan 2011-2031 Part 1.

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

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

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

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

22 Prior to the commencement of the development hereby approved, a lighting design scheme to include all exterior lighting proposals on site and the estimated areas of light spill 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 scheme.

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 and Government guidance contained within the National Planning Policy Framework.

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

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

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

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

- b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
- c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.
- d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
- e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)

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

25 Notwithstanding the provisions of Classes A, B and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and any subsequent amendments or enactments, the approved dwellings shall not be extended nor shall any structures be erected within their curtilages without the prior express planning consent of the Local Planning Authority.

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

26 Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 and any subsequent amendments or enactments, the approved office building shall only be used for purposes within Class B1 as defined in the Schedule to the Use Classes Order 1987 (as amended) and shall not be extended or altered from that approved without the prior express planning consent of the Local Planning Authority.

Reason - To enable the local planning authority to consider the sustainability implications of a change of use against the provisions of the Development Plan and to safeguard neighbouring residential amenity in accordance with the requirements of Policy C30 of the Cherwell Local Plan 1996.

27 Prior to commencement of development and in advance of works to any trees on the site (including removal, lopping, topping, pruning or any other action that could harm the health of any tree), a method statement setting out the means of enhancing the biodiversity value of Lince Lane Copse Local Wildlife Site (including the retention of all existing native

trees, shrubs and hedges within it on the application 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 ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

28 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 (in particular the ecological value of the Lince Lane Copse LWS), 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 at all times.

Reason - To prevent harm to biodiversity during development in accordance with the requirements of Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

29 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.

30 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 - 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.

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

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

32 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 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.

Planning Notes/Informatives:

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 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.

The Environment Agency is aware that a fair amount of investigative work has been carried out at this site. In particular we have previously reviewed the 2007 investigation "PHASE 1 & 2 ENVIRONMENTAL & GEOTECHNICAL SITE INVESTIGATION No 2554A/07." This can be found on previous applications for this site. Issues have been identified relating to previous use of the site, in particular significant infilling associated with the former quarry on site. The 2007 investigation would largely cover the phased investigation requirements. While we are happy with most of the

work there are some outstanding issues which we would require resolving. As such in line with previous application we would provide the following response. The 2007 investigation concluded - "11.11 The site has been explored with a number of boreholes and trial pits however, the area covered by the existing building has not been considered and therefore we would recommend that further exploration should be carried out beneath the building footprint following demolition." We would support this recommendation and ask the applicant if any testing has been carried out beneath the footprint of the existing buildings. With regards to the finding of the intrusive investigation, on site we are not overly concerned with the general levels of contaminants. A few concerns though remain regarding some of the samples which had recorded high extractable Petroleum Hydrocarbons (EPH). These levels could potentially pose a threat to controlled water. The risk potential is likely to largely relate to the speciation of the hydrocarbons. If there are light end hydrocarbons (particularly aromatic) presents then this would be more significant concern. We do not believe this has been directly assessed. Under the terms of the Environmental Permitting Regulations 2010, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Contact the National Customer Contact Centre on 08708 506 506 for further details.

The applicant/developer is advised to contact third party works engineer, Osi Ivowi on 01908 302 591 in order to ensure that any necessary consents are obtained and the works are compliant with the current Canal & River Trust's Code of Practice for Works affecting the Canal & River Trust.

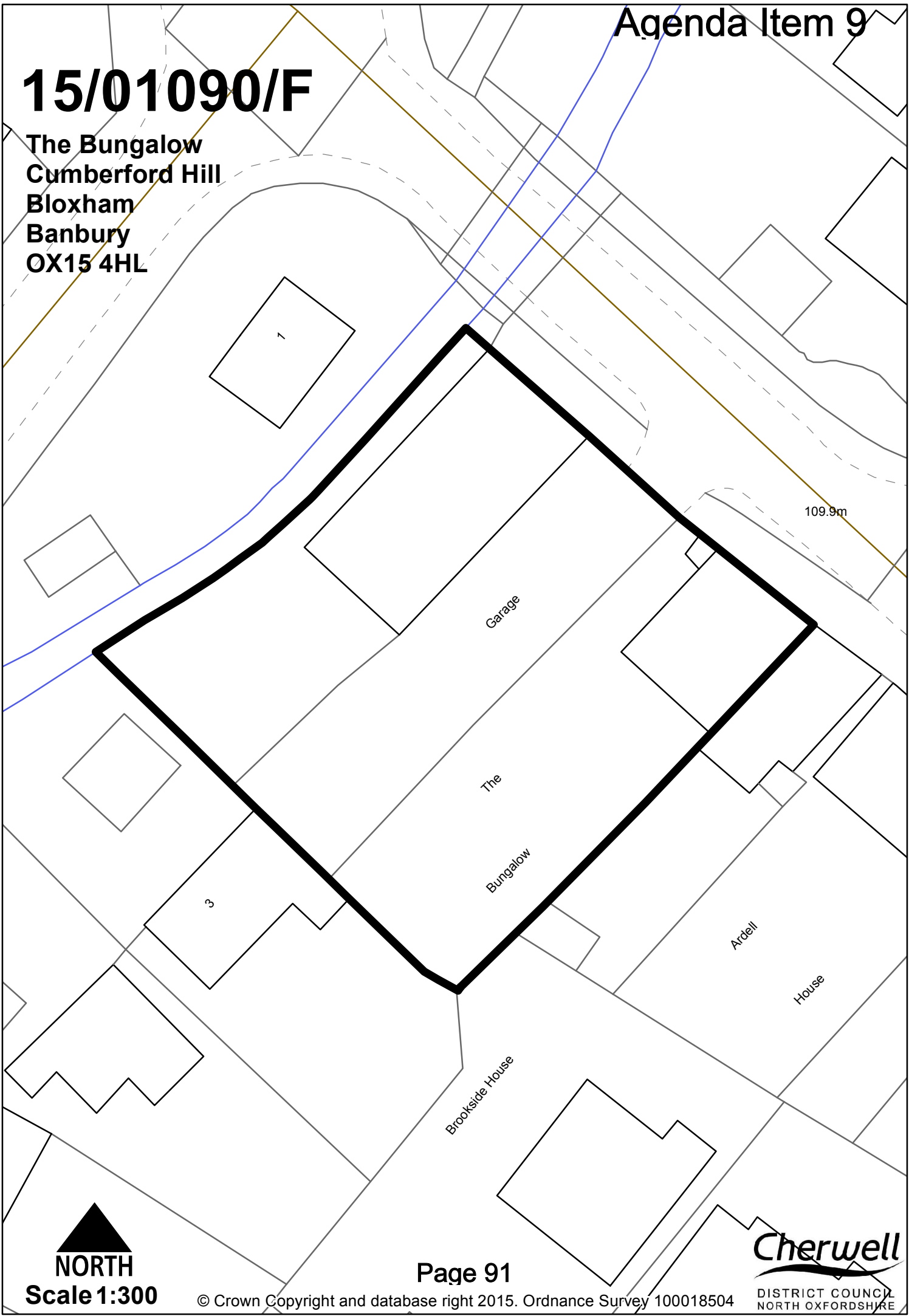
For roads within the proposed development to be offered for adoption to the Local Highway Authority a S38 Agreement will be required. For any private roads a Private Road Agreement will be required between the developer and Oxfordshire County Council. For guidance and information on road adoptions please contact the County's Road Agreements Team on 01865815700 or email Road.Agreements@oxfordshire.gov.uk.

CONTACT OFFICER: Matthew Parry

TELEPHONE NO: 01295 221837

15/01090/F

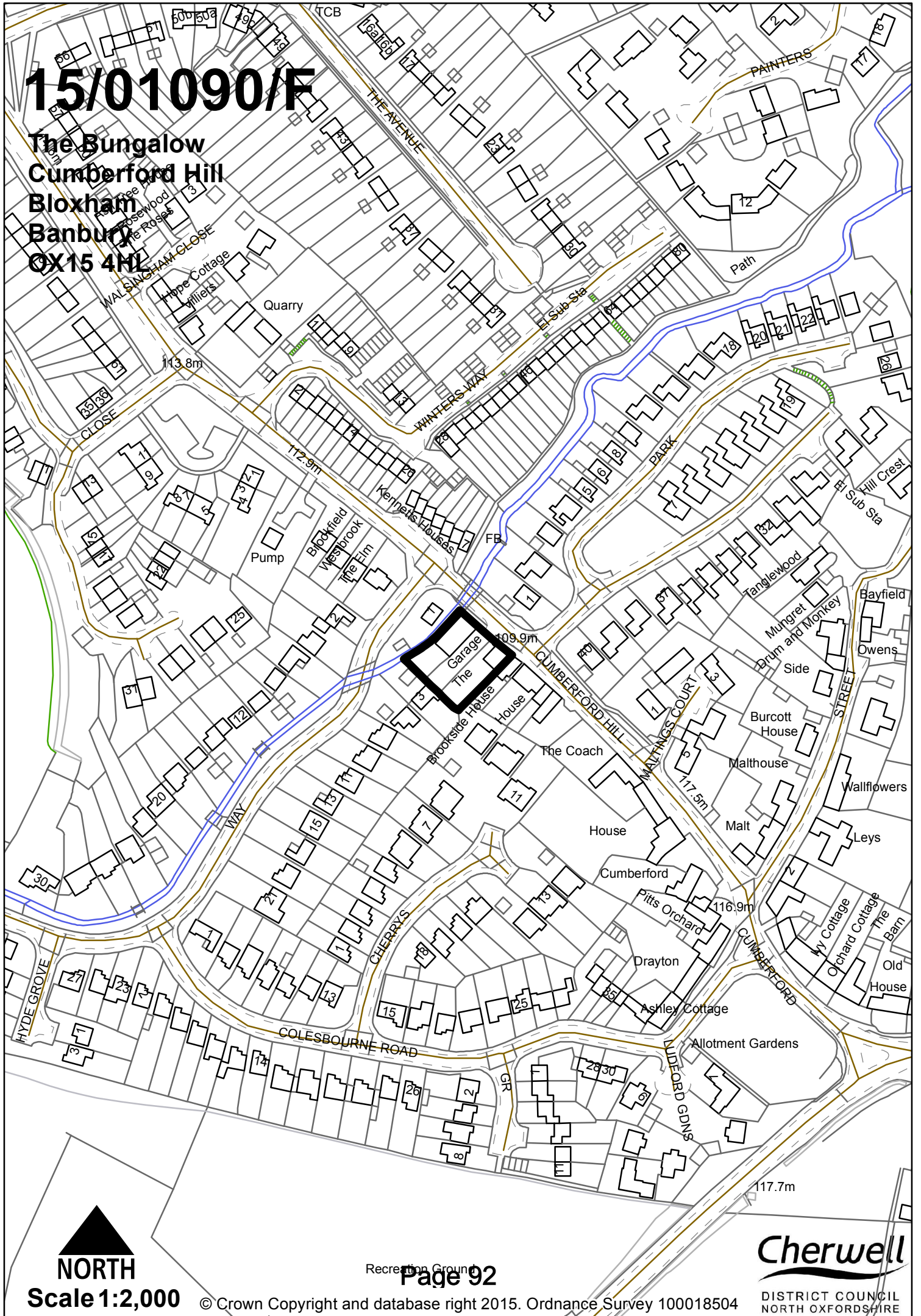
The Bungalow
Cumberford Hill
Bloxham
Banbury
OX15 4HL



NORTH
Scale 1:300

15/01090/F

The Bungalow
Cumberford Hill
Bloxham
Banbury
OX15 4HL



Scale 1:2,000

**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: 17.12.2015

Recommendation: Approve subject to conditions

Committee Referral: Referred by Development Services Manager

Update

This application was originally reported to the November Planning Committee but before considering it merits Members resolved to defer the application to allow a site visit to take place. This site visit is scheduled to take place in advance of the December Planning Committee and as a consequence the application is therefore being reported back to Committee for determination. Officers' recommendation remains the same.

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 and request a Members' site visit in advance of determining the application:

- 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 erection of four dwellings on this site represents overdevelopment of the site detrimental to the setting of the adjacent Conservation Area;
- The scale and massing of the proposed dwellings would adversely impact views into and out of the 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;
- There is no need for this additional housing within Bloxham and there are other more suitable 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 roof slopes. 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 catside 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 the any of the approved dwelling 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.

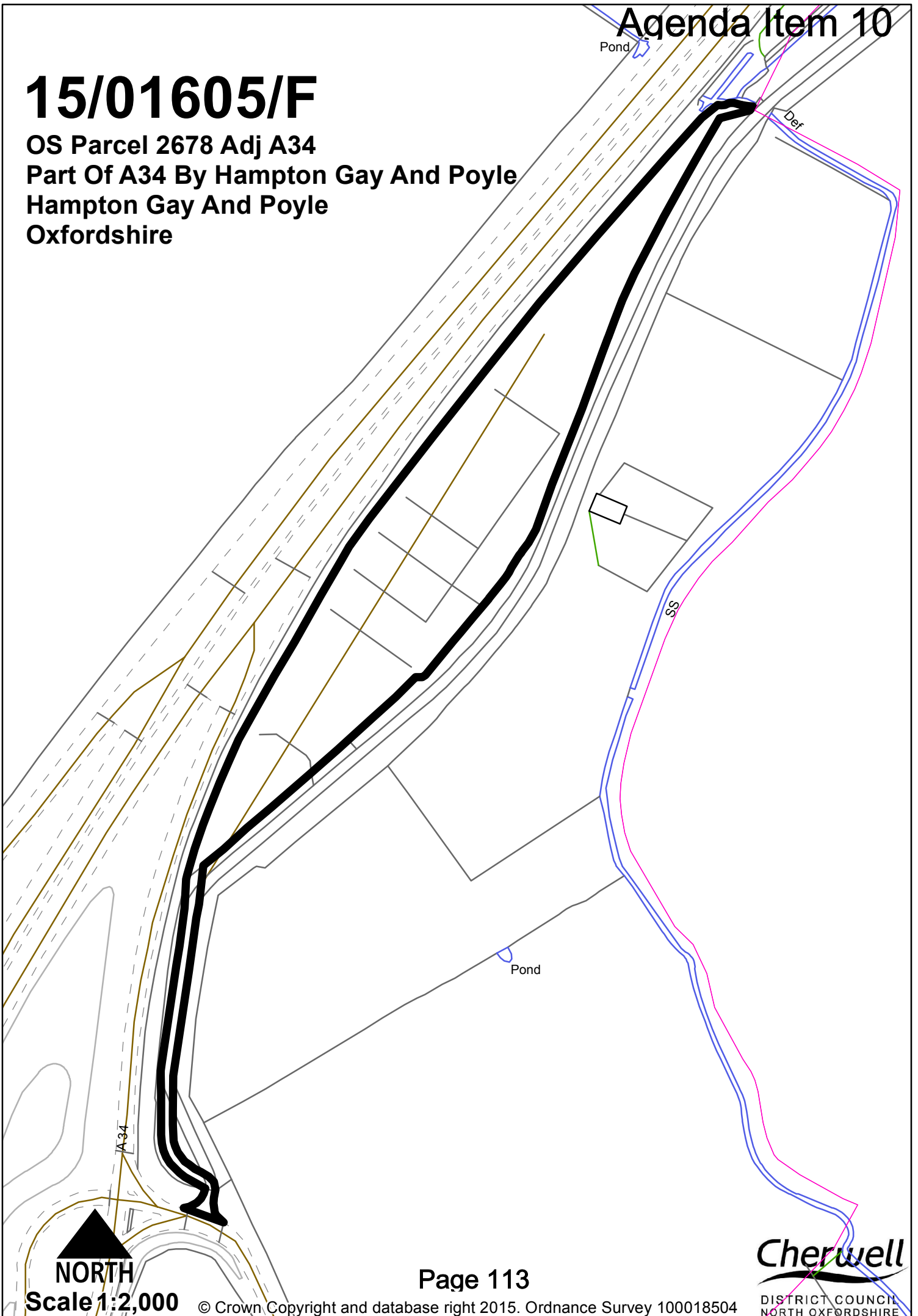
2. Under the terms of the Water Resources Act 1991, and the Thames Regional Byelaws 1981, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Bloxham Brook, designated a 'main river'.

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.

15/01605/F

OS Parcel 2678 Adj A34
Part Of A34 By Hampton Gay And Poyle
Hampton Gay And Poyle
Oxfordshire

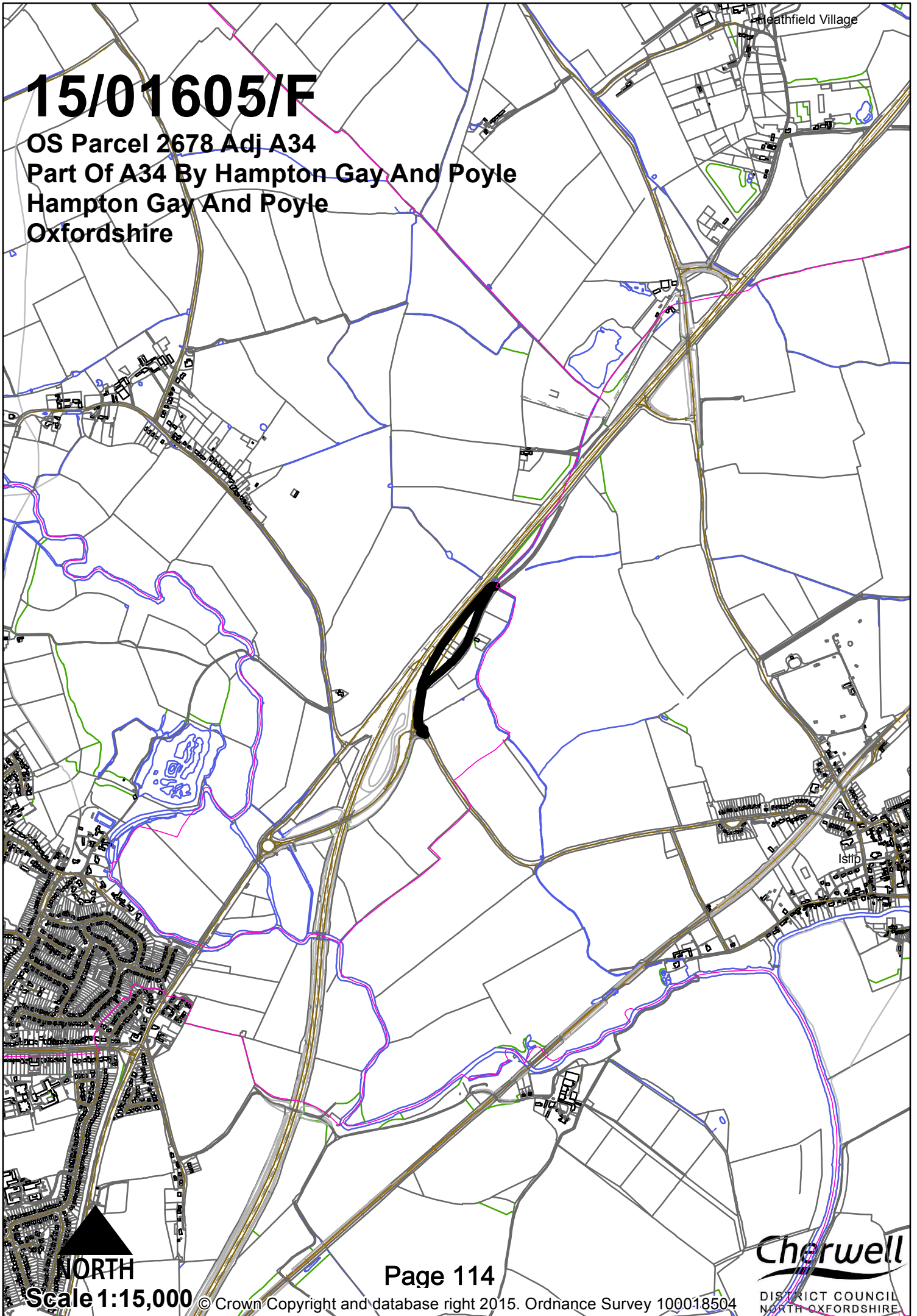


NORTH

Scale 1:2,000

15/01605/F

OS Parcel 2678 Adj A34
Part Of A34 By Hampton Gay And Poyle
Hampton Gay And Poyle
Oxfordshire



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**OS Parcel 2678 Adj A34,
Part Of A34 By Hampton Gay And Poyle,
Hampton Gay and Poyle,
Oxfordshire**

15/01605/F

Ward: Kirtlington

District Councillor: Cllr Holland

Case Officer: Stuart Howden

Recommendation: Approval

Applicant: Mr David Goddard

Application Description: Additional pitch for mobile home and community day room on plot 1

Committee Referral: Site over 1 hectare

Committee Date: 17.12.2015

1. Site Description and Proposed Development

- 1.1 The site is in a relatively isolated location on the eastern side of the A34. In terms of proximity to the nearest settlement, it is approximately 600 metres to the north east of Kidlington and approximately 700 metres to the south east of Hampton Poyle.
- 1.2 The site is of a linear shape with a north-east to south-west axis. It is approximately 1.6 hectares in size and about 300 metres long and 60 metres at its widest point. It is bounded to the west by the elevated A34 and its slip road, and to the east by a track that originally ran to Heathfield before the construction of the A34. Beyond that are open fields. At its northern tip is a small brook that runs into the River Cherwell. At its southern end is an access to the minor link road linking the A34 to Islip.
- 1.3 The site accommodates a private traveller site which consists of 8 permanent pitches. Each pitch has planning permission for a mobile home (6.1 metres by 12.2 metres), a day room (6 metres by 5 metres), 2 parking spaces, septic tank and space for a touring caravan (7.65 metres by 2.44 metres). These pitches are served by an access way that runs inside the western boundary of the site. The mobile homes on the site are single storey and of a prefabricated construction. The day rooms are single storey and contain a wash room and kitchen facilities.
- 1.4 Planning permission is sought for one additional mobile home on Plot 1 and this would therefore result in the addition of another pitch on this site. This mobile home is proposed to be 12.2 metres by 7 metres. No dayroom is proposed for this pitch and an additional touring caravan is not proposed. It is noted within the Design and Access Statement submitted with the application that the son of the applicant, who currently lives on Plot 1 with the applicant, is to be married later in the year and that this is the stated need for this additional pitch. This would result in the relocation of the existing mobile home on Plot 1 further to the north east of the plot and the change in its orientation. The proposed mobile home would be located to the south east of this re-sited mobile home and would run parallel with it.
- 1.5 Retrospective planning permission is sought for a single storey community dayroom building on pitch 1 and this has replaced the existing day room serving Pitch/Plot 1. This measures 14.7 metres by 8 metres and is a height of approximately 4.5 metres. This is constructed from sandstone brick under a tile roof and accommodates a utility room, kitchen and living area, office, en-suite bedroom and bathroom. It is noted in the Design and Access Statement submitted alongside the application that this community day room is proposed to serve a number of uses including private home teaching space, meeting space, an office for the running of the caravan park and a place for visitors to stay (for example in case of family emergencies).

- 1.6 Retrospective planning consent was also initially sought for a garage building on Plot 5 on the site, but the applicant's agent removed this element from the application after discussions with officers.
- 1.7 No listed buildings are within close proximity to the site and the site is not within a Conservation Area. The site lies within the Oxford Green Belt. Part of the site lies within a Zone 2 Flood Plain. There are records of several notable protected species within close proximity to the site including the Common Linnet, Eurasian Badger and European Golden Plover.
- 1.8 A screening opinion in October 2015 (15/00083/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 12th November 2015. 1 letter has been received from a resident of the traveller site noting that the proposal would grossly break the terms of the licence and that a business is being operated from one of the plots.

3. Consultations

- 3.1 Hampton Gay and Poyle Parish Council: No objections to the application and make the following comments: *"The Parish meeting believes the proposal if permitted will not have any adverse affects on the site or locality. However, there is concern that the application is in part retrospective and further applications for additional pitches or caravans may over intensify the site, and should therefore be proposed and applied for before development occurs with doubt that they can be accommodated."*
- 3.2 Islip Parish Council: *"No objection, but request that all conditions on original applications are still adhered to."*
- 3.3 Kidlington Parish Council: *"KPC object to this application because it is contrary to green belt policy and inappropriate to develop further than it already has been."*

Cherwell District Council Consultees

- 3.4 Landscape Officer: *"I confirm that the existing retained hedgerows and trees on the Gypsy site boundary will be sufficient to screen any changes."*
- 3.5 Planning Policy: No objections in principle.

"This is an existing private gypsy and traveller site within the Oxford Green Belt which currently has 8 authorised pitches. This application seeks to increase this by 1 additional pitch making a total of 9 pitches on the site."

