

Public Document Pack



Committee: Planning Committee
Date: Thursday 17 March 2016
Time: 2.00 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 - 13)

To confirm as a correct record the Minutes of the meeting of the Committee held on 18 February 2016.

6. **Chairman's Announcements**

To receive communications from the Chairman.

Planning Applications

7. **Land North Of Southfield Farm North Lane Weston On The Green**
(Pages 17 - 69) **15/01953/OUT**
8. **Land West of OS Parcel 4100 Adjoining and South of Milton Road, Adderbury**
(Pages 70 - 96) **15/02359/OUT**
9. **Land North East Of Skimmingdish Lane Launton Oxfordshire**
(Pages 97 - 125) **15/01012/OUT**
10. **Bean Acre Cottage, Rope Way, Hook Norton, Banbury, OX15 5QB**
(Pages 126 - 140) **15/02052/F**
11. **Bean Acre Cottage, Rope Way, Hook Norton, Banbury, OX15 5QB**
(Pages 141 - 148) **15/02053/LB**
12. **Plots 4 and 5 Brookhill Way, Banbury** (Pages 149 - 166) **15/02060/F**
13. **Land North of The Green and adj. Oak Farm Drive, Milcombe**
(Pages 167 - 192) **15/02068/OUT**
14. **Swalcliffe Park School, Main Road, Swalcliffe, Banbury, OX15 5EP**
(Pages 193 - 209) **15/02119/F**
15. **Land North West of Wroxton Mill, Wroxton, Oxfordshire**
(Pages 210 - 218) **15/02120/F**
16. **20 The Bourne, Hook Norton, Banbury, OX15 5PE**
(Pages 219 - 223) **15/02233/F**
17. **Pool Farm, Mill Lane, Stratton Audley, OX27 9AJ** (Pages 224 - 240) **15/02314/F**

18. **Tesco Extra, Lockheed Close, Banbury, OX16 1LX**
(Pages 241 - 247) **16/00017/F**
19. **Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0HS**
(Pages 248 - 254) **16/00246/F**

Review and Monitoring Reports

20. **Appeals Progress Report** (Pages 255 - 261)

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

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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 March 2016

Agenda Item 5

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 18 February 2016 at 2.00 pm

- Present: Councillor Colin Clarke (Chairman)
Councillor Fred Blackwell (Vice-Chairman)
- Councillor Andrew Beere
Councillor Michael Gibbard
Councillor Chris Heath
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: Councillor Barry Wood (In place of Councillor David Hughes)
- Also Present: Councillor Les Sibley, ward member for Bicester West, for agenda item 7
Joy White, Oxfordshire County Council Highways Department for items 7 and 8
Jackie Cox, Oxfordshire County Council Highways Department for items 7 and 8
- Apologies for absence: Councillor David Hughes
Councillor Sean Woodcock
- Officers: Jon Westerman, Development Services Manager
Bob Duxbury, Development Control Team Leader
Jenny Barker, Bicester Delivery Manager
Caroline Ford, Principal Planning Officer
James Kirkham, Senior Planning Officer
Matt Parry, Principal Planning Officer
Alex Keen, Team Leader (Minors)
Emily Shaw, Principal Planning Officer
Paul Ihringer, Team Leader (Enforcement)
Nigel Bell, Team Leader - Planning / Deputy Monitoring Officer
Natasha Clark, Team Leader, Democratic and Elections
Lesley Farrell, Democratic and Elections Officer

164 **Declarations of Interest**

7. Twenty Ha Of Land Proposal Of New Highway Aligned With Howes Lane, Bicester.

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

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

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

8. Proposed Himley Village North West Bicester Middleton Stoney Road Bicester Oxfordshire.

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

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

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

13. Former Lear Corporation, Bessemer Close, Bicester.

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

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

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

165 **Requests to Address the Meeting**

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

166 **Urgent Business**

There were no items of urgent business.

167 **Minutes**

Subject to the following amendments, the Minutes of the meeting held on 21 January 2016 were agreed as a correct record and signed by the Chairman.

Minute 160 – Orchard Way, Heyford Road, Somerton, Bicester, OX25 6LL

Prior to the final paragraph before 'Resolved' add the following text:

Councillor Macnamara proposed that the application be refused as it was not in accordance with policy. Councillor Kerford-Byrnes seconded the proposal.

After 'Resolved', delete the resolution to approve and all conditions and replace with the following:

That application 15/01895/F be approved subject to the following conditions: and the conditions be amended to:

That application 15/01895/F be refused for the following reason:

1. By virtue of its scale, form, massing and materials, the proposed development would fail to preserve the character and appearance of the Mollington Conservation Area. The proposal would therefore fail to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031, Policies C28 and C30 of the Cherwell Local Plan 1996 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.

168

Chairman's Announcements

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.
2. The Chairman introduced Joy White and Jackie Cox from Oxfordshire County Council Highways, who were in attendance for agenda items 7 and 8.
3. There would be a Highways Workshop before the next meeting of the Planning Committee. Members were requested to email the Chairman or Development Services Manager in advance of the workshop.
4. The Chairman advised the Committee that it was anticipated application 15/02052, Beanacre Cottage would be submitted to the next meeting of the Committee. As it was an unusual application, The Chairman proposed that a site visit be held as it would be advantageous for committee members to visit the site. Councillor Blackwell seconded the proposal.

Councillor Richards proposed that a recorded vote be taken. Councillor Lawrie Stratford seconded the proposal. A recorded vote was duly taken and Members voted as follows:

Councillor Beere - Abstain
Councillor Gibbard - For

Councillor Heath - For
Councillor Hurle - For
Councillor Kerford-Byrnes - For
Councillor Macnamara - Abstain
Councillor Milne-Home - Abstain
Councillor Mould - Abstain
Councillor Randal - For
Councillor Reynolds - For
Councillor Richards - For
Councillor Lawrie Stratford - Abstain
Councillor Rose Stratford - Abstain
Councillor Wood - Abstain

(at the conclusion of the Chairman's Announcements, the meeting adjourned between 2.10pm and 2.20pm to allow Members to read the written updates that had been published earlier that day)

169 **Twenty Ha Of Land Proposal Of New Highway Aligned With Howes Lane, Bicester**

The Committee considered application 14/01968/F for the construction of new road from Middleton Stoney Road roundabout to join Lord's Lane, east of Purslane Drive, to include the construction of a new crossing under the existing railway line north of the existing Avonbury Business Park, a bus only link east of the railway line, a new road around Hawkwell Farm to join Bucknell Road, retention of part of Old Howes Lane and Lord's Lane to provide access to and from existing residential areas and Bucknell Road to the south and associated infrastructure for A2 Dominion South Limited.

Councillor Les Sibley addressed the committee as ward member.

Ms Louise Caves address the committee on behalf of the Planning Consultant in support of the application.

In reaching their decision, the committee considered the officers' report and presentation, addresses of the ward member and public speaker and the written update.

Resolved

That application 14/10968/F be approved subject to:

- a) The end of the 21 day consultation period and the resolution of any further objections received, including any minor alterations to the design of the road to accommodate this and to the satisfaction of the Development Services Manager;
- b) OCC confirming that updated tracking is acceptable including any minor alterations to the design of the road to accommodate this;
- c) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure apprenticeships, the closure

of Howes Lane to vehicular traffic, and the reduction in speed along the retained Howes Lane, the partial closure of Bucknell Road and to secure a contribution towards offsite farmland bird mitigation if this not secured through other means and delegation to Officers to finalise this;

- d) And the following conditions with delegation to Officers to finalise conditions following any ongoing negotiation, in consultation with the Chairman of the Planning Committee.
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: To be confirmed
 3. Prior to the commencement of the development hereby approved, a phasing plan covering the entire site the subject of this application, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved phasing plan.
 4. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the existing 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.
 5. Notwithstanding the submitted details and prior to the commencement of the development hereby approved, full details of the access vision splays for each junction, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the road 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.
 6. Prior to the commencement of the development hereby approved, full specification details of the road infrastructure including construction, surfacing, layout, drainage, lighting, signage, traffic signals and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the road, the development shall be constructed in accordance with the approved details.

**Proposed Himley Village North West Bicester Middleton Stoney Road
Bicester Oxfordshire**

The Committee considered application 14/02121/OUT an outline application for a Development to provide up to 1,700 residential dwellings (Class C3), a

retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1 and C1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road) for Portfolio Property Partners Limited.

Councillor Les Sibley addressed the committee in objection to the application as a member of the public as the application was outside of his ward.

Mr Michael Lowndes and Mr Malcolm Turner address the committee in support of the application.

Councillor Barry Wood proposed that consideration of the application be deferred for further negotiations to take place. Councillor Milne Home seconded the proposal.

Resolved

That consideration of application 14/02121/OUT be deferred, for further negotiations and to allow for responses to be given to Members comments/queries in relation to the following matters:

- Transport and the deliverability of the proposal;
- Affordable Housing;
- Clarification over matters relating to bus stops, play areas, the response from Network Rail and the proposed sports pitches and associated facilities.

(4.10pm – 4.20pm: Adjournment of meeting)

171 Muddle Barn Farm, Colony Road, Sibford Gower, Banbury, OX15 5RY

The Chairman advised the Committee that application 15/01693/F had been withdrawn by the applicant and would therefore not be considered at the meeting.

172 Land North Of Southfield Farm North Lane Weston On The Green

The Committee considered application 15/01953/OUT for the erection of up to 26 dwellings including creation of a new access, associated landscaping, open space and drainage infrastructure at land north of Southfield Farm, North Lane, Weston on the Green for Mr Clive Tredwell.

Susan Davis, on behalf of the Parish Council and Roger Evans, a local resident, addressed the meeting in objection to the application

Councillor Randall proposed that the application be refused as it was not compatible with the Local Plan, was in open countryside and was outside of

the village boundaries, with the exact wording of the refusal reasons to be delegated to officers, in consultation with the Chairman, prior to the decision being issued. Councillor Macnamara seconded the proposal.

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

Resolved

That application 15/01953/OUT be refused for the following reasons:

1. That the proposal constituted an unjustified and unnecessary intrusion of built development into the open countryside, with harm to the character, quality and appearance of the countryside and the rural landscape setting of the village.

173 **Proposed Equestrian West Of Homestead Church Lane Epwell**

The Chairman advised the Committee that application 15/02033/F had been withdrawn by the applicant and would therefore not be considered at the meeting.

174 **Land North of The Green and adj. Oak Farm Drive, Milcombe**

The Committee considered application 15/02068/F for the erection of 40 no. dwellings with means of access to be assessed and all other matters reserved at land north of the Green and adj. Oak Farm Drive, Milcombe - for Trustees of the estate of JW Tustian (deceased).

Councillor Heath proposed that consideration of the application be deferred to allow a site visit. Councillor Randal seconded the proposal.

Councillor Lawrie Stratford proposed that a recorded vote be taken. Councillor Rose Stratford seconded the proposal. A recorded vote was duly taken and the Members voted as follows:

Councillor Blackwell - For
Councillor Gibbard – For
Councillor Heath – Abstain
Councillor Hurle – Abstain
Councillor Johnston – For
Councillor Kerford-Byrnes – For
Councillor Macnamara – Abstain
Councillor Milne Home – For
Councillor Mould – Abstain
Councillor Randal – For
Councillor Reynolds – Abstain
Councillor Richards – For
Councillor Lawrie Stratford – Abstain
Councillor Rose Stratford – Abstain
Councillor Wood – For

Resolved

1. That consideration of application 15/02068/F be deferred to allow for a site visit.

175

Former Lear Corporation, Bessemer Close, Bicester

The Committee considered application 15/02074/OUT for the demolition of existing industrial buildings and the erection of 21 affordable dwellings and 49 open market dwellings, with associated new access, open space and landscaping at the Former Lear Corporation, Bessemer Close, Bicester for Vanderbilt Homes and International Wood Agency.

Mr John Broad, CPRE, Cherwell South District addressed the Committee in objection to the application.

Mr Ken Dijkstra, agent for the application, addressed the Committee in support of the application

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

Resolved

That application 15/02074/OUT be refused for the following reasons:

1. The development of this site for residential purposes, having regards to its proximity and relationship with adjacent industrial/commercial units, Launton Road and main railway line, and lack of integration with existing residential areas to the south and west, would result in an unacceptably poor living environment for the occupiers thereof, contrary to saved Policy C30 of the adopted Cherwell Local Plan 1996, Policy SLE1 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework
2. The development proposed, by reason of its scale, form, layout and design, taking into account Cherwell District's ability to demonstrate an up to date five year housing land supply is considered to be an overdevelopment of the site which would be detrimental to the visual amenities of the street scene and provide an unacceptable living environment for the occupiers thereof, contrary to saved Policies C28 and C30 of the adopted Cherwell local Plan 1996 and policies SLE1 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and the advice within the National Planning Policy Framework.
3. In the absence of a satisfactory planning obligation, the local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this scheme will be delivered. This would be contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

4. And authority be delegated to officers, in consultation with the Chairman, to include the following additional reason for refusal, subject to the outcome of consultation with Environmental Protection:

On the basis of the information available the Local Planning Authority is not convinced that the noise climate produced by surrounding commercial uses, when added to that from road and rail noise, is compatible with creating an acceptable residential living environment for future residents and that therefore the development would be contrary to Policies ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C30 of the Cherwell Local Plan 1996

176

The Oxfordshire Inn, Heathfield, Kidlington, OX5 3DX

The Committee considered application 15/02077/F for a change of use of existing hotel accommodation to form 8 No. dwellings, at The Oxfordshire Inn, Heathfield, Kidlington, OX5 3DX for Investfront Limited. The application was a re-submission of 13/01278/F

In reaching its decision, the Committee considered the Officers' report and presentation.

Resolved

That application 15/02077/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 application shall be carried out strictly in accordance with the following plans and documents: Application forms Design and Access Statement and drawings numbered: SK.12-536-16C, SK.12-536-16 C17B, SK.12-536-11, SK.12-536-24A, SK.12-536-09B, SK.12-536-15B, SK.12-536-11, SK.12-536-25 A, SK.14-622-117A, SK.14-622-116A, SK.14-622-114A and SK-14-622-115A.
- 3 The materials to be used for the works to the external walls hereby approved shall match in terms of colour, type, texture and appearance those used on the existing building.
- 4 Prior to the first occupation of any dwelling 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.
- 5 Prior to the first occupation of the development hereby approved, full details of the refuse bin storage for the site, including location and

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

- 6 Prior to the occupation 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.

Thereafter the development shall be carried out in accordance with the approved landscaping scheme.

- 7 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.
- 8 Prior to the commencement of the development hereby approved, a plan showing a car parking provision for 18 spaces to be accommodated within the site to include layout, surface details, and drainage, 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 spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.
- 9 Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

- 10 Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, fence wall or other means of enclosure (except for those approved by this consent) shall be erected on the application site unless planning permission has first been granted by the Local Planning Authority.
- 11 Prior to the installation of any external lighting 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.

177

By Ingleby, Station Road, Bletchingdon, Kidlington, OX5 3AX

The Committee considered application 15/02264/OUT, an outline application for 10 No dwellings with revised access and the demolition of existing dwelling at By Ingleby, Station Road, Bletchingdon, Kidlington, OX5 3AX for Lexham Stone Limited.

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

Resolved

That application 15/02264/OUT be refused for the following reasons:

- 1 The proposals seek to create new residential properties in a wholly unsustainable location on the edge of a settlement that contains almost no facilities, services or amenities and to which there is no meaningful alternative to use of the private car for access to employment nor higher or lower order services. To compound matters the site is very poorly integrated with the existing settlement given that it is divorced from it by the A4095 with the result that it would not even enable safe, attractive or convenient pedestrian or cycle access to the limited facilities available within Enslow. As a consequence the proposals would give rise to a heavily car dependent development that conflicts with the environmental sustainability objectives inherent within the requirements of Policies ESD1, BSC1, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 as well as the sustainability objectives set out in the National Planning Policy Framework.
- 2 The proposals would result in inappropriate encroachment of built development into what is visibly open countryside that would, by its very nature, scale and size, introduce an inappropriate suburbanisation to the rural landscape and in turn detract from and erode the inherent natural beauty of the countryside. The proposals therefore fail to accord with Policy C8 of the Cherwell Local Plan 1996 and Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 that together seek to protect the countryside from encroachment in the interests of preserving this irreplaceable natural resource,

- 3 Having regard to the location of the site and its position such that it is fundamentally divorced from the core built-up areas of Enslow, the proposals represent development that would both functionally as well as visibly fail to integrate successfully with the existing settlement and thus fail to respect the established grain and layout of the settlement to the detriment of its character and appearance as well as that of the surrounding countryside. Consequently the proposals fail to accord with the requirements of Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Policy C28 of the Cherwell Local Plan 1996.
- 4 The proposal represents an under-development of the site given that, due to its size and layout, it evidently has the capacity to accommodate more dwellings. Such an alternative scheme would generate a requirement to contribute towards off-site delivery of affordable housing. In the absence of any commitment to provide such a financial contribution or any viability appraisal to justify otherwise, it can only be concluded that the proposed development would be contrary to the requirements of Policy BSC3 of the Cherwell Local Plan 2011-2031 Part 1 which seeks to create mixed and balanced communities.
- 5 The proposals would result in the creation of a replacement and more heavily used vehicular access from a national speed limit road that due to traffic speeds, landscaping and road alignment would have inadequate visibility splays. As a result both ingress and egress from the site would be inherently dangerous and detrimental to the safety of all road users. Consequently the proposals fail to provide safe and suitable access for all contrary to the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and national policy set out in the National Planning Policy Framework.
- 6 As a result of the lack of detail provided of the new footway and the absence of sufficient information to demonstrate that it can be satisfactorily delivered as well as the wholly inadequate visibility splays at the proposed pedestrian crossing of the A4095, the proposed development would fail to provide safe and suitable pedestrian connectivity with Enslow village and in turn would fail to prioritise sustainable modes of transport above the private car contrary to the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and national policy set out in the National Planning Policy Framework.
- 7 In the absence of the completion of a satisfactory legal agreement the local planning authority cannot be content that both the on and off-site impacts of the development can be appropriately mitigated in the interests of safeguarding public infrastructure, mitigating highway safety concerns, delivering mixed and balanced communities and securing suitable on-site future maintenance arrangements. Consequently, in this respect, the proposals are contrary to the requirements of Policy INF1, BSC3, BSC9, BSC11 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1.