Planning application (10/00839/F) for 8 pitches was allowed on appeal on 22 September 2011. This was a recovered decision by the Secretary of State which at the time found that given the unmet need for gypsy and traveller sites in the district, the lack of alternative provision and the failure of the development plan to meet the identified need, these factors were considered very special circumstances weighing in favour of the proposed development and to justify allowing inappropriate development in the Green Belt."

The Planning Policy Team's main observations are:

Policy BSC 6 provides for 19 net additional pitches from 2012 to 2031. In March 2015, there had been a net loss of 9 authorised pitches thereby increasing this requirement to 28 pitches (see Annual Monitoring Report 2014).

- 1) Within 3km road distance of the built-up limits of Banbury, Bicester or a Category A village.
- 2) Within 3km road distance of a Category B village and within reasonable walking distance of a regular bus service to Banbury or Bicester or to a Category A village.

A set of criteria follows which needs to be considered:

- a) Access to GP and other health services
- b) Access to schools
- c) Avoiding areas at risk of flooding
- d) Access to the highway network
- e) The potential for noise and other disturbance
- f) The potential for harm to the historic and natural environment
- g) The ability to provide a satisfactory living environment
- h) The need to make efficient and effective use of land
- i) Deliverability, including whether utilities can be provided
- j) The existing level of local provision
- k) The availability of alternatives to applicants.

The application site performs well against the criteria above as it is approximately 1.5km away from Kidlington. Kidlington is a Category A village under Policy Villages 1 of the adopted Local Plan 2011-2031, which is one of the most sustainable villages in the District. There are a wide range of services and facilities available including schools, nursery, food shop, post office, library, public house, recreational facilities, village/community hall, doctor's surgery, dental practice and a bus service. In addition, the site is easily accessible with its close proximity to the A34 and Oxford Road; the site is currently in use as a gypsy and traveller site; seeks to intensify the use by accommodating an additional pitch; and currently there are no identified sites that could provide alternative accommodation. It is also worth pointing out that the Environment Agency has previously not objected to the development when the initial planning application was submitted. The site is therefore considered to be in an acceptable location for a gypsy and traveller site in terms of access to services and facilities and travelling distances. This is in accordance with Policy BSC 6 of the adopted Local Plan 2011-2031.

The GTHNA was completed in January 2013 by ARC4 which helped inform Policy BSC 6 of the adopted Local Plan 2011-2031. The current published position of the five year land supply is reported in the 2014 Annual Monitoring Report which concluded that the Council is unable to demonstrate a 5 year supply of gypsy and traveller pitches as there are no new deliverable sites that have been specifically identified. The provision of the additional pitch would be a benefit of the proposal and help meet Local Plan requirements.

The Council has begun work on Local Plan Part 2 of the Cherwell Local Plan Part 1. It will identify smaller, non-strategic development sites for housing, employment, open space and recreation, travelling communities and other land uses, in accordance with the overall development strategy set out in the Local Part 1."

3.6 Anti-Social Behaviour Manager: No objections.

Oxfordshire County Council Consultees

3.7 Minerals and Waste: No objections.

- 3.8 Highways Liaison Officer: No objections.
- 3.9 Gypsy and Traveller Services Manager: No comments received.

Other Consultees

- 3.10 Environment Agency: No comments received.
- 3.11 Highways Agency: No comments received.
- 3.12 Thames Valley Police: No comments received.
- 3.13 Thames Water: No objections with regard to sewerage infrastructure capacity and water infrastructure capacity.
- 3.14 Oxford Green Belt Network: *"Your records will show that the Oxford Green Belt Network objected to the original, 2010, application for a Romani Gypsy site on Green Belt grounds. The application was allowed on appeal after being refused by Cherwell DC, the inspector agreeing that the development would be inappropriate in the Green Belt but allowing it on personal grounds. It follows that any further development on site will also amount to inappropriate development in the Oxford Green Belt.*

Our organisation has some concerns about what is now proposed.

In 2010 it was agreed that 6 of the 8 pitches allowed were sufficient for the family's needs, but the present application seeks to increase the number by one further pitch which would bring the total up to nine.

One of the arguments put forward in 2010 related to access that the site would provide for educational needs for the family's children, presumably access to a school, but the present application refers to home teaching in relation to the bigger day room proposed. We find this puzzling. It is also noted that the bigger day room will have a bedroom where visitors can stay, suggesting an extension of residential use on the site.

It is stated that the proposed garage is for storing vintage trucks. We would have welcomed more information about this since one of the conditions of the planning permission was that no commercial activity should take place on the site.

Together the proposals amount to an intensification of activity on this Green Belt site and raise questions about present and future development there."

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
BSC6: Travelling Communities
BSC12: Indoor Sport, Recreation and Community Facilities
ESD6: Sustainable Flood Risk Management
ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
ESD13: Local Landscape Protection and Enhancement
ESD14: Oxford Green Belt

ESD15: The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (saved policies)

- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- ENV1: Environmental Pollution

4.2 Other Material Policy and Guidance

National Planning Policy Framework (2012)

Planning Practice Guidance

Designing Gypsy and Traveller Site Good Practice Guide (2008) (although this document was withdrawn by the Government on 1st September 2015).

Planning Policy for Traveller Sites (2015)

Cherwell, West Oxfordshire and South Northamptonshire Gypsy and Traveller Needs Assessment (2012/2013) GTAA

Cherwell District Council Annual Monitoring Report 2014 (AMR) (March 2015)

Written Ministerial Statement to Parliament on 17 January 2014 from the Rt Hon Brandon Lewis

Written Ministerial Statement to Parliament on 25 March 2015 from the Rt Hon Sir Eric Pickles

The European Convention on Human Rights (ECHR) Articles 8 and Article 14 of Protocol 1

5. Appraisal

5.1 The key issues for consideration in this application are:

- Defining 'Traveller', 'Caravan' and 'Gypsy Pitch'
- Relevant Planning History;
- The Principle of the Development in the Green Belt;
- Visual Impact and Effect on Landscape Character;
- Effect on Residential Amenity;
- Highways Safety;
- Flooding Risk;
- Other Matters.

Defining 'Traveller', 'Caravan' and 'Gypsy Pitch'

Gypsy Pitch

- 5.2 There is no clear definition of a gypsy pitch, but page 40 of the 'Designing Gypsy and Traveller Sites Good Practice Guide' by DCLG indicates that as a general guide, an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan (or two trailers, drying space for clothes, a lockable shed for bicycles, wheelchair storage etc), parking space for two vehicles and a small garden area. Although this document has recently been withdrawn, officers consider this guidance in respect of pitches remains a useful starting point.

5.3 At this site, planning permission was granted in 2011 for 8 gypsy pitches which all included one mobile home, one touring caravan, one day room, a septic tank and two vehicular parking spaces.

5.4 Planning permission is sought for an additional mobile home which would be sited on Plot 1 and given the definition of pitch above, it is considered that the addition of another mobile home on this plot, which already accommodates a mobile home and touring caravan, constitutes one additional pitch on this plot. That said, no utility dayroom is proposed on Plot 1 and an additional touring caravan is not proposed on this plot.

Caravan

5.5 The Town and Country Planning (General Permitted Development) Order 2015 defines 'caravan' as having the same meaning as for the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960. Section 29 (1) of the Caravan Sites and Control of Development Act 1960 defined a caravan as: "... Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted but does not include:

a) Any railway rolling stock which is for the time being on rails forming part of a system, or

b) Any tent".

5.6 This definition has been modified by section 13 (1) of the Caravan Sites Act 1968, which deals with twin-unit caravans. Section 13 (1) provides that: "A structure designed or adapted for human habitation which:

a) Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps and other devices; and

b) Is, when assembled, physically capable of being moved by road from one place to another (whether being towed, or by being transported on a motor vehicle or trailer),

shall not be treated as not being (or have been) a caravan within the means of Part 1 of the Caravan Sites Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled".

5.7 The proposed mobile home structure would adhere to the definition above and officers consider that this proposed structure constitutes a caravan. In relation to the community dayroom, this is a more substantial solid and permanent structure which has a porch and an extending element to the rear accommodating a utility room and is therefore not considered to constitute a caravan by officers.

Traveller

5.8 The annex in the Planning Policy for Traveller Sites 2015 (PPTS) by DCLG states that for the purposes of the PPTS 'gypsies and travellers' means: "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

5.9 The PPTS, which replaces the earlier version of the PPTS published in 2012 has redefined the previous planning definition of 'gypsies and travellers' in the annex of this document and states that: "in determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to

the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.”*

This differs from the definition provided in the 2012 version of the publication because it is limited to those who have a nomadic habit of life, meaning that where someone has given up travelling permanently they should be treated no differently from the settled population.

- 5.10 The applicant's agent notes that the Goddard family have always led a nomadic lifestyle, but that it was getting more difficult to find stopping places and Mr Goddard's sister in law had a severe illness. Furthermore, a more permanent base was also desired for schooling purposes.
- 5.11 The applicant's agent states that the intention is never to stop travelling. It is noted that Mr Goddard and his son sell horses at traditional gypsy horse fairs every year. Furthermore, the existing touring caravans which were permitted on the site in 2011 on each pitch are used for nomadic purposes only and the applicant's agent notes that during the school holidays the Goddard family travel to Bournemouth for cultural reasons. It is noted during the winter months that this site is used more as a permanent base.
- 5.12 This site was approved as a traveller site by the Planning Inspectorate in 2011 and given the evidence available officers have no reason to doubt that the applicants led a nomadic habit of life before the appeal for 8 traveller pitches was allowed by the Planning Inspectorate. Moving on to whether there is an intention of living a nomadic habit of life in the future, it has not been noted that there is an intention to leave this site, and the agent's evidence suggests the amount of travelling is reducing. Nevertheless, whilst the site may consist of pitches which are more permanent in nature, it is noted that the applicant's family travel for nomadic purposes and each pitch has consent for a touring caravan for nomadic use.
- 5.13 Given the above and that the site was approved as a traveller site in 2011, officers are of the opinion that this remains a traveller site in planning terms and that the new mobile home proposed on the site constitutes a new traveller pitch.

Relevant Planning History

- 5.14 10/00839/F – Change of use of land for British Romani gypsy families; 8 homes; 8 touring caravans for nomadic use only and 8 utility dayrooms – Allowed at appeal

This original application which permitted 8 gypsy pitches at the site was refused by the Local Planning Authority as it was considered that the proposal constituted inappropriate development in the Green Belt and that the proposal would cause harm to the openness and the special character of the Green Belt. The Local Planning Authority did not consider that there were special circumstances which would outweigh the presumption against development. Whilst the Planning Inspector concluded that the proposal did constitute inappropriate development in the Green Belt, they considered that the harm that would be caused to the Green Belt would be clearly outweighed by the totality of other considerations which included the need for traveller sites, the personal need for sites, the failure of the development plan to meet the identified need, the lack of suitable and available alternative sites to meet the need and the education benefits.

The Principle of the Development in the Green belt

- 5.15 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 5.16 The site is in the Oxford Green Belt and so the development is assessed against Green Belt policy. Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt and Paragraph 87 notes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF notes that there is a need to assess whether there are any factors that should outweigh the harm caused by an inappropriate development within the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.17 Policy ESD14 of the Cherwell Local Plan Part 1 notes that within the Green Belt, development will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities.

Mobile home/additional pitch

- 5.18 In relation to the proposed mobile home, Policy E of the PPTS, which is relevant to Traveller sites in the Green Belt, states that: "*Traveller sites (temporary or permanent) are inappropriate development.*" Unlike the earlier version of the PPTS, Policy E of the PPTS also goes on to state that: "*Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.*" Thus, this emphasises that significant weight should be given towards Green Belt protection.
- 5.19 Officers are of the opinion that the proposed mobile home would clearly constitute inappropriate development within the Green Belt. An assessment is therefore required into the impact of the development on the openness of the Green Belt and on the purposes of including land within it, and whether the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development.
- 5.20 In relation to the purposes of the Green Belt, Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the most important attribute of Green Belts is their openness and permanence. It is proposed to introduce another mobile home in an existing traveller site, but as the mobile home would increase the built development in this site it is considered that this would cause modest harm to the openness of the Green Belt.
- 5.21 Paragraph 80 of the NPPF sets out the five purposes of the Green Belt and these are:
- *“to check the unrestricted sprawl of large built-up areas;*
 - *to prevent neighbouring towns merging into one another;*
 - *to assist in safeguarding the countryside from encroachment;*
 - *to preserve the setting and special character of historic towns; and*
 - *to assist in urban regeneration, by encouraging the recycling of derelict and*

other urban land.”

In this instance, given that the mobile home is proposed in an existing traveller site, with no extension beyond the existing limits of the site, officers are of the opinion that the proposed mobile home would not materially affect any of these purposes.

- 5.22 The impact upon the visual amenities of the Green Belt is discussed below in paragraph 5.44 to 5.48 of the report, but it is considered that the mobile home, which would be sited in an existing traveller site adjacent to the A34, would cause negligible harm to the visual amenities of the Green Belt.
- 5.23 Overall, the modest harm to the openness adds to the in principle harm by reason of inappropriateness.
- 5.24 Turning to very special circumstances, the current published position of the five year land supply is reported in the 2014 Annual Monitoring Report (AMR) (March 2015) and this concludes that the Council is unable to demonstrate a 5 year supply of gypsy and traveller pitches as there are no new deliverable sites that have been specifically identified. Policy BSC 6 of the Cherwell Local Plan Part 1 provides for 19 net additional pitches from 2012 to 2031. In March 2015, the AMR stated that there had been a net loss of 9 authorised pitches thereby increasing this requirement to 28 pitches. The provision of the additional pitch on an existing site would therefore be a benefit of the proposal and help meet Local Plan requirements. There are currently no identified sites that could provide alternative accommodation.
- 5.25 Whilst the PPTS states that unmet need is unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances, Planning Policy and officers are of the opinion that this is more relevant when assessing new traveller sites or extensions to the limits of existing sites, instead of new pitches on existing traveller sites. For example, Paragraph 16 of the PPTS states that traveller sites are inappropriate development and this does not specifically refer to additional pitches. Given this and the large unmet need in the District and lack of suitable and available alternative sites to meet the need, this should be afforded substantial weight.
- 5.26 Policy BSC 6 of the Cherwell Local Plan Part 1 states that to meet the requirements set out, and in order to provide and maintain a five year supply of deliverable traveller sites, allocations will be made in Local Plan Part 2 and planning permissions will be granted for suitable traveller sites. Policy BSC6 also goes to state that: *“In identifying suitable sites with reasonable accessibility to services and facilities the following sequential approach will be applied:*
- 1) *Within 3km road distance of the built-up limits of Banbury, Bicester or a Category A village.*
 - 2) *Within 3km road distance of a Category B village and within reasonable walking distance of a regular bus service to Banbury or Bicester or to a Category A village.*

Other locations will only be considered in exceptional circumstances.

The following criteria will also be considered in assessing the suitability of sites:

- a) *Access to GP and other health services*
- b) *Access to schools*
- c) *Avoiding areas at risk of flooding*
- d) *Access to the highway network*
- e) *The potential for noise and other disturbance*
- f) *The potential for harm to the historic and natural environment*

- g) *The ability to provide a satisfactory living environment*
- h) *The need to make efficient and effective use of land*
- i) *Deliverability, including whether utilities can be provided*
- j) *The existing level of local provision*
- k) *The availability of alternatives to applicants.”*

- 5.27 Planning Policy are of the opinion that the application site performs well against the criteria set out in Policy BSC6 as it is approximately 1.5km away from Kidlington which is a Category A village under Policy Villages 1 of the Cherwell Local Plan Part 1. Category A villages are considered the most sustainable settlements in the District’s rural areas. Planning Policy note that Kidlington has a wide range of services and facilities available including schools, nursery, food shop, post office, library, public house, recreational facilities, village/community hall, doctor’s surgery, dental practice and a bus service. Furthermore, Planning Policy are of the opinion that the site is easily accessible due to its close proximity to the A34 and Oxford Road.
- 5.28 The proposed mobile home would be sited in an existing traveller site therefore the location of this site as a traveller site has also been accepted previously. As the proposed mobile home would be in an existing site this is also considered to make an efficient and effective use of land and as already discussed there are currently no identified sites that could provide alternative accommodation. The proposed mobile home is also considered to cause limited harm to the historic and natural environment given its proposed siting in an existing traveller site.
- 5.29 Given the above, I am in agreement with Planning Policy that the application site performs well against the criteria set in Policy BSC6 and the site is considered to be in an acceptable location for gypsy and traveller sites in terms of access to services and facilities and travelling distances. Furthermore, the proposed pitch would cause limited harm to the character and appearance of the locality given that it would be sited in an existing traveller site. This is in accordance with Policy BSC6 of the Cherwell Local Plan Part 1 and officers consider that this should be afforded moderate weight.
- 5.30 Overall, in the circumstances set out above, the harm by reason of inappropriateness and the additional harm identified, which would be caused by the additional pitch, is outweighed by the sizeable unmet need of gypsy and traveller pitches and the lack of identified sites that could provide alternative accommodation, the suitability of the existing site in terms of its accessibility to services and facilities and the limited harm to the character and appearance of the area. In considering the case for a mobile home as a whole, officers conclude that very special circumstances do exist so as to justify this inappropriate development in the Green Belt.
- Community dayroom
- 5.31 Moving on to the community dayroom, this again constitutes inappropriate development within the Green Belt. Given that the dayroom is of a scale that is not too dissimilar to the proposed mobile home in this application and that it is in a similar location inside the existing traveller site to this proposed mobile home, it is considered that it causes modest harm to the openness of the Green Belt and negligible harm to the visual amenities of the Green Belt.
- 5.32 Turning to very special circumstances it is noted in the Design and Access Statement submitted alongside the application that this community dayroom is proposed to serve a number of uses including private home teaching space, meeting space, an office for the running of the caravan park and a place for visitors to stay (i.e. in case of family emergencies).

- 5.33 In respect of the private teaching space an argument put forward in the previous appeal at the site was that the site would provide permanent access to a school. That said, the applicant's agent noted that some Romani Gypsy families do not believe in sending their children to school for cultural reasons. The applicant's agent notes that there are three children at present that are taught from home.
- 5.34 Turning to the use of the building as an office and a meeting space, it was noted by the applicant's agent that most traveller sites have a separate unit which is used as an office and for meetings. The applicant's agent notes that the office would be used to facilitate the running of the site. In relation to the meeting space, it is noted by the applicant's agent that this would be used for cultural meetings, neighbourhood meetings and a place for health visitors and other community workers to meet with travellers on the site. In relation to health visitors and community workers visiting, the applicant's agent notes that the best option is for people to be on neutral ground rather than individual mobile homes. Furthermore, the applicant's agent notes that every village has a community or village hall facility therefore it is not unreasonable to have such a facility on this site.
- 5.35 In relation to the bedroom in the dayroom, this is noted in the Design and Access Statement submitted alongside the application to be used for a number of reasons, but notably for carers and family members during medical emergencies. The applicant's agent has noted that the applicant's mother is currently receiving such support. The applicant's agent has noted that some gypsies do not to seek medical assistance in hospitals due to cultural reasons. The Design and Access Statement also noted that the bedroom could also be used for children to rest whilst being schooled.
- 5.36 It is worth highlighting that Article 8 of the European Convention on Human Rights confers a positive obligation on Contracting States to facilitate the gypsy way of life (Paragraph 96 of *Chapman v UK* (2001)).
- 5.37 In relation to using the building as a meeting room for cultural and neighbourhood meetings, Policy BSC12 of the Cherwell Local Plan Part 1 promotes the provision of community facilities to encourage the sustainability of communities. Furthermore, Section 8 of the NPPF promotes healthy communities. Having regard to the number of pitches at the site, officers are of the opinion that a space for neighbourhood and cultural meetings would help facilitate the gypsy way of life and would in turn help support healthy communities. Such a facility does not presently exist and it is considered that this should be afforded significant weight.
- 5.38 In relation to the private schooling element, a separate and single space dedicated for teaching is not considered unreasonable and this again would facilitate the gypsy way of life, given that not all Romani Gypsy families believe in sending their children to school for cultural reasons and that there are existing children on the site which are currently not taught at school. Officers consider that this should be afforded significant weight.
- 5.39 Turning to the office element, whilst it is noted other sites have an office for the running of the site, this in itself is not considered to fully justify why one is required in a separate building at this site. Officers consider that this should be afforded limited weight.
- 5.40 Moving on to the bedroom element, as some gypsies do not seek medical assistance in hospitals due to cultural reasons a separate bedroom for carers and family visits at times of medical emergencies is not considered unreasonable and would again help facilitate the gypsy way of life. Officers are of the opinion that this should be afforded significant weight.

5.41 On balance, in the circumstances set out above, the harm by reason of inappropriateness and the additional harm identified, which is caused by the dayroom building, is outweighed by the provision of a meeting room, bedroom and space for private teaching to help facilitate the gypsy way of life and the provision of a meeting room to support the provision of a community facility to encourage the sustainability of this community. Furthermore, this building would accommodate all these uses under one roof and the harm on the visual amenities of the area is considered to be limited. In considering the case for a community dayroom as a whole, I conclude that very special circumstances do exist so as to justify this inappropriate development in the Green Belt.

Visual Impact and Effect on Landscape Character

5.42 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.”*

5.43 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.”*

5.44 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.

5.45 It is worth noting that in the previous application for the 8 traveller pitches at the site, it was considered that the site was well screened from the public domain and further planting was conditioned along the highway boundary. The site has wrap around screening by virtue of the existing trees and hedging and the site is well screened to the west by the elevated carriageway and embankment of the A34. The tops of the structures in this site are only just visible in the winter months along the A34, but the site is not highly visible from any other public highways. The existing dayroom on the site is not highly visible from the public domain and this structure is read against the other buildings on this site. It is considered that the proposed single storey mobile home would also not be highly visible from the public domain and that it would be read against other structures on the site. The Landscape Officer is also of the opinion that the existing trees and hedgerows are sufficient to screen this development.

5.46 Thus, it is considered that the development would not have a detrimental impact upon the visual appearance or rural character of the countryside, and is 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.

Effect on Residential Amenity

- 5.47 The Anti-Social Behaviour Manager has no objections to the application and the site is not close to any neighbouring residential properties being some 600 metres away to the closest dwellings in Kidlington. Permission was granted in 2011 for the change of use of the site to a traveller site and it was considered that this change of use would not detrimentally impact upon the residential amenities of any surrounding properties. In terms of any direct impact on the residents from noise, light, privacy, etc, it is considered that the development would not adversely effect residential amenity.

Highways Safety

- 5.48 Oxfordshire County Council as Local Highways Authority have no objection to the addition of a mobile home and community day room. It is considered that the proposed development would not have an adverse impact on traffic and highway safety on the local network.

Flooding Risk

- 5.49 Part of the site lies within a Zone 2 Flood Plain, but no comments have been received from the Environment Agency in the statutory time period. It is worth noting that the Environment Agency had no objections to the previous application at the site. A Flood Risk Assessment (FRA) has been submitted alongside this application, which is a revised version of the FRA submitted with the previous application at the site and officers consider that the findings within this are acceptable and that the proposal would not increase the flooding risk to the existing and future occupants.

Other Matters

- 5.50 Given the scale and nature of the proposal it is considered that the proposal would not cause adverse ecological harm.
- 5.51 The matter of a potential breach of the licence was raised by a neighbouring resident, but this is not a material planning consideration in this case. It is noted that it is alleged this proposal would lead to a change of use for business purposes, but no information of such a change of use has been submitted alongside the application and a condition was attached to the previous consent at the site stating that: "*No commercial activities shall take place on the land*". A similar condition can be imposed if permission is granted for the current application.

Engagement

- 5.52 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

- 5.53 Given the above assessment, it is considered that special circumstances exist to justify the principle of the development in the Green Belt and officers consider that the proposal would not cause significant detrimental harm in other respects. Therefore 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 following conditions:

1. Development in respect of the additional mobile home hereby permitted 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;
- Site Location Plan submitted with the application;
- Drawing Numbers 1564/01A and 1564/03 submitted with the application;
- Floor Plan of Mobile Home Titled 'Tredegar 40' X 12" submitted with the application;
- E-mail received from the applicant's agent on 3rd November 2015;
- Drawing Number 0970/02B received from the applicant's agent by E-mail on 9th November 2015; and
- E-mail received from the applicant's agent on 26th 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 more than 17 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 9 shall be static caravans or mobiles homes), 7 utility day rooms and 1 community day room shall be stationed on the site at any one time and these shall be sited as is displayed on Drawing Number 0970/02B received from the applicant's agent by E-mail on 9th November.

Reason – This consent is only granted in view of the very special circumstances, which are sufficient to justify overriding normal planning policy considerations which would normally lead to a refusal of planning consent and in accordance with Policies ESD14 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 development hereby permitted shall be carried out in accordance with the recommendations in section 5 "issues to be addressed" of the Flood Risk Assessment prepared by Prior Associates Consulting Engineering dated August 2010 and Reviewed October 2015 (Ref: 9069/2) accompanying the application.

Reason - To protect the development and its occupants from the increased risk of flooding and in order to comply with Government guidance contained within the National Planning Policy Framework.

5. The Community dayroom shall be used only for the purposes outlined in the Design and Access Statement submitted with the application and E-mail

received from the applicant's agent on 3rd November 2015 and shall not be occupied as a separate unit of accommodation.

Reason – This consent is only granted in view of the very special circumstances, which are sufficient to justify overriding normal planning policy considerations which would normally lead to a refusal of planning consent and in accordance with Policies ESD14 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.

6. No commercial activities shall take place on the site, including the external storage of materials in association with a commercial activity, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason - In order to protect the special character and the openness of the Green Belt, to safeguard the amenities of the area and in the interest of highway safety in accordance with Policies ESD14 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and the National Planning Policy Framework.

7. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the 'Planning Policy for Traveller Sites' August 2015.

This consent is only granted in view of the very special circumstances, which are sufficient to justify overriding normal planning policy considerations which would normally lead to a refusal of planning consent and in accordance with Policies ESD14 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.

PLANNING NOTES

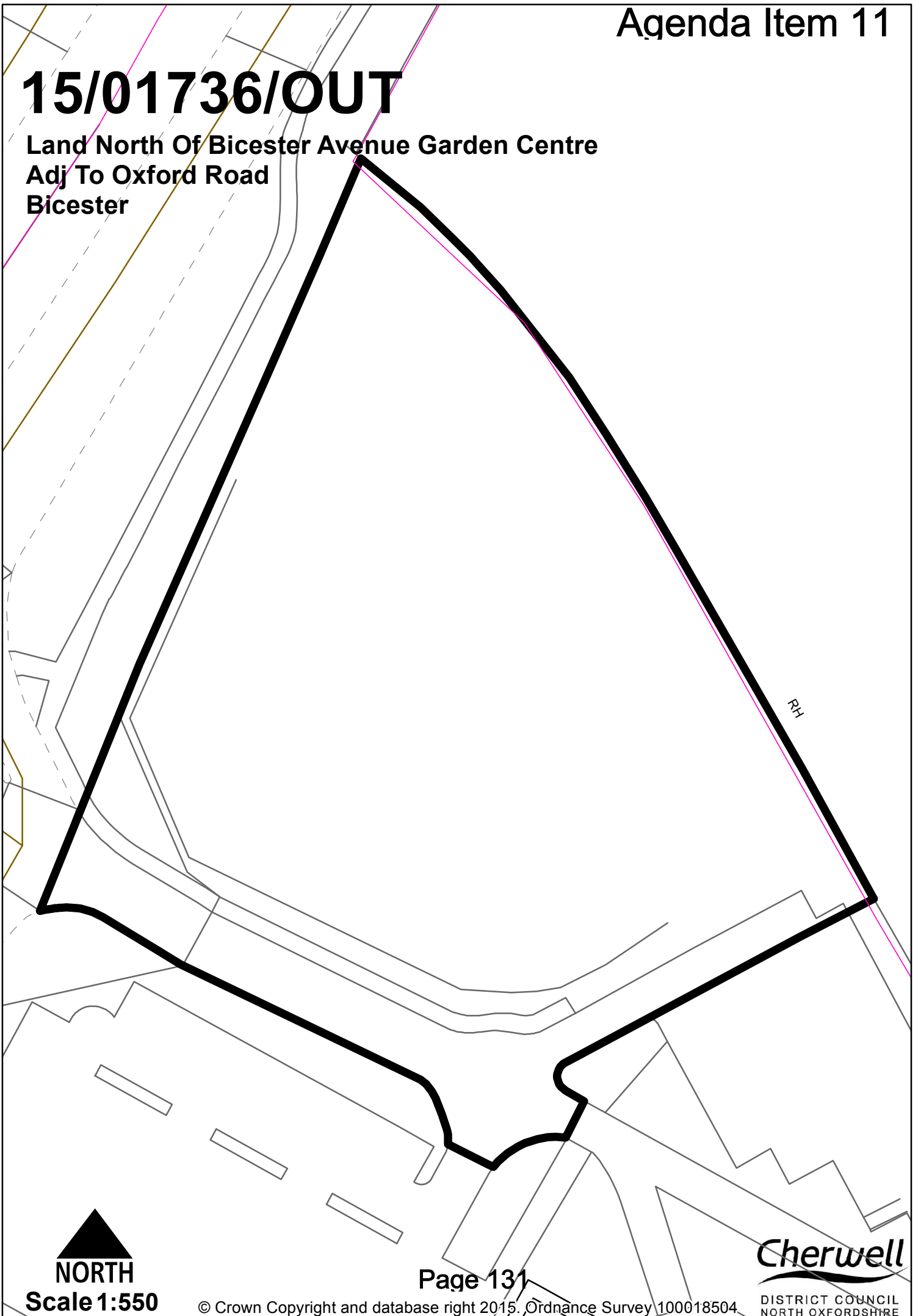
1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out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

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.

15/01736/OUT

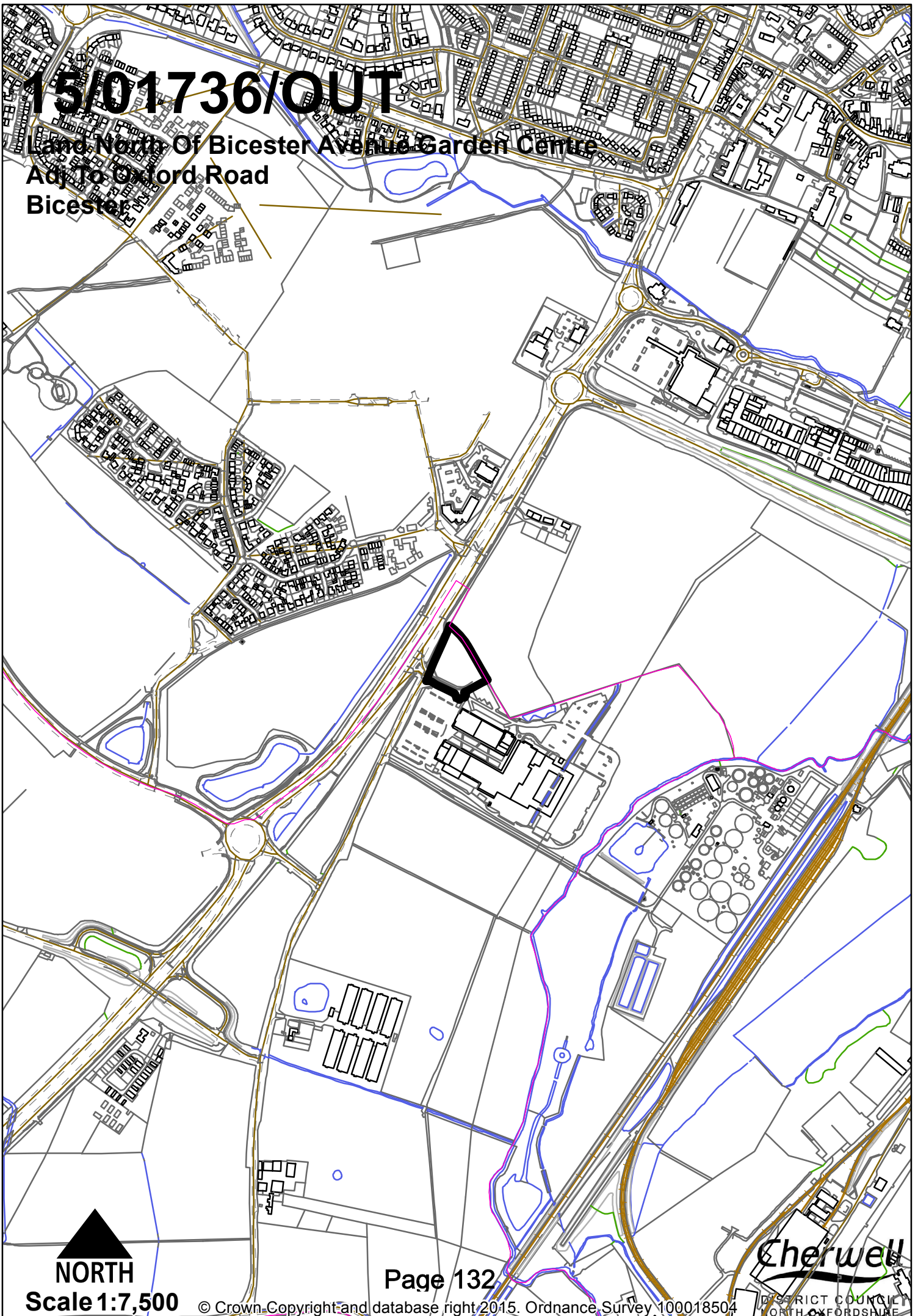
Land North Of Bicester Avenue Garden Centre
Adj To Oxford Road
Bicester



NORTH
Scale 1:550

15/01736/OUT

Land North Of Bicester Avenue Garden Centre
Adj To Oxford Road
Bicester



NORTH
Scale 1:7,500

**Site Address: Land North Of Bicester
Avenue Garden Centre Adj To
Oxford Road
Bicester**

15/01736/OUT

Ward: Ambrosden And Chesterton

District Councillor: Councillor Lynn Pratt

Case Officer: James Kirkham

Recommendation: Refusal

Applicant: Blooms Properties Limited Partnership

Application Description: Erection of a building for retail use within Class A1, along with related access, parking, servicing, landscaping and other works

Committee Referral: Major

Committee Date: 17.12.2015

1. Site Description and Proposed Development

- 1.1 The application site is an area of undeveloped land which exists to the east of the A41 at the entrance to Bicester Avenue Garden Centre. This includes a large garden centre and also a number of other concession retail units selling a range of goods including pet items, clothes, shoes, kitchenware and health foods.
- 1.2 The site is approximately 0.6 hectares in size and is relatively flat. It is contained on the northern boundary by a hedgerow and a hedgerow and trees also exists on the western boundary. A cycle path and footpath also are situated on the western boundary. An overflow car park exists to the east of the site and the main car park and retail units exist to the south east of the site. The site is accessed from the A41 dual carriageway and would be shared with the existing retail uses.
- 1.3 To the west of the site on the opposite side of the dual carriageway is the Kingsmere development which will provide new homes, schools, a hotel and other facilities.
- 1.4 The current application seeks outline planning permission for a new A1 retail unit. The matters for consideration in this case are access and layout. Matters of appearance, landscaping and scale would be reserved for future applications.
- 1.5 The new retail unit would have a floor area of 1,394sqm (929sqm at ground floor with 465spm on a mezzanine). It would have a car park with 59 parking spaces to the south and west of the building and a servicing yard to the north. Access would be taken from an existing mini-roundabout at the entrance to the wider garden centre site.
- 1.6 Whilst there is no established occupier for the proposed retail unit the applicant has stated that they would expect the occupier to be a 'bulky goods retailer' and have suggested a planning condition to limit the types of goods that can be sold from the unit.
- 1.7 Indicative plans of the appearance and design of the building have been submitted with the application however these matters would be further considered in future applications.

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 30 November 2015. No correspondence has been received as a result of this consultation process.

3. Consultations

3.1 Chesterton Parish: No objections

3.2 Bicester Town Council: Object to the application on the grounds of increased traffic on an already busy road and the possible impact upon the vitality and viability of the town centre of having more out of town retail units.

Cherwell District Council Consultees

3.3 Planning Policy Officer: The Planning Policy Team's main observations are:

- The application site is on land allocated for employment use (B1a use class) in the Local Plan 2011-2031 (see policy SLE1, policy Bicester 4 and Inset Map Bicester 4). The proposals are contrary to the Local Plan in this regard. Implementation would lead to a loss of employment land within this allocation to new retail development. Paragraph B.48 of the Local Plan explains that where allocated sites remain undeveloped in the long term and there is no reasonable prospect of them being used for that purpose other uses will be considered. The prospects of the site being used for employment use should be considered but the application site cannot be considered to be undeveloped in the long term in the context of the allocation of this site in a recently adopted Local Plan.
- Local Plan Objective SO1 sets out that the objectives for developing a sustainable local economy include; to facilitate economic growth and a more diverse local economy with an emphasis on attracting and developing higher technology uses. The loss of this land to retail use may prevent the provision of some B use class jobs; however paragraph B.48 of the Local Plan states that the provision of jobs in general terms will be a material consideration for determining planning applications. The proposals would provide jobs in retailing contributing to general Local Plan and NPPF aims for economic growth.
- Paragraph B.55 of the Local Plan explains that new retail development will continue to be focused in our town centres and all new development will be required to be built to high design and building standards.
- The uses proposed in the application are 'main town centre uses' as defined in Annex 2 of the NPPF and paragraph B.56 of the Local Plan. The NPPF requires a town centre first approach that directs retail and town centre uses towards town centres and encourages the growth of centres. The Local Plan is consistent with this approach and aims to support Bicester town centre's vitality and viability. Policy SLE2 directs retail and other main town centre uses towards the District's town centres. The policy reflects the NPPF and requires a sequential test and impact assessment for applications for main town centre uses outside the town centre. Policy Bicester 5 states that shopping, leisure and other main town centre uses will be supported within Bicester town centre. An 'area of search' is identified in Bicester and shown on Inset Map Bicester 5. In the 'area of search' town centre uses will be supported if they help deliver the aims for central Bicester and the growth of

the town centre. The proposals are in an out of town location and therefore inconsistent with local planning policy in terms of the strategy for accommodating town centre uses and supporting the growth, vitality and viability of central Bicester. The growth of the town centre will be explored further in Local Plan Part 2 including the potential of sites for town centre uses in accordance with the approach in the NPPF and Local Plan 2011 to 2031.

- Given the location of the site it will be essential that a detailed and comprehensive sequential test is produced. The 'area of search' at policy Bicester 5 of the Local Plan provides an indication of locations that should be explored for the sequential test. However the sequential test should include consideration of all potential sites within the urban area of Bicester and accessibility and connections to the town centre should be considered.
- An impact assessment would not appear to be required as the proposals fall below the threshold in policy SLE2 of the Local Plan.
- In terms of land uses in close proximity to the application site, a new large Tesco food store has planning permission on the eastern side of the A41 to the north of the site. Land is also allocated to the south of the site for employment uses (see policy Bicester 10 in the Local Plan). A large part of the site allocated in the Local Plan 2011-2031 at policy Bicester 4 has planning permission (07/01106/OUT) for a business park and construction has started. The application site is outside the area covered by this planning permission.
- Bicester Village has planning permission to expand on the existing Tesco foodstore site. Bicester Village is close to Bicester town centre and the Local Plan identifies the potential for more connections to the town centre. Planning permissions granted at Bicester Village have associated conditions which restrict the type of retail development. Similar conditions are also in place at Bicester Avenue Garden Centre.
- Currently the application site comprises an area of countryside and the planning application should be considered against Local Plan policy ESD13 and the NPPF in relation to the protection of the natural environment. However it is noted that the site is not isolated countryside and that future planned development at Bicester when implemented would effectively bring the site within Bicester's urban area. Part of the site is hard-surfaced (and therefore previously developed) and is used for car-parking. The same main access is used for the existing retail units and the land in the planning application.
- Policy ESD1 sets out an aim to reduce the impact on climate change by delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce the dependence on private cars. Policy SLE4 has similar objectives. The traffic impacts of any proposal should be considered and sustainable modes of transport encouraged. Sustainable travel patterns including effective potential links to the town centre may be difficult to achieve.

3.4 Policy recommendation: The application proposals would increase the retail offer and create jobs in retailing to support the growth of Bicester generally. Also, the relatively small scale of the proposals, the small loss of employment land, the characteristics of the application site and its relationship with the existing wider Bicester Avenue site should be considered. However there is a planning policy objection to these proposals. They are in principle inconsistent with local planning policy which directs town centre uses to the town centre, policy SLE2 relating to the growth of the town

centre and contrary to policy SLE1 in terms of this site being an employment allocation. The results of the sequential test and the application of conditions relating to the type of goods sold will also be important.

- 3.5 Councils Ecologist – No objections subject to conditions. The submitted ecological appraisal is acceptable. There are few ecological constraints as the main habitats of value, the hedgerows, are being retained. However the recommendations within the report should be conditioned to minimise the chances of any offences against protected species. The suggestions within the report for biodiversity enhancements (5.9 and 5.14) are all appropriate and a scheme of enhancements with proposed locations and types should be submitted in order to try to achieve a net gain for biodiversity on site in line with NPPF and Local policy.
- 3.6 The landscape plan is ok however the buffers to the retained hedgerows look a little narrow. Buffers of at least 3m to any hedgerow are preferable in order to retain its wildlife value. In addition the plan shows that close boarded fencing is proposed around the service yard which in places seems to encroach into the hedgerow. Where possible the fence should be raised 10cm off the ground to allow wildlife to move freely around the retained vegetation and should not encroach onto the hedgerow itself. The existing trees and hedges should also be protected during construction.
- 3.7 Landscape Officer - No objection. Makes a number of detailed recommendations for a future landscape scheme including the use of root deflectors, alternative tree species, and full landscaping scheme. Also recommends a condition requiring hedgerow retention to a minimum height of 3 metres.

Oxfordshire County Council Consultees

- 3.8 OCC Strategic: This retail proposal is contrary to the Cherwell Local Plan as it falls within land allocated for class B1a (office) employment use (Policy Bicester 4: Bicester Business Park). The Inspector's report on the Local Plan (June 2015) states that "there is no justification for changing the policy to permit further retail and/or leisure uses on the [Bicester 4] site" (para 144). Economy and Skills Officers and Local Members have raised concerns about the loss of land allocated for B1a (office) employment use and the impact of the retail development on the town centre.
- 3.9 Transport: No objections. The A41 from which the site is accessed is heavily trafficked. This was recognised by Bicester Village in their application for Phase 4 of their development, where they have proposed major highway improvements at and between the Esso roundabout and Pingle Drive junctions, as well as the provision of a Bicester Park and Ride facility.
- 3.10 This proposal was the subject of pre-application advice offered by OCC in March 2015 under planning application No.15/00051/PREAPP. This planning application is accompanied by a supporting Transport Statement as suggested by the pre-application advice.
- 3.11 The Transport Statement (TS) determines trip generation estimates for the site using the TRICS database and separates them into linked, pass-by and new/diverted trips. This is an acceptable practice in line with previous Government guidelines. The TS then argues that the resultant trip generation "would not result in any noticeable changes in traffic conditions". The argument is accepted.
- 3.12 The TS presents details of a car park occupation survey together with proposed parking and cycle parking provisions. These provisions are considered acceptable. The TS presents details of the service provisions at the rear of the

building together with a swept path analysis for service vehicles. These service provisions are considered acceptable.

- 3.13 The Cherwell District Planning Obligations SPD suggests £824 per 42m² of A1 floor space towards transport infrastructure requirements. The proposed 1,394m² of floor space equates to £27,348 that could be used to contribute towards transport infrastructure requirements in Bicester. It is suggested that this figure be used to contribute towards cycle improvement schemes on the central corridor between Bicester Town and the site.
- 3.14 A travel plan statement has been submitted with this application. However, a small amount of information must be included or expanded upon before the statement meets the criteria and can be approved which can be secured through a condition.
- 3.15 A surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. However a number of detailed issues need to be addressed which can be secured through a condition.
- 3.15 Economy and Skills - The current retail proposal falls within land allocated for class B1a (office) employment use in the Cherwell Local Plan (Policy Bicester 4: Bicester Business Park). The Inspector's report on the Local Plan (June 2015) states that "there is no justification for changing the policy to permit further retail and/or leisure uses on the [Bicester 4] site" (para 144).
- 3.16 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.
- 3.17 The supporting statement for the current retail proposal estimates that around 16 jobs would be created; few of which are likely to be highly skilled. In contrast, a proposal in accordance with the allocated B1a office use class could make a valuable contribution to the generation of quality, high tech employment opportunities and provision of a comprehensive range of employment opportunities in the town.
- 3.18 The Local Planning Authority must be satisfied that the impact of the development on the town centre has been fully considered and that the sequential test accompanying the application is robust.
- 3.19 Archaeology -The site is located in an area of archaeological interest 650m north of the site of the Roman Small Town of Alchester and the proposed site is located along the line of the Roman Road heading north from this town. Iron Age and Roman settlement evidence has been recorded along the route of this road, immediately south of the proposed site. A further Iron Age and Roman settlement has also been recorded 280m north of the site.
- 3.20 Prehistoric archaeological deposits have been recorded in the area and the proposed site is located immediately to the south west of an area of Bronze Age settlement identified through archaeological evaluation and excavation. This excavation recorded at least seven Bronze Age roundhouses as well as archaeological features dated to the Roman period. Two Bronze Age barrows are recorded 280m north east of the proposed site.
- 3.21 It is therefore likely that this development will encounter further archaeological deposits related to these periods and a programme of archaeological investigation

will be required ahead of any development.

3.22 We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition.

3.23 Minerals and Waste – No comments

3.24 Ecology – The District Councils ecologist should be consulted.

Other Consultees

3.25 Thames Water – No objection. The waste and water infrastructure have capacity to accommodate the proposed development.

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

SLE1 – Employment Development

SLE2 – Securing Dynamic Town Centres

SLE4 – Improved Transport and Connections

ESD1 – Mitigating and Adapting to Climate Change

ESD3 – Sustainable Construction

ESD7 - Sustainable Drainage Systems

ESD10 – Protection and Enhancement of Biodiversity

ESD15 - The Character of the Built and Historic Environment

Policy Bicester 4 – Bicester Business Park

Policy Bicester 5 – Strengthening Bicester Town Centre

Cherwell Local Plan 1996 (Saved Policies)

C28 – Layout, design and external appearance

4.2 Other Material Policy and Guidance

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.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Employment land matters

- Retail development matters
- Design and layout
- Highways matters
- Other matters

5.2 Relevant Planning History

On part of application site:

05/01561/F and 05/02166/F - Erection of temporary retail building – This granted permission for a temporary building for a temporary period whilst the existing site was being redeveloped to allow the aquatic business to remain on site until a new building was constructed. This was subsequently removed upon development of the site.

Wider garden centre site

01/01276/F - Demolition of existing garden centre, aquatics buildings and covered walkways and erection of new garden and aquatics centre, covered walkways, landscaping, ancillary parking and access, as modified by additional access plans rec'd 07.02.02 and amended plans received 03/07/06 with agents letter dated 30 June 2006) – This allowed for the redevelopment of the garden centre and associated retail and was permitted with a number of goods restrictions

05/00875/F - Variation of Condition 16 of permission 01/01276/F governing the range of goods to be sold – This was permitted and restricted the type of goods and amount of floor space for different uses/sale of goods.

12/01597/F and 13/00593/F- Infill extension and elevational changes to include enlargement to the external seating area, mesh fencing and covered walkway – This was permitted and allowed for a new extension to join the existing retail units with the garden centre and restricted the type of goods that could be sold.

Land to the north east of the application site (part of Policy Bicester 4 site):

07/01106/OUT Outline - Construction of a 60000 sqm business park incorporating offices (B1) and hotel (C1), parking for up to 1837 cars, associated highway, infrastructure and earthworks (as amplified by additional information received 15.08.07, addendum to the Flood Risk Assessment received 07.09.07, additional information received 18.10.07 and Archaeological Trench Evaluation received 04.12.07). – Permitted and allows for B1(a) and B1(b) buildings and hotels. This permission remains extant as it has a 10 year implementation condition.

Land on the north east part of Policy Bicester 4 site (site for new Tesco store)

12/01193/F - Proposed foodstore with associated car parking, petrol filling station with car wash/jet wash, recycling facilities, ancillary plant and equipment, landscaping, access and highway works – Permitted and under construction.

15/01651/F - Reduction in footprint of the foodstore component, consequential changes to roof profile and elevations; mezzanine for staff facilities and the customer cafe; alterations to the service yard and back of house; provision of a 'Click and Collect' facility (Proposed Minor Material amendment to 12/01193/F) – Pending consideration.

Part of Kingsmere site to the north west of the application site

15/00250/OUT - OUTLINE - 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 – This was refused due to the significant adverse impact on the vitality and viability of Bicester Town Centre, overdevelopment of the site, and no planning obligation to off-set the infrastructure impacts. This is now subject to an appeal.