178 **Draft Local Enforcement Plan**

The Head of Development Management submitted a report which presented the Draft Local Enforcement Plan (LEP), prior to it being reported to the Council's Executive on 7 March 2016 for adoption.

The Committee welcomed the report and recommended its approval by Executive.

Resolved

- (1) That the Draft Local Enforcement Plan (LEP) be noted.

179 **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.

180 **Appeals Progress Report**

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

Resolved

- (1) That the position statement be accepted.

The meeting ended at 6.25 pm

Chairman:

Date:

PLANNING COMMITTEE

17 March 2016

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

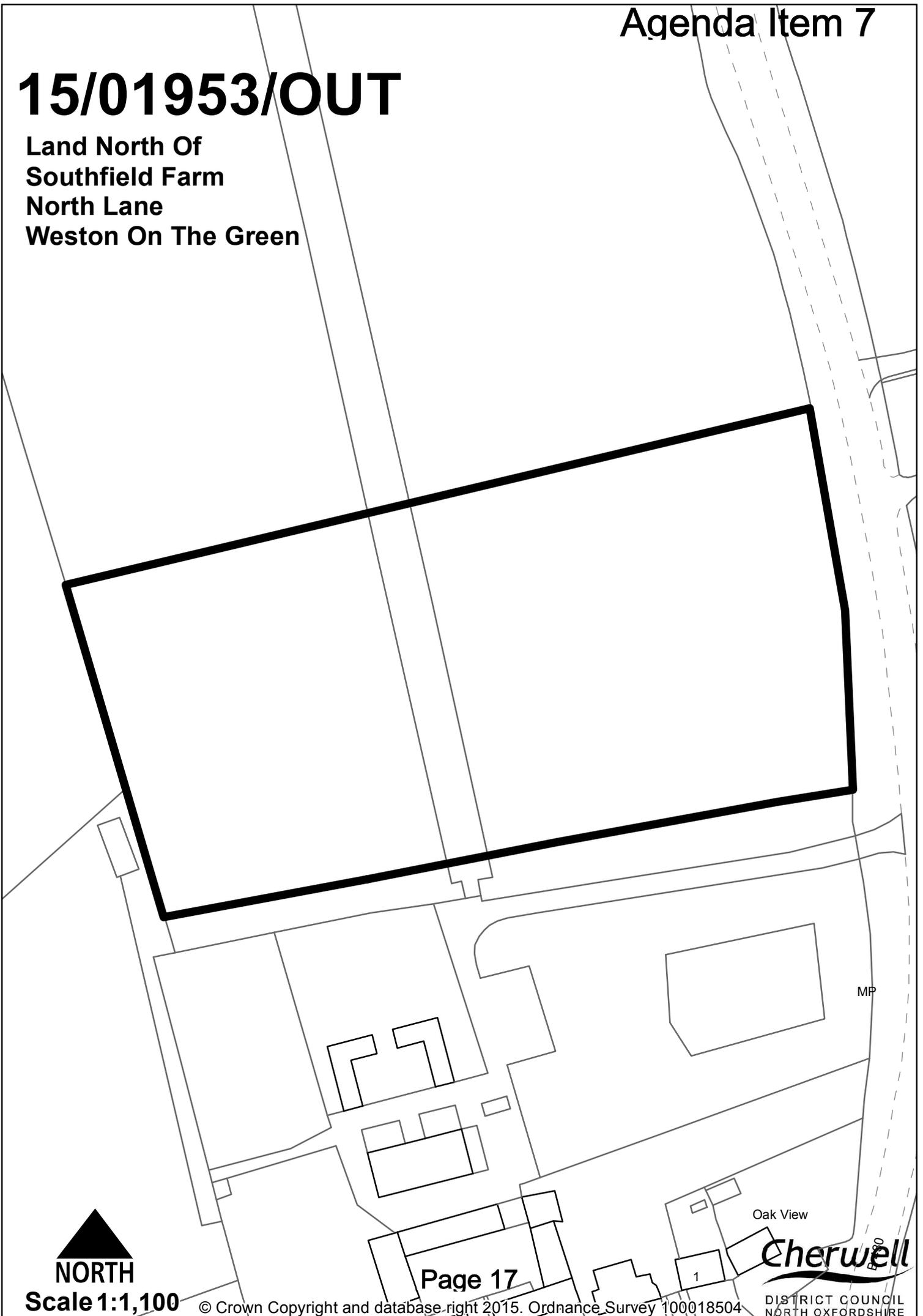
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision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

	Site	Application No.	Ward	Recommendation	Contact Officer
7	Land North Of Southfield Farm North Lane Weston On The Green	15/01953/OUT	Kirtlington	Approval subject to negotiations to agree an appropriate S106 agreement	Emily Shaw
8	Land West of OS Parcel 4100 Adjoining and South of Milton Road, Adderbury	15/02359/OUT	Adderbury	Refusal	Linda Griffiths
9	Land North East Of Skimmingdish Lane Launton Oxfordshire	15/01012/OUT	Launton	Approval	Andrew Lewis
10	Bean Acre Cottage Rope Way Hook Norton Banbury OX15 5QB	15/02052/F	Hook Norton	Approval subject to the completion of an acceptable Unilateral Undertaking and conditions	Bob Neville
11	Bean Acre Cottage Rope Way Hook Norton Banbury OX15 5QB	15/02053/LB	Hook Norton	Approval	Bob Neville
12	Plots 4 and 5 Brookhill Way, Banbury	15/02060/F	Banbury Glemsbury and Castle	Approval	Bob Duxbury
13	Land North of The Green and adj. Oak Farm Drive, Milcombe	15/02068/OUT	Bloxham and Bodicote	Approval	Bob Duxbury
14	Swalcliffe Park School Main Road Swalcliffe Banbury OX15 5EP	15/02119/F	Sibford	Approval subject to the receipt of acceptable amended plans/details	Emily Shaw
15	Land North West of Wroxton Mill Wroxton Oxfordshire	15/02120/F	Wroxton	Refusal	Matthew Chadwick
16	20 The Bourne, Hook Norton, Banbury, OX15 5PE	15/02233/F	Hook Norton	Approval	Victoria Barrett
17	Pool Farm, Mill Lane, Stratton Audley, OX27 9AJ	15/02314/F	Fringford	Approval	Stuart Howden

	Site	Application No.	Ward	Recommendation	Contact Officer
18	Tesco Extra Lockheed Close Banbury OX16 1LX	16/00017/F	Banbury Neithrop	Approval	Matthew Chadwick
19	Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0HS	16/00246/F	Banbury Neithrop	Approval	James Kirkham

15/01953/OUT

Land North Of
Southfield Farm
North Lane
Weston On The Green



NORTH
Scale 1:1,100

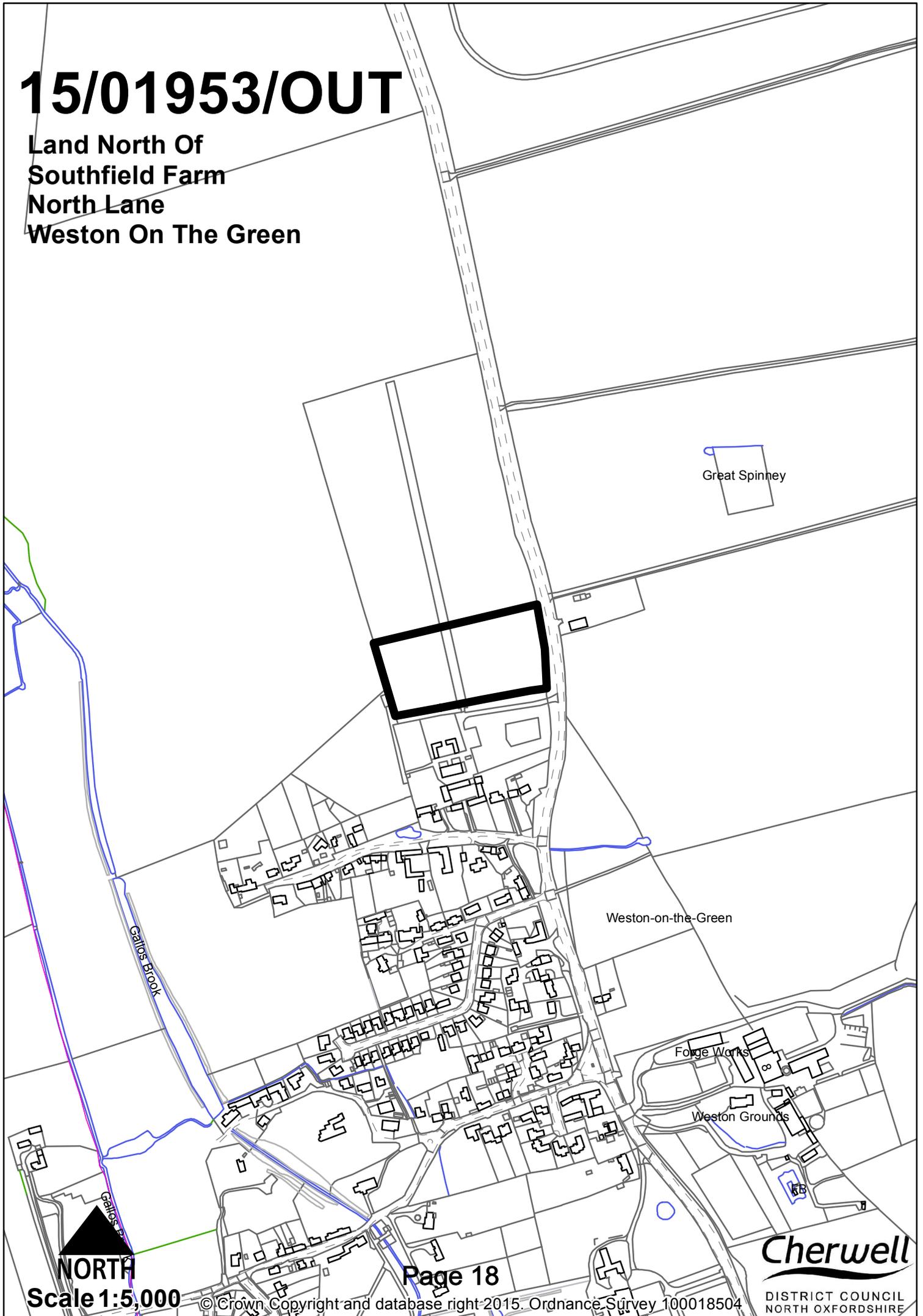
Oak View

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

15/01953/OUT

Land North Of
Southfield Farm
North Lane
Weston On The Green



Great Spinney

Weston-on-the-Green

Folge Works

Weston Grounds

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

NORTH

Scale 1:5,000

Page 18

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Case Officer: Emily Shaw **Ward(s):** Kirtlington

Applicant: Mr Clive Tredwell

Ward Member(s): Councillor Simon Holland

Proposal: Erection of up to 26 dwellings including creation of a new access, associated landscaping, open space and drainage infrastructure

Committee Date: 17.03.2016 **Recommendation:** Approval subject to negotiations to agree an appropriate S106 agreement.

1. Update Report

- 1.1 This application seeks outline planning permission for a residential development of up to 26 dwellings on paddock land adjacent the northern edge of the village of Weston-on-the-Green. This application was previously presented to the Planning Committee on the 17th February 2016 with an officer recommendation for approval. The Case Officer's report and recommendation as presented to the Planning Committee on 17th February is attached at Appendix A, and the written update that was circulated prior to the meeting is attached as Appendix B.
- 1.2 Having considered the case officer's report and presentation, and having heard the views of the Parish Council and a third party, the Planning Committee resolved to refuse planning permission. However it quickly became apparent after the meeting that the applicant's planning agent had not been given the opportunity to address the Planning Committee, despite having registered to speak with the Council's Democratic and Elections Services. Having investigated this, it would appear that this was due solely to an administration error, for which officers wish to offer their sincere apology. A new procedure has now been put in place which should ensure this does not happen again.
- 1.3 A consequence of this is that the application must be presented again to the Planning Committee, and the applicant's planning agent given the opportunity to address the Committee before it makes its decision. In particular although the Committee has previously resolved to refuse planning permission, it must consider the application afresh having regard to the information before it at the Committee meeting and the contribution of the speakers.

CONTACT OFFICER: Emily Shaw **TELEPHONE NO:** 01295 221819

**CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE**

18 February 2016

WRITTEN UPDATES

Agenda Item 10 15/01953/OUT Land N of Southfield Farm, Weston-on-the-Green

- Following the publication of the committee agenda, the appeal decision in respect of a proposal for up to 51 dwellings at Chesterton was issued. This decision deals with similar issues to those raised in respect of items 10 and 12 on the agenda, which are outline applications for residential development at Weston-on-the-Green and Milcombe. The appeal decision is yet another welcome endorsement of the Council's ability to demonstrate an up-to-date 5 year housing land supply, and places the Council in a strong position to resist inappropriate and unsustainable development in the rural areas. It also endorses the amount of development proposed in relation to the size and relative sustainability of the village as a relevant factor to be taken into account when deciding whether a proposal is acceptable in principle and a sustainable distribution of the rural areas allocation under Policy Villages 2 of the Cherwell Local Plan. However it does not mean the Council can refuse development at the Category A villages solely on the basis that the Council has a 5 year housing land supply; the Council must consider each proposal on its own merits and must be able to demonstrate that the proposal in question causes unacceptable harm.

In the case of Weston-on-the-Green, the amount of development proposed when considered with the development already committed at Weston-on-the-Green under Policy Villages 2 is 46 dwellings. This is considerably less than that at Chesterton, which would have been in excess of 100 dwellings had the appeal proposal for 51 dwellings been allowed. In the case of Milcombe, although a development of 29 dwellings has taken place relatively recently, this pre-dates the adoption of the Cherwell Local Plan 2015 Part 1 and no development has yet taken place or been committed at Milcombe that would contribute to the rural areas allocation under Policy Villages 2. In this context, officers remain of the view that the proposals are, on balance, an appropriate amount of development that is proportionate to the relative sustainability of the villages, and so in accordance with the Local Plan strategy for distributing housing growth in the rural areas.

Furthermore, unlike the Chesterton and Kirtlington appeal decisions, officers consider that the proposals at Milcombe and Weston-on-the-Green do not result in any significant other harm (for example in highway safety, visual amenity or landscape terms), such that the proposals could be considered unacceptable for other reasons.

In conclusion therefore, having carefully considered the appeal decision at Chesterton, your officers' recommendation to approve in respect of items 10 and 12 on the agenda is unchanged.

- **CDC BUSINESS SUPPORT UNIT** – It is estimated that this development of 26 houses has the potential to attract New Homes Bonus of approximately £189,654 over 6 years under current arrangements for the Council, with an additional sum paid of £280 per affordable home

Case Officer: Emily Shaw **Ward(s):** Kirtlington

Applicant: Mr Clive Tredwell

Ward Member(s): Councillor Simon Holland

Proposal: Erection of up to 26 dwellings including creation of a new access, associated landscaping, open space and drainage infrastructure

Committee Date: 18th February 2016 **Recommendation:** Approval subject to further negotiations to agree appropriate S106

1. Application Site and Locality

1.1 The application site lies on the northern edge of the village of Weston on the Green and to the western side of the B430 that runs north from the A34. The site is an area of land of 1.5 hectares which sits to the north of an existing gated access off the B430. The land is currently used as open paddock land for the grazing of horses; there are no buildings currently on the site. Immediately to the south of the site there is currently an equestrian use with an existing vehicle access, two L-shaped stable buildings and grazing land. This area is within the applicant's ownership. Beyond the equestrian use to the south there are residential properties which front onto North Lane. The site and the surrounding landscape are relatively flat. There are public footpaths in the vicinity of the site, one running from North Lane to the west of the site and one which joins the B430 to the east of the site. There are no footpaths which run through the site. The Weston on the Green Conservation area lies approximately 50 metres to the south of the site and there are three listed buildings and two locally listed buildings to the south of the site on North Lane.