Employment land

- 5.3 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).
- 5.4 Policy SLE1 of the Cherwell Local Plan Part 1 (2015) outlines the council's approach to employment land in the district. The supporting text to Policy SLE1 states that this policy relates to B use class employment development. Policy SLE1 states that employment development on new allocated sites will be the type of employment development specified in each site specific case. In this case the application site is identified in the Local Plan Part 1 as part of 'Policy Bicester 4: Bicester Business Park'. This policy allocates the site for B1(a) purposes and seeks to deliver up to 6,000 jobs. It is one of the strategic employment sites within Bicester. Part of the site already benefits from planning permission for a 60,000m² business park and hotel use. However the northern part of the site has already been lost for retail purposes with a re-located Tesco supermarket being permitted on the site.
- 5.5 Local Plan Objective S01 sets out the objectives for developing a sustainable local economy with an emphasis on attracting and developing higher technology industries. The aim of the strategic employment sites, of which Policy Bicester 4 is one, is outlined in the introduction to Bicester in Section C of the Local Plan Part 1. This states there is currently significant out-commuting from Bicester. The allocation of significant levels of employment land in the Local Plan seeks to address this (para C.9 and C.25) by making the town significantly more self-sustaining both economically and socially. There is also a need for a greater range of employment space (para C.15) and a requirement for improving access to higher quality local employment opportunities (C.23). The strategy for delivering the vision for Bicester is outlined at paragraph C.32 of the Local Plan and includes ensuring the implementation of the employment land at Bicester 4 and delivering development that will increase the self-containment of Bicester and provide 'higher value' job opportunities and reduce out commuting.
- 5.6 In the Examiners Report to the Local Plan the employment use of the site was considered sound and the inspector concluded that there was no justification for changing the policy to permit further retail and/or leisure uses on the site. However the current application needs to be looked at on its own merits.
- 5.7 The current application seeks to deliver A1 retail on the site and would therefore be contrary to Policy SLE1 and Policy Bicester 4 of the Local Plan Part 1 as the site is allocated for B1(a) purposes.
- 5.8 Policy SLE1 provides a number of criteria for retaining existing employment sites however given that the application site is an allocation site and not an existing employment site these are not considered to be directly relevant in this case. However the supporting text to Policy SLE1 does state where any allocated employment sites remain undeveloped in the long term and there is no reasonable prospect of the site being used for that purpose other uses will be considered and this is therefore considered to be the most relevant consideration in this case. It also states that the provision or loss of jobs in general will be a material consideration in

determining proposals for any use class (para B.48).

- 5.9 In the current case the site is allocated as part of a very recently adopted local plan. There are no obvious reasons why the site would not be suitable for the allocated use as offices as it is well connected to the strategic road network and appears relatively unconstrained. The applicant has stated that it is unlikely that the site would be developed for office purposes in isolation however there is not considered to be strong justification for this statement. The applicant has not provided any evidence that the site has been marketed for its intended use for a sustained period and that there is not reasonable prospect of it coming forward for employment purposes.
- 5.10 The applicant considers that the site is very distinct from the rest of the employment site allocated under Policy Bicester 4 and is only a small area of land which has a strong relationship with the existing retail offer at the garden centre. They argue that the site is previously developed land (PDL) however this is questionable as the site has not been occupied by a permanent building (as noted in the definition of PDL in the NPPF) as the earlier consents for a building on the site have only been granted on a temporary basis.
- 5.11 However none of these constraints are considered to be a reason which would prevent the site being used for employment purposes and it is therefore not considered that it has been demonstrated there is no reasonable prospect of the site being used for employment purposes as allocated in the long plan.
- 5.12 The applicant has indicated that the proposed development would generate around 16 jobs which would be a material consideration and economic benefit stemming from the proposal. However the Economic Development Strategy Officer at OCC has noted that whilst the proposal may generate 16 jobs, few are likely to be highly skilled. In contrast, they suggest a proposal in accordance with the allocated B1a office use class could make a valuable contribution to the generation of quality, high technology opportunities and provision of a comprehensive range of employment opportunities in the town in line with the objectives of the local plan.
- 5.13 Overall it is concluded that the proposed development would be contrary to Local Plan Policy SLE1 and Policy Bicester 4 which seek to provide B1a uses on the site. Given the newly adopted status of the Local Plan these policies and objectives to reduce out commuting and deliver a greater range of high skilled jobs to Bicester to improve the sustainability of the settlement are given significant weight. The proposed development will lead to some economic benefits in terms of new jobs and enhanced retail provision for the residents of Bicester however these issues are not considered to outweigh the conflict with the Development Plan.

Retail

- 5.14 Policy SLE2 of the Cherwell Local Plan Part 1 states retail development will be directed towards Bicester and other town centres. It states the sequential approach will be applied to new retail development in accordance with the NPPF to protect the vitality and viability of town centres. The sequential assessment requires that applications for main town centre uses, such as retail, which are not in accordance with an up to date Development Plan, should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre locations be considered.
- 5.15 When considering edge of centre and out of centre locations, preference should be given to accessible sites that are well connected to the town centre. It advises applicants and local planning authorities should demonstrate flexibility on issues such as format and scale in considering the sequential assessment. The National Planning Policy Guidance (NPPG) advises that it is for the applicant to demonstrate

compliance with the sequential test.

- 5.16 Policy SLE2 also states that the Council will consider if developments are likely to have a significant adverse impact on centres or planned investment. Paragraph 26 of the NPPF states that in assessing main town centre uses in out of centre locations planning authorities should require an impact assessment if the development is over a proportionate locally set floorspace threshold. In this case this is outlined in Policy SLE2 of the Cherwell Local Plan Part 1 and for Bicester is set at 1500sqm. Therefore as the proposed development is below this threshold the applicant is not required to provide an impact assessment.
- 5.17 Paragraph 27 of the NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impacts it should be refused.
- 5.18 Considering first the sequential test, Policy Bicester 5 outlines the approach to Bicester Town Centre and states main town centre uses will be supported within Bicester Town Centre. It also identifies an Area of Search for the expansion of the Town Centre. It goes on to state that the Council will review the town centre boundary through the Local Plan Part 2 and prior to this retail will only be supported in the Area of Search if they form part of new schemes which help to deliver the aims for central Bicester. It concludes by stating retail should only be small units and form a small part of wider development.
- 5.19 In the current application the site is located in an 'out of centre' location. It is therefore necessary for the applicant to demonstrate that they have considered sequentially preferable sites for the development. The NPPG advises that the sequential test should recognise that certain town centre uses may have particular locational requirements which mean they may only be accommodated in specific locations and that local planning authorities need to be realistic and flexible in terms of their expectations of the sequential assessment. It also advises that sequentially preferable sites must be 'suitable' and that applicants and local planning authorities need to demonstrate flexibility on issues such as format and scale. The test should be applied in a manner proportionate and appropriate to the given proposal. The other issue to consider in the sequential assessment is the 'availability' of more central sites.
- 5.20 The applicant has submitted a sequential assessment with the application. This is based on the proposed unit being used for bulky goods which means adequate surface level parking and good servicing are essential to their requirements. However the scope of the condition the applicant proposes would allow for the sale of many other goods which could not be considered to be bulky so these constraints need to be treated with caution. To demonstrate flexibility the applicant has looked for units and sites which would be capable of accommodating a 20% reduction in floor space to that proposed. The applicant has only reviewed sites in Bicester which is consistent with other recent retail applications.
- 5.21 In relation to sequential assessment the applicant has reviewed the following:

5.22 'In centre' locations

-Vacant units in Bicester Town Centre – The town centre has a number of vacant units. The applicant has reviewed the vacant units however there are none which are large enough to accommodate the development proposed. The largest unit available in the town centre is approximately 680sqm (Unit A4 Pioneer Square, which includes a mezzanine). Whilst this unit is available the unit is significantly smaller than the size of the unit the applicant seeks consent for. Therefore taking into account the requirement to show flexibility and realism this is not considered to be suitable for the development proposed.

-Development site on Victoria Road – This site is located to the west of Victoria Road however it is no longer available and is being redeveloped for sheltered apartments. It is therefore not available for the proposed development.

-Site at Wesley Lane - This site is currently under development for retail, commercial and residential. The permitted layout would not be able to accommodate the proposed development due to the size of the site, layout of the retail units and other constraints. It is therefore not considered to be suitable for the proposed development.

-Deans Court and Claremont Car Park – This site currently consists of a number of small retail units and also a short stay car park. The site is not currently allocated for redevelopment in the Local Plan and it is unclear whether it would be available or suitable for the proposed development. In the recent Kingsmere retail application the site was concluded to be unavailable and the site is not being actively marketed. The loss of car parking would be a significant consideration in any redevelopment of the site and it may be considered premature to develop the site for a large retail unit at the current time without a wider understanding of the issues regarding the loss of car parking and other opportunities of the site. Furthermore the site may be considered under Part 2 of the Local Plan as it forms part of the Area of Search and may be better suited to a more comprehensive redevelopment. Therefore on balance the site is not considered to be sequentially preferable at the current time given the questionable availability and suitability of the site for the proposed development.

-Land at Crumps Butt – This is a small area of land which is located within the Conservation Area. It is also in multiple ownerships and has limited scope for a comprehensive re-development. There is no Local Plan Policy allocation of this site. It is also considered very unlikely that it could accommodate a development of the level proposed. This was also the conclusion when the sequential test was examined in the planning application for a new Aldi supermarket in 2010 and the recent larger retail development a Kingsmere. Overall it is concluded to be unavailable and unsuitable at the current time.

5.23 Edge of centre sites

-Site at Cattle Market site on Victoria Road – This site is a car park extending to approximately 0.7ha. Policy S19 of the 1996 allocated the site for redevelopment for residential, commercial or parking development however this policy was not saved so no longer forms part of the Development Plan. This site is not being marketed for sale and the site was granted planning permission in 2014 to be used for a car park for a further 5 years (expiring in 2019). This suggests the site is currently in active use and will be for some time and raises questions over its availability for development. Furthermore it has similar considerations to the Claremont Car Park in relation to the impacts over the loss of car parking on the town centre and whether the redevelopment of the site would be premature at the current time. The applicant was requested to explore this site further and has responded stating that the site is poorly connected to the town centre given the intervening residential development and would potentially operate as an out of town shopping area. However, the site is considered to have better links to the town centre than the application site and whilst its links to the town centre could be stronger the use of the site as a car park serving the town centre indicates that linked trips may be made. Furthermore they consider the site is unsuitable for a bulky goods retailer due to the neighbouring land uses and the requirements for servicing. Given that the condition the applicant proposes is not limited to solely bulky goods these reasons are not considered alone a reason for discounting the site. However taking all matters into consideration over the suitability of the site and availability of the site at the current

time the proposed site is not considered to be sequentially preferable.

5.24 Out of centre sites

- Bicester Sports Association playing field. Whilst the applicant has not explored the use of the Bicester Sports Association playing field this site was examined during the course of the recent Kingsmere retail development. In that case the Councils consultant advised that the site was not sequentially preferable given that it was well in excess of 300 metres from the Primary Shopping Areas and it was unlikely that it would offer better links to the town centre than the application site. Furthermore there were concerns regarding the loss of the open space which would have some conflict with BSC10 of the Local Plan Part 1 which seeks to resist the loss of such sites and there is no planning application for any replacement facilities. It was therefore concluded that this site is not a suitable site for the purposes of the sequential test at the current time.

-The Former Lear Corporation site at Bessemer Close (approximately 430m to the north east of the town centre). The applicant was requested to explore this site further. They has stated that the site is located in an out of centre location and is no more sequentially preferable than their site. Furthermore they indicate that the planning history of the site would suggest it is not viable for retail development. It is noted there was a recent application for a housing development on the site and also a further application for housing is awaiting registration. In the Kingsmere retail application it was also noted that the site was under option to a residential developer so is not available for retail development at the current time.

5.25 Overall in relation to the sequential test there is not considered to be any suitable or available sites at the current time within the centre, or edge of centre locations which could accommodate the development proposed.

5.26 The second test for retail development as outlined in the NPPF and Local Plan Policy is the retail impact of the development on the town centre. As noted at paragraph 5.16 of this report, the proposed development is below the threshold in Policy SLE2 for requiring an impact assessment to accompany the application. Nevertheless the retail impact of the development on the town centre needs to be considered..

5.27 Whilst it is acknowledged that the proposed development may have some impact on the town centre the NPPF advises that retail development should be refused when there is a 'significant adverse impact' which is a high test. The applicant has stated that they intend to limited the goods that are sold at the unit with the following condition to limit the impact on the town centre:

The retail unit hereby permitted shall not be used for the sale of the following goods, except where such goods are ancillary to the primary range of products sold:-

-Food other than confectionary or where consumed on the premises;

-Clothing and footwear;

-Jewellery and fashion accessories.

5.28 Whilst this would reduce the impact on the town centre to some degree there are still a wide range of goods which could be sold from the unit which would compete with stores in the town centre. Therefore a more restricted range of goods limited to bulky goods would be more preferable if the development were considered to be acceptable in all other regards. Furthermore it would be important to restrict the future subdivision of the unit as there may be sites within the town centre which would be sequentially preferable to accommodate smaller shops.

5.29 Whilst there are concerns regarding the potential cumulative impact of the proposed development alongside the retail development at the Kingsmere site, given that the

retail development at the Kingsmere site has been refused (and is subsequently at appeal) it is not considered reasonable to take this into account at the current time.

- 5.30 Overall, and on balance having regard to the site's relationship to the existing retail uses at Bicester Garden Centre, in relation to retail policy the proposed development is considered to demonstrate compliance with the sequential test at the current time. In relation to the impact on the town centre, whilst there are concerns over the impact of the development on the town centre, these are not considered to result in significant adverse impact as outlined in the NPPF.

Design and layout

- 5.31 Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 states new development will be expected to complement and enhance the character of its context through sensitive siting and layout and states all development will be required to meet high design standards. It goes on to state development should respect the form, scale and massing of buildings in the surroundings. Development should be designed to integrate with existing streets and buildings clearly configured to create defined active public frontages. Saved Policy C28 of the Local Plan also seeks to ensure high quality development. Paragraph 58 and 60 of the NPPF states development proposals should respond to the local character and surroundings and reinforce local distinctiveness. Paragraph 64 states development should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy ESD10 seeks to enhance the natural environment and states the protection of trees will be encouraged and the Council will aim to increase the number of trees in the district.
- 5.32 The site forms part of Policy Bicester 4 of the Local Plan Part 1. This states that development on the site should provide a distinctive commercial development that provides a gateway into the town. It goes on to state that the building should be high quality design and finish and the layout should enable a high degree of integration and connectivity between new and existing developments including links to the garden centre site.
- 5.33 The current proposal is an outline application where only matters of access and layout are for consideration. The matters of appearance, scale and landscaping would be reserved for future applications.
- 5.34 The proposed development is laid out in a manner that retains the existing hedges on the northern and western boundary of the site. The trees which exist on site are located to the boundaries and would be retained. The position of the building addresses the entrance to the site and is set behind parking areas as would be common for an out of town retail or business park and this is considered acceptable for the site. The service yard exists to the north of the site and care would need to be taken in any future application to ensure that adequate screening was provided to the northern and western boundary.
- 5.35 There are concerns regarding the indicative elevation plans submitted in terms of elevational treatment and scale and whether these would achieve a high quality finish of development as required by Policy Bicester 4. However matters such as scale, detailing and materials of the building would need to be further considered in future reserved matters applications and it is considered that a higher quality development would need to be provided and could be secured.
- 5.36 With regard to connectivity, no connections to the wider Bicester 4 site are proposed and a comprehensive development of the Policy Bicester 4 site would be more desirable. However the current proposal must be assessed on its own merits. The area immediately to the north of the application site does not currently benefit from

any extant planning permission and given that this area remains undeveloped it is impractical to insist that such linkages should occur. Furthermore the development of the application site would not prevent such linkages being provided in the future as opportunities would still exist on the northern boundary of the garden centre site.

- 5.37 Therefore, and notwithstanding the concerns officers hold with regard to the principle of retail development, overall the layout of the site is considered to be acceptable. The concerns relating to the detailed design and scale of the unit and the screening to the site could be addressed during future reserved matters applications.

Highways

- 5.38 Policy SLE4 of the Local Plan states all development should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. It goes on to state that development which is not suitable for the roads that serve the development and which have severe traffic impacts will not be supported.
- 5.39 The proposed development would utilise the existing access to the garden centre from the A41. The road from the existing mini-roundabout serving the existing car park to the south east of the site would be widened to accommodate two-way traffic. A new service yard and a car park with 59 car parking spaces would be provided around the proposed unit.
- 5.40 OCC Highways have been consulted and initially requested further information to demonstrate HGV's could adequately access the site. This has been received and OCC are now satisfied with regards to the access arrangements. The application was submitted with a Transport Statement and OCC consider that the traffic impact of the development would be acceptable and would not result in any noticeable change in traffic conditions given the scale of the development. It is also noted that a number of the trips to the site are likely to be linked with the existing retail offer at the wider site. The levels of parking and servicing arrangements are considered to be adequate to serve the new development.
- 5.41 OCC Transport Strategy have requested a contribution of £27,348 towards the improvement of transport infrastructure in Bicester. This would be used to contribute towards cycle improvement schemes on the central corridor between Bicester Town and the site and would help to improve cycle linkages to the site. This is based on the contribution as outlined in the Planning Obligations SPD for new retail development. The applicant has indicated they are willing to make this contribution which would need to be secured through a legal agreement.
- 5.42 Whilst a Travel Plan has been submitted this requires further information in relation to a number of matters however these are matters of detail which could be controlled through a planning condition.
- 5.43 Subject to a number of conditions and the applicant entering into a legal agreement for the financial contribution the highway related aspects of the development are considered to be acceptable.

Other matters

- 5.44 Policy ESD10 of the Local Plan seeks to protect the natural environment and biodiversity. 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.

- 5.45 The application has been accompanied by an Ecological Appraisal. This identifies the existing hedgerows as habitats which should be retained. The remainder of the site is of lower ecological value. The report contains a number of recommendations to protect wildlife and also enhance biodiversity which could be secured by condition. The Councils Ecologist has raised no objection to the application subject to conditions.
- 5.46 Policies ESD6 and ESD7 of the Cherwell Local Plan Part 1 detail the Councils approach to flood risk and also require the use of sustainable urban drainage systems (SUDs). 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 into the development is adequate to mitigate any potential increase in surface water flooding, either on site or elsewhere. OCC have considered the proposed drainage strategy for the site and considered it to be broadly acceptable subject to full details, including maintenance and management, being controlled through a condition.
- 5.47 Policy ESD3 states all new non-residential development will be expected to meet a least BREEAM 'Very Good' with immediate effect. The demonstration of the achievement of this standard should be set out in an Energy Statement. This can be controlled through a planning condition.
- 5.48 The site is located within an area of archaeological interest and there is potential for the site to include archaeological deposits which may be disturbed by the development. The County's Archaeologist has noted a number of archaeological finds within the local area but has raised no objection to the application subject to a staged programme of archaeological investigation.
- 5.49 Given the nature of the surrounding uses there is not considered to be a detrimental impact upon the amenity of any neighbouring property or land.

Engagement

- 5.50 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the applicants' agent was contacted in relation to concerns regarding the sequential assessment and the agent provided additional information. The applicant has also been notified of the concerns relating to the principle of development and the Councils employment strategy. It is considered that the duty to be positive and proactive has been discharged through the engagement with the applicant.

Conclusion

- 5.51 The starting point for determining planning applications is the development plan. The proposed development would be contrary to Policy SLE1 and Policy Bicester 4 of the recently adopted Local Plan Part 1 which allocates the application site as part of a strategic employment site for B1a office purposes in order to help deliver the objectives of the Local Plan to reduce out-commuting and make Bicester a higher skilled self-sufficient settlement.
- 5.52 There is not considered to be any significant reasons why the site would not be appropriate for office development and it is not considered that the applicant has

demonstrated that there is no reasonable prospect of the site being used for its allocated purpose. The proposed development would result in harm by eroding the employment land strategy for Bicester through the loss of allocated employment land.

- 5.53 As outlined above the proposed development is not considered to conflict with retail policy however as outlined in the NPPG compliance with the sequential and impact tests does not guarantee that permission is granted and local planning authorities will have to consider all material considerations in reaching a decision (Paragraph: 010 Reference ID: 2b-010-20140306). The proposed development would result in the provision of a small number of jobs which is a material consideration in favour of the development. However these matters are not considered to outweigh the policy objection to the application and the conflict with the Councils employment strategy for Bicester especially given how recently the local plan has been adopted, the lack of evidence regarding the loss of the employment land and also the view that an office building is likely to accommodate more opportunities for highly skilled jobs than a retail unit. It is therefore recommended that the application be refused.

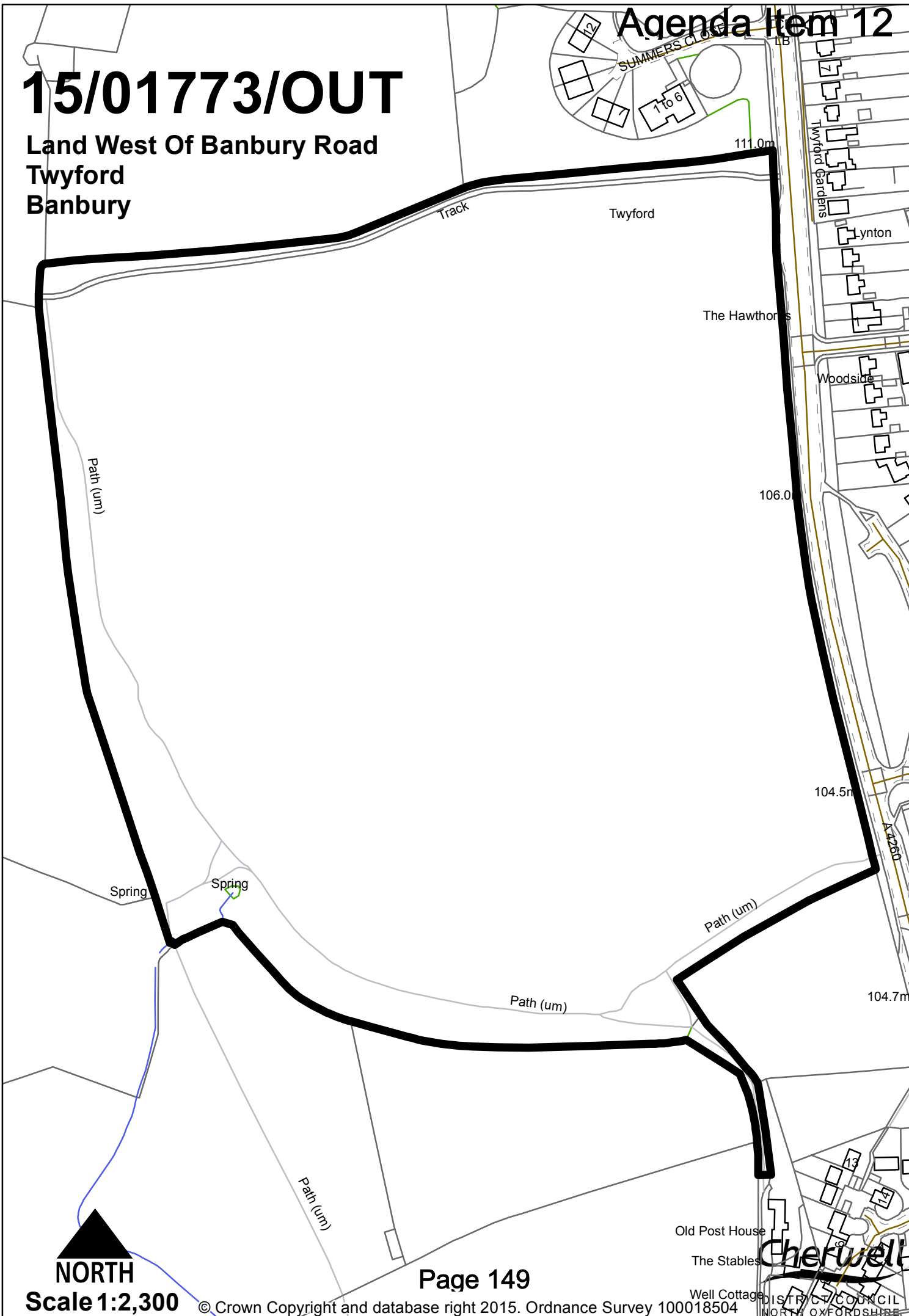
6. Recommendation

Refusal:

1. The development would result in the loss of land which forms part of an allocated employment site in the recently adopted Cherwell Local Plan 2011-2031 Part 1. It has not been demonstrated that there is no reasonable prospect of the site being used for its allocated purpose in the long term, and so the proposal is considered to be unacceptable in principle and would unnecessarily and unjustifiably erode the Local Plan employment strategy for Bicester. The proposed development would therefore be contrary to Policy SLE1 and Policy Bicester 4 of the Cherwell Local Plan Part 1, and the NPPF in particular paragraph 17 "Core planning principles" and section 1 "Building a strong, competitive economy".

15/01773/OUT

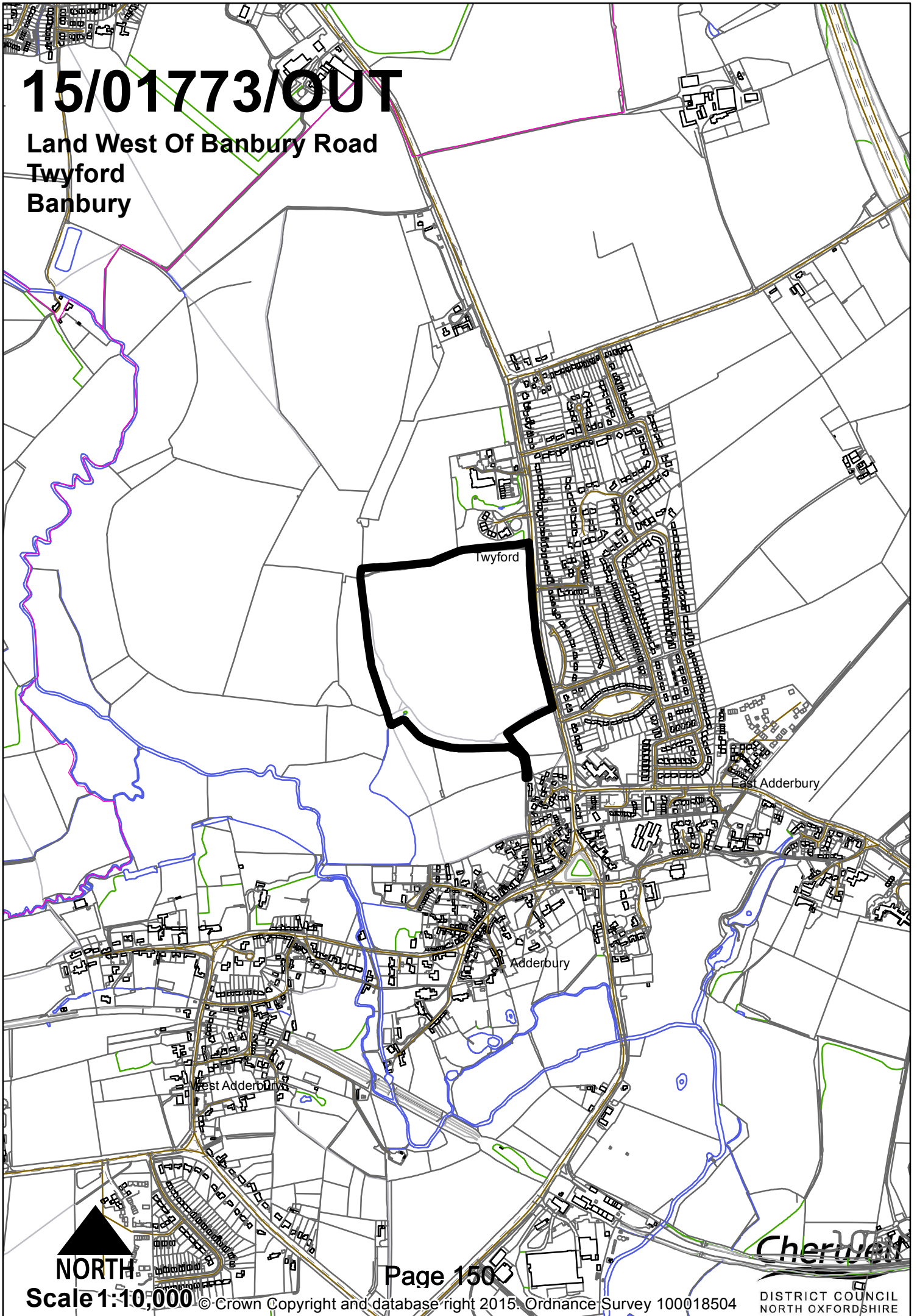
Land West Of Banbury Road
Twyford
Banbury



Scale 1:2,300

15/01773/OUT

Land West Of Banbury Road
Twyford
Banbury



Scale 1:10,000

Case Officer: Linda Griffiths **Ward(s):** Adderbury

Applicant: Gladman Developments

Ward Member(s): Councillor Nigel Randall

Proposal: Outline planning permission for up to 50 residential dwellings (including up to 35% affordable housing), land for potential GP outreach Surgery/Pharmacy/Community Use/Primary School Relocation, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Banbury Road and associated ancillary works. All matters to be reserved with the exception of the main site access

Committee Date: 17.12.2015 **Recommendation:** Refuse

Committee Referral Major Application

1 Application Site and Locality

- 1.1 The application site which extends to approximately 24ha lies to the west of the Banbury Road (A4260), Twyford and is currently in arable use and lies south of Summers Close. The eastern boundary is marked by occasional trees with denser hedgerows and trees marking its northern, southern and western boundaries. The site rises gently east from Banbury Road, before falling away to the Sor Brook to the west. There is a pond in the north western corner of the site.
- 1.2 Existing housing development lies to the eastern side of the Banbury Road and a recently consented residential development allowed on appeal lies immediately to the south (Application Number 13/00996/F refers). This consent has not yet been implemented. To the west of the site are open fields with extensive views across the open countryside to the south and west. Adderbury village lies to the south, with the spire of St Mary's Church. A Grade I Listed building, prominent in views across the site from Banbury Road.
- 1.3 There are several rights of way crossing the site. The main routes are north/south adjacent to the eastern boundary of the site with Banbury Road, northwest/southeast across the site and around the western and southern boundaries of the site. These routes lead to Croft Lane and Chapel Lane to the south. There is a bus service with bus stops on Banbury Road in front of the site. An agricultural access track runs along the northern boundary of the site with access onto the Banbury Road.

2 Description of Proposed Development

- 2.1 The proposal seeks consent for up to 50 dwellings to be located at the northern end of the site adjacent to the Banbury Road with a 0.1ha parcel of land reserved for a potential GP Outreach surgery and 1.8ha for a potential new primary school. The remainder of the site would be provided as dedicated public open space. This application has been submitted following a previous refusal for up to 98 dwellings on the site with land for a potential GP Outreach Surgery, pharmacy and community use together with associated infrastructure, landscaping and open space (15/00317/OUT refers).
- 2.2 Approval is sought as part of this submission for the proposed access to the development which is indicated as a single point of access off Banbury Road with an internal layout served off a single primary route. The existing public rights of way would be retained. With the exception of providing the main vehicular access into the site, the existing boundary vegetation is shown as being retained, with a large area of public open space proposed to the west, and a smaller area to include a children's play space between the proposed residential and the GP Outreach surgery and community facility adjacent to Banbury Road. Land is also indicated for a potential new primary school on the site. An attenuation basin is indicated on the south western boundary of the site.

3 Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
14/00100/SO	SCREENING OPINION - Residential development of up to 98 dwellings (use class C3) and GP Outreach Surgery with all matters reserved except for access	EIANO
15/00317/OUT	Proposed residential development of up to 98 dwellings, land for potential GP outreach surgery / pharmacy / community use, landscaping, public open space, associated infrastructure and associated works	REF

4 Response to Publicity

- 4.1 The application has been advertised by way of a notice in the local press, site notices and neighbour notification.
- 4.2 171 letters have been received from members of the public. In summary, the following issues have been raised:
- Contrary to Development plan
 - Contrary to Adderbury Neighbourhood Plan which people in the village have spent a great deal of time developing and is nearing the stage of presentation to CDC. Outside the Residential Settlement Boundary of that plan.

- The required five year land supply has been achieved and proved, therefore precluding the need for the provision of further housing
- Already been more than a fair share of planning permissions granted in the village. Since the beginning of 2015 and shortly before permission has been granted for more than 180 dwellings
- No requirement for village primary school to be relocated. Consultation notice in respect of the extension of the existing school site has been received
- Impact on character of the area, particularly view of church and village from Banbury. Area of high landscape value
- The public footpaths across and around the field are very important to the local community enjoying walks in the countryside and for dog walkers
- Loss of wildlife
- Capacity of the highway network is not sufficient to cope with the new development, the Banbury Road already suffers with significant congestion, particularly when there are issues on M40.
- GP outreach facility will increase traffic throughout the day and evening, if the school is relocated what will happen to that site, will this then be used for further development
- Previous application by Gladman already been reviewed and dismissed
- Village infrastructure cannot cope with more development, highway drainage and sewerage system is already poor
- Loss of views across to Bloxham and its church
- Water from the site passes through a restricted stone drain which is inadequate to cope with the increased flow from this development
- The fence to the southern boundary would need to ensure adequate access for maintenance of the ditch
- Sites in and around Banbury which are rotting and derelict, such as Crown House should be developed rather than greenfield sites
- Convert many empty and unused offices into flats instead
- The application does not achieve the long term objectives of the community to ensure that the village retains its unique identity as a rural village and has the ability to grow its community and infrastructure in a sustainable manner

The letters can be read in full on the application file.

4.3 Adderbury Conservation Action group object as follows:

- Although reduced in size to the previous application, it does not achieve the long term objectives of the community to ensure that the village retains its unique identity as a rural village and ability to grow its community and infrastructure in line with sustainable growth as a village
- Outside Residential settlement Boundary identified in the ANP
- Conflicts with NPPF, adopted Cherwell Local plan and saved policies of adopted Cherwell Local Plan 1996
- Although space is offered for a new school, it does not take into account that the existing school is to be extended

- Already been allocated a total of 182 dwellings over four sites within the last 18 months and well over the average 117 that could be expected by the Class A villages.
- Required five year housing land supply has been achieved precluding the need for the provision of further housing in Adderbury

5 Response to Consultation

5.1 Adderbury Parish Council: object as follows:

- Premature to the Adderbury Neighbourhood Plan and therefore would not allow residents of Adderbury to guide development as they should under the Localism Act. It is currently at the pre-submission stage of public consultation and will very shortly be submitted to CDC. Contrary to ANP.
- AMR has identified CDC has 5.1 years housing supply, which has been tested at a recent appeal at Kirtlington. In terms of the 750 rural housing numbers, Adderbury has already taken 182 across 4 sites. ANP does not envisage any further significant major developments within the Local Plan period. The village now needs time to assimilate these developments
- Does not comply with the CDC adopted Local Plan. The SHLAA does not see this as a suitable site for development in Adderbury and has rejected it stating that 'development in this location would have an unacceptable landscape impact and the topography of the site puts it in a very prominent position. There are potential access issues relating to the site'.
- Extension of the village boundary into open countryside and a greenfield site, contrary to CDC policies. NPPF only allows the need for housing numbers to override other planning concerns if the site is suitable, but APC does not believe this is such a site.
- Suggested area of housing will be separated from other residential building to the south of the site, including the development allowed on appeal and owned by CALA Homes, by green land suggested within the application itself and on the eastern side of the A4260, which forms a very clear boundary. Summers Close, to the north of the application site was built as an exception site (for disabled residents) and therefore cannot influence any other development or set a precedent for further development, so effectively also separating the site away from any established residential area to the north.
- Extremely prominent site within the landscape, set high on the side of the valley and will cause undue visual intrusion into open countryside which would be impossible to mitigate against by any increased planting on the boundaries as suggested in this application. This is contrary to NPPF and DCD adopted Local Plan.
- Would block views of conservation Area and Adderbury Church. This would lose the sense of arrival in a village context and have an urbanising effect
- Detract from amenity value of the area which is bounded on all sides by Public Rights of Way. FP101/11 forms part of the Adderbury circular walk.

Development would be very visible from these rights of way and would detract from their amenity value as they become rights of way through or edging a housing estate. From Banbury Road, views of open countryside would be lost. The agricultural area is significant in engaging the village with its rural roots.

- Will adversely affect ecology. Mature hedges on the south and south west of the site are dismissed in the Ecological Report as 'of no more than moderate ecological value at the local level'. This hedge is used by at least two RSPB red listed species (yellow hammer and sparrow) and their survey fails to allow for the use of this area by over-wintering thrush species including field fare and redwing. It has also completely ignored the spring fed pond in the north-west corner of the site, which should be considered for amphibians and reptiles as well as possible notable flora.
- School will not be able to accommodate additional pupils generated by the development. OCC believes the increased number of primary places needed for developments already permitted for Adderbury can be accommodated by an expansion to a one and a half form entry school. This would not allow for any further housing developments
- Public consultation has not been adequate, a public consultation was rejected by Gladman as 'confrontational and thus counterproductive'
- Parish Council is unconvinced by the offer of community facilities in this application. There has been no discussion with APC and the mention of land for three possible community uses is both undefined and would need more discussion on finance and a possible building. APC requests that CDC involves the Parish Council in any potential discussions with Developers over 106 funds or community benefits which could result from this development.
- Allocation of land for a primary school is unnecessary as OCC's stated policy is to expand the existing school to 1.5 entry on site. This policy is supported by APC and ANP. OCC have begun public consultation on this. This could lead to additional housing on the site.

Cherwell District Council:

5.2 **Planning Policy** – comments awaited

5.3 **Strategic Housing** – comments awaited

5.4 **Environmental protection Officer** – Air Quality - I have reviewed the Wardell Armstrong Air Quality Screening letter report dated 17 July 2015. It is noted that local air quality monitoring in the nearby area does not reflect the general background concentrations referred to in this report and it may be that concentrations are significantly higher than those reported. I recommend an air quality assessment is submitted which adequately assesses the current air quality and the impact of the proposed development. I recommend this is requested through condition.

Land Quality – I recommend the full contaminated land conditions are applied to ensure the developer demonstrates the site is safe from land contamination, or can be made so through remedial works.

5.5 **Arboricultural Officer** – comments awaited

5.6 **Landscape Officer** – objects as follows:

- The application site should be considered in respect of its valuable contribution to the character of the surrounding landscape. The site is the setting to the attractive landscape and urban edge of Adderbury with its church (St Marys). A landscape previously designated as An Area of High Landscape Value in Cherwell Local Plan 1996, and now given that the surrounding landscape and the application site as setting is deemed, in my estimation to be ‘distinctive and highly valued’ in accordance with the adopted Local Plan Policy ESD13, even though AHLV’s are not proposed to be retained. The reason the AHLV existed means that the landscape was deemed of significant value to be included in this designation, and is therefore worthy of the importance/weight in the adopted Local Plan policy.
- Under Policy ESD13: Local Landscape Protection and Enhancement, proposals will not be permitted if they would cause undue visual intrusion into the open countryside, be inconsistent with local character or harm the setting of settlements, buildings, structures or other landscape features (the setting of Adderbury Conservation Area and St Marys church). These points, in my view are highly relevant. I therefore judge the landscape sensitivity to be **high**; the magnitude of change is also **high**; and this means the significance of effect is also **high**.
- The ‘residential edge mitigating’ POS buffer between the residential parcel and Banbury Road will be at odds with the landscape character, allow for an uninterrupted view of the residential edge for visual receptors on the PrOW, route code 101/11/70, parallel to Banbury Road; the built edge will obscure the attractive views of the westward Sor Valley and the wooded slopes beyond for visual receptors, and therefore deemed to be very harmful to the receptor’s experience of this attractive landscape; I judge the magnitude of change is going to be **high** for these visual receptors, the receptor sensitivity is **high**, resulting in a **high (adverse)** Significance of Effect.
- In respect of viewpoints 1 and 2, to ascertain in the LVAI that the proposed development is visually recessive and therefore seen in the context of Banbury Road street scene (and so acceptable) is wholly wrong. The view is enhanced by the attractive backdrop of trees and the visual receptor experience will be substantially harmed by the intervening development. A harmful cumulative impact and long term effects will be experienced, not only by the visual receptors but by the residential receptors of Twyford Gardens if this viewpoint and viewpoint 2 are representative for the residential receptor experience, as opposed to the medium S o E in the LVIA. Although GVLIA 3 gives less weight to the importance of residential receptors over visual receptors, resulting in devalued experience and loss of enjoyment. I am concerned, and so must stress again, that this development, along with the already consented residential development south of the site, the existing Twyford Gardens residential

development east of Banbury Road, will result in a cumulative detrimental effect and harm to the distinctive landscape character.

- The receptor-experience of this attractive landscape-through accessibility of the site via the PRow onto elevated ground allows one to appreciate views of the surrounding Sor Valley, the attractive built form of Adderbury and the Church St Mary the Virgin-refer to Viewpoint 11. It is deemed to be a magnitude of change is going to be **high** for these visual receptors, the receptor sensitivity is **high**, resulting in a **high (adverse)** Significance of Effect.
- Local users of the PRow experience and value the amenity of the application site – not a consideration of the LVIA-with its elevated topography enables an experience and enjoyment of the attractive Sor Valley and wooded backdrop, the edge of Adderbury village with the ‘eye catching’ steeple of the church. The amenity experience will be substantially and irreversibly harmed by this development.
- The design and layout of the proposed informal open space (western area) is such as to formalise the existing landscape character, which is at odds with the surrounding rural landscape.

Oxfordshire County Council:

5.7 Transport: No objections subject to the comments below and the imposition of a number of conditions, informatives and a Sec 106 Agreement.

Key Issues

- Further work required on the TA with regard to other elements of the scheme proposal other than residential aspect of the development
- Bus service enhancement and bus stop infrastructure provision required as part of the development
- Minor off-site improvements required (pedestrian refuge) to allow access to the nearby bus stop on Banbury Road, details to be provided by the applicant and agreed by OCC
- There are a number of public rights of way within the development site that will need to be accommodated and protected
- The size of the development will make this area more urban so the footpaths need to remain as green corridors but also made safe and fully integrated with the development
- The development will affect existing rights of way in the proximity of the site due to the amount and frequency of increased use
- The development should provide the means to improve these rights of way to make them safer, more convenient for year round commuting and recreational use

Legal Agreement Required to Secure

- S 278 required regarding the provision of pedestrian refuge on Banbury road
- Undertaking to improve public rights of way in the vicinity of the application site
- Contribution of £3000 to improve public rights of way in the vicinity of the application site
- 'Sustainable Transport Contribution' the sum of £50,000 to enhance bus service provision
- Contribution of £10,000 towards improvements to the existing bus stop infrastructure
- Should additional developments go ahead (e.g GP Outreach Surgery, pharmacy, community use and relocation of primary school, a separate contribution will be calculated
- Contributions are sought for mitigation measures for the A4260 Banbury Road/A4260 Oxford Road/B4100 Aynho Road/Adderbury Court signalised junction (in recognition of the future capacity issues the junction will face), and also walking and cycling measures
- A final figure has not been included for strategic transport as the housing mix is not yet known. It will however be based per dwelling as follows: 1 bed £442; 2 bed £638; 3bed £994 and 4+ bed £1366

A number of conditions and informatives are recommended. Details of these are available on the application file.

Detailed Comments

One point of vehicular priority access is shown on the submitted drawings which is located to the east of the site fronting onto Banbury Road positioned some 60m north of Kemps Road. The access must be constructed to OCC specification and will require a separate approval with OCC via a Section 278 Agreement. Visibility is considered adequate at the proposed access, although the 'suggested dimensions' of the access (spine road) at the junction will require amendments regarding geometry in that it must be 5.5m wide with 1.8m wide footways either side of it. This is in line with the county Council's emerging revised Design Guide.

Layout/Design Comments

As this is an outline application the internal layout of this site will therefore be finalised as part of the detailed design stage which is expected to comply with the emerging Design Guide. Any Street hierarchy to be agreed/approved must ensure the streets are wide enough to accommodate refuse vehicles. In addition tracking plans will be required to demonstrate refuse vehicles and cars can turn within any proposed highway particularly turning heads and leave such areas in a forward gear.

If the proposed development is to be offered for adoption to the Local Highway Authority a Section 38 Agreement under the Highways Act 1980 will be required, alternatively if the development is to remain private, a Private road Agreement will be required between the developer and OCC.

It is expected that future details on any reserved matters or full application shows a comprehensive pedestrian network throughout the site with footways provided on both sides of the carriageway. The adjacent and surrounding area benefits from a good pedestrian highway network with adequate footways and street-lighting provided along both sides of all roads in the vicinity of the site.

There are good pedestrian links to nearby bus stops/shelters, although, in sustainable terms it is considered appropriate and reasonable that the council will seek to secure through a legal agreement the provision of pedestrian facilities (pedestrian refuge) to cater for off-site pedestrian links in association with development proposals in accordance with Local Transport Plan Policy in the event of planning permission for the development being granted. The developer is to fund the full cost of the proposed pedestrian refuge on Banbury Road. Such works will form a Section 278 agreement under the highways Act 1980 with the county Council as Highway Authority.

Public Rights of Way

There are a number of public rights of way that are within the development site. The positions of these rights of way are shown on the Definitive Map. It is important that the correct legal routes as shown on the Definitive Map are protected and enhanced as part of the development.

Within the application there is information to indicate that the design will aim to enhance the existing public rights of way and that there will be provision of safe pedestrian movement between the development and the village. This is welcomed together with the extensive public open space as this will be of benefit to the whole village.

The applicant should contribute the sum of £3000 that would improve Adderbury footpath 14 leading from Chapel Lane to the development site (subject to landowner agreement). This would include small scale surface improvements where necessary and the replacement of stiles with kissing gates.

Public Transport

The development site is adjacent to the Banbury-Deddington-Oxford bus corridor, so the new residents will enjoy access to this bus service. However, the highway Authority is concerned that new residents have access to such service with limited frequency.

There is an urgent requirement to kick-start the delivery of an enhanced level of bus service along the entire Banbury-Deddington-Oxford bus route, to cater for increased demand which will be generated by the new housing development. This enhanced level of service is required, to influence the mode of transport for new residents within the area and to reduce the impact of additional car travel on the county's congested road network. There are plans, as evidenced in the Council's Bus Strategy and in the Cherwell chapter of the Local Transport plan for bus services on this route to be enhanced to a more frequent service.

The new residents will use two pairs of bus stops on the adjacent A4260 Banbury Road to access this key service at Twyford Gardens and at The Rise. The quality of roadship public transport infrastructure is poor, and requires some improvement to bring these facilities up to modern accessible standard. The service enhancement would be funded through developer contributions both in terms of provision and infrastructure.

The overall transport aim is to promote equality of opportunity ensuring the public transport systems provide effective access for everyone with the right connections in the right places and provision that caters for the needs of local residents.

As a residential development of fairly significant size, it is proposed that this development should take the lead in procuring the increased level of bus service south of Adderbury to Oxford, at least on Mondays to Fridays when there is a significantly greater need to provide a good quality service to take people to work. The quantum of bus service to be procured is the equivalent of one additional bus, used on Mondays to Fridays, excluding public holidays.

A funding strategy is proposed to ensure that the half-hourly frequency can be delivered along the entire S4 route towards Oxford, as this will deliver real transport benefits (such as fewer car journeys) along the entire A4260 corridor. In the light of this and to improve existing services and to maximise accessibility it seems reasonable and appropriate that the applicant/developer fund (Sustainable Transport Contribution) the supporting service/infrastructure as specified above.

Travel Plan

The developer has submitted a Travel Plan with this application. This would be because a previous application for the site was refused for 98 dwellings that would have required a residential travel plan. Some further work will be required to either the travel plan or the completion of our travel plan statement template to meet this request. A travel plan information pack will also be required to be approved prior to first occupation.

Transport Impact

The developer is to provide the above highway improvements and contributions to aid the function of the highway, in line with current policies such schemes will be implemented at nil cost to the County Council as highway authority. However, at this time further work on the TA on the overall assessment to include the other element of the scheme proposal whether it is GP surgery or a school etc as mentioned in the planning application is required to complete the full transport analysis. We would certainly like to see the likely traffic impact if the proposal is for a school proposal.

The application should be referred back to the developer/agent to take account of the above 'Transport Impact' requirements.

In terms of traffic activity associated with the residential aspect of the scheme (trip generation) it is evident that there will be an increase in traffic movements in the morning and in the evening during the commuter peak hour from the development proposal. To assess the trip generation of the development an analysis of data using the latest TRICS provides vehicle trip rates for a variety of land uses and enables the breakdown of surveys by very specific criteria, in this case dwellinghouses.

Using TRICS data we estimate that around 29 vehicles two way flow in the am peak hour and 32 vehicles two way flow in the pm peak hour will be generated by the residential aspect of the development. The highways consultant has made an assessment on the previous planning application for the site (number of dwellings-98) as this is considered as a 'robust assessment', the current application is some 50% less in traffic generation numbers.

The application states that there is a potential for a general practice outreach surgery, pharmacy, community use and primary school relocation, however, we are concerned that no mention of these are made in the Transport Assessment. Additional vehicle movements will happen if these developments go ahead and the impact on the proposed site access, highway network and the A4260 Banbury Road/A4260 Oxford Road, B4100 Aynho Road/Adderbury Court has not been taken into account.