Planning History

1.2 The site to the south (shown as phase I on the indicative layout) already has outline planning permission for a residential development of up to 20 dwellings. Planning permission was approved on the 6th April 2015 with an associated S106 agreement which sought 35% affordable housing, a Local Area for Play (LAP), education contributions, highway works and landscaping and maintenance of the public amenity areas.

2. Description of Proposed Development

2.1 The application seeks outline planning permission for a residential development of up to 26 dwellings. All matters are reserved for future consideration. The application has however been supported by an indicative layout and the necessary supporting documentation.

3. Response to Publicity

The application has been advertised by way of neighbour letters, site notices and a press notice. The consultation period ended on the 1st January 2016.

20 letters of objection have been received. The comments are summarised as follows::

Material planning considerations

- Increase in hard surface and built development will increase surface water runoff on the site and surrounding area. The balancing pond would not be large enough to deal with this increase.
- Impact on foul drainage of the site and the surrounding area
- Works to provide a footpath from the site into the village would lead to narrowing of the highway, could harm highway safety.
- A development of 46 houses is inappropriate development for a village of approximately 200 houses.
- The categorisation of the village as category A is incorrect as the village does not have a school.
- The proposed development is not minor development.
- Consideration must be had for the Neighbourhood Plan which is being prepared.
- The proposed development is not considered to respect the form and character of the village in this location.
- An additional 26, as well as the 20 already approved, would put too much pressure on existing services.
- Impact on highway safety on the B430 which is already a very busy road. The proposed footpath link to the village would not be considered a safe route to the village
- Setting a precedent for Phase 3
- The location of the development is detached from the village and options for alternative transport links are low.
- Access to the site is located on a dangerous corner
- The footpath will impact the setting of the historic Drovers Pond.
- Weston on the Green is not the highest in terms of sustainability compared to other villages within Cat A and should therefore not take this number of houses.
- The speed of traffic on the B430 is very high meaning walking through the village is dangerous for families with small children. The village cannot support development which would increase the traffic through the village.
- The proposed housing sits outside of the built up limits of the village
- This development would increase pressure on existing local schools.

- The development is within a visually prominent location which will impact on the conservation area and other heritage assets.
- Families who occupy the proposed houses would need to travel by car to take children to school.

As well as objecting the contributors raised a number of points with regard to the following which are not material planning considerations:

- Noise cause during construction

4. Response to Consultation

Weston on the Green Parish Council:

- *Neighbourhood Plan (NP) process*

The village is preparing a Neighbourhood Plan which will guide change in the village to 2031. Work has been on-going since last summer and Cherwell District Council (CDC) designated the area of the whole Parish for the purposes of producing a Neighbourhood Plan earlier this year (2015). The Parish Council has formally agreed for a whole village referendum on the Plan to be held by October 2016. The Parish Council is preparing the plan through a working group, meetings have been held and a website has been set up: <http://www.wotgneighbourhoodplan.co.uk/>

As it stands part of the NP outcome is for a 10-15% expansion of the village over the period of the plan, which equates to approximately 32 new houses. The Neighbourhood Plan working group is looking to the wider brief of the betterment of the village as a whole, over the life of the plan. The PC is very aware of the issues raised in the Oxfordshire County Council reply on this specific planning application, which highlights the lack of sustainability of the village at this time. It is the PC's wish that the NP deals with this, looking for positive phased development, which the Parish Council insists is necessary, for any development to be sustainable and the village to grow. The NP working group is looking at a selection of sites, taking into consideration that the community also strongly supports future housing to address the needs of both retired households and affordable housing / young families. This is apparent from the results of the consultation and recent household survey. The PC believes that this application prejudices both the work by the Neighbourhood Plan forum and the allocation of suitable sites within the Parish (and Neighbourhood Plan designated) boundary.

A village household and business survey has been conducted and two well-attended public events were held in October 2015 to hear villagers' concerns and aspirations for the future of Weston on the Green. The village community made clear that it wants to see growth but wishes that growth to be directed where it will enhance the character and sustainability of the village. The Applicant did not engage with the neighbourhood planning process before submitting this application. At the public events held in October 2015, villagers were overwhelmingly against extending the village to the north along the B430. Further to the application being received, an open Extraordinary Parish Council meeting was held on 8th December to gauge the views of villagers to this application and all but one attendee asked the PC to object.

- *Scope of the application*

The PC is concerned that the District Council is receiving piecemeal applications for land north of Southfield Farm / land north of Oak View, when the promoter clearly has a long-

term plan for the available land as a whole. Phase 1 (13/01796/OUT) was granted outline consent (against the objections of OCC Transport, the PC and local objections) when from the indicative layout submitted it was clear that further development would be forthcoming on the north side of the access road. The same is true of this Phase 2 application, with a connecting road leading to what is likely to be Phase 3.

The PC finds there is no overall context within which to assess each application. The applicant tries to argue that, on the one hand, this application has to be judged in isolation, but on the other that one phase of development acts as the precedent for another. The application indicates that there has been a pre-application meeting with officers; either a comprehensive plan for the land holding has been presented and is being withheld from the village or, astonishingly, one was not asked for.

- *Size of development*

Phases 1 and 2 together constitute 46 houses, a figure likely to rise if schemes proceed to detailed applications (the Landscape and Visual Impact Appraisal for phase 2 refers to 'up to 30 houses'). The combined applications are effectively one scheme and would represent a 20+% growth of housing stock in the village on a single site if approved. The OCC consultation calculates that 26 houses will generate a net increase of 84 residents (46 houses would generate 148 residents; an increase of 30% to the existing village population). The applicants' Planning Statement Section 7.2 states: 'the application must be considered in light of the consented scheme' - 'given that they are effectively two elements of a single scheme'. If it is a single scheme, then it is at least 46 houses and far in excess of any 'pro rata' allocation within the Cherwell Local Plan.

It is our contention that this application runs contrary to the recommendation in the Local Plan Examination Inspector's Report (May 2015) in paragraph 216, in which, referring to Category A villages, he requires the Local Plan Part 2 review process of categorization of rural areas to take place "before any new development sites are allocated therein". As Weston on the Green Parish Council queries the village's categorization as 'A', this delay is relevant. So, accepting this planning application before Local Plan Part 2, we believe runs contrary to the now-adopted Local Plan.

- *Unsuitable location for development*

The nature of the proposal is for ribbon development along the B430 extending the village northwards to higher land beyond the natural setting in which the village nestles. Local people have a very clear understanding of the natural boundaries of the village which cuts through the applicant's questionable visual appraisal and do not wish to see the village extended in this direction. The crux of the issue is that the development of these fields is not an appropriate extension of the village and would create a separate housing estate on the edge of the village rather than housing that is integrated into the village. The historic and rural village character, which is a very recognisable feature of the northern boundary settlement, would be destroyed.

- *Highways and footpaths*

The proposed development would be on the inside curve of what is seen locally as a potentially dangerous stretch of road and increasing the traffic using a junction at this point seems unsafe. Other objectors, including OCC, have commented on this in detail. We are also concerned at the extremely limited pedestrian linkage to the site based on a narrow footpath alongside a proposed narrowed busy road (and Strategic By-Pass for Jct 9 A34/M40). Again other objectors, including OCC, have commented on this in detail. The

Parish Council are strongly opposed to any development that fails to address a sustainable transport plan as defined in the National Planning Policy Framework as the village already struggles with traffic issues and a further increase in residential traffic is unacceptable.

- **Character and Design of proposed development**

The proposals are totally out of keeping with the characteristics of the village identified in the most recent CDC Conservation Area Appraisal, June 2009. (http://www.cherwell.gov.uk/media/pdf/p/7/Weston_on_the_Green_FINAL1_-_lr.pdf) This would be an isolated housing estate outside the setting of the village and past the Oak Tree, shown on the front of this current document and noted therein, as marking the end of the village. Cherwell Local Plan policy ESD 15 requires that development be compatible with up to date urban design principles, including Building for Life. <http://www.designcouncil.org.uk/resources/guide/building-life-12-third-edition>

The proposed housing mix of 17 x four bed dwellings and 9 x two bed dwellings does not satisfy the established housing needs of the village, based on the existing demographic and the need to attract a younger population base.

It is our contention that this application is not compatible with national, county and local planning policies and is the wrong development on the wrong site.

Cherwell District Council (CDC):

- **CDC Recreation and leisure – Halls:** A contribution per dwelling based on the size of the dwelling as per the following schedule:

Size of property	Contribution per dwelling based on figures @April 2015 subject to further inflation as appropriate
1 bed	103.39
2 bed	149.27
3 bed	232.37
4+ bed	319.55

This contribution would be used to enhance existing community facilities to accommodate increased usage.

Community Development – Events and projects: A contribution of £22988.79 @April 2015 (subject to any further inflation as appropriate) towards community events and projects such as information events, newsletters and welcome packs, to support the new residents to integrate into the community.

Public Art - There is a requirement for a public art contribution of £150 per dwelling

- **CDC Environmental Health - Noise from road traffic on the B430 and A34 could be a problem.** A noise impact assessment will therefore be required to demonstrate the design criteria specified in BS 8233:2014 can be achieved. A phased risk assessment for land contamination will also be required.

There would be no objection to the application subject to the following conditions being applied to consent granted:

No development shall commence until a scheme for protecting the proposed dwellings from traffic noise from the B430 and A34 has been submitted to and approved in writing by the

Local Planning Authority. The submitted scheme shall achieve the design criteria specified in BS 8233:2014 'Guidance on Sound insulation and reduction for buildings' Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwellings to which the scheme relates are occupied.

Conditions to identify land contamination

- **CDC Housing** - has previously commented on the application no 13/01796/OUT which has received planning permission and, if this application is successful, will form phase I of this development to the north of Southfield Farm. CDC Housing requested the following mix in the original development:

Rent	Shared Ownership
4x2b4pH	2x2b4pH
1x3b5pH	

In addition to this, phase II will also require 35% of the units to be affordable. This equates to a further 9 units. 70% (6 units) of which are to be affordable rented units and the remaining 3 to be shared ownership or similar tenure to be agreed with the District Council.

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

A suggested mix is as follows:

Rent	Shared Ownership
2x1b2p Apartments	3x2b4p Houses
3x2b4p Houses	
1x2b4p Bungalow	

The affordable homes should meet the HCA's Design and Quality Standards including the necessary HQI requirements. 50% of the rented element should also meet lifetime homes standards and the bungalow is to meet full wheelchair standards.

It is expected that the affordable units be tenure blind in their appearance, this includes in terms of their parking arrangements which should be in-curtilage wherever possible.

The units should also be transferred to an RP which is to be agreed with the Council.

- **CDC Conservation Officer** - The proposed development site lies in close proximity to the northern boundary of the Weston-on-the-Green conservation area although the two are separated by a narrow field occupied by stables. The topology of the countryside is such that from the north and east the land dips gently downwards towards Gallos Brook and the settlement of Weston. The B340 turns south-west just before entering the village and therefore the visitor to Weston –travelling from the north – arrives at a settlement which appears to be nestling in the enveloping agricultural land which surrounds it. The village also has a soft northern edge almost giving way into the countryside beyond.

This sense of seclusion and gentle transition will be lost with the development of the proposed site. The site occupies a slightly higher flat landscape thereby giving the proposed housing greater visibility. Further the proposed development is almost urban in its layout and density; an arrangement that is alien to the traditional settlement pattern of the historic village although not that dissimilar to the less than sympathetic 20th century

housing found within and around the village – development that is generally agreed to be harmful to the intrinsic historic interest, significance and character of Weston-on-the-Green as an historic settlement (and therefore for the most part excluded from the conservation area). I cannot agree with the observation that ‘the long term nature of the residential scheme represents a low to medium magnitude of effect on the landscape’; my view is that in this assertion on the impact of the proposal is being underplayed.

Weston-on-the-Green is a settlement which historic has derived its wealth from agricultural and the farming of the land which surrounds it. The proposed development in addition to appearing an urban (and therefore alien) extension to the village further isolates the settlement from its agricultural context. I therefore disagree with the observation in 7.1 that ‘The general rural feel of the area will be slightly diminished’; the impact will be fundamental – from rural countryside to urban.

The site also has the potential for possible archaeological significance given the location of a Bronze Age feature to the north east.

- **CDC Landscape Officer:**

Surveillance of this area is important and units fronting onto this would be appropriate. A foot path link through the areas would encourage public access. Houses fronting onto informal open space is more appropriate, with intervening highway access. The retained and proposed hedgerows need to form part of the public open space to ensure they are retained as landscape features rather than being incorporated into the private amenity space. A similar concern is noted with the plot and unit near the southwest corner of phase 11. The unit should be located at least 10 m from the site boundary to allow for a formal hedge and tree that casts dapples shade.

The garage units near the south-western corner are very close to the proposed root protection area and therefore should be relocated way from this.

Hard and soft landscaped details are required to be secured by a suitable planning condition. Landscape maintenance specification is import to ensure that the informal opens space is maintained to ensure that it is successfully established for the benefit of onsite and offsite residents.

Hedgerow to Northampton Road

Again, the units of plots 1 and 12 are located close to the large boundary hedge resulting in light reduction and shade problems and possible hedge reduction or removal by residents which may expose the dwellings to view from Northampton Road. A landscaped informal opens space buffer between the hedge and the plot boundary should be considered. I recommend that the connectivity between the informal open space along the entire length of the hedgerow should physical connect with the informal open space in Phase 1 parcel.

BS5837: 2012

A tree and hedgerow and root protection area survey is to be implemented in accordance with BS5837 at an early stage to consider protective measures during site clearance and constructor access arrangement, and inform the design process to achieve an acceptable housing/infrastructure/informal open space layout. The garage of plot 26 appears to be too close to the potential root protection area of the hedgerow. Its location should be amended.

Access Road off Northampton Road and Informal Open Space.

A line of trees, equally spaced, along the northern edge of the access, and within adoptable highway remit are necessary to provide amenity and visual mitigation of Phase 1 units for the benefit of phase 11 residents and users of the informal open space.

Play Provision

CDC's Local Plan Policy BSC 11 indicates that 10 dwellings will trigger a LAP. An equipped LAP in the centre of the development, within the informal open space is the most accessible location for residents across the 2 development parcels.. The design layout, minimum area, quality of play equipment (min. of 3 robust pieces of play equipment), health and safety (safer wetpour surface and protective steel fencing and 2 accesses/self-closing gates). A seat with back and armrests with a litter bin. Level, paved paths are to connect seating and play activity areas with access/entrances. There are to be no drainage, manhole covers, or other utilities under or over the play area.

Attenuation

The gradients of the attenuation pond are to be shallow, or terraced to allow for children, who inadvertently fall in, to easily remove themselves from standing water.

Indicative Landscape Mitigation – Northern Boundary.

This is deemed acceptable, however the revised layout should ensure that the access road remains between the unit frontages and the woodland edge to allow enough 'breathing space' to alleviate any potential issues raised above, although the northern aspect is more appropriate for such planting.

Indicative Tree Proposals

There is going to be insufficient planting area and soil volume for the trees to the west of the parking court 21 – 23. Any walls near the trees will be subject to structural damage.

Plot Layout

The garden boundary to the southern and eastern elevations is to be clarified in respect of ownership and maintenance responsibility. A clear, red line adoption boundary, for the transfer of informal open space to CDC (confirmed in 106) is essential.

Planning Conditions

I propose the following conditions:

Landscape (hard and soft details)

Landscape maintenance for informal open space and highway.

Informal open space and play

Hedgerow retention conditions: Northampton Road and the western site boundary hedgerows/ 3 m minimum maintenance height.

Tree pit details.

- **CDC Arboricultural Officer** - Applicant needs to submit a BS5837(2012) tree survey to support the application.
- **CDC Waste and recycling** - Developer will have to satisfy the local authority that they have adequate provision for waste and recycling storage, before the application is agreed. Currently there is no provision for recycling, this is not acceptable.

If the developer needs any more advice please refer to: Waste and Recycling guidance which can be found on the Cherwell District Council website <http://www.cherwell.gov.uk/index.cfm?articleid=1735> Section 106 contribution of £106.00 per property will also be required.

- **CDC Ecology** – The ecological appraisal is fine. It would have been preferable for the reptile survey to have been submitted up front as we do not yet know whether there is significant population on site and where they plan to put in mitigation (if needed) for reptiles and a translocation site (again if needed) has not been identified. As reptiles are not an EPS however we can condition this aspect but it needs to be ensured that sufficient scope has been left within the plans to accommodate mitigation for reptiles.

In general the site is not of high ecological value except the hedgerows but the proposed layout shows these are to be retained. These would need protecting during any construction activities and a buffer should be kept of at least 5m between the development and the hedgerows for maintenance and to retain their value as wildlife corridors.

We have records of both badgers and hedgehogs in close proximity to the site. The survey included a badger survey but no evidence was found and they are not a constraint on site therefore. The development should adhere to best practice guidelines however with regard to badgers who may forage on the land (covering holes and trenches at night, remaining vigilant for signs of new setts, ensuring the site is not fenced off such that foraging or access is excluded across the site in the short or long term). Enhancements should be put in for Hedgehogs which are a Priority/BAP species - plans should not include close board fencing (or where completely necessary must include access points for hedgehogs). Wildlife friendly planting around the development should also help to mitigate for this species.

In line with National and Local policy we should be looking for a net gain to be achieved for biodiversity from developments. I would request therefore that a biodiversity enhancement scheme is submitted to include roosting provisions for bats and nesting provisions for birds both within the dwellings and on any mature trees. Recommend conditions to ensure no protected species are harm during construction and to ensure biodiversity enhancement.

Oxfordshire County Council (OCC):

- **OCC Highways** – Object:

Key issues: -

- The site is not in a transport sustainable location, and this situation will deteriorate with the impending loss of the only bus service operating through Weston-on-the-Green.
- Access proposals are unclear, and would need to be better demonstrated
- Maintenance of the required visibility splays needs to be demonstrated
- A travel information pack would be required
- A drainage scheme would be required

Should the Local Planning Authority decide to grant planning permission, then the following conditions would apply. 1) position and details of the access 2) vision splay details and protection 3) new estate road provided prior to first occupation 4) details of estate access, driveways and turning areas 5) parking and manoeuvring areas retained 6) details of turning for service vehicles and car parking provision and cycle parking provision. 7) prior to first occupation a travel information pack shall be submitted to and approved and each occupier provided with a copy of the approved plan. 8) surface water drainage details agreed prior to works commencing based on sustainable drainage principles. Suggested informative relating to private road agreement and Section 278 works.

This development site is not in a sustainable location. The development proposal is contrary to National Planning Policy Framework standards in that it fails to reduce the need to travel and maximise trips by sustainable modes. Weston-on-the-Green has a very limited range of local amenities and facilities that are within reasonable walking distance of the proposed development site. Schools and GP surgeries are situated over two miles away from the proposed development site in larger settlements such as Kirtlington. The distances involved to access such facilities will mean that the private car will be the dominant mode of transport to and from the site.

The low level of transport sustainability of this location is likely to be further reduced by the imminent withdrawal of county council funding for the No.25 bus service. This is set out in detail below under public transport.

The expected trip generation from the development is unlikely to have a detrimental impact on the surrounding highway network. The impact on highway capacity is therefore considered acceptable given that it is unlikely to have a "severe impact" on the local highway network, as set out in the National Planning Policy Framework.

Transport Statement (TS) – The TS present trip generation estimates for both the development site and the approved adjacent site. The rates used to determine these estimates are taken from TRICS database and are consistent with what could be expected at a site like this. The trip generation estimates appear reasonable and will create no significant adverse impact on the capacity of the highway network in this vicinity. The TS considers two alternative access options and both alternatives would need to demonstrate that a suitable visibility splay could be maintained as free from vegetation and other obstructions. The TS includes the construction of a footway to adoptable standards on the western side of the B430 connecting the development site with North Lane. This is regarded by OCC as an essential part of the development proposals.

Public transport – The bus service to and from West-on-the-Green is not only very infrequent, but it is probable that this service could be withdrawn in its entirety in 2016. The County Council's review of supported bus services has been through cabinet and decided to withdraw all subsidies to all supported services. This decision is subject to approval at the full budget meeting to be attended by all County Councillors in February 2016. If the decision is upheld all subsidy will be withdrawn in Oct 2016. The scale of development proposed could not provide the amount of funding or number of users required to create a self-sustaining commercial bus service through Weston-on-the-Green. A reduction or complete withdrawal of the service would leave new residents without any meaningful alternative to the car. Apart from the additional pressure on the A34 and Oxford's northern approaches, many children and elderly people in particular would have no independent means of travel to other places for work, education, retail, leisure and other activities. Weston-on-the-Green is a small village with very few facilities. Cherwell's designation of this village as a Category A village would appear to ignore the almost complete absence of services and facilities in Weston-on-the-Green and the very poor transport links. There is no school and only one shop. Almost all journey's for work, education, retail or social purposes would therefore be made by car. There is very little opportunity to walk or cycle.

Travel Plans – If the development is granted planning permission then a residential travel information pack should be produced and distributed to residents at the point of occupation so that all residents are aware of the travel choices available to them from the outset. The developer should also provide cycle parking within each residential boundary either with a garage or garden shed.

Road Safety – providing DMRB visibility standards are met and the footway is of adequate width, ideally 1.8 – 2 metres there is no objection to this application on safety grounds. The longer term accident history back to 1991, when this changed from being the A43 to the B430 following the opening of the M40 extension, reveals no accidents at the existing access in the vicinity in this period.

Drainage requirements covered under drainage comments.

- **OCC 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*
- **OCC Archaeology** – *No objection subject to conditions seeking first stage archaeology report and programme of investigation. The site is located in an area of archaeological potential and a condition requiring that a staged programme of archaeological investigation be undertaken ahead of any development on the site will be required.*

The site is located in an area of archaeological potential on the northern edge of the historic settlement. The site is located immediately north of a number of C17th listed buildings and it is possible that archaeological deposits related to these buildings could survive on the site. A ring ditch has also been identified 440m north of the site from the aerial photographs which is likely to be the remains of a bronze age barrow (PRN 13900). A second probable barrow is located to the west of this feature (PRN 27173) and it is likely that further barrows could be present in the area.

This development could therefore impact upon archaeological features related to these sites.

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 as suggested above.

- **OCC Education** – *Detailed comments can be found in the full Oxfordshire County Council Comments at Appendix A.*
Based on the information currently available, this proposed development has been estimated to generate 10.20 primary pupils, 8.04 secondary pupils (including 1.28 sixth formers) and 0.21 pupils requiring education at an SEN school.

Primary Education - £118,116 Section 106 required for the necessary expansion of permanent primary school capacity serving the area, at Chesterton CD (VA) Primary School.

Secondary Education – OCC is not seeking education contributions to mitigate the impact of this development on secondary school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in the future.

Special Education Needs Education – OCC is not seeking education contributions to mitigate the impact of this development on SEN school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in the future.

Legal agreement required to secure - £118.116 Section 106 developer contributions towards the expansion of Chesterton CE (VA) Primary School, by a total of 10.20 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 October 2012 using PUBSEC Tender Price Index.

Planning permission to be dependent on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in order for Oxfordshire County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

The contribution calculations are based on the notified numbers and mix of dwellings. Pupil generation, and consequently developer contributions amounts required towards education, will need to be revised when there is a confirmed mix of dwellings.

- **OCC Property** – no objection subject to conditions. Full comments can be found within OCCs comments attached at appendix A.

The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure. The following housing development mix has been used:

0 x one bed dwellings

9 x two bed dwellings

0 x three bed dwellings

17 x four bed dwellings

It is calculated that this development would generate a net increase of: 83.97 additional residents including:

4.93 residents aged 65+

54.73 residents aged 20+

9.55 residents aged 13-19

8.41 residents aged 0-4

The legal agreement required to secure:

- Library book stock: £1,679.

*Total to be index linked from 1st Quarter 2012 using PUBSEC Tender price index

- Administration and monitoring in relation to property: £1,500.00

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

- Administration and monitoring in relation to education and other S106 payments: £3,750

- **OCC Fire Authority** – OCC has a duty to ensure that an adequate supply of water is available for fire fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. An appropriate condition is to be applied to seek these details prior to development commencing.

Other External Consultees:

- **Thames Water** –

Waste Comments

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "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.

5. Relevant National and Local Planning Policy and Guidance

5.1 Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

Policy PSD1 – Presumption in Favour of Sustainable Development
 Policy BSC1 – District Wide Housing Distribution
 Policy BSC3 – Affordable Housing
 Policy BSC4 – Housing Mix
 Policy BSC10 – Open Space, Outdoor Sport and Recreation Provision
 Policy ESD3 – Sustainable Construction
 Policy ESD7 – Sustainable Drainage Systems (SuDS)

Policy ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
Policy ESD13 – Local Landscape Protection and Enhancement
Policy ESD15 - The Character of the Built and Historic Environment
Policy Villages 1 – Village Categorisation
Policy Villages 2 – Distribution of Growth Across the Rural Areas

Cherwell Local Plan 1996 (Saved Policies)

Policy C23 – Retention of features contributing to character or appearance of a conservation area.
Policy C28 – Layout, design and external appearance of new development
Policy C30 – Design of new housing development
Policy ENV1 – Development likely to cause detrimental levels of pollution
Policy ENV12 – Development on contaminated land

5.2 Other Material Planning Considerations:

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

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

6. Appraisal

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

- Planning History;
- Principle of Development;
- Housing Land Supply;
- Accessibility, Highway Safety and Parking;
- Landscape and Visual Impact and Heritage Assets
- Effect on Neighbouring Amenity;
- Drainage and Flood Risk;
- Infrastructure and Affordable Housing;
- Trees and Landscaping and Ecology

Planning History

6.2 The area of land immediately to the south of the application, shown blue on the site location plan has outline planning permission for development comprising up to 20 dwellings. Application 13/01796/OUT was approved on the 6th April 2015. There has been no reserved matters applications submitted in relation to this planning permission, but the permission remains extant

Principle of Development

6.3 Weston on the Green is identified as a Category A village as part of the recently adopted Cherwell Local Plan Part 1 policy Villages 1. Category A villages are identified in the Plan as the most sustainable settlements within the rural areas of the district based on population size, number and range of services, the accessibility (travel time and distance) of the village to other services and urban areas by private car and public transport, accessibility in terms of walking and cycling and local employment opportunities. A detailed study of the relative

sustainability of the district's villages was carried out in 2009 and updated in 2014 (Cherwell Rural Areas Integrated Transport and Land Use Study, (CRAITLUS)) and this was used to inform the categorisation of the villages. In this study it was identified that Weston on the Green has a range of 7 services consisting of, a nursery, retail outlet, food shop, post office, public house, recreation facilities and a village hall. Weston on the Green therefore ranks 13 out of the 23 Category A villages, based on service provision, and is therefore considered to be one of the more sustainable villages within the District. The ranking of the villages by services can be seen at Appendix B.

- 6.4 The CRAITLUS study also looked at accessibility to other services outside of the village such as employment, secondary school, hospital, major centres, major retail and supermarket. At the time of the study there was a limited bus service in Weston on the Green to Bicester, Kidlington and Oxford providing access to services by an alternative mode of transport to the private car. Furthermore, Weston on the Green is located near very good strategic transport links with direct access on to the A34 to the south and then on to the wider local and national road network.
- 6.5 Under policy Villages 1 of the Cherwell Local Plan Category A villages are considered suitable for developments consisting of minor development, infilling and conversions within the built up limits of the village. In this case the site of the proposal is not considered to fall within the built up limits of the village of Weston on the Green and so would not comply with policy Villages 1. However, policy Villages 2 provides for a total of 750 homes to be delivered at Category A villages with sites identified through the plan-making process, and through the determination of planning applications. Taking into account the outline planning permission established on the site immediately to the south and the close relationship that this proposal has to that site, this proposal is appropriate to be considered in light of Policy Villages 2.
- 6.6 This policy sets out a number of criteria which are to be considered when considering sites for 10 or more dwellings at the Category A villages. The assessment of the proposal against these criteria will be made within the report below.

Housing Land Supply

- 6.7 The NPPF requires that in order to significantly boost the supply of houses local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing. The current housing land supply figures are set out in the December 2015 Annual Monitoring Report. The Council's current position is that it can demonstrate it has a 5.3 year supply of housing land and therefore the policies of the adopted Local Plan are up to date and relevant to the determination of this application.
- 6.8 Policy Villages 2 identifies that a total of 750 homes will be delivered at Category A villages. From the Annual Monitoring Report 2015 it can be seen that a total supply of 470 dwellings is presently expected from non-strategic sites (10 or more dwellings) at Category A villages as at 31 March 2015. This leaves about 280 dwellings to be identified in order to meet the policy Villages 2 requirement to 2031.
- 6.9 Given the amount of development that has already been committed to take place in the rural areas, and in the context of the Council having an up-to-date 5 year housing land supply, it is important to consider whether allowing this site to be released for housing would undermine the overall strategy of the Local Plan to direct housing to the most sustainable locations in the district. In particular concerns have been raised about the quantum of development proposed at Weston-on-the-Green.
- 6.10 Policy Villages 2 states that sites will be identified through the preparation of Neighbourhood Plans where applicable, Local Plan Part 2 and through the determination of applications for planning permission. Since 2011, Weston on the Green has seen 12 dwellings being built

between 2011 and 2015 although these do not contribute to the policy Villages 2 allocation. However the permission that has been granted for 20 dwellings on the land to the south of this site, which was granted on the 6th April 2015, does contribute towards the 750 dwellings allocation for the rural areas. There are permissions for 4 other dwellings within the village.

- 6.11 The site is identified in the Strategic Housing Land Availability Assessment (SHLAA) as part of a larger 6.8 hectare site to the north of Weston on the Green. The SHLAA concludes that the site of this application and land further to the north of the village would be available and suitable, in principle, for development should the Council require sites located outside of the built up area of the village.
- 6.12 The Parish of Weston-on-the-Green has been identified as a neighbourhood planning area and the Parish Council have advised in their comments that the village is working towards preparing a Neighbourhood Plan. However this is in very early stages with no draft document prepared and therefore the neighbourhood plan carries limited weight in the assessment of this application or in the identification of suitable sites for development.
- 6.13 As noted above, Weston-on-the-Green is ranked as one of the more sustainable Category A villages because of its good transport links and access to services and facilities. Whilst it is noted that the bus service through the village is likely to be withdrawn, this service provides a limited alternative to the private car and the majority of travel from the village is by private car. Furthermore the withdrawal of this service will affect other category A villages. Having regard to the guidance at Paragraph 29 of the NPPF and the criteria for assessing proposals under Policy Villages 2, officers are satisfied that on balance Weston-on-the-Green remains an appropriate location, in sustainability terms, to consider a proposal for 26 dwellings.
- 6.14 Government guidance and appeal decisions are clear that being able to demonstrate a 5 year housing land supply is not itself a reason to refuse planning permission, and proposals must be considered in the context of the presumption in favour of sustainable development contained in the NPPF. Therefore provided the proposal does not conflict with any of the Council's adopted development plan policies, including the criteria of Policy Villages 2, on balance the proposal is considered appropriate in sustainability terms and would not undermine the overall housing strategy of the recently adopted Cherwell Local Plan Part 1.

Accessibility, Highway Safety and Parking

- 6.15 The Local Highway Authority has raised an objection to the proposed development advising that the development site is not in a sustainable location. Weston-on-the-Green is identified as a Category A village in the recently adopted Cherwell Local Plan Part 1 and so officers do not agree with the view of the Local Highway Authority. As stated above, in paragraph 6.2 the village has 7 services which are accessible within the village and offer employment opportunities within the village, therefore allowing residents of the village to work and access some services without the need to travel. The categorisation of the villages was considered by the Inspector at the examination in public of the Local Plan, and was found to be sound and justified supported by a robust evidence base (Inspector's Report Page 44). It is accepted that services such as school, health services and major shopping facilities would need to be accessed by public transport or by the private car, but the need for the use of the private car would be less within the Category A villages compared to other villages such as Category B and other smaller villages. Furthermore, Weston on the Green has good transport links with easy access to the A34 and the wider local and major road network.
- 6.16 It has been suggested by the Local Highway Authority that the existing bus service no. 25 is highly likely to be withdrawn from service during 2016. This will leave Weston on the Green with no bus service to Kirtlington, Bicester or Oxford. The existing bus service provides 4 services to Kirtlington, Monday to Saturday and 5 services to Bicester, Monday to Saturday. This is an infrequent service however it does provide the opportunity for residents of Weston

on the Green to access services and employment which are not available within the village. Weston on the Green and a number of the Category A villages are likely to be affected by the removal of a number of village bus services, however, these villages still have a number of services within the village to serve residents without the need to travel by the private car. Therefore, it is the Local Planning Authorities opinion that Weston on the Green is a suitable sustainable location for the proposed residential development which accords with the overall strategy for distributing housing growth of the adopted Local Plan and Government guidance contained within the NPPF.