We are concerned that the data within the TA on Table 6.8; summary of Model Results for 2020 without and with development flows (page 40) shows that the degree of saturation on the A4260 Banbury Road, A4260 oxford Road and B4100 Aynho Road is high (approximately between 895 to 93% apart from the PM peak on A4260 Oxford Road). We are concerned that these high numbers indicate that the signalised junction will be nearing capacity and has been underestimated and not fully explored given there is potential for further development on the proposed site which will surely generate more vehicle movement in the area.

The overall assessment for only the residential aspect of the scheme also caters for other committed developments in the area. Such changes in traffic impact on the network would not result in a 'severe material change in highway operation in short the development traffic can be accommodated safely and efficiently on the transport network at this time, although, if the majority of arms on the signalised junction mentioned above are nearing capacity in 2020 with or without the proposed 50 dwellings, then it might be pertinent to assume that junction will experience capacity issues with the addition of traffic travelling to and from the GP surgery and the school. It is strongly suggested that more work is carried out on the Transport Assessment to include the impact from the potential other developments on the site.

The site is located within easy reach of the nearby school and bus services which gives travel choices particularly walking given its proximity to such facilities. The village of Adderbury is within a reasonable walking distance.

In terms of personal injury traffic accidents in the area there are no significant correlations in the timing, location, frequency or circumstances of the personal injury accidents that were apparent along the adjacent highway including nearby junctions.

To conclude in terms of traffic generation and impact there is likely to be a marginal effect on the adjacent highway network as a result of the proposed residential element of the development. Additionally, it is considered there are no existing highway safety issues on the adjacent/nearby local highway network that would be exacerbated by the proposed development. It is therefore considered to have no detrimental impact on the adjacent highway at this time.

Should the application be recommended for approval there are no objections subject to a number of amendments and conditions/informatives that must be imposed/considered as outlined above. However, in light of the other elements of the scheme proposal please note our request for additional work on the TA. Amendments are required in this regard.

5.8 Archaeology:

The area is in an area of prehistoric archaeological potential and where little formal archaeological investigation has been undertaken. A small evaluation and subsequent excavation has been undertaken 200m to the north of this proposed site which recorded a Bronze Age linear feature. The linear features appear to relate to an earthwork feature identified from a Lidar survey and further linear features recorded by Lidar are present within this application site. It is therefore possible that these could also relate to further prehistoric archaeological features.

A Neolithic cursus has been identified 800m north of the application area, partly from aerial photography and partly from a geophysical survey. The full extent of this significant archaeological monument is unknown but it is likely to continue NW-SE to the east of Twyford. A possible Neolithic Henge has been identified from Lidar images 200m east of the site, partly within the built up area of Twyford. The circular enclosure is 180m in diameter and consists of a bank on the outside of a ditch.

It is therefore possible that this site could contain surviving archaeological deposits relating to the prehistoric period as well as deposits relating to the prehistoric period as well as deposits related to the very significant cursus and possible Henge site in the vicinity. Further information regarding the archaeological interest of the site will therefore be required in the form of an archaeological evaluation in order that the significance of any previously unrecorded archaeological features can be assessed.

In accordance with the NPPF, we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

5.9 Education:

Primary – Christopher Rawlins CE Primary School is approaching capacity, and is expected to be completely full on the basis of recent trends. Expansion of primary school capacity in the area would be necessary as a direct result of any housing development. To meet the scale of housing and population growth currently expected across the Adderbury/Deddington area, it is currently estimated that an additional half form of primary school capacity will be needed.

A proposal to expand Christopher Rawlins CE Primary School is being consulted on, suggesting the school grows from its current 1 form entry (30 children per year group, 210 pupils total reception to year 6) to 1.5 entry size (45 children per year group, 315 total pupils reception-year 6). The school also offers 20 nursery places. This would require additional accommodation to be built, and feasibility studies have been conducted into how this can be provided. Contributions are sought towards this expansion.

One constraint on the expansion of schools is site area. Christopher Rawlins CE Primary School's current site area is just below the recommended minimum site area for a 1.5 form entry school, as set out in the government's Building Bulletin 103. One issue the feasibility work is therefore considering is how to address the constrained site. While it is expected that satisfactory solution can be found to expand the school to 1.5 entry, it is much less likely that the site could support any larger school eg a 2 form entry school.

Should there need to be further growth in school capacity in the longer term, this could require a new school site, either to provide a second primary school for the village; or to relocate the school and allow it to expand; or to provide a split site school, for example, with infants on one side and juniors on the other.

£195,388 Section 106 required for the necessary expansion of permanent school capacity serving the area at Christopher Rawlins School.

Secondary:

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

Paragraph 72 of the NPPF makes clear that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to expand schools to maintain, or widen choice in education. Without expansion of The Warriner School, housing development would adversely impact on the operation of parental preference and result in a loss of amenity to young people already living in the area, who would be less likely to secure a place in their first preference school as a direct result. As such it would go against the intention of the NPPF para 72 by reducing the choice of school places available to meet the needs of existing and new communities.

If The Warriner School is not expanded, children would otherwise have attended the school would be displaced to other schools in nearby Banbury. These schools currently have spare places, but these places will be filled as a result of the population growth which is already evident in the local primary schools. Secondary School capacity in Banbury will need to be expanded as these higher pupil numbers feed through, and therefore should the schools be required to accommodate growth as a result of housing development in this area, the scale of expansion would be greater as a consequence.

Expansion of secondary school capacity at both The Warriner School and at schools in Banbury is therefore necessary to ensure the needs of the current and future populations can be met, and to ensure the council can meet its statutory duty to ensure sufficient school places. Contributions are sought towards the expansion of The Warriner School, where capital project is being developed.

£204,467 Section 106 required for the necessary expansion of permanent secondary school serving the area, at The Warriner School.

Special:

A capital project at Frank Wise School, a special school in Banbury, is practically complete. The project replaced temporary accommodation with permanent build and also expanded the school, delivering 8 additional SEN places at a total cost of £1,800,000. Some of the cost was grant funded, with the cost to OCC being £837,000.

Across Oxfordshire 1.11% of pupils are taught in special schools and all housing developments are expected to contribute proportionately toward expansion of this provision.

An education contribution is not sought solely due to Regulation 123 of CIL 2010 (as amended), and the need to reserve the ability to seek contributions from larger developments in this area in the future.

5.10 Property:

A legal agreement will be required to secure a library contribution of £11,520.90 towards expansion and improvement of the library in Adderbury and additional book stock, and an admin and monitoring fee of £3,750.

A condition will be required in respect of the provision of fire hydrants on the site.

Contributions in respect of central library, waste management, museum resource centre and adult day care are not requested due to Regulation 123 of the CIL Regulations.

5.11 Minerals and Waste:

Published BGS mapping shows the application site to be underlain by deposits of ironstone, which forms part of an outcrop of ironstone between Adderbury and Bodicote, on the west side of Banbury Road, Adderbury. These deposits extend beyond the application site, to the north, but not to the west or south west.

The Council is not aware of any detailed geological information on the depth, extent and quality of these ironstone deposits, and there is no history of mineral working or of minerals industry interest in the immediate area. The overall extent of the ironstone deposits in this area is limited, particularly when compared with other outcrops of ironstone in north Oxfordshire. It is therefore uncertain whether there is a commercially workable deposit of ironstone in this area.

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

The application site is on the edge of the existing built-up area of Twyford and Adderbury and is constrained by existing and permitted housing to the south, east and north. The need for unworked margins (buffer zones) between existing or permitted dwellings and any mineral working would significantly reduce the area of the site that

could be worked for ironstone. It would also affect any working of the ironstone deposits within the land adjoining the application site to the north. The extent of these unworked margins would be increased by housing development on the proposal site, but, in view of the relatively limited extent of the mineral deposits and the uncertainty over the potential for working, it is unlikely that this would greatly increase the quantity of mineral that would be prevented from being worked. In view of this I consider there to be insufficient justification for these mineral deposits to be safeguarded from the effect of the built development and, accordingly, no objection should be raised to this planning application on minerals policy grounds.

Other External Consultees:

- 5.12 **Historic England:** Despite amendments since the previous scheme which sought to minimise harm, we remain convinced this proposal entails a high level of harm to significance and we do not think that harm is justified.

Significance of the Church of St Mary and the Adderbury Conservation Area and the contribution of setting to significance

The church has a very fine spire, one of the best in Oxfordshire, and was intended to act as a landmark, advertising the wealth and status of the village. A church and village surrounding by rolling countryside is one of the defining images of the English lowland landscape and Adderbury is a particularly good example of this. Long views which take in the rural setting of Adderbury's historic core are therefore an important aspect of the significance of both the grade I listed church and conservation area and there is a good sequence of them from the A4260 across the proposed development site. These views are greatly enhanced by the way in which it is possible to appreciate the historic core of the village clustered around the church, illustrating how the church forms its focal point, with green fields in the foreground.

Proposal and Assessment of Harm

The latest proposal introduces a larger viewing cone across the site to retain some of the view that would otherwise be lost by building on this site. The overall scale of the development has also been reduced to 50 dwellings along with the provision for a primary school, a GP surgery, pharmacy and community centre.

While the proposal represents a less intensive development of the site, we nonetheless think it remains highly problematic. We acknowledge that the wider viewing cone would retain some of the views of the village and church. However, we do not think this would go far enough: the sequential view would be dramatically reduced and the presence of housing as Adderbury was approached would be significant enough to harm an understanding of the village's compact origins and this historic core with a highly visible church spire at its centre would no longer appear surrounded by open countryside. We therefore consider the revised proposal would still entail a high level of harm to significance of the grade I Listed church and the conservation area. We also strongly disagree with the applicant's assessment of harm which suggests the proposal would have a neutral impact on the significance of the Grade I Listed church and the Adderbury Conservation Area (pp21-22 Built Heritage Assessment).

Policy Context and Historic England Position

There is a strong legislative and policy context which affords protection to the historic environment. Chief amongst these is the statutory requirement set out in S.66 of the Planning (Listed building and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving a listed building or its setting. S.72 of the Act sets out the need to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. We think the application fails to preserve the setting of the listed building and the character and appearance of the conservation area.

Policy Villages 2 of the Local Plan identifies Adderbury as a Category A Village and therefore capable of taking a share of the housing identified for all Category A villages (750 in total). However, a site allocations document is yet to be completed. One of the criteria to be taken into account when assessing sites under this policy is 'whether significant impacts on heritage or wildlife could be avoided'. As we think significant heritage issues would arise from this proposal, we remain of the view that this site is not capable of taking development.

Notwithstanding clarity on the acceptability of this site within the context of Policy villages 2, the national Planning Policy Framework provides a robust policy context for decision making in the historic environment. Of relevance to this proposal is paragraph 132 which requires that harm is clearly and convincingly justified.

Without the benefit of an allocations document we also think it is difficult to make a case for development on this site. The applicant cannot assess the level of harm entailed by developing this site against other possible sites in Adderbury and thus cannot show that it is essential to develop this site to meet the requirements of Policy Villages 2, conversely they also cannot show that there are no other less harmful locations for development in the village. We therefore conclude they cannot provide the clear and convincing justification required by Paragraph 132.

Recommendation

We recommend the application be refused as the harm to the significance of the grade I church and the Adderbury Conservation Area has not been justified.

- 5.13 **BBOWT:** the position remains the same as per the previous application and the ecological report submitted at that time which indicated that significant ecological impacts arising from the proposals are unlikely. However, the previous ecological report made several proposals to protect any reptiles, breeding birds, bats, badgers or otters that may make use of the site. Suggestions were also made to deliver biodiversity enhancements. I would recommend that should permission be granted, these measures are secured by use of conditions to ensure that biodiversity is protected in line with national legislation and that enhancements are delivered in line with guidelines in the NPPF.

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

BSC1 - District Wide Housing distribution

BSC2 - The Effective and Efficient Use of Land

BSC3 - Affordable Housing

BSC4 - Housing Mix

BSC7 - Meeting Education Needs

BSC8 - Securing Health and Well Being

BSC9 - Public Services and Utilities

BSC10 - Open Space, Outdoor Sport & Recreation Provision

BSC11 - Local Standards of Provision - Outdoor Recreation

BSC12 - Indoor Sport, Recreation and Community Facilities

ESD3 - Sustainable Construction

ESD5 - Renewable Energy

ESD7 - Sustainable Drainage Systems (SuDS)

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

Policy Villages 1: Village categorisation

Policy Villages 2: Distributing growth across the rural areas

INF1 - Infrastructure

Cherwell Local Plan 1996 (Saved Policies)

H18 - New dwellings in the countryside

TR1 - Transportation funding

C8 - Sporadic development in the open countryside

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

C33 - Protection of important gaps of undeveloped land

ENV12 - Development on contaminated land

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.

Other CDC Planning Guidance/Documents

Building in Harmony with the Environment SPG

Countryside Design Summary SPG

Planning Obligations Draft SPD

Adderbury Conservation Area Appraisal

Adderbury Neighbourhood Plan

7 Appraisal

Officers' consider the following matters to be relevant to the determination of this application:

- Principle of Development;
- Impact on Heritage Assets;
- Landscape and Visual Impact;
- Transport Impact
- Ecology
- Flood Risk;
- Loss of Agricultural land
- Adderbury Neighbourhood Plan

- Planning Obligations;

Principle of Development The Development Plan

- 7.1 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan so far as is material to the application and to any 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 shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.
- 7.2 The site is outside the built up limits of Adderbury Village, in open countryside, and the proposal is for large scale development including 50 new residential dwellings and associated infrastructure, potential site for a school, community facility and outreach GP surgery and public open space. The site is not allocated for development in any of the adopted Cherwell Local Plans comprising the Development Plan. As the site is not within the built up limits of the village, saved Policy H18 of the adopted Cherwell Local Plan 1996 restricts new dwellings beyond the built up limits of settlements, in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet a specific and identified local housing need that cannot be met elsewhere. The proposal is therefore not in accordance with the adopted Cherwell local Plan 1996 in this respect.

Adopted Cherwell Local Plan 2011-2031

- 7.3 The Cherwell Local Plan has been through Examination, has been considered by Full Council and is now adopted. The Local Plan is consistent with the NPPF. Policy Villages 1 and 2 are both relevant to this application and were considered by the Examination Inspector to be sound. Policy Villages 1 of the Plan relates to proposals for residential development within the built up limits of villages and designates Adderbury as a Category A village and therefore one of the more sustainable based on criteria such as population, size, range of services and facilities and access to public transport. This policy allows for minor development, infilling and conversions. In assessing whether proposals constitute acceptable minor development certain criteria are used as follows:
- The size of the village and the level of service provision
 - Site's context within the existing built environment
 - Whether it is in keeping with the character and form of the village
 - Careful consideration of the appropriate scale of development
- 7.4 The application proposal is not minor development, nor is it within the built up limits of the village of Adderbury. The proposal therefore is not in accordance with Policy Villages 1. It should be noted however that, this does not mean that development outside villages cannot take place, but regard must then be had to Policy Villages 2 in that respect.

- 7.5 Policy Villages 2 of the Plan seeks to distribute the amount of growth that can be expected within villages, although how the numbers will be distributed is not specified, as precise allocations within each village will be set out in the Local Plan Part 2.
- 7.6 Policy Villages 2 provides for sites to be identified, both in the plan-making process, that is through the preparation of the Local Plan Part 2, including Neighbourhood Plans where applicable and through the determination of applications for planning permission. In identifying and considering sites, it states that regard should be had to the various criteria, including whether the land has been previously developed or is of lesser environmental value, and, whether development would contribute in enhancing the built environment. The policy states that a total of 750 homes will be delivered at Category A villages. This is in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at March 2014.
- 7.7 Considerable progress has been made to meeting the rural area allocation, with a residual allocation of 277 for the remaining plan period (up to 2031). As such there is a clear realistic prospect of the rural areas allocation being met in full, through approved developments and through allocations within the Development Plan. In the interest of proper planning and to ensure the most sustainable distribution of the remaining 277, there should not be a concentration of new buildings in just a few Category A villages. It is also considered that not all the allocation should be used so early on in the Plan Period as this would leave the Plan unable to respond to future needs.
- 7.8 It should also be noted that the Examination Inspector commented in respect of the adopted Local Plan 2011-2031 that it *'properly seeks to alter the local pattern of recent housing growth, as a disproportionate percentage (almost half) has taken place in smaller settlements, adding to commuting by car and congestion on the road network at peak hours'*. He also commented that there is a *'significant level of housing land supply already available in the rural areas'*.
- 7.9 The proposal would conflict with Policy Villages 2 in that it would result in the loss of open agricultural land beyond the built up limits of the village on the western side of the Banbury Road, and is not previously developed land or land of a lesser value. It is further considered that the quantum of housing that would result for Adderbury Village, an additional 50 on top of the 182 either currently under construction or with planning consent across four development sites on the edge of the village, which is only one of the 23 Category A villages identified to accommodate the 750 new dwelling allocation for the rural areas. This would run contrary to the sustainable strategy underlying the Development Plan and Policy Villages 2 which is an important material consideration. Work on Local Plan Part 2 has commenced. A consultation of the scope of this local plan closed in June this year with an issues and options paper currently being progressed. The development proposed is therefore considered to be contrary to the Development Plan and the Adopted Cherwell Local Plan 2011-2031 in this respect.
- 7.10 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 70). 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
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Proactively drive and support sustainable economic development
- Support the transition to a low carbon future in a changing climate
- Encourage the effective use of land by reusing land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant developments in locations which are, or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

7.11 The NPPF at paragraph 14 states 'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both planning and decision taking..... for decision taking this means:

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

7.12 Having regard to the above, the development of this site as proposed is considered contrary to the requirements of the NPPF.

Five Year Housing Land Supply

7.13 In June 2014 the Council had a 3.4 year housing land supply which included an additional 20% requirement as required by the NPPF where there has been persistent under-delivery and to ensure any shortfall is made up in the 5 year period. Since June 2014 the District has resolved to grant planning permission for a number of housing proposals throughout the District, thereby improving the above mentioned position. A revised Housing land Supply was published on 31 March 2015.

7.14 The 2014 Annual Monitoring Report which was published on 31 March 2015 concludes that the District now has a 5.1 year supply of deliverable sites for the five year period 2015-2020 (commencing on 1 April 2015). This was based on the housing requirement of the Submission Local plan, now adopted Cherwell Local plan 2011-2031 which is 22,840 homes for the period 2011-2031 and is in accordance with the objectively assessed need for the same period contained in the 2014 SHMA (1,140 homes per annum). This five year land supply includes a 5% buffer.

7.15 The new adopted Cherwell local Plan has been found sound by the Examination Inspector following considerable consultation and examination, furthermore, the

Inspector endorsed the housing trajectory as 'effective and up to date' which includes a housing land supply for the next five years (paragraph 60 of his report). In approving the trajectory the Examination Inspector found 'the modified new housing total and revised housing trajectory represent a reasonable and realistic, deliverable and justified basis for meeting local needs over the plan period' (paragraph 58).

- 7.16 The Inspector also found that 'the 2014 SHMA and the modifications arising from it now properly address the NPPF's requirements for a significant boost to new housing supply and to meet the full OAN, including affordable housing, as well as take account of market signals' (paragraph 54).
- 7.17 The revised housing trajectory which included the 5% buffer was the main modification submitted to the Secretary of State on 21st October 2014 and considered by the Inspector in his Examination of the Plan when it re-convened in December 2014. The 5% approach was subsequently incorporated into the council's AMR which has been found sound by the Inspector's endorsement of the modified housing trajectory.
- 7.18 Having regards to the above, it is clear that the Local Plan Inspector considered that the adopted Cherwell local Plan 2011-2031 provides for a significant boost to new housing land supply which exceeds demographic needs, provides choice and which is supported by a realistic trajectory, and will provide a rolling five year supply of sites. It is therefore considered that the 5% buffer provides for choice and competition in the market for land and provides a realistic prospect of achieving the planned supply without a 20% buffer, and is therefore in accordance with paragraph 47 of the NPPF and the District currently has a five year housing land supply of deliverable sites.
- 7.19 The above view was upheld by a Planning Inspector in respect of a public inquiry held following an appeal against non-determination for the erection of 95 dwellings beyond the built up limits of Kirtlington (application number 14/01531/OUT refers).

Heritage Impact

- 7.20 Concerns have been raised regarding the impact of the development on the setting and significance of the Adderbury Conservation Area, and the setting of the Grade I listed church of St Mary, including objections from Historic England.
- 7.21 Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 states that proposals will not be permitted if they would: *harm the setting of settlements, buildings, structure or other landmark features, or harm the historic value of the landscape* and Policy ESD15 of that plan states that proposals should: *Conserve, sustain and enhance designated and non-designated 'heritage assets'... including buildings, features, archaeology, conservation areas and their settings, and to ensure new development is sensitively sited and integrated, include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.*
- 7.22 There are extensive views, both within and across the site, to the historic centre of Adderbury village, which is designated a Conservation Area, and to the Grade I listed parish church of St Mary. The latter is particularly prominent in the skyline of the

village and is a noticeable and impressive feature on the northern approach to the village, along Banbury Road. The Adderbury Conservation Area Appraisal recognises the value of these views to the setting of the Conservation Area and the church.

- 7.23 Section 12 of the NPPF sets out planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance.
- 7.24 Paragraph 128 states that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 7.25 Paragraph 129 states: ‘Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposed’
- 7.26 Paragraph 132 states: ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a grade II Listed building should be exceptional.
- 7.27 The NPPF at paragraphs 133 and 134 go on to say that where a development will lead to substantial harm, this harm should be weighed against the public benefits of the proposal.
- 7.28 The proposal has been assessed in terms of its impact upon adjacent heritage assets, these being the Adderbury Conservation Area and the Grade I listed St Mary’s Church. The Built Heritage Statement submitted with the application states that the impact upon the setting of St Mary’s Church and the conservation area has been addressed by this revised scheme for a lesser number of dwellings indicated on a quadrant of land within the north-eastern area of the site, which is splayed back from the Banbury Road with the intention of retaining views from the Banbury Road of these heritage assets and preserving the rural backdrop to the church, concluding that the harm to the building would be less than substantial in magnitude and would therefore result in a neutral impact to the significance of this listed building.
- 7.29 In objecting to the application, Historic England comment that while the proposal represents a less intensive development of the site and that the wider viewing cone would retain some views of the village and church, the sequential view would still be dramatically reduced and the presence of housing as Adderbury was approached would be significant enough to harm an understanding of the village’s compact origins and this historic core with a highly visible church spire at its centre would no longer appear surrounded by open countryside. Historic England therefore consider the

revised proposal would still entail a high level of harm to significance of the Grade I listed church and the conservation area and therefore do not agree with the applicant's assessment of harm which suggests a neutral impact.

- 7.30 Grade 1 listed buildings are of exceptional interest, only 2.5% of listed buildings are grade 1. As such, the weight to be afforded to its conservation, in accordance with paragraph 132 of the NPPF is especially great. It is clear from the comments made by Historic England that the church is considered to be one of the most important medieval parish churches in the county, and the visual prominence of the spire as a local landmark is an important part of its historic, cultural and social significance. The views of the church from Banbury Road across the application site are some of the first to be encountered on the approach to the village from Banbury, and provide an appreciation of the importance of the building in its parish and landscape setting. Similarly, should the proposed school site and GP Outreach surgery and community facility be developed, views of the Church and the conservation area would be harmed when seen from the public right of way which runs parallel to the Banbury Road and diagonally across the site from the Banbury Road.
- 7.31 In terms of the impact on the Conservation Area, the development proposed would diminish the countryside setting of the historic village clustered around the church, thereby affecting the setting of the Conservation Area.
- 7.32 On the matter of archaeology, Paragraph 128 of the NPPF states that: *where a site...has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment, and, where necessary, a field evaluation.* The County Archaeologist has advised that there is high potential for significant archaeological remains to survive on site which could be damaged or destroyed by the development, and has advised that an archaeological field evaluation should be carried out prior to the determination, to determine the extent of any remains and the weight that should be attached to their preservation. However, no such field evaluation has been submitted and therefore there is insufficient information submitted with the application to establish if the archaeological impacts of the development can be made acceptable. The applicants are aware of this issue but have advised verbally that the costs of carrying out a field evaluation are too great at this stage and suggest that this be made a requirement by condition. It is considered however that this would not be appropriate as if remains were found to be significant, their continued preservation would be compromised by the permission to develop.
- 7.33 Having regard to the above, the proposal is considered to be contrary to the Development Plan and the NPPF in respect of its impact upon designated Heritage assets and is therefore unacceptable in this respect.