- 6.17 The proposed development would increase the population of Weston on the Green and therefore this would introduce additional residents who would be likely to use the local village services, Post Office, shop, nursery, bus service (currently) and this additional population will contribute to ensuring the future viability of these existing services making it more likely they will be retained for use by the village into the future.
- 6.18 Given the outline nature of the proposal it is not possible to do a full assessment as to the access, parking and turning arrangements. However it is necessary to be satisfied at this stage that an acceptable arrangement can be achieved that is in compliance with the adopted policies or guidance in the NPPF relating to highway safety. The Local Highway Authority have suggested a number of conditions if the Local Planning Authority are minded to approve the application to ensure the design of the new access, vision splays, estate road, turning and parking can be agreed as part of the reserved matters submission, and so officers are satisfied that acceptable details can be agreed the reserved matters stage.
- 6.19 Comments received in response to the consultation have raised highway safety as an issue in terms of the increased use of the B430 and the works required to the highway to provide the footpath link to the village. Concerns regarding the safety of pedestrians using the proposed footpath and walking along the B430 through the village have also been raised. The Local Highway Authority have commented that the expected trip generation from the proposed development is unlikely to have a detrimental impact on the surrounding highway network. This application is in outline form and therefore no details of the proposed access have been provided at this stage. The Highway Authority have advised that providing acceptable visibility standards are provided at the new access point and the proposed footpath (secured as part of application 13/01796/OUT) is an adequate width (2m wide) there is no objection to the application on highway safety grounds.

Landscape and visual impact and heritage assests

- 6.20 The criteria listed under Policy Villages 2 include “whether significant adverse impact on heritage or wildlife assets could be avoided...whether development would contribute in enhancing the built environment (and) whether significant adverse landscape impacts could be avoided”.
- 6.21 The application site is somewhat divorced from the existing settlement as it currently abuts an area of land which is in equestrian use to the north of the village. The land in equestrian use, immediately to the south of the site, has an extant outline planning permission for residential development of up to 20 dwellings. To the south of the site with outline planning permission are the rear gardens of the properties which front onto North Lane. The site has a rural feel to it, being currently in use as paddocks for the grazing of horses and having a close relationship to the wider countryside. The site is clearly development beyond the built up limits of the village and as such is an encroachment into the open countryside. The site has a strong landscape boundary along the B430 to the east and along the surrounding fields to the west. The site and the surrounding landscape is very flat and as a result of the site characteristics and the surrounding landscape the development will not be viewed from any long distances or have any significant landscape impact. The only views of the site will be localised; from the B430 when passing the site and from the north where views are restricted by the existing

hedgerows, from public footpaths in close proximity to the site, and from residential properties. These localised views of the proposed development will not in the opinion of officers' result in significant harm to the visual amenities of the area.

- 6.22 Weston on the Green has an unusual development pattern with the majority of its residential properties being located along roads which spur off the western side of the main B430 in an east west alignment. The proposed development would be a further example of such a layout where properties front onto the access road but turn their backs on the properties to the south. However, it is considered by the Design and Conservation Officer that this modern form of development will appear as an alien feature against the existing historical development pattern of the existing village.
- 6.23 The Council's planning officers do not have the same view as the Design and Conservation Officer in terms of the form of development. It is considered that the development of this site is an appropriate location and form of further residential development which would follow the existing form of development which is currently sited along the B430 extending the west of the B430. Furthermore, taking into account the outline planning approval for up to 20 dwellings immediately to the south of this site it is considered that the development of this site would not cause significant further harm to the detriment of the visual amenities of the area. The views of the site whether it comprises 20 dwellings or 46 dwellings would, in the case officer's view, have a very similar and limited visual impact on the surrounding landscape.
- 6.24 It is the case that some aspects of the submitted indicative layout could be improved upon (e.g. the formality and regularity of housetypes, the estate-like layout of the north-eastern parcel, the arrangement and prominence of garages). However as all matters are reserved it is considered that an acceptable detailed scheme which would contribute positively to the built environment can be secured at reserved matters stage.
- 6.25 Turning to heritage impacts, the site is located to the north of the Conservation Area and there are three statutory listed buildings and two locally listed buildings to the south of the site. Therefore the proposed development needs to be considered in light of Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which seeks to preserve and/or enhance the special interest of listed buildings and conservation areas. The development does not result in the loss of any heritage assets but has the potential to harm their settings due to their proximity with one another. Comments on the application have raised concerns about the impact of the proposal on the setting of nearby heritage assets, the Conservation Area and listed buildings to the south. The applicants assessment of the impact on heritage assets sets out that due to the main orientation of the listed buildings being towards the south, the lack of public views of the listed buildings from the north and the separation between them and the proposed development that their settings will not be harmed. It is the case officer's view, that due to the site of the proposed development being sited further away from the identified heritage assets than the previous approved outline scheme for residential development to the south, the proposal would not cause any further harm over and above residential development on the site to the south. Therefore, it is considered that no adverse harm will be caused on the setting of the heritage assets and their special interest will be preserved.
- 6.26 The application site is outside of the Oxford Green Belt but the southern section of the village, south of Bletchingdon Road, does fall within the Green Belt. As such this limits the opportunities for new development within and on the edge of the settlement with any focus likely to be in the northern part of the village.
- 6.27 Given the outline nature of the proposal it is not possible to do a full assessment as to the design and layout of the proposed development as this will be a matter for consideration at reserved matters stage. However it is possible to conclude that the development is unlikely to

have any significant landscape impact or impact on heritage assets. As such the proposal complies with Policies ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1, Policies C18, C23, C28 and C30 of the Cherwell Local Plan 1996 and guidance in the NPPF relating to design and heritage assets.

Effect on neighbouring amenity

- 6.28 This proposal for outline residential development will be sited approximately 70 metres from the nearest residential dwelling and approximately 60 metres from the nearest residential garden boundary. The land immediately to the north of the properties on North Lane already has outline planning permission for up to 20 residential dwellings. The proposed development will therefore be sited north of the site which already has permission for residential development. The proposed development would alter the outlook from the rear of the properties fronting North Lane and the effect on these properties is likely to be significant, but no more so than the effect of any greenfield development on existing dwellings. It is also the case that the planning system cannot be used to protect private views. These properties have benefited from the outlook afforded to them by having open fields to the rear of their gardens but this is not a right as such and cannot form a reason to refuse the application. As part of the assessment of the application consideration can be had as to whether the development is likely to result in any overbearing impact, result in overlooking or adverse noise and disturbance once implemented.
- 6.29 It is worthwhile mentioning here the conclusions of the previous case officer in assessing the scheme to the south of the site (13/01796/OUT) in relation to overbearing and privacy issues. It was concluded that the scheme for 20 dwellings to the north of the village would be unlikely to cause demonstrable harm on the existing residents on North Lane because the Council's informal space standards of a separation of 22 metres could be secured. The proposed scheme for 26 dwellings to the north will be located further away from the existing dwellings on North Lane and therefore it is considered that in terms of overbearing and privacy issues the impact caused by the proposed development would be not as significant as the scheme to the south. Given the greater distances involved and the orientation of the site and the existing properties the proposal would not be considered to have an overbearing impact or result in the loss of light or privacy.
- 6.30 Increase in noise and disturbance is also a relevant consideration in the assessment of the application. Significant impacts usually only occur where there is a conflict in neighbouring land uses. However, in this case there would be residential properties adjacent to residential properties and as such the proposal is unlikely to result in adverse noise and disturbance. Existing residents have raised concern with noise and disturbance during the construction period. Whilst this is not a irrelevant consideration it is not usually sufficient to refuse an application. It is possible to require a construction phase travel plan and restricted hours of construction work. However, most construction sites operate in accordance with guidelines set by the construction industry and there is other legislation that can control anti-social behaviour whether it be as a result of individuals or construction sites.
- 6.31 Given the above assessment in relation to neighbour impact it is considered that a scheme could be developed that would comply with Policy C30 of the Cherwell Local Plan 1996. However this would have to be fully assessed at the reserved matters stage.

Drainage and flooding

- 6.32 The site falls within flood zone 1, outside of zones 2 and 3 and therefore lies within an area which is at the lowest risk of flooding. The submitted flood risk assessment also confirms that the site does not appear to have suffered from historical surface water flooding based on the Cherwell and West Oxfordshire Strategic Flood Risk Assessment, however this document

does identify the impermeable nature of the ground and the requirement to maintain surface water flow rates. A number of the third party comments have raised concerns with the increase in hard surface area by the proposed development and concerns that the proposed balancing pond is too small for a site of this size. Oxfordshire County Council have provided comments on the application and have advised that 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. Such a scheme submitted prior to the commencement of development will ensure that a suitable drainage scheme based on sustainable drainage principles can be incorporate into the development.

Trees, landscaping and Ecology

- 6.33 The existing site is currently used for the grazing of horses with substantial hedgerows with some mature trees within the boundary planting enclosing the site from the east and west. These existing landscape features will need to be maintained as part of the proposed development as they provide a very good established visual screen to the development from the B430 to the east and north and from the footpath to the east of the site. Suitable conditions can be applied to secure the retention of existing hedgerows, and to ensure that a suitable landscaping scheme and maintenance for the site is agreed at reserved matters stage.
- 6.34 With regard to ecology an Extended Phase 1 Habitat Survey Report has been submitted in support of the application, and the Council's Ecology officer has advised that in general the site is not of high ecological value except the hedgerows which the proposed layout shows to be retained. These would need protecting during any construction activities and a buffer should be kept of at least 5m between the development and the hedgerows for maintenance and to retain their value as wildlife corridors, this provision can be incorporated within the details of a reserved matters scheme.
- 6.35 The application has not been supported by a reptile survey, however the Council's Ecology Officer has advised that because reptiles are not European Protected Species this can be secured by a condition ensuring that such a survey is carried out prior to any works commencing on the site to ensure there are no reptiles present. If reptiles are found then the report will need to include appropriate mitigation methods and any translocation site details if required.
- 6.36 The village has an existing playground and public open space to the west of the village approximately 800 metres from the proposed development. The provision of a Local Area for Play as part of the proposed development will provide an area of open space and play area for the northern part of the village.

Infrastructure Provision and Affordable Housing

6.37 The development of this site would result in increased pressure on existing infrastructure and potentially the need for new infrastructure. As such the Council would look to secure a S106 legal agreement which would require the applicant to contribute towards the following;

- Local area of plan and commuted sum for maintenance
- Refuse bins
- Public art
- Education - £118.116 Section 106 developer contributions towards the expansion of Chesterton CE (VA) Primary School, by a total of 10.20 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 October 2012 using PUBSEC Tender Price Index.

- Libraries
- Community facilities and events improvements

6.38 In addition Policy BSC3 of the Cherwell Local Plan Part 1 requires all proposed developments of 11 or more dwellings in the rural areas to provide at least 35% of new housing as affordable homes on the site. The Council's Strategic Housing officers have advised that this equates to a total of 9 units (70% (6 units) of which are to be affordable rented units and the remaining 3 to be shared ownership or similar tenure to be agreed with the District Council).

6.39 The applicant has stated within the planning statement supporting the application that there is agreement to provide 9 affordable housing units and other S106 contributions requests and does not intend to dispute these. However further negotiations are required with the applicant and other departments to reach an appropriate agreement and it is therefore requested that Members delegate to officers to negotiate until an acceptable agreement is reached.

The Planning Balance

6.40 At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. In principle Weston on the Green is identified in the recently adopted Cherwell Local Plan Part 1 as one of the more sustainable villages within the district as set out above and therefore, on balance, meets this requirement of the NPPF in terms of sustainability.

6.41 The proposal is appropriate to be considered under Policy Villages 2 of the Cherwell Local Plan and the quantum and location of development proposed is considered to be consistent with the overall housing strategy of the Local Plan. The proposal would deliver social and economic benefits with the provision of new housing, including a policy-compliant on-site affordable housing contribution, and would contribute to meeting rural housing needs in the District. There would be no significant adverse harm to the visual amenities of the area and no other significant or unacceptable environmental harm has been identified. The proposal is considered acceptable in highway safety and access terms.

6.42 All-in-all the benefits of the proposal, which is considered to comply with the Council's adopted Development Plan policy, outweigh any harm and so the proposal is considered to be sustainable development within the meaning of the Framework.

Other issues

6.43 Comments received from third parties have raised concern that the approval of a second phase of residential development in this location could set a precedent for further development to the north of the current site. Further development to the north of the current proposal would need to be fully assessed as part of a further planning application taking into account all the issues raised above.

7. Engagement

7.1 With regard to the duty set out in paragraphs 186 and 187 of the Framework, any objections that have been raised have been brought to the attention of the applicant's agent who has had the opportunity to respond. The application will have exceeded its original target date but the agent has agreed to an extension of time limit to allow time to finalise a S106 in the event of the application being approved. It is considered that the duty to be positive and proactive will have been discharged through the efficient determination of the application.

8. Conclusions

8.1 This application is in outline only with all matters reserved for future consideration and as such it is the principle of the development that is being considered. The proposal is considered to be a sustainable form of development as it is sited within Weston-on-the-Green which is

identified under Policy Villages 1 as a Category A village. Furthermore the proposed development of up to 26 dwellings on this site is considered to be an acceptable form of development when considered under Policy Villages 2 of the Adopted Local Plan 2011-2031 Part 1. The proposal as set above is not considered to cause adverse harm to the visual amenities of the area, the Conservation Area or Listed Buildings and would not cause adverse harm to highway safety or to flood risk in the area. The village currently has a number of services which serve the village and furthermore, the village has very good transport links to the wider transport network. Therefore, the proposed development is considered to be in accordance with Policies BSC1, BSC3, BSC10, ESD7, ESD10, ESD13, ESD15 and Policy Villages 2 and Government guidance contained with the National Planning Policy Framework.

Recommendation Approve subject to:

- a) **The applicants entering into a legal agreement to the satisfaction of the District Council to secure affordable housing and financial contributions (to be delegated to officers);**
- b) **The following conditions:**

General Implementation

- 1) No development shall commence until full details of the access, layout (including the layout of the internal access roads, footpaths and cycleways), appearance, scale and landscaping (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.

- 2) In the case of the reserved matters, the final application for approval shall be made not later than the expiration of three years beginning with the date of this permission. Each application shall demonstrate how the design and access principles of Phase 1 and Phase 2 shown on the indicative layout on drawing No. BBA 109 PA 003, have been used to inform the reserved matters applications.

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.

- 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 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

- 4) The approved plans to which this permission relates are the site location plan received with the application and Drawing No. BBA 109 PA 003 (Phase 2 indicative layout).

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

- 5) Prior to the commencement of the development hereby approved, a Phasing Plan covering the application site (Phase 2) and the development of the 20 dwellings approved under planning application ref: 13/01796/OUT (Phase 1) as shown on drawing No. BBA 109 PA 003 shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include a timetable for implementing the developments with estimated completion dates for each phase. Thereafter the developments shall be carried out in accordance with the approved 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) The development hereby permitted shall comprise of no more than 26 dwellings and shall be carried out in accordance with the submitted site location plan and those plans approved as part of the reserved matters applications.

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

Access

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

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

- 8) Prior to the commencement of the development hereby approved and as part of the Reserved Matters, full specification details of the internal access roads, footpaths and cycle ways which shall include construction, layout, surfacing, drainage and lighting, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - In the interests of highway safety, 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.

- 9) Prior to the commencement of the development hereby approved and as part of the Reserved Matters, 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 accesses, 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.

- 10) Prior to the commencement of the development hereby approved and as part of the Reserved Matters, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the

development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

- 11) Prior to the commencement of the development hereby approved and as part of the Reserved Matters, and notwithstanding the application details, full details of refuse and fire tender turning within 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 details.

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

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

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

- 13) No structure exceeding 1 metre in height measured from the carriageway level shall be placed within the visibility splays of the site access.

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

Drainage

- 14) Prior to the commencement of the development hereby approved, a detailed scheme for the surface water drainage and foul sewage drainage of the development, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, detailing any on and/or off site drainage works has been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved drainage scheme.

Reason - To ensure satisfactory drainage in the interest of public health, to avoid flooding of adjacent land and property and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Noise and Contamination

- 15) No development shall commence until a scheme for protecting the proposed dwellings from traffic noise from the B430 and A34 has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall achieve the design criteria specified in BS 8233:2014 'Guidance on Sound insulation and reduction for buildings' Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwellings to which the scheme relates are occupied.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with saved Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 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 together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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 saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 18) If a potential risk from contamination is identified as a result of the work carried out under condition 17, 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 saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 19) If contamination is found by undertaking the work carried out under condition 18, 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 saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 20) If remedial works have been identified in condition 19, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 19. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Archaeology

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

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

- 23) Prior to any demolition on the site (other than in accordance with the agreed Written Scheme of Investigation) and prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation approved under condition F6, a programme of archaeological evaluation, investigation and recording of the application shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason: In order to determine the extent, character and significance of the surviving remains

or archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

Trees and Biodiversity

- 24) As part of the Reserved Matters, a full tree survey in line with BS5837(2012) and method statement to identify existing trees and hedgerows within the site and immediately adjacent to the application site and any required tree/hedgerow protection 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 tree survey.

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 saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 25) As part of the Reserved Matters, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping 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,
- (b) 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 ESD13 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 26) As part of the Reserved Matters, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

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 ESD13 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 27) Except to allow for the means of access and vision splays the existing hedgerow along the eastern boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason: In the interests of the visual amenities of the area, to provide an effective screen to

the proposed development and to comply with Policy ESD 13 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 28) The existing hedgerow along the western boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason: In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy ESD 13 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 29) The development hereby approved shall be carried out in strict accordance with the recommendations detailed in section 5 of the Extended Phase 1 Habitat Survey dated June 2015 submitted with the application.

Reason: To conserve and enhance biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031: Part 1 and Government guidance contained within the National Planning Policy Framework.

- 30) Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance of the translocation of any reptile, a reptile survey (which shall be carried out in accordance with best practice guidelines) shall be carried out, and the findings, including a mitigation strategy if required, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all works of mitigation shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031: Part 1 and Government guidance contained within the National Planning Policy Framework.

- 31) No removal of hedgerows, trees or shrubs shall take place between 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 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 and Government guidance contained within the National Planning Policy Framework.

- 32) 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, both in public open space and in the built environment, 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.

33) Prior to the commencement of the development hereby approved, a Landscape and Ecology Management (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LEMP shall be carried out in accordance with the approved details.

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

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

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

Other matters

35) Prior to the first occupation of any dwelling on the site, a scheme for the provision of refuse and recycling bins to serve each dwelling including details of the type and specification of the bins to be provided and a programme for their provision, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason – To ensure the provision of adequate waste and recycling facilities to serve the development, in accordance with guidance contained in the National Planning Policy Framework.

Planning Notes:

- 1) Note for Condition 12 – The application is advised that details of the information required as part of the detailed drainage strategy can be found within Oxfordshire County Council's comments dated the 17th December 2015.
- 2) The applicant is advised that if further advice is required in relation to conditions 14 and 15 contact should be made with the County Archaeologist on 01865 328944 or by writing to Richard.Oram@oxfordshire.gov.uk or Historic and Natural Environment Team, Infrastructure Planning, Speedwell House, Speedwell Street, Oxford, OX1 1NE, who can provide advice in terms of the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.
- 3) The applicant is advised that the County Archaeologist expects the programme of archaeological evaluation and mitigation/Written Scheme of Investigation to include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to Oxfordshire County Council as soon as practically possible following the completion of the on site investigation.

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.

CONTACT OFFICER: Emily Shaw

TELEPHONE NO: 01295 221819

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

District: Cherwell

Application no: 15/01953/OUT

Proposal: Erection of up to 26 dwellings including creation of a new access, associated landscaping, open space and drainage infrastructure

Location: Land North Of Southfield Farm North Lane Weston On The Green

Purpose of document

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

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

District: Cherwell

Application no: 15/01953/OUT

Proposal: Erection of up to 26 dwellings including creation of a new access, associated landscaping, open space and drainage infrastructure

Location: Land North Of Southfield Farm North Lane Weston On The Green

Transport

Recommendation

Objection

Key issues

- The site is not in a transport sustainable location, and this situation will deteriorate with the impending loss of the only bus service operating through Weston-on-the-Green.
- Access proposals are unclear, and would need to be better demonstrated.
- Maintenance of the required visibility splays needs to be demonstrated.
- A travel information pack would be required.
- A drainage scheme would be required.

Conditions

Should the local planning authority decide to grant planning permission, then the following conditions would apply.

D3 Access: position to be agreed.

D4 Access: Full details.

D5 Vision splay details.

D7 Vision splay protection.

D9 New estate roads.

D10 Estate accesses, driveways and turning areas.

D15 Parking and manoeuvring areas retained.

D16 Details of turning for service vehicles.

D18 Plan of car parking provision.

D19 Cycle parking provision.

Prior to first occupation a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

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
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout
- SUDS
- Network drainage calculations

Informatives

The Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. Alternatively the developer may wish to consider adoption of the estate road under Section 38 of the Highways Act.

Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for a new or improved highway vehicular access under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk.

Detailed comments

Transport Strategy

As previously stated by the Transport Strategy team for application number 13/01796/OUT, this development site is not in a sustainable location.

The development proposal is contrary to National Planning Policy Framework standards in that it fails to reduce the need to travel and maximise trips by sustainable modes. Weston-on-the-Green has a very limited range of local amenities and facilities that are within reasonable walking distance of the proposed development site. Schools and GP surgeries/health centres are situated over two miles away from the proposed development site in larger settlements such as Kirtlington. The distances involved to access such facilities will mean that private car will be the dominant mode of transport to and from the site.

The low level of transport sustainability of this location is likely to be further reduced by the imminent withdrawal of county council funding for the No.25 bus service. This is set out in detail below under Public Transport.

The expected level trip generation from the development is unlikely to have a detrimental impact on the surrounding highway network. The impact on highway capacity is therefore considered acceptable given that it is unlikely to have a "severe impact" on the local highway network, as set out in the National Planning Policy Framework.

Further to national policy, the development proposal is also required to adhere to the policies in Connecting Oxfordshire: Local Transport Plan 2015-2031. Two key policies that are applicable in this instance are:

Policy 03 Oxfordshire County Council will support measures and innovation that make more efficient use of transport network capacity by reducing the proportion of single occupancy car journeys and encouraging a greater proportion of journeys to be made on foot, by bicycle, and/or by public transport.

Policy 17 Oxfordshire County Council will seek to ensure through cooperation with the districts and city councils, that the location of development makes the best use of existing and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport.

Transport Development Control

The planning application is accompanied by a Transport Statement (TS). Section 1.4 of the TS describes a report scoping exercise undertaken by the consultants, Section 1.4.3 states:

“At present, a formal response to the Scoping of Transport Statement has yet to be received from OCC”

It is noted here that OCC provided pre-application advice regarding this proposed development to Cherwell District Council on 7 August 2015. This pre-dates the September 2015 date of the TS. This pre-application advice highlighted the unsustainable location of the site in terms of transport provisions. This feature of the application site is addressed in other parts of this response.

The TS presents trip generation estimates for both the development site and the approved adjacent site. The rates used to determine these estimates are taken from the TRICS database and are consistent with what could be expected at a site like this. The trip generation estimates appear reasonable and will create no significant adverse impact on the capacity of the highway network in this vicinity.

TS is not clear as to how this site will be accessed, stating *“It is proposed to either reuse or improve the existing Phase 1 access or construct a new highway access to replace the existing”*. Some details of layout and design for both alternatives are provided in the text of the TS and in Appendix I of the TS. However, understanding of these details is hampered by poor reproduction of drawings and notes in Appendix I which are very difficult to read. These proposals would benefit from being presented more legibly. The TS also makes reference to BCAL Report 5070R001A

In relation to the Phase 1 access, but this report does not appear to be included with this application, so cannot be reviewed.

Both access alternatives would need to demonstrate that a suitable visibility splay could be maintained as free from vegetation and other obstructions. The land within the visibility envelope would therefore need to be demonstrated as either highway land or within the control of the developer.

The TS proposes the construction of a footway to adoptable standards on the western side of the B430 connecting the development site with North Lane. This is regarded by OCC as an essential part of the development proposals.

Public Transport

The bus service to and from Weston-on-the-Green is not only very infrequent, but it is probable that this service could be withdrawn in its entirety in 2016.

Bus service 25 currently operates five times on weekdays to Bicester and four times per day to Kirtlington, extending three times a day to Kidlington and just once a day to Oxford. Whilst this level of service does provide some off-peak accessibility to Bicester and Kidlington for retail and other facilities, the lack of peak hour services means this route cannot be used for work or education purposes.

However, following the Council's review of supported bus services, cabinet took the decision on 10th November 2015 to withdraw all subsidies paid to all supported bus routes. This decision is subject to approval at the full budget meeting to be attended by all County Councillors in February 2016. If the decision is upheld all subsidy will be withdrawn in October 2016.

Whilst the exact economics of the 25 bus service is unknown, it is considered highly probable that the section of route through Weston-on-the-Green is highly unprofitable and therefore could suffer from either a significant reduction in the level of service, or from complete withdrawal. All scenarios currently under review for supported bus services provide for the complete withdrawal of the No.25 service.

The scale of development proposed could not provide the amount of funding or number of users required to create a self-sustaining commercial bus service through Weston-on-the-Green.

A reduction or complete withdrawal of bus service 25 would leave new residents without any meaningful alternative to the car. Apart from the additional pressure on the A34 and Oxford's northern approaches, many children and elderly people in particular would have no independent means of travel to other places for their work, education retail, leisure and other activities.

Weston-on-the-Green is a small village with very few facilities. Cherwell's designation of this village as a Category A village would appear to ignore the almost complete absence of services and facilities in Weston-on-the-Green and the very poor availability of sustainable transport. There is no school and only one shop in Weston-on-the-Green. Almost all journeys for work, education, retail or social purposes would therefore be made by car.

There is very little opportunity to walk or cycle. Other settlements and schools are too far away for use of these sustainable forms of transport and there are almost no footpaths along the highway network.

Travel Plans

From a transport perspective the proposed development is not situated in a sustainable location. The information presented within the Transport Statement suggests that there will be a reliance on the private car for most journeys. Some examples are set out here.

Paragraph 4.4.1 of the Transport Statement states that there is a bus stop a short distance from the site. However accessing this bus stop means walking along a grass verge. The statement also says (paragraph 6.8.7) that buses do not depart early enough to be of use for the journey to school or for commuters. In addition, there are no Sunday or evening services.

Paragraph 6.8.6 states that there are five primary schools within 'close proximity' of the site. However, because of the distance and the age of the children these trips would be too challenging to walk or cycle and so are likely to be made by car.

However, if the development is granted planning permission then a Residential Travel Information Pack should be produced and distributed to residents at the point of occupation so that all residents are aware of the travel choices available to them from the outset. The developer should also provide cycle parking within each residential boundary either with a garage or a garden shed.

Road Safety

Providing DMRB visibility standards are met and the footway is of adequate width, ideally 1.8 - 2m, there is no objection to this application on safety grounds. The longer term accident history back to 1991, when this changed from being the A43 to the B430 following the opening of the M40 extension, reveals no accidents at the existing access in the vicinity in this period.

Drainage

The outline proposal is acceptable. However, the applicant will need to provide more information at the next stage of application. This will need to comprise 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. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme should all also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout
- SUDS
- Network drainage calculations

Officer's Name: Chris Nichols

Officer's Title: Transport Development Control

Date: 17 December 2015

District: Cherwell

Application no: 15/01953/OUT

Proposal: Erection of up to 26 dwellings including creation of a new access, associated landscaping, open space and drainage infrastructure

Location: Land North Of Southfield Farm North Lane Weston On The Green

Archaeology

Recommendation:

No objection subject to conditions

Key issues:

The site is located in an area of archaeological potential and a condition requiring that a staged programme of archaeological investigation be undertaken ahead of any development on the site will be required.

Legal agreement required to secure:

None

Conditions:

- F6** Prior to any demolition on the site, the commencement of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

- F11** Prior to any demolition on the site (other than in accordance with the agreed Written Scheme of Investigation) and prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition **[F6]**, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

Informatives:

None

Detailed comments:

The site is located in an area of archaeological potential on the northern edge of the historic settlement. The site is located immediately north of a number of C17th listed buildings and it is possible that archaeological deposits related to these buildings could survive on the site. A ring ditch has also been identified 440m north of the site from aerial photographs which is likely to be the remains of a Bronze Age barrow (PRN 13900). A second probable barrow is located to the west of this feature (PRN 27173) and it is likely that further barrows could be present in the area.

This development could therefore impact upon archaeological features related to these sites.

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 as suggested above.

Officer's Name: Richard Oram

Officer's Title: Planning Archaeologist

Date: 03 December 2015

District: Cherwell

Application no: 15/01953/OUT

Proposal: Erection of up to 26 dwellings including creation of a new access, associated landscaping, open space and drainage infrastructure

Location: Land North Of Southfield Farm North Lane Weston On The Green

Education

Recommendation:

Approval subject to the conditions

Key issues:

Based on the information currently available, this proposed development has been estimated to generate 10.20 primary pupils, 8.04 secondary pupils (including 1.28 sixth formers) and 0.21 pupils requiring education at an SEN school.

Primary education

- £118,116 Section 106 required for the necessary expansion of permanent primary school capacity serving the area, at Chesterton CE (VA) Primary School.

Secondary education

- OCC is not seeking Education contributions to mitigate the impact of this development on secondary school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in future.

Special Educational Needs (SEN) education

- OCC is not seeking Education contributions to mitigate the impact of this development on SEN school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in future.

Legal Agreement required to secure:

£118,116 Section 106 developer contributions towards the expansion of Chesterton CE (VA) Primary School, by a total of 10.20 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.

Conditions:

Planning permission to be dependent on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in order for Oxfordshire

County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

Informatives:

- Contribution calculations are based on the notified numbers and mix of dwellings.

Pupil generation, and consequently developer contributions amounts required towards education, will need to be revised when there is a confirmed mix of dwellings.

Detailed Comments:

Primary:

Chesterton CE (VA) Primary School could be affected by housing development both within the village and in Bicester. It currently has a PAN of 20 and has no spare places in most year groups. Expansion of the school would be an appropriate response to any increase in local population, and is expected to be possible, but the feasibility of such an expansion has not yet been formally assessed. Housing developers would be expected to contribute towards such expansion.

Secondary:

Bicester secondary schools currently have spare capacity, but this will be filled as the higher numbers now in primary school feed through. The large scale housing development planned for the town will require new secondary school establishments, which are planned for SW Bicester and NW Bicester. All housing developments in the area would be expected to contribute towards the cost of the new secondary school planned for NW Bicester.

Special:

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.

Education contributions required to mitigate the impact of the development on infrastructure but for which Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) prevents OCC seeking a s106 obligation

- £190,307 Section 106 contribution for necessary construction of a new secondary school in NW Bicester by a total of 8.04 pupil places.
- £6,207 Section 106 as a proportionate contribution to expansion of Special Educational Needs provision in the area by a total of 0.21 pupil places. This site is served by Bardwell School, which is a special school in Bicester.

Officer's Name: Diane Cameron

Officer's Title: School Organisation Officer

Date: 30 November 2015

District: Cherwell

Application no: 15/01953/OUT

Proposal: Erection of up to 26 dwellings including creation of a new access, associated landscaping, open space and drainage infrastructure

Location: Land North Of Southfield Farm North Lane Weston On The Green

Property

Recommendation

No objection subject to conditions

Key issues:

- The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.
- The following housing development mix has been used:

0 x One Bed Dwellings
9 x Two Bed Dwellings
0 x Three Bed Dwellings
17 x Four Bed Dwellings

- It is calculated that this development would generate a net increase of: **83.97 additional residents including:**

4.93 resident/s aged 65+
54.73 residents aged 20+
9.55 resident/s ages 13-19
8.41 resident/s ages 0-4

Legal Agreement required to secure:

•Library book stock	£1,679
Total	<u>£1,679</u>

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

•Administration & Monitoring	£1,500.00
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The County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured.

Admin and monitoring fee - Oxfordshire County Council requires an administrative payment of £3,750 for the purposes of administration and monitoring of the proposed S106 agreement, including elements relating to Education. The admin fee may increase depending on the value of any Transport related contributions.

OCC is not seeking property contributions to mitigate the impact of this development for all infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended).

Conditions:

- The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission.

Informatives:

- Fire & Rescue Service recommends that all new building including all new dwellings are constructed with fire suppression systems.

Detailed comments

Local Library

This development is served by Kidlington Library.

The development proposal would also generate the need to increase the core book stock held by 2 volumes per additional resident. The price per volume is £10.00 at 1st Quarter 2012 price base; this equates to £20 per resident.

- The contribution for the provision of library supplementary core book stock in respect of this application would therefore be based on the following formula:

$$\mathbf{\pounds 20 \times 83.97 \text{ (the forecast number of new residents)} = \pounds 1,679}$$

Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

General

The contributions outlined towards sustainable community infrastructure and its capital development have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. Should the application be amended or the development mix

changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

Oxfordshire County Council is **not** seeking a contribution towards library infrastructure, central library, waste management, museum resource centre or adult day care infrastructure from this application due to the pooling restrictions contained within Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) which took effect from the 6th April 2015. The property response '*No objection subject to conditions*' relies upon funding for infrastructure as critical mitigation being delivered through CIL where there is no opportunity to gain contributions through Section 106 due to current legislation. OCC hold a statutory obligation to deliver services such as education through schools. Details of these contribution rates for sustainable capital development are set out below.

Contributions required to mitigate the impact of the development on infrastructure but which due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) OCC cannot require a s106 obligation in respect of:

• Library	£5,458.45
• Central Library	£1,440.09
• Waste Management	£5,374.08
• Museum Resource Centre	£419.85
• Adult Day Care	£5,423.00
Total*	<u>£18,115.47</u>

Detailed comments for contributions not sought solely due to S106 pooling restrictions

Local Library

This development is served by Kidlington Library.