Landscape Impact

- 7.34 Policy ESD13 of the adopted Cherwell local Plan 2011-2031 relates to local landscape protection and enhancement and therefore seeks to conserve and enhance the distinctive and highly valued local character of the entire District. The site in question

was previously identified in the adopted Cherwell local plan 1996 as an Area of High Landscape Value, although the formal designation relating to the Area of High landscape has been removed, this does not mean that the quality of the landscape is any less important. Policy ESD13 states that; *development will be expected to respect and enhance local landscape character.....and 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.....harm the setting of settlements, buildings, structures or other landmark features, or, harm the historic value of the landscape.*

- 7.35 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 states that new development proposals, amongst other things should: *Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within Cherwell valley and within conservation areas and their setting; conserve, sustain and enhance designated and non-designated heritage assets (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice within the NPPF and NPPG.*
- 7.36 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. The NPPF also advises that the open countryside should be protected for its own sake. There are no tree preservation orders on or adjacent to the site although the application is accompanied by an arboricultural impact assessment.
- 7.37 The application is accompanied by a Landscape and Visual Impact Assessment which has considered the potential impacts on the landscape character and amenity of the site and surrounding area, and concludes that *'the proposals will not result in significant harm to the landscape character or visual environment and, as such, it is considered that the proposed development can be successfully integrated in this location.* The Council's Landscape officer has however, assessed the submission and disagrees with this conclusion and has objected to the proposal; judging the landscape sensitivity to be **high**, the magnitude of change to be **high** and therefore the significance of effect to be **high**. The proposal would therefore have a major adverse impact on the amenity value of the landscape and the enjoyment of the public rights of way network, and the loss of views of Adderbury Village and St Mary's Church. The Parish Council, the Conservation Action Group and a number of local residents have also raised objections on the grounds of landscape and visual impact.
- 7.38 Officers concur with the view that the proposals would have a significant adverse impact on the character, quality and amenity of the area. Whilst the extent of the area identified for housing development has been reduced and pushed away from the boundary with the Banbury road, the application proposal also seeks to establish the principle for the erection of a new primary school on the site, a GP Outreach surgery with pharmacy and community facility and a children's play area. Should all this development go ahead, it would effectively infill a 330 metre long open gap which

currently provides an important vista to the historic core of the village and its traditional rural setting, and extensive and attractive views across the Sor Valley from the public rights of way within the site would be diminished. Therefore the proposal would notably detract from the rural character and setting of the village and the area as experienced by local residents, visitors and users of the A4260 and public rights of way. This is considered to be a significant and demonstrable harm which must be taken into account in the planning balance.

- 7.39 Having regard to the above, the proposal is considered to be contrary to the policies in the Development Plan and advice within the NPPF in this respect and is therefore unacceptable.

Ecology

- 7.40 The application is accompanied by an ecological appraisal dated December 2014 which sets out the findings of the desk study and Extended Phase 1 survey undertaken in October 2014. It confirms that the site is not within a statutory or non-statutory designated site, although Adderbury Lakes nature Reserve is located only 0.5km away. The report states in summary that the proposal is unlikely to have any adverse effects on any statutory or non-statutory designations of nature conservation interest.
- 7.41 The NPPF conserving and enhancing the natural environment at paragraph 109 states that 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 7.42 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;
- 7.43 Local planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that a 'competent authority in exercising any of their functions, must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions'.
- 7.44 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 7.45 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 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. Is there a satisfactory alternative
3. Is there adequate mitigation being provided to maintain the favourable conservation status of the population species

- 7.46 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 so far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 7.47 Whilst the Council's ecologist has not yet responded in respect of this application, the Ecology Appraisal is that which was submitted with the previous application, and the appraisal was assessed and considered by her previously to be '*satisfactory in depth and scope*' and demonstrates that there is limited potential for the development to result in unacceptable or significant adverse impacts on protected species. A number of conditions and informatives would need to be included within any permission to ensure that adequate mitigation and enhancements are included as part of the development.
- 7.48 Consequently 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 adopted Cherwell Local Plan 2011-2031.

Loss of Agricultural Land

- 7.49 The Council's records and the Planning Statement accompanying the application indicate that the proposal would result in the loss of some 14ha of best and most versatile agricultural land. The NPPF defines 'best and most versatile' as land in grades 1,2 and 3a of the Agricultural Land Classification. The council's records show that the site comprises a mix of grade 2 and grade 4 land.
- 7.50 Paragraph 112 of the NPPF states that: *local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.*

- 7.51 It is the case that most of the agricultural land surrounding Adderbury village is classified as best and most versatile, and as such any new housing development on the edge of the village is likely to result in some loss of best and most versatile agricultural land. However, it has already been established that there is not an immediate and overriding need for this site to be released for housing now, and there is already a significant quantum of new housing development already planned in Adderbury in the next 5 years. In particular, in respect of the remaining balance of dwellings to be provided in the category A villages under Policy Villages 2 of the adopted Cherwell local Plan 2001-2031, it has not been demonstrated that there are no other sites in the District which would be preferable in terms of using areas of poorer quality agricultural land. Therefore it is considered that the loss of this agricultural land is not currently justified in this case.

Transport Impact

- 7.52 Concerns have been raised about the potential transport impacts of the development, in particular the impact of additional flows on the local road network. A Transport Assessment and Travel Plan have been submitted as part of this application. OCC as Highway Authority have considered these along with the details of the proposed access and raise no objection subject to the imposition of a number of conditions. Comments have been made however in respect of the scope of the transport Assessment which does not include the proposed primary school, GP Outreach Surgery, pharmacy and community facility and advises that if these were to come forward a revised Transport Assessment would need to be carried out and submitted. As this is an outline application which also seeks to establish the principle of those additional uses on the site, this matter cannot be conditioned. It is considered therefore that the submission cannot be considered to be sufficient in this respect.

Flood Risk and Drainage

- 7.53 A detailed Flood Risk Assessment and Foul Drainage Analysis have been submitted with the application. The Environment Agency and Thames water have yet to respond to the consultation request. In respect of the previous submission however, no objection were raised by them to the proposal and were satisfied that a satisfactory drainage scheme could be achieved for this site. Therefore it is suggested that conditions should be imposed on the grant of any planning consent to ensure a detailed foul and surface water drainage scheme is submitted, agreed and implemented.

Adderbury Neighbourhood Plan

- 7.54 The Adderbury Neighbourhood Plan was published for consultation on 9 March 2015 following which the draft plan was reviewed and is due to be submitted to Cherwell District Council shortly. A further consultation will then need to be carried out prior to

an Examination of the Plan by an independent Inspector and ultimately a referendum has to be held. Although the ANP is a material consideration, it is one of limited weight at this current time.

Planning Obligation

- 7.55 Due to the scale and residential nature of the proposed development, it is considered that the proposal is likely to place additional demand on existing facilities and services and local infrastructure, including schools, community halls, public transport, public rights of way sports provision, play provision and public open space. Requests for contributions in respect of these have been made as part of the consideration of this application and would need to be secured via a section 106 agreement, to mitigate the impacts of the development in this respect.
- 7.56 Policy INF1 of the Cherwell Local Plan 2011-2031 states that: *development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.* Contributions can be secured via a section 106 Agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010.
- 7.57 Although the applicant has indicated a willingness to enter a Section 106 Agreement to secure the necessary planning obligations, a signed completed agreement is not in place that would be acceptable to meet the anticipated infrastructure requirements of the development. A reason for refusal is therefore recommended in this regard.

8. Conclusion

- 8.1 In conclusion, having regard to the fact that the District currently has a five year housing land supply and the demonstrable harm to the setting designated heritage assets and landscape impact, it is considered that any benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts such that planning permission should be refused for the reasons set out below.

9. Recommendation

Refuse for the following reasons:

1. The development proposed, by reason of its scale and siting on the edge of a village in an open countryside location, and taking into account the amount of new housing development already planned to take place in Adderbury and Cherwell District Council's ability to demonstrate an up-to-date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable new development that would harm the rural character and setting of the village and would prejudice a more balanced distribution of the rural housing growth planned for in the Cherwell Local Plan. Therefore the proposal is considered unacceptable in principle and contrary to Policies ESD13, ESD15 and Policy Villages 2 of the adopted Cherwell

local plan 2011-2031 and saved Policies C8 and C33 of the adopted Cherwell Local plan 1996 and advice within the National planning Policy Framework.

2. By reason of its siting, scale, form and appearance, in particular the loss of important views across open countryside of the historic core of Adderbury village including the Adderbury Conservation Area and the Grade 1 listed church of St Mary, as experienced along one of the main approaches into the village, the proposed development is considered to cause considerable, unnecessary and unjustified harm to the setting and significance of designated heritage assets. There are no public benefits that outweigh this level of harm. The proposal therefore conflicts with Policies ESD13, ESD15 and Policy Villages 2 of the adopted Cherwell Local Plan 2011-2031, saved policy C33 of the adopted Cherwell Local Plan 1996 and the advice within the National Planning Policy Framework.
3. By reason of its siting, size, scale, form and appearance, in particular, the extensive loss of important views across open countryside of the historic core of Adderbury Village and the Sor Valley, the proposal is considered to cause significant and unacceptable harm to the rural landscape character and quality of the area and setting of the village as experienced by local residents, visitors and users of the A4260 and public rights of way. The proposal is therefore contrary to Policies ESD13, ESD15 and Policy Villages 2 of the adopted Cherwell Local Plan 2011-2031 and saved policy C33 of the adopted Cherwell Local plan 1996 and advice within the National planning Policy Framework.
4. By reason of the siting and size of the development and resulting loss of some 14ha of most versatile agricultural land, and taking into account the Council's ability to demonstrate a five year housing land supply, the quantum of housing development already planned for in Adderbury, and the lack of evidence to demonstrate that there are no other sites in Category A villages in the District which would be preferable in terms of areas using poorer quality agricultural land to meet the District's housing needs, the proposal is considered to result in unnecessary and unjustified loss of best and most versatile agricultural land. The proposal is therefore contrary to Policies BSC2 and Policy Villages 2 of the adopted Cherwell local Plan 2011-2031 and advice within the National Planning Policy Framework.
5. By reason of the site's location in an area of known archaeological interest with high potential for significant archaeological deposits to survive on site, in the absence of a detailed and adequate archaeological field evaluation, the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to archaeological assets. Therefore the proposal conflicts with Policies ESD15 and Policy Villages 2 of the adopted Cherwell Local Plan 2011-2031 and advice within the National Planning Policy Framework.
6. It has not been satisfactorily demonstrated by the Transport Assessment submitted with this application what impact the proposed development, including the GP surgery, pharmacy, community facility and new primary school may have on the proposed access and local highway network contrary to the advice within the

National Planning Policy Framework.

7. By reason of the lack of a satisfactory completed section 106 agreement to secure contributions to the community services and infrastructure that would be directly affected by the development, and to secure the provision of affordable housing to meet housing need, the Local Planning Authority cannot be satisfied that the impacts of the development in these respects can be made acceptable. The proposal therefore conflicts with Policies BSC3 and INF1 of the adopted Cherwell Local Plan and advice within the National Planning Policy Framework.

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken having worked with the applicant by the Council by having determined the application in a timely manner.

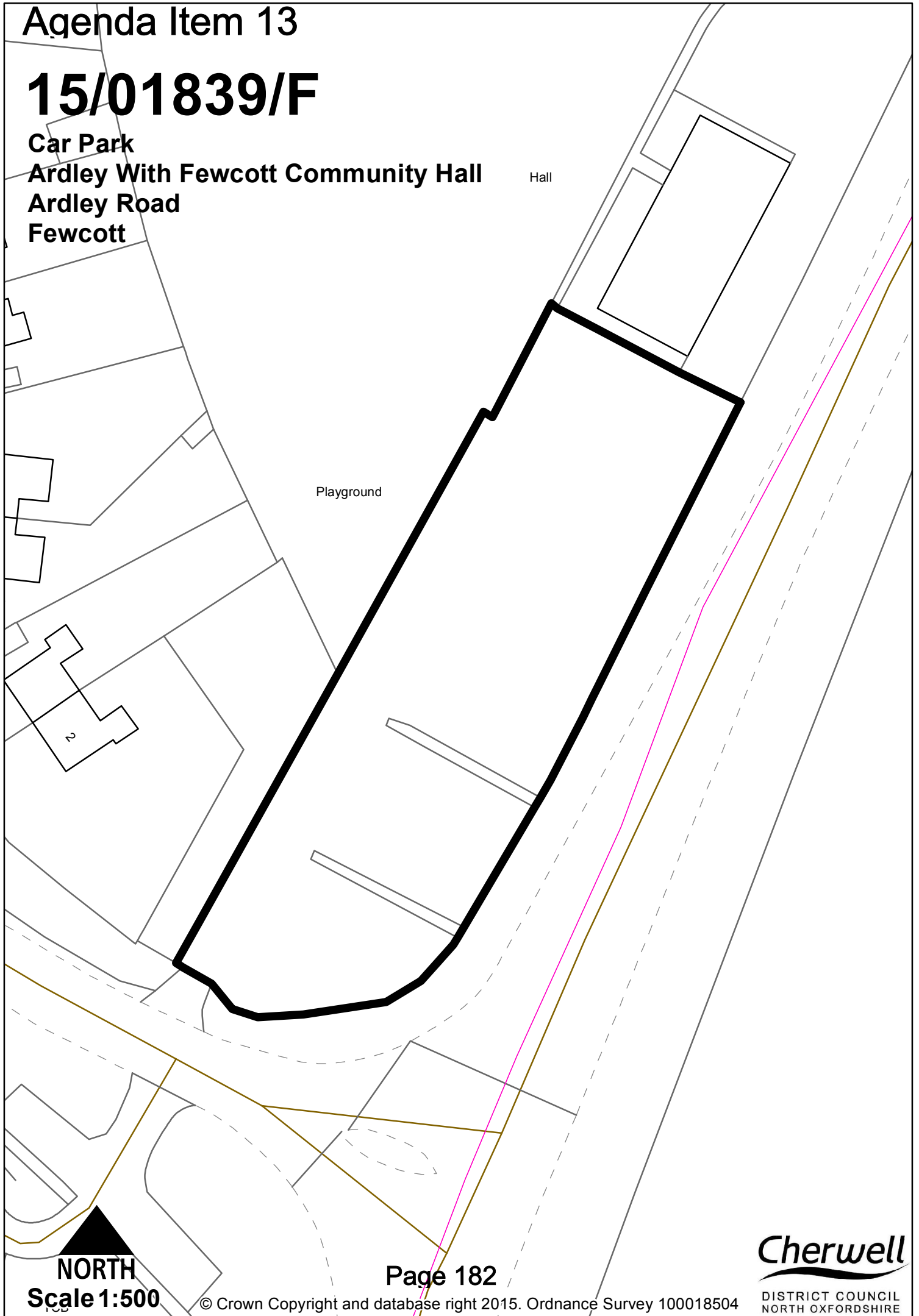
CONTACT OFFICER: Linda Griffiths

TELEPHONE NO: 01295 227998

Agenda Item 13

15/01839/F

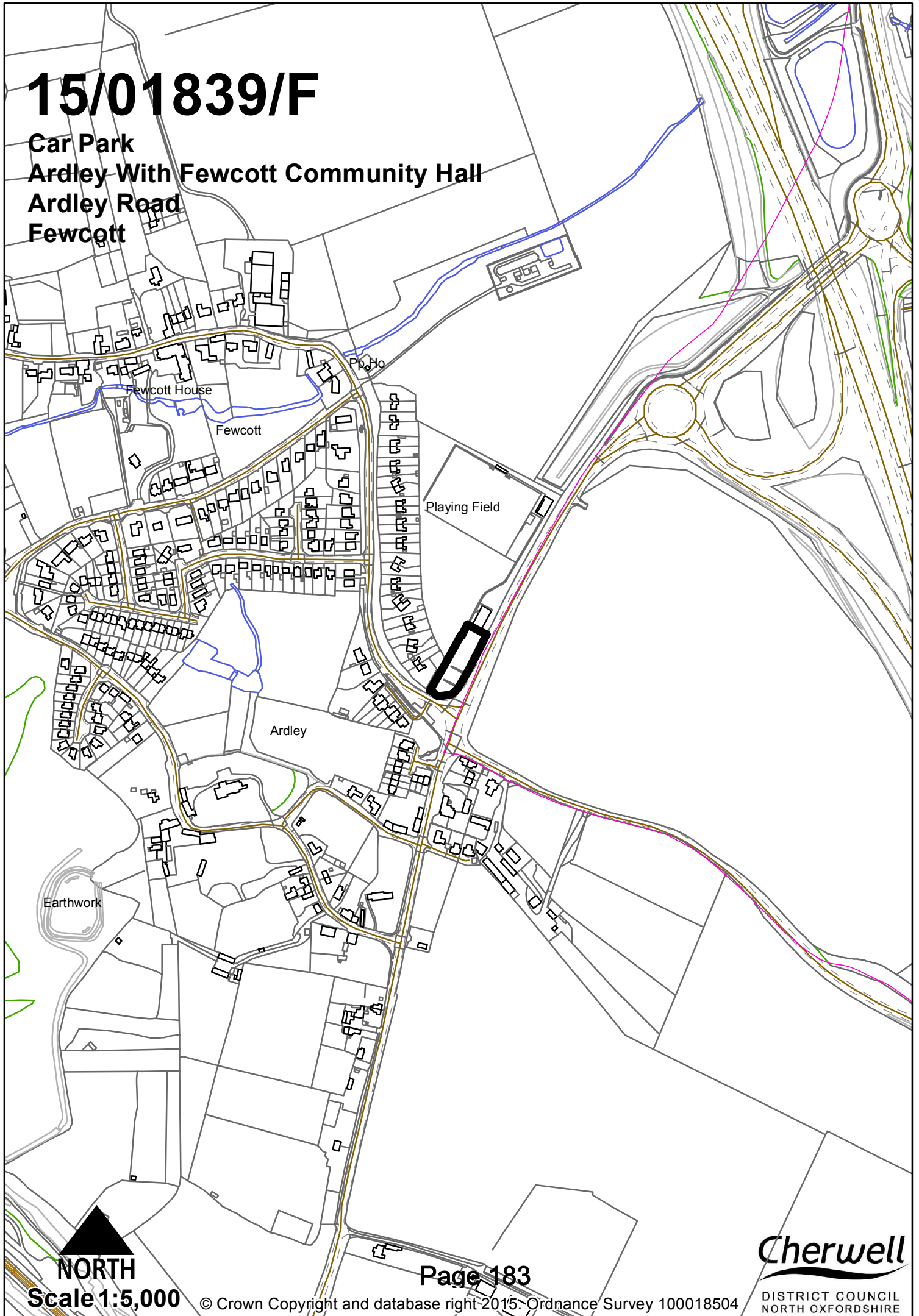
**Car Park
Ardley With Fewcott Community Hall
Ardley Road
Fewcott**



NORTH
Scale 1:500

15/01839/F

Car Park
Ardley With Fewcott Community Hall
Ardley Road
Fewcott



NORTH
Scale 1:5,000

**Car Park,
Ardley With Fewcott Community Hall,
Ardley Road,
Fewcott**

15/01839/F

Ward: Caversfield

District Councillor: Cllr Corkin

Case Officer: Matthew Chadwick

Recommendation: Approval

Applicant: Board of Trustees

Application Description: Resurfacing of the existing car park and associated drainage works

Committee Referral: One of the applicants is a Ward Councillor

Committee Date: 17.12.2015

1. Site Description and Proposed Development

- 1.1 The site is located at the junction of Ardley Road and Station Road, in the east of the village of Ardley. The existing car park is constructed of compacted hard-core material and serves the Ardley with Fewcott Community Hall, located slightly to the north of the car park.
- 1.2 Planning permission is sought for the resurfacing of the existing car park and associated drainage works. The car park will be resurfaced with tarmac and will have bays marked out, with a total of 65 parking spaces, including 3 disabled parking spaces and one larger space nearest to the Community Hall. The parking spaces will measure 4.8m in length by 2.4m in width, with the exception of the larger space which will measure 6m by 2.4m. Three soakaways will be constructed across the length of the site which will aid the drainage of the car park.
- 1.3 No listed buildings are within close proximity to the site and the site is not within the Ardley Conservation Area. The site is located within an area of Potentially Contaminated Land and Polecats and Common Swifts have been found nearby to the site, which are Protected Species.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment is 19th November 2015. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Ardley with Fewcott Parish Council: No objections, requested that a disabled and/or pedestrian access was constructed to the hall or children's play area.

Cherwell District Council Consultees

- 3.2 Ecology Officer: No comments received.
- 3.3 Environmental Protection Officer: No objections.

Oxfordshire County Council Consultees

- 3.4 Highways Liaison Officer: No objections, subject to a condition requiring approval of

full specification details for the proposed parking and manoeuvring areas.

Other Consultees

3.5 Anglian Water: No comments received.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

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

4.2 Other Material Policy and Guidance

National Planning Policy Framework (2012)

Planning Practice Guidance (2014)

5. Appraisal

5.1 The key issues for consideration in this application are:

- Effect on Visual Amenity;
- Effect on Residential Amenity;
- Highways Safety;
- Ecological Impact;
- Environmental Protection.

Effect on Visual Amenity

5.2 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.”*

5.3 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.

5.4 The development involves the resurfacing of the existing car park and associated drainage works. This work would result in the loss of some existing planting and soft landscaping. However the site is well screened by mature planting along the boundaries, and all of the work would take place at ground level with only a minor visual impact on the surrounding area. Therefore the proposals would not be deemed to cause undue harm to the quality or appearance of the area. The proposal therefore accords with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Effect on Residential Amenity

- 5.5 Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 5.6 The car park is not proposed to be extended, so it is not considered that the resurfacing of the car park will have any detrimental impact on the amenity of those living nearby, in terms of pollution, loss of privacy, overshadowing or over-domination.

Highways Safety

- 5.7 The Highways Liaison Officer has offered no objections to the proposals, subject to a condition requiring approval of full specification details for the parking and manoeuvring areas. Therefore, it is considered that the proposal would not have a detrimental impact on Highway Safety in accordance with Government guidance contained within the National Planning Policy Framework.

Ecological Impact

- 5.8 The Ecology Officer has not commented on the proposals, however due to the nature of the proposal it is unlikely that the development would have a negative impact on Protected Species.

Environmental Protection

- 5.9 The Environmental Protection Officer has offered no objections to the proposal and therefore there is not considered to be a negative impact in respect of this matter.