This provision is significantly under-size in relation to its catchment population and this development will therefore place additional pressures on the library service.

Costs for improvements are based upon the costs of extending a library.

The costs of extending a library is £2,370 per m² at 1st Quarter 2012 price base; this equates to £65 (£2,370 x 27.5 / 1,000) per resident.

This calculation is based on Oxfordshire County Council adopted standard for publicly available library floor space of 23 m² per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc.), totalling 27.5 m² per 1,000 head of population.

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

$$\mathbf{\pounds 65 \times 83.97 \text{ (the forecast number of new residents)} = \pounds 5,458.45}$$

Central Library

Central Library in Oxford serves the whole county and requires remodelling to support service delivery that includes provision of library resources across the county.

Remodelling of the library at 3rd Quarter 2013 base prices leaves a funding requirement still to be secured is £4,100,000. 60% of this funding is collected from development in the Oxford area. The remainder 40% is spread across the four other Districts. 40% of 4.1M = £1,604,000.

Population across Oxfordshire outside of Oxford City District is forecast to grow by 93,529 to year 2026. £1,604,000 ÷ 93,529 people = £17.15 per person

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

$$\mathbf{£17.15 \times 83.97 \text{ (the forecast number of new residents)} = \mathbf{£1,440.09}}$$

Strategic Waste Management

Under Section 51 of the Environmental Protection Act 1990, County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste.

To meet the additional pressures on the various Household Waste and Recycling Centre provision in Oxfordshire enhancements to these centres are either already taking place or are planned, and, to this end, contributions are now required from developers towards their redesign and redevelopment.

A new site serving 20,000 households costs in the region of £3,000,000 at 1st Quarter 2012 price base; this equates to £64 per resident.

- The contribution for the provision of strategic waste management infrastructure in respect of this application would therefore be based on the following formula:

$$\mathbf{£64 \times 83.97 \text{ (the forecast number of new residents)} = \mathbf{£5,374.08}}$$

County Museum Resource Centre

Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities.

The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility.

An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000 at 1st Quarter 2012 price base; this equates to £5 per person

- The contribution for the extension of the Museum Resource Centre in respect of this application would therefore be based on the following formula:

$$\mathbf{£5 \times 83.97 \text{ (the forecast number of new residents)} = \mathbf{£419.85}}$$

Social & Health Care - Day Care Facilities

This development is served by Oxford Options and this development will place additional pressures on this adult day care facility. To meet the additional pressures on day care provision the County Council is looking to expand and improve the adult day care facility in Oxford Options

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

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

$$\text{£1,100} \times 4.93 \text{ (the forecast number of new residents aged 65+)} = \text{£5,423.00}$$

Officer's Name: Oliver Spratley

Officer's Title: Corporate landlord Officer

Date: 03 December 2015

District: Cherwell

Application no: 15/01953/OUT

Proposal: Erection of up to 26 dwellings including creation of a new access, associated landscaping, open space and drainage infrastructure

Location: Land North Of Southfield Farm North Lane Weston On The Green

Ecology

Recommendation:

No comment

Key issues:

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

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

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

Legal agreement required to secure:

N/A - For the District Council to comment

Conditions:

N/A - For the District Council to comment

Informatives:

N/A - For the District Council to comment

Detailed comments:

N/A - For the District Council to comment

Officer's Name: Tamsin Atley

Officer's Title: Ecologist Planner

Date: 17 December 2015

Village name	Nursery	Primary School	Retail service (outlet)	Food shop	Post office	Public house	Recreational facilities	Village/community hall	Other services
Deddington	✓	✓	✓	✓	✓	✓	✓	✓	Health Centre, Dentist and library
Bloxham	✓	✓	✓	✓	✓	✓	✓	✓	Dental Practice, Doctor's surgery, secondary school
Hook Norton	✓	✓	✓	✓	✓	✓	✓	✓	GP Surgery, library dentist
Cropredy	✓	✓	✓	✓	✓	✓	✓	✓	GP Surgery
Adderbury	✓	✓	✓	✓	✓	✓	✓	✓	Library
Yarnton	✓	✓	✓	✓	✓	✓	✓	✓	Medical Practice
Ambrosden	✓	✓	✓	✓	✓	✓	✓	✓	Doctors surgery (not full time)
Launton	✓	✓	✓	✓	✓	✓	✓	✓	Private GP
Bodicote	✓	✓	✓	✓	✓	✓	✓	✓	0
Islip	✓	✓	✓	✓	0	✓	✓	✓	Medical Practice
Kirtlington	✓	✓	0	✓	✓	✓	✓	✓	0
Steeple Aston	✓	✓	0	✓	✓	✓	✓	✓	0
Weston on the Green	✓	0	✓	✓	✓	✓	✓	✓	0
Fritwell	✓	✓	0	✓	✓	✓	✓	✓	0
Shenington	✓	✓	0	0	0	✓	0	✓	GP Surgery
Sibford Gower	✓	✓	0	0	0	✓	✓	✓	GP Surgery in Burdrop
Begbrooke	✓	0	✓	✓	0	✓	✓	✓	0
Charlton on Otmorr	✓	✓	0	0	✓	✓	✓	✓	0
Fringford	✓	✓	✓	0	0	✓	✓	✓	0
Arcott	0	0	✓	✓	0	✓	✓	✓	0
Bletchington	0	✓	✓	0	0	✓	✓	✓	0
Chesterton	✓	✓	0	0	0	✓	✓	✓	0
Finmere	0	✓	✓	0	0	✓	✓	✓	0
Hornton	✓	✓	0	0	0	✓	✓	✓	0
Barford St Michael	0	0	0	✓	✓	✓	0	✓	0

Milcombe	0	0	0	✓	0	✓	✓	✓	0
North Newington	0	✓	0	0	0	✓	✓	✓	0
Shutford	0	0	✓	0	0	✓	✓	✓	0
Soulden	0	0	✓	0	0	✓	✓	✓	0
Upper Heyford	0	0	✓	0	0	✓	✓	✓	0
Wardington	0	0	✓	0	0	✓	✓	✓	0
Wroxton	0	✓	0	0	0	✓	✓	✓	0
Ardley	0	0	0	0	0	✓	✓	✓	0
Duns Tew	0	0	0	0	0	✓	✓	✓	0
Epwell	0	0	0	0	0	✓	✓	✓	0
Great Bourton	0	0	0	0	0	✓	✓	✓	0
Hanwell	0	0	0	0	0	✓	✓	✓	0
Hethe	0	0	0	0	0	✓	✓	✓	0
Horley	0	0	0	0	0	✓	✓	✓	0
Horton Cum Studley	0	0	0	0	0	✓	✓	✓	0
Lower Heyford	0	0	✓	0	0	✓	✓	0	0
Middleton Stoney	0	0	0	0	0	✓	✓	✓	0
Mollington	0	0	0	0	0	✓	✓	✓	0
Mercott	0	0	0	0	0	✓	✓	✓	0
Sibford Ferris	0	0	0	✓	✓	0	✓	0	0
South Newington	0	0	0	0	0	✓	✓	✓	0
Tadmarton	0	0	0	0	0	✓	✓	✓	0
Wendlebury	0	0	0	0	0	✓	✓	✓	0
Wiggington	0	0	0	0	✓	0	✓	✓	0
Blackthorn	0	0	0	0	0	0	✓	✓	0
Bucknell	0	0	0	0	0	✓	0	✓	0
Claydon	0	0	0	0	0	0	✓	✓	0
Clifton	0	0	0	0	0	✓	✓	0	0
Drayton	0	0	0	0	0	✓	0	✓	0
Enslow	0	0	✓	0	0	✓	0	0	0
Hempton	0	0	0	0	0	0	✓	✓	0
Little Bourton	0	0	0	0	0	✓	✓	0	0
Merton	0	0	0	0	0	0	✓	✓	0
Mixbury	✓	0	✓	0	0	0	0	0	0
North Aston	0	✓	0	0	0	0	✓	0	0
Piddington	0	0	0	0	0	0	✓	✓	0
Stoke Lyne	0	0	0	0	0	✓	✓	0	0
Stratton Audley	0	0	0	0	0	✓	✓	0	0
Swalcliffe	0	0	0	0	0	✓	0	✓	0
Alkerton	0	0	0	0	0	✓	0	0	0
Balscote	0	0	0	0	0	✓	0	0	0
Broughton	0	0	0	0	0	✓	0	0	0
Caulcott	0	0	0	0	0	✓	0	0	0

Caversfield	0	0	0	0	0	0	✓	0	0
Cottisford	0	0	0	0	0	0	✓	0	0
Hampton Poyle	0	0	0	0	0	✓	0	0	0
Juniper Hill	0	0	0	0	0	0	✓	0	0
Milton	0	0	0	0	0	✓	0	0	0
Newton Purcell	0	0	0	0	0	✓	0	0	0
Noke	0	0	0	0	0	0	✓	0	0
Shipton on Cherwell	0	0	0	0	0	0	0	✓	0
Somerton	0	0	0	0	0	0	0	✓	0
Thrupp	0	0	0	0	0	✓	0	0	0



Category A Villages



Weston on the Green

Agenda Item 8

15/02359/OUT

Land West Of OS Parcel 4100 Adjoining
And South Of Milton Road
Adderbury

Cattle
Grid

103.6m

103.9m

Balancing Pond

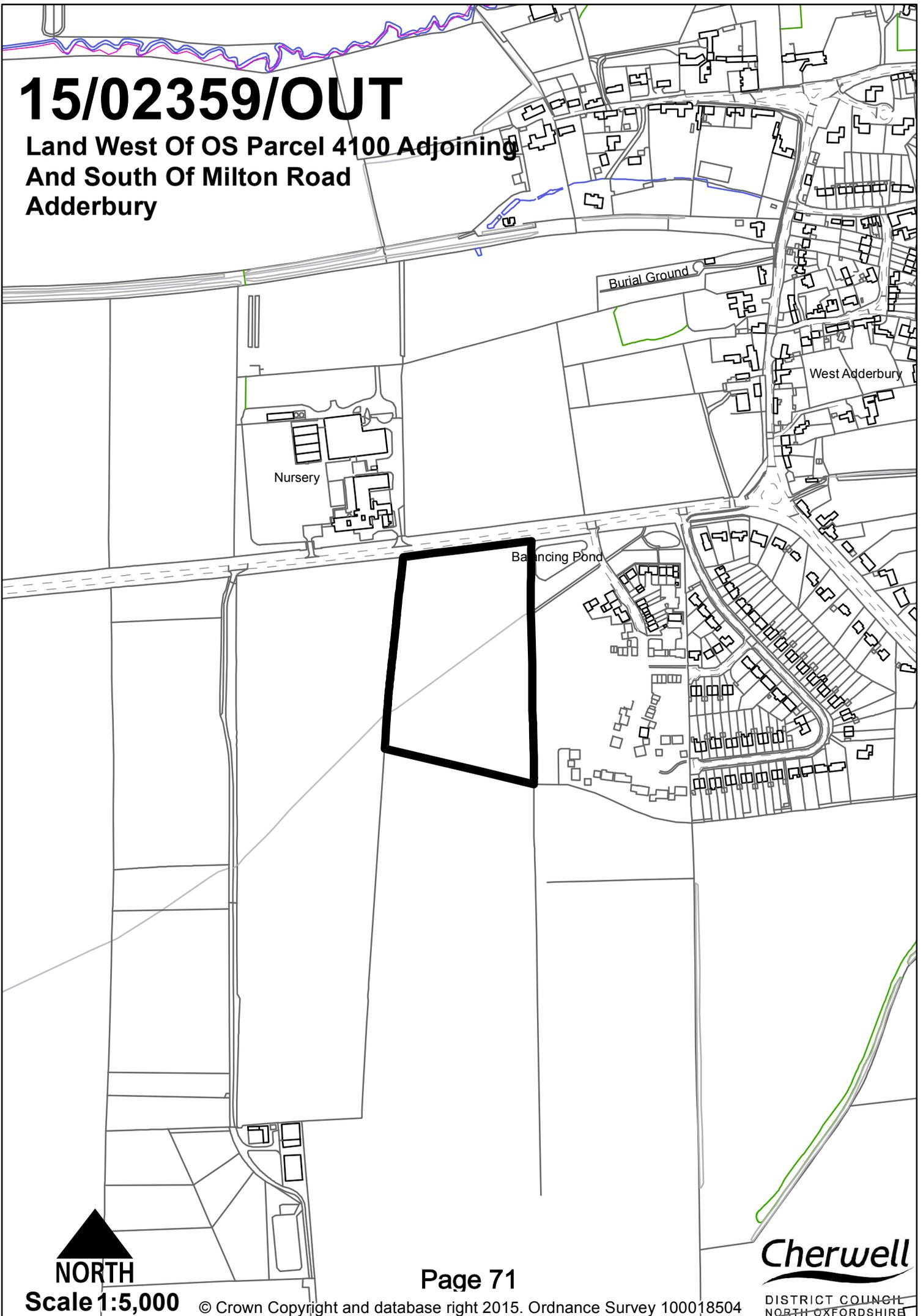
Path (um)



Scale 1:1,250

15/02359/OUT

Land West Of OS Parcel 4100 Adjoining
And South Of Milton Road
Adderbury



NORTH

Scale 1:5,000

**Site Address: Land West of OS Parcel
4100 Adjoining and South of Milton
Road, Adderbury**

15/02359/OUT

Case Officer: Linda Griffiths

Recommendation: Refusal

Ward: Adderbury

Ward member: Councillor N Randall

Applicant: Rosconn Group Ltd

Committee Date: 17 March 2016

Application Description: Application for residential development of up to 50 No dwellings, access, infrastructure and public open space. Means of access from Milton Road to be determined with all other matters reserved for subsequent approval.

1. Site Description and Proposed Development

- 1.1 The application site is currently an open field in agricultural use located beyond the existing built up limits of the village of Adderbury and lies to the south side of Milton Road. The site relates to an area of 3.5 hectares and proposes the erection of up to 50 residential dwellings with associated open space and infrastructure. A public right of way passes diagonally across the site. The site rises gently to the southern boundary. To the north west of the site on the opposite side of Milton Road are a collection of low buildings occupied by Ball Colegrave Plant nurseries. The site is enclosed along its northern, western and eastern boundaries by existing hedgerows, but the rear boundary of the site is currently open to the remainder of the field.
- 1.2 A recently consented residential development lies to the east of the application site which was allowed on appeal (13/00456/OUT refers). Reserved matters consent has subsequently been granted to David Wilson Homes and construction on site is well underway. A number of properties are now occupied (14/01673/REM refers).
- 1.3 Whilst the application submitted is in outline, consent is sought for the position of the access into the site at this time. A single new vehicular access is proposed directly to Milton Road. There are no footpaths along the site frontage back into the village centre. A public footpath passes from the north east to the south west across the site which emerges through a gap in the hedge from the open space provided as part of the adjacent residential development. The existing public right of way through the site will be retained.

2. Application Publicity

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

148 letters have been received from members of the public, both residents of Adderbury and Milton. In summary the following issues were raised:

- Adderbury (along with Bloxham) has already taken far more than its fair share of development than it can cope with
- Yet another junction onto the Milton Road with potentially in excess of 100 vehicles using it at peak times
- No encouragement for walkers as there is no paved footpath provided from the village increasing car use accordingly

- Appears to be a total disregard of the wishes and recommendations of the Adderbury Plan which is presently nearing the stage of presentation to CDC
- The Local plan has been ignored which has already concluded that Adderbury has accepted more than its fair share of development in recent years
- Outside the main village and would struggle to become part of the community simply by its distance from the main amenities
- We have seen from the development at Adderbury Fields' across the road the complete folly that the so called affordable housing brings. Yes, there may be some 'affordable' houses but the vast majority are in the £500k to £800K bracket which is well beyond the reach of most of Adderbury's younger families, and no guarantee that villagers would get their first choice of affordable homes anyway. This results in the general exodus of the younger people to find affordable houses elsewhere and consequently we lose the next generation.
- Contrary to Adderbury Neighbourhood Plan
- Outside the agreed village boundaries and not close to the centre of Adderbury and will force everyone to use their cars
- Communities only work if they are of a sensible proportion and in a relevant location. The proposed development is a group of houses on a road outside the community of Adderbury and does not form part of any community.
- Does not appear to deliver affordable housing in any sensible quantity
- How does extra housing create long term jobs
- The purpose of the Residential Settlement Boundary in the ANP is to curtail ribbon development, prevent coalescence and only encourage sustainable development
- A Neighbourhood Plan, provided it complies with the Local Authority strategic requirements and meets with EU environmental regulations and gains support within a referendum from the Community takes priority where a conflict should arise as the most up to date primary planning document over the Local Plan
- Is at variance with the long term objectives of the community to ensure that this village retains its unique identity as a rural village and will have a negative effect on the ability of the community to grow and mould its infrastructure in line with the sustainable growth of the village
- Increased traffic through the village, Milton Road is already very busy
- Five year housing land supply has been achieved and there is no immediate need for additional housing in the village
- One step nearer coalescence with Milton and is totally unacceptable to the majority of the residents who have already voiced their rejection through the medium of the Adderbury Plan
- The application does NOT comply with Villages 1, Villages 2, ESD13, H18 and C8 of the 2015 and 1996 Local Plans
- The applicant has mis-stated the situation with the Hook Norton matter in that an application for Judicial Review is presently being prepared by CDC
- It is open countryside and good agricultural land
- Would deeply affect the character and appearance of this entrance to the village, urbanising it, the site is close to a conservation area and the many listed buildings in Horn Hill Road
- Added pressure on school accommodation

Adderbury Conservation Action Group object for similar reasons specified above. The representations can be read in full on the application file.