Engagement

- 5.10 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

- 5.11 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 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;
- Location Plan submitted with the application;
- Drawing Number: 201 P1 dated 1st October 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, full engineering specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

STATEMENT OF ENGAGEMENT

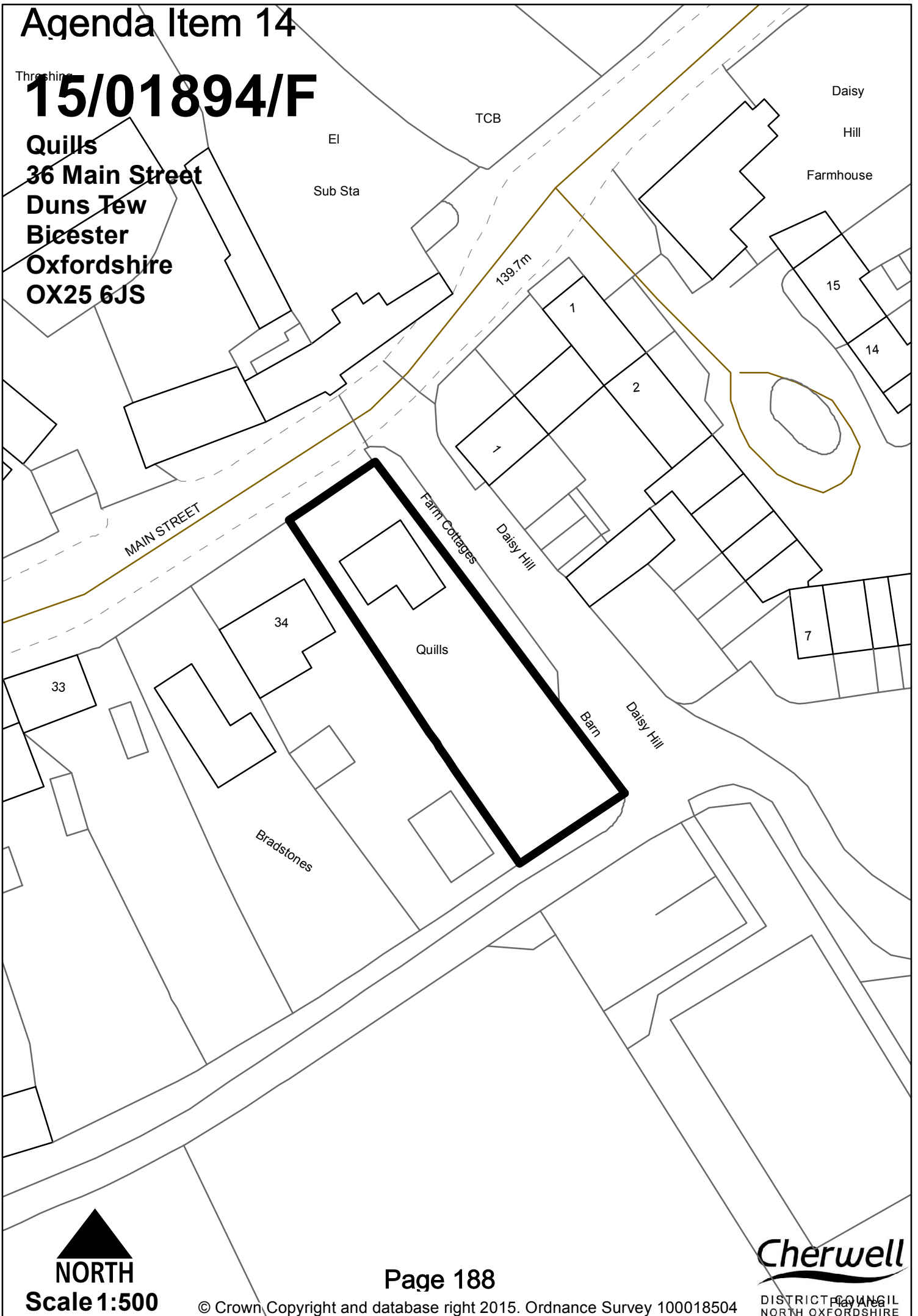
In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way.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

Threshing

15/01894/F

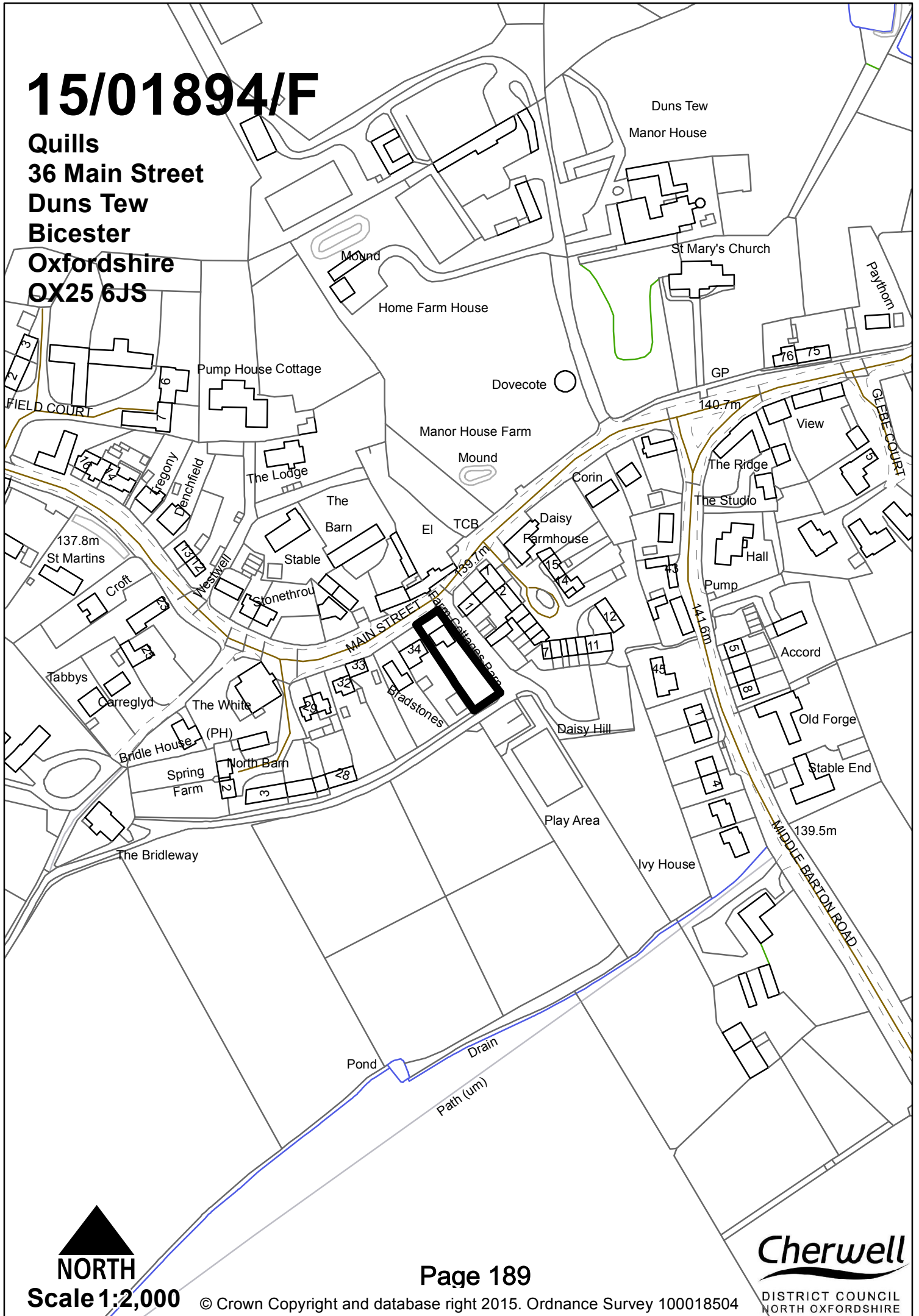
Quills
36 Main Street
Duns Tew
Bicester
Oxfordshire
OX25 6JS



Scale 1:500

15/01894/F

Quills
36 Main Street
Duns Tew
Bicester
Oxfordshire
OX25 6JS



**Site Address: Quills 36 Main Street
Duns Tew**

15/01894/F

Ward: The Astons and Heyfords

District Councillors: Mike Kerford-Byrnes and James Macnamara

Case Officer: Bob Neville

Recommendation: Refusal

Applicant: Mr J Scotchbrook

Application Description: Erection of an open canopy and application of timber cladding to eastern elevation of dwelling (retrospective) and increase in height of stone wall to eastern boundary

Committee Referral: Member Call-in, in light of public interest

Committee Date: 17 December 2015

1. Site Description and Proposed Development

- 1.1 The site is a two-storey, detached dwelling constructed of reconstructed stone (Bradstone) under a tiled roof, built in the early 70s, in the village of Duns Tew. The property has off-street parking to the front, side access and a private rear residential garden. The plot is accessed off Main Street and is a prominent feature within the street-scene. The immediate vicinity is primarily residential of a similar typology and varying street character. There is a recreational area to the rear (south-east) of the site, with open countryside beyond. The site has recently undergone rear extensions and alterations, approved under reference 14/00264/F, and a further permission exists (15/00013/F) for a timber gabled roof porch to the front and the rendering of the existing walls; however, at the time of the case officer's site visit (12/11/2015) this permission was yet to be implemented.
- 1.2 In terms of site constraints, the site is not a listed building but does sit within the designated Duns Tew Conservation Area and the village's Historic Core, which is considered to be of medium archaeological interest. There are several grade II listed buildings within the vicinity of the site, including Manor Farmhouse directly opposite the front of the site on Main Street and the converted buildings associated with Daisy Hill Farmhouse to the east. A Public Right of Way (ref. Footpath 195/6) runs along the rear boundaries of the site and adjacent properties. There are records of Swifts being present within the vicinity of the site; however, given the nature of the proposals, it is considered that this site constraint would not affect development.
- 1.3 The application seeks retrospective planning permission for the erection of an open canopy and the application of timber (Cedar) cladding to the north-east side elevation of the main dwelling, and also for planning permission to increase the side boundary wall to an overall height of some 1.8m.
- 1.4 The application submission follows the unauthorised development being brought to the attention of the Council's Planning Enforcement Team by officers dealing with another site in Duns Tew (Bradstones, ref. 15/01111/F), with that applicants verbally citing Quills as an example of where they believed the Local Planning Authority (LPA) had allowed the use of timber cladding on a main elevation of a dwelling house. Enforcement officers investigated the matter (ref. 15/00198/CPLANS) and following consultation with the Council's Conservation Officer concluded that the unauthorised work that had been undertaken represented an inappropriate form of development in what is a sensitive part of the built environment. The applicant was then contacted with a request for the canopy and cladding to be removed, but has since submitted the planning application.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press advert. The final date for comment was the 03.12.2015. Thirty seven letters of support have been received as a result of this process.

3. Consultations

- 3.1 **Duns Tew Parish Council** - No objections. The Council also wish to make the following observations:

- a) The timber cladding is a great improvement on the original Bradstone and provides continuity with the cladding on the new extension (agreed by your Planning Department} and completes the architectural character of the property.
- b) The Applicants did seek advice from your Planning Department prior to this work being carried out and were advised that the Planning Permission was not required. Having carried out they work they were advised this was not the case so have applied for retrospective permission.

The Council see no valid reason why permission should not be granted.

- 3.2 **Cherwell District Council Internal Consultee:**

Conservation Officer: Quills is a late 20th century property situated on the south side of Main Street in the centre of Duns Tew opposite as well as adjacent to two of the principal late 17th/early 18th century farmhouses located within the settlement.

Quills is a building without architectural merit; it neither reflects the traditional architectural style nor is constructed using traditional vernacular materials of the district. It is a building of its age and as was typical of that time, was built with no reference to or understanding of the rich and deep architectural tradition of the area. In the building's defence it can also be added that it is a building without pretention. The building cannot be said to contribute in any positive sense to the historic architectural character of the main streetscape, but similarly it cannot be said that its contribution is harmful. The building's contribution to the overall architectural character and appearance of the conservation area is a neutral one – simply, it is there.

In recent time the building has been the subject of a number of alterations all focused on improving the accommodation and enhancing the appearance of the property. These changes have not been without some success. It is therefore unfortunate that the latest tranche of works were undertaken initially without consent and it is this application which seeks to regularise the works.

The same measure of acceptability should be applied to retrospective applications as to regular planning applications. It should not be the case that the works described in retrospective applications be viewed more 'leniently' as this may well encourage applicants to undertake unauthorised works as a matter of routine.

It is the case that timber cladding is not ordinarily part of the historic repertoire of building material found within the area for the construction of primary dwellings. That is not to say that there are not timber-clad buildings, there certainly are - ancillary agricultural buildings are often found to be timber-framed with brick/stone plinths and timber cladding.

It is also the case that artificial stone is not part of the historic repertoire of building material found within the area, but stone is the principal construction material for dwellings and artificial stone is a poor cousin of the real thing.

I appreciate that there is much local support for the works undertaken by the current owner but this does not negate the fact that this work is alien to the vernacular tradition of the area.

My view is that the timber cladding of the gable wall of the main house should

be removed. This leaves the main house constructed in artificial stone and the new extension timber clad – both alien to the vernacular tradition of the area but at least honest about it. This arrangement helps the observer better read the building. The veranda whilst also alien falls within architectural embellishments likely to be seen on late 20th century dwellings and in my view causes little additional harm to the aesthetic of the streetscape.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)

C28: Layout, design and external appearance of new development

C30: Design control

The Cherwell Local Plan 2011-2031 - Part 1 (CLP)

ESD 15: The Character of the built and historic environment

4.2 Other Material Policy and Guidance

National Planning Policy Framework (the Framework) - March 2012

Planning Practice Guidance (PPG)

Listed Building (Listed Building (Section 16(2) & Section 66(1) and Conservation Area (Section 72(1) of the Listed Buildings and Conservation Areas Act 1990)

The LPA has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area (CA). Paragraph 131 of the Framework sets out that in determining planning applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Para 132 of the Framework confirms that the significance of a designated heritage asset (including CAs) can be harmed or lost through development within its setting.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Visual Amenity (including the impact on the character and appearance of the Conservation Area)
- Neighbour Amenity

Relevant Planning History

5.2 B.871/71 - Proposed erection of 4 bedroom dwelling house and garage. Permitted.

B.867/73 - Extension to lounge. Permitted.

14/00264/F - Single storey rear extension. Raise existing front wall in stone to approx. 1.2m. Permitted.

15/00013/F - Render all external elevations and gable porch to existing lean-to roof over front entrance - Amendment to 14/00264/F. Permitted.

Visual Amenity (including the impact on the character and appearance of the Conservation Area)

5.3 The purpose of the planning system is to contribute to the achievement of sustainable development and the Framework defines this as having 3 dimensions: economic,

social and environmental. Also at the heart of the Framework is a presumption in favour of sustainable development and in the context of this application would include conserving and enhancing the historic environment.

- 5.4 The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP which looks to promote and support development of a high standard which contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 5.5 Saved Policies C28 and C30 of the CLP 1996 also seek standards of layout, design and external appearance, including the choice of external finish materials, which are sympathetic to the character of the context of the development. Further, extensions and alterations to dwellings should be compatible with the scale of the existing dwelling, its curtilage, the character of the street scene and should not be visually intrusive.
- 5.6 The site is within the Duns Tew Conservation Area, which was designated as such in 2005. Conservation areas are designated by the Council under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990; with the aim being to manage new development within such areas to ensure that the character or appearance of the Conservation Area, and the special architectural or historic interest which it may possess, is preserved and where possible enhanced.
- 5.7 The 2005 Duns Tew Conservation Area Appraisal identifies development within the village as being typified by the older buildings being a mixture of farmhouses, houses and cottages in rural vernacular style, located directly onto the street or set a little way back with a traditional stone wall inclosing the front garden, while the more modern dwellings tend to be constructed using a range of building materials, such as render, brick and artificial stone, and a mixture of styles and therefore stand out from the older buildings.
- 5.8 Quills is one of the latter group, i.e. a modern building, which is of reconstructed stone (Bradstone) construction, and which, in officers' view, despite being in a prominent corner plot location, is of relatively little architectural merit and is a building that cannot be said to positively contribute to the historic architectural character of the main street-scene.
- 5.9 The current application has three distinct elements for consideration, which affect the character and appearance of the building and its setting within the street-scene. These are (1) the canopy to the side; (2) the raising of the boundary wall and (3) the application of timber cladding to the side elevation of the dwelling.
- 5.10 The canopy has the appearance of continuing the existing canopy on the front elevation around the side of the dwelling and is constructed in materials sympathetic to the existing house. In the case officer's opinion, the canopy adds visual interest to the property, breaking up the expanse of reconstructed stone that is the side elevation, and to some extent enhances the appearance of the building. It is noted that this opinion is shared by third parties in the numerous letters of support that have been received during the course of the application.
- 5.11 Stone boundary walls are a feature that is present throughout the village and are considered to be integral to the character of the village and the Conservation Area. At the time of the case officer's site visit the side boundary at the site comprised of a low dry-stone wall and close-boarded fencing. However, it is noted that a blockwork wall and timber panelled fence did previously run down the side of the property behind the stone boundary wall. The lack of side boundary treatment allows for views into the

rear garden and the recently constructed timber clad rear extensions.

- 5.12 The proposed alteration to the wall would run from the existing close-boarded fencing up to the rear of the open canopy at the side and would be at a height of some 1.8m and length of some 12.75m. The wall would be visible from the highway to the front although not prominent within the street-scene. It is considered that, subject to appropriate stone being used to match the existing wall, the proposed alteration to the wall would not detrimentally affect the visual amenities of the property or wider area and would have some benefit to the privacy of the occupants of Quills.
- 5.13 With regard to the timber cladding, as noted by the Council's Conservation Officer, timber cladding is not generally part of the historic palette of primary building material found within the area, and the use of timber, as a building material, is largely confined to use on outbuildings and as boundary treatment; with very instances of such visible from the public domain within Duns Tew. The timber cladding to proposed rear extensions at the property (14/00264/F) were granted on the single premise that the rear elements appeared as *additions* to the property rather than an *integral part of the building*, albeit in visual appearance only. In this instance the wrapping of the timber cladding along the side elevation of the *existing dwelling* would make the development contrary to this approach.
- 5.14 As noted above, the site is within the Duns Tew Conservation Area, a Designated Heritage Asset. The Framework (Para. 126) advises that Local Planning Authorities should positively set out strategies for the conservation and enjoyment of the historic environment, and should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. It further states that in developing this strategy, local planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment to the character of a place.
- 5.15 Policy ESD 15 of the CLP is consistent with the advice and guidance within the Framework with regard to the conservation of the historic environment and looks for development to:
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness;
 - Conserve, sustain and enhance designated and non-designated Heritage Assets, including their settings, ensuring that new development is sensitively sited and integrated;
 - Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.
- 5.16 Given the context of the site and its relationship with the adjacent highway, the timber cladding is visually prominent within the street-scene and appears as an alien feature, that has an awkward association between the front and side elevations (where the timber meets the stonework on the corner) which is not considered sympathetic or reflective of local character or distinctiveness. It is therefore considered to cause '*less than substantial*' harm to the character and appearance of the street-scene and the designated Conservation Area, and the setting of adjacent listed buildings.

- 5.17 Paragraphs 133 and 134 of the Framework both require the decision maker to weigh this harm against the public benefits of the proposal. The dwelling as a relatively modern building has remained in use and as a less than positive contributor to the character of the Conservation Area its retention would not be critical even if it were in a state of disrepair (factors that may provide positive benefit in some instance).
- 5.18 The benefits arising from the timber cladding are therefore considered to be of a private nature and are therefore not outweighed by the identified public harm. Since the other elements of the proposal are considered acceptable and are separate elements (as opposed to being inter-dependent) it is not necessary to carry out the same balancing exercise in respect of those elements. Notwithstanding, the benefits of both are largely of a private nature and are not considered to outweigh the public harm identified.

Neighbour Amenity

- 5.19 Given the context of the site, the nature of the development and the site's relationship with neighbouring properties it is considered that there will be no impact on neighbour amenity as a result of the proposed work or the work that has already been undertaken and is therefore acceptable in this regard.

Other Matters

- 5.20 Comment has been made with regard to the applicant having seemingly been verbally advised, by a member of the Council, that the work that has been undertaken did not require planning permission and therefore could be undertaken without requiring consent. However, it is unclear as to who offered this advice and no evidence has been submitted to support this allegation. Notwithstanding these comments, the point is somewhat moot as the works are not considered permitted development under the provisions of the Town and Country (General Permitted Development) Order (as amended) and planning permission is therefore required.

Engagement

- 5.21 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. The applicant's agent has been made aware of the case officer's concerns; unfortunately in this instance a mutually acceptable solution could not be found. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.22 While the development assessed within this application does not impact on neighbour amenity and is considered to have some limited benefit to the visual appearance of the property, it is considered on balance that, by virtue of the use of timber cladding – an alien construction material within the context, on a prominent elevation of the original dwellinghouse – the development has a detrimental impact on the character and appearance of the street-scene, and causes *less than substantial* harm to the Duns Tew Conservation Area and the setting of adjacent grade II listed buildings. It is therefore considered to be contrary to the provisions and aims of Saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice and guidance within the National Planning Policy Framework. Furthermore, if this application were granted planning permission, it is likely to set an unwelcome precedent for the further use of timber cladding within the Conservation Area. It is therefore recommended for refusal for the reason set out below.

6. Recommendation - Refusal

1. The Cedar timber cladding, by virtue of being a foreign material within the street-scene, fails to reinforce or reflect local distinctiveness and does not preserve or enhance the character of the Conservation Area and is detrimental to the character and appearance of the street-scene and the setting of the grade II listed Manor Farmhouse opposite north of the site, and causes 'less than substantial' harm to these designated heritage assets. The above mentioned development therefore fails to accord with Saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and paragraphs 14, 17, 132 and 134 of the National Planning Policy Framework, and it is considered that this identified harm significantly and demonstrably outweighs the proposal's benefits.

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), no problems or issues have arisen during the application. The applicant's agent has been made aware of the case officer's concerns; unfortunately in this instance a mutually acceptable solution could not be found. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Cherwell District Council

Planning Committee

17 December 2015

Decisions Subject to Various Requirements - Progress Report
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Report of Head of Development Management

This report is public

Purpose of report

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

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

The following applications remain outstanding for the reasons stated:

10/00640/F (re-affirmed 24.5.12)	Former USAF housing South of Camp Road, Upper Heyford Subject to legal agreement concerning on and off site infrastructure and affordable housing. May be withdrawn following completion of negotiations on 10/01642/OUT	
13/00330/OUT (6.3.14)	81-89 Cassington Road Yarnton Subject to legal agreement	

13/00433/OUT (11.7.13)	Land at Whitelands Farm, Middleton Stoney Road, Bicester Subject to legal agreement concerning on-site and off-site infrastructure	
13/00444/OUT (11.7.13)	Land west of Edinburgh Way, Banbury Subject to legal agreement concerning on-site and off-site infrastructure	
13/00847/OUT (7.8.14)	Phase 2 SW Bicester Subject to legal agreement re infrastructure contributions	
13/01372/CDC (6.2.14 and 24.4.14)	Land rear of Methodist Church, The Fairway, Banbury Subject to legal agreement re affordable housing	
13/01601/OUT (6.2.14) and (7.8.14)	Land adj. Spiceball Park Road, Banbury Revised proposal received late May 2014 – reconsultation and return to Committee) Sec. of State indicates that he does not want to intervene. Legal agreement re off-site infrastructure contributions to be completed	
13/01811/OUT	Land at Dow Street, Heyford Park, Upper Heyford Subject to legal agreement with CDC/OCC	
14/00697/F (21.5.15)	Land off Skimmingdish Lane ,Bicester Subject to legal agreement to secure infrastructure contributions and affordable housing	
14/00962/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 (3.9.15)	Longford Park, Bodicote 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	
15/00760/F (26.11.15)	Local centre, Bicester Eco Town Subject to legal agreement to link in earlier main agreement	
15/00831/F (26.11.15)	Land at JDE, Southam Road, Banbury Subject to legal agreement with OCC re transportation infrastructure	
15/01024/F (1.10.15)	OCVC College, Banbury Subject to legal agreement re contributions to off-site infrastructure	
15/01165/F (26.12.15)	Land at Vespesian Way, Chesterton Subject to legal agreement re affordable housing, on-site open space (variation of previous agreement) and OCC infrastructure (if deemed appropriate)	

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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, 01327 322188,
Denise.taylor@cherwellandsouthnorthants.gov.uk

5.2 Legal Implications

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

Comments checked by: Nigel Bell, Team Leader, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

5.3 Risk Management

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

Comments checked by:
Comments checked by: Nigel Bell, Team Leader, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
All papers attached to the planning applications files referred to in this report	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 bob.duxbury@cherwell-dc.gov.uk

Agenda Item 16

Cherwell District Council

Planning Committee

17th December 2015

Appeals Progress Report

Report of Head of Development Management

This report is public

Purpose of report

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **14/01601/LB – Chancel Cottage, Fir Lane, Steeple Aston, OX25 4SF – Appeal** by Mr Justin Grainger against the refusal of listed building consent for internal alterations, external alterations (including insertion of six rooflights), demolition of attached outbuildings and erection of single storey extension.

- 2.2 **Forthcoming Public Inquires and Hearings between December 17th 2015 and January 21st.**

None

2.3 Results

Inspectors appointed by the Secretary of State have:

- 1) Dismissed the appeal by Mrs M Cakebread against the refusal of planning permission for the erection of outbuilding to form double garage and garden store to rear of dwelling – The New House, The Green, Horton-cum-Studley, OX33 1AE 1- 15/00588/F (Delegated)**

The only issue in this case related to harm the proposed development would have on the Oxford Green Belt. Planning permission had previously refused for a new dwelling in the appellant's rear garden. Although the principal of this follow-up application for a new garage on a similar footprint was considered to be acceptable in principle, the case officer felt that the proposed building could be significantly reduced in height without compromising the function of the building. The appellant was unwilling to compromise. The Inspector agreed with the case officer's assessment and concluded that the applicant had not demonstrated any very special circumstances to overcome the identified harm to the openness of the Green Belt.

- 2) Allowed the appeal by Mr Clive Busby against the refusal of prior approval for change of Use of agricultural building to a dwellinghouse (Use Class C3) and for associated operational development – Barn west of the North Aston to Somerton Road, North Aston, OX25 6HX – 15/00244/PAMB (Delegated)**

The Inspector considered that the main issues were whether the proposed conversion of a former sports pavilion was permitted development within Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO); which allows for the change of use of an agricultural building and land within its curtilage to a C3 (dwellinghouses) Class Use. Secondly, if it was permitted development, whether prior approval should be given, in the light of the considerations in GPDO.

The inspector considered the evidence submitted by the applicant was sufficient to demonstrate that the former sports pavilion had last been used for the purposes of agriculture and that the building could be converted without the need for new structural elements to be included in any operational development; concluding that it therefore met the criteria within the GPDO to be considered as falling within permitted rights.

The Inspector agreed with Authority's opinion that further detail was required in respect of the visual appearance of the proposed converted building and agreed with the approach suggested by officers, in terms of imposing relevant conditions to any such approval. Approval was therefore given subject to: the development being completed within a period of three years from the date of the decision and that no development was to take place until full details of the design and external appearance of the development have been submitted to and approved in writing by the Local Planning Authority'

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.Taylor@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