- 3.1 Milton Parish Council: object as follows:
1. The application proposes that Adderbury should take more houses than is proposed in the Local Plan and takes no account of the clear view of villages in the emerging Neighbourhood Plan.
 2. Adderbury Primary School and Bloxham Primary have no available places (BSC7 & 8)
 3. There are no adequate recreational facilities (BSC10 & 11) or Doctors Practices (BSC8 & 9) or Community Facilities (library part time, shop barely profitable, no PO) (BSC10, 11 & 12) effectively. Further there are few job opportunities locally so all will have to drive.
 4. Milton Road is very busy at peak times and will be much busier as 5 new developments use it (CP 24)
- 3.2 Adderbury Parish Council: object as follows
1. The recent publication of the Annual Monitoring Report shows the council has exceeded its 5 year supply – 5.6 years for the period 2016-2021. This demonstrates that the proposed development of 50 dwellings in Adderbury is unnecessary
 2. The emerging ANP does not include this development which falls outside of the settlement area of Adderbury
 3. No community benefits are proposed
 4. The development is not included in the CDC Local Plan nor in the current SHLAA
 5. Within the Plan, Category A villages which includes Adderbury, were allocated a total of 750 dwellings. Due to current developments either started or granted in the district, this figure has now reduced to 179 over the whole plan period, which means there is no current need for further development at this stage
 6. This development on the edge of the village is in open countryside and is contrary to CDC's policies. It would impact upon the settlement gap
 7. The Wilson Homes development, next to this proposed development (which was only allowed on appeal) has a considered landscape edge to form a new village boundary. This site would 'leap frog' that landscaped edge.
 8. Should the Planning Committee be minded to approve the application, the materials for the dwellings should be stone, so it is in keeping with a rural setting.

Cherwell District Council Consultees

- 3.3 **Planning Policy Officer**: proposal is for residential development on greenfield land at the edge of a Category A village.

Main Local Plan Policies

Adopted Cherwell Local Plan 2011-2031

Policy PSD 1: Presumption in favour of sustainable development

Policy Villages 1: Village categorisation

Policy Villages 2: Distributing growth across the rural areas

Policy BSC1: District wide housing distribution

Policy BSC2: The effective and efficient use of land – brownfield land and housing density

Policy BSC3: Affordable housing

Policy BSC4: Housing mix

Policy BSC7: Meeting education needs

Policy BSC8: Securing health and well-being

Policy ESD1: Mitigating and adapting to climate change

Policy ESD2: Energy hierarchy and allowable solutions

Policy ESD3: Sustainable construction

Policy ESD7: Sustainable drainage systems

Policy ESD10: Protection and enhancement of biodiversity and the natural environment

Policy ESD13: Local landscape protection and enhancement

Policy ESD15: The character of the built and historic environment

Saved Policies of the adopted Cherwell Local Plan 1996

Policy C8: Sporadic development in the open countryside

Policy C28: Layout, design and external appearance of new development

Policy C30: Design control

Policy H18: New dwellings in the open countryside

Relevant Policies of the Non-Statutory Cherwell Local Plan 2011

Policy H19: New dwellings in the countryside

Policy EN16: Development on greenfield land, including best and most versatile agricultural land

Policy EN30: Sporadic development in the countryside

Policy R4: Rights of way and access to the countryside

Main Policy Observations:

- Adderbury is a Category A village (Policy villages 1), one of 24 category A villages in the Cherwell District
- Policy villages 2 provides that a total of 750 homes will be delivered at the Category A villages on new sites of 10 or more dwellings (in addition to that permitted at 31 March 2014 and a rural allowance for small site windfalls)
- The 2015 AMR (January 2016) shows that there are 280 dwellings remaining to be identified of the 750 dwellings allocated for the rural areas
- Policy villages 2 states that sites will be identified through the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission
- Consultation on the Pre-submission draft of the Adderbury Neighbourhood Plan took place in March 2015
- An 'issues based' (Regulation 18) consultation on the Cherwell Local Plan Part 2, which will allocate the non-strategic sites for the villages, commenced in January 2016 and close on March 11th
- As at 31 March 2015, Adderbury parish had a commitment (on sites of 10 or more homes) of 180 dwellings at: South of Milton Road (65 dwellings); East of Deene Close (58) (a scheme for 60 dwellings in total, with 2 dwellings having been completed during 2014-15); North of Milton Road (31); and land off Banbury Road (26). Of these, 117 dwellings will contribute to the Policy Villages 2 requirement (the 65 dwellings at Milton Road having been approved prior to 31 March 2014)
- The addition of a further 50 dwellings (as part of this proposal) would increase the commitments at Adderbury to a disproportionately large amount at one of the 24 Category A villages in the context of the remaining requirement for allocation (280)
- At this early stage in the Local Plan period the proposal would leave little scope for development elsewhere to satisfy the housing needs of other Category A settlements and would not achieve a balanced distribution of housing across rural areas. In a recent appeal decision relating to a proposal for 51 dwellings in Chesterton (ref APP/C3105?W/15/3130576)(February 2016) the Inspector dismissed the appeal noting that 'If disproportionate numbers of dwellings are permitted in any one settlement, then other settlements where housing sites have yet to be identified may not be able to meet their needs, including affordable housing needs, without undermining the local plan strategy'. The Inspector also expressed concerns that, together with the developments already permitted, if the appeal proposal were to be allowed there would be a significant increase in the population of the village over a

short timescale.

- The 2015 AMR (January 2016) confirms a 5.3 year supply of housing for the current period (2015-2020) rising to 5.6 for the five year period from 1 April 2016, including the application of a 5% buffer
- The presence of a 5 year land supply in the Cherwell District was endorsed by the Planning Inspector dismissing a recent appeal relating to a proposal for 51 dwellings in Chesterton (ref APP/C3105/W/15/3130576)(February 2016) and the Secretary of State in an appeal decision relating to a proposal for 54 homes at Hook Norton (ref APP/C3105/A/14/2226552)(December 2015)
- There is no pressing need for additional housing land release at this time, particularly in view of the level of housing development committed at Adderbury
- There would be a loss of open countryside as a result of this development at the edge of the village
- The potential landscape and visual impact (including impacts on the historic environment) will require detailed consideration
- The relationship with the adjoining development (now under construction) would require detailed consideration given that the Inspector, in approving the adjoining scheme, concluded that the harm caused by that development would be outweighed by the beneficial effects of providing a softer edge to the village providing for a more satisfactory transition to open countryside. The western boundary of the adjoining development is largely given over to a 'buffer zone' of open space and planting
- The Planning Statement highlights the potential benefits of the scheme including the provision of 18 affordable homes. There is a need for affordable homes across the District, but not necessarily in Adderbury at the current time given the number of affordable homes already committed as part of consented development in the village (see above)

Policy Recommendation: Objection due to loss of countryside in the absence of pressing need. Detailed assessment of landscape impact required.

3.4 **Ecology Officer:** Comments awaited

3.5 **Housing Officer:** The applicant needs to provide 18 affordable housing units, 35% of 50 units. The affordable housing should be split between 30% shared ownership and 70% affordable rent. An indicative housing mix should be:

Rent	Shared Ownership
2 x 1b2ph	5 x 3b5ph
7 x 2b4ph	
4 x 3b5ph	

The affordable homes should meet the HCA's Design and Quality standards including the necessary HQI requirements. 50% of the rented element should also meet lifetime homes standards.

It is expected that the affordable units be tenure blind in their appearance, this includes in terms of their parking arrangements which should be in-curtilage wherever possible. The units should be in clusters of no more than 15 units. The units should also be transferred to an RP which is to be agreed with the Council.

3.6 **Environmental Protection Officer:** No objections in respect of contamination, but recommends the imposition of conditions relating to possible contamination if found and a Construction Environmental Management Plan (CEMP).

3.7 **Landscape Officer:** This site lies to the west of the David Wilson Homes site which is under construction. Since permission was granted for that site on appeal Cherwell

has received a 5 year land supply and the site is not allocated in our Local Plan. The David Wilson development deliberately incorporated a wide belt of green space on the western edge to provide a buffer to the open countryside beyond.

The site is a single field and the boundaries on 3 sides hedgerows. The western boundary which faces open countryside and has the PROW dissecting it is particularly overgrown and gappy.

The site is located on a relatively level plateau and is relatively well concealed in the wider landscape due to topography and existing vegetation. The sensitivity of the landscape is relatively high but the effects confined to a few significant points:

- The PROW which runs through the site and beyond to the south. There will be very significant changes within the body of the site which reduces as you move further away from the proposed built-up area
- A PROW to the southeast
- Glimpsed views from other viewpoints

In my opinion the LVIA is a fair assessment of the effects of the proposed development.

Oxfordshire County Council Consultees

3.8 Transport: Objection

Transport Development Control – the application is accompanied by a Transport Assessment (TA). Section 4.2 of the TS states that *'it is proposed to provide vehicular access by means of the construction of a new priority T-junction on to Milton Road'*. The junction referred to is taken to be that presented in drawing No.DWG01. The layout of the junction meets standards. However, the full 215m visibility splay is not demonstrated since it appears truncated at the edge of the plan. The full visibility should be demonstrated. **Reason for objection.**

Section 5.1 of the TS states that development will *'...provide a new section of footway that will tie into the new footway provision being made by other residential development on this section of Milton Road'*. However, no such footway appears on any plan. OCC requires assurance that the footway is feasible so this will need to be demonstrated on a plan clearly showing highway boundary. **Reason for objection.**

The TS does not present any analysis of the likely traffic impact of the proposed development on the highway network. No development trip generation estimates and no background traffic flows on Milton Road are presented. Reference to the analysis presented in the planning application for the neighbouring site (13/00456/OUT) suggests that the trip generation for this site should be comfortably accommodated on Milton Road. However, this needs to be demonstrated. **Reason for objection.**

Public Transport – the development site is within walking distance of bus stops at Oak Tree, West Adderbury which are served by the inter-urban bus service between Oxford, Deddington and Banbury. Bus service S4 currently operates every 30 minutes on weekday times to Banbury Town Centre and every 60 minutes to Oxford City Centre. There are no evening buses and only four buses on Saturday.

The Council's bus strategy envisages this route operating at an enhanced frequency and for longer operating hours, to provide residents with a realistic choice of transport for journeys to work and college. The Bus Strategy envisages the procurement of a 30 minute frequency to oxford, plus evening and Sunday services. A requested financial contribution towards this procurement will be pooled with other developer funded sums to provide the additional services.

The Council therefore requests a contribution of £1,000 per dwelling towards the cost of enhancing the Oxford-Deddington-Banbury bus service. This is consistent with the amount requested from recent planning applications in the Deddington and Adderbury areas.

The Oak Tree bus stops are important access points to the inter-urban bus service to Banbury and Oxford. Ideally, they would be enhanced with hard-standing areas and shelters. However, the Parish Council would need to be involved with any decision to make improvements at these stops, including the provision of hard-standing areas and shelters.

The provision of a continuous walking route from the development to the Oak Tree bus stops and to Adderbury village is of fundamental importance in facilitating sustainable travel to and from this site.

Travel Plans – Under OCC standards and guidelines the development quantum dictates the need for a Travel Plan Statement and Travel Plan Information Pack.

Road Safety – OCC would be expecting to further extend the 30mph speed limit and relocate the gateway to a point to the west of the proposed site access. It would also expect to see a strengthening of a gateway effect to include carriageway narrowing, subject to consultation. Fees for the speed limit extension would be £2500 + £500 for any relocated or new traffic calming.

Rights of Way – Adderbury Footpath 25 runs through the site and it is good to see that this will be accommodated through a green corridor. This should be surfaced to provide an all-weather path to reflect the increase and type of use it will receive. It will be important to provide an all-weather path to reflect the increase and type of use it will receive. It will be important to ensure that the legal definitive route is provided on the ground.

3.9 **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 in the area. Christopher Rawlins CE Primary School has been approved to grow from its current 1 form entry size (30 children per year group, Reception-Year 6) to 1.5 form entry size (45 children per year group). The expansion will also allow the school to increase its nursery intake (3 year olds) from 20 full-time equivalent places to 26; in total an extra 11 places will therefore be created.

This will require additional accommodation to be built, and a feasibility study has been completed into how this can be provided. This identified the cost of the preferred solution as £2,250,000 (at 1Q16). This equates to £20,270 per place created. Contributions are sought towards this expansion.

Early Years – Since September 2013, under the Local Authority (Duty to Secure Early Years Provision Free of Charge (Regulations 2012 (SI 2012/2488), made under Section 7 of the Childcare Act 2006 (as amended by section 1 of the Education act 2011), local authorities have been under a statutory duty to secure sufficient nursery education provision for eligible two-year olds, where such eligibility is targeted at 40% of the age group. This is in addition to the statutory duty since September 2012 to secure sufficient nursery education provision for all three year olds.

In Adderbury, nursery education for 3 year-olds is provided through Christopher Rawlins Primary School's nursery class. The capital project at Christopher Rawlins Primary School outlined above will allow the school to increase its nursery intake, to accommodate the children which will be generated by this proposed development. Contributions are therefore sought towards the cost of this as explained above. Without this additional accommodation, OCC would not be able to meet its statutory sufficiency duty in this area, including meeting the needs generated by the proposed development.

A proportionate contribution is sought towards the capital cost of ensuring sufficient nursery education provision for 3 year-olds to meet the needs of this development. The development has been assessed as likely to generate 4.79 0-4 year olds. Of these children, 3.42 would be 3 year olds and therefore eligible for the free nursery education. In this instance, no contributions are requested towards nursery education capacity for 2 year olds.

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, 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 at their first preference school as a direct result. As such it would go against the intention of 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 also 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 a capital project is being developed.

Special – due to CIL Regulations, a contribution is not sought for Frank Wise school which is within Banbury.

3.10 **Property:** the impacts of the development will place additional strain on its existing community infrastructure. The following housing development mix has been used;

- 0 x 1 bed dwelling
- 8 x 2 bed dwelling
- 28 x 3 bed dwelling
- 14 x 4 bed dwelling

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

150.88 additional residents including:

- 10.32 residents aged 65+
- 98.88 residents aged 20+
- 15.46 residents ages 13-19
- 17.1 residents ages 0-4

A legal agreement will be required to secure:

Local Library – this development is served by Adderbury Library. This provision is significantly under-size in relation to its catchment population and this development will therefore place additional pressures on the library service. Costs for the development will therefore place additional pressures on the library service. Costs for improvements are based upon the costs of extending the library. The cost of extending a library is £2,716m² at 4th Quarter 2014 price base; this equates to £75 (£2,716 x 27.5/1000) per resident. This calculation is based on OCC adopted standard for publicly available library floor space of 23 m² per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom etc), totalling 27.5m² per 1,000 head of population.

This development proposal would also generate the need to increase the core book stock held by 2 volumes per additional resident. The price per volume is £10.00; this equates to £20 per resident.

- The contribution for the provision of library infrastructure and supplementary core book stock in respect of this application would therefore be based on the following formula:
£95 x £150.88 (the forecast number of new residents) = £14,333.60

Indexation – financial contributions have to be indexed-linked to maintain the real values of the contributions (so they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the best information available is used. Should the application be amended or the development mix changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

Contributions required to mitigate the impact of the development on infrastructure but which due to Regulation 123 of the CIL Regulations 2010 (as amended), OCC does not require a Sec 106 obligation in respect of:

- Central Library £2,587.59
- Waste Management £11,014.24
- Museum Resource Centre £905.28
- Adult Day Care £13,003.20

3.11 **Minerals and Waste:** No objection

Published BGS mapping shows the application site to be underlain by deposits of ironstone, which form part of an outcrop of ironstone on the west side of Adderbury, north and south of Milton Road. These deposits extend across land adjoining the application site to the west but they run out just to the south of the site.

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 Plan Policy SD10 on protection of mineral resources. This policy dates from 1996 but it is consistent with the NPPF (paragraph 143 bullet 3). Under Policy SD10, development which would sterilise the mineral deposits within this site should not be permitted unless it can be shown that the need for the development outweighs the economic and sustainability considerations relating to the mineral resource. However, Policy M8 in the submitted Oxfordshire Minerals and Waste :Local Plan: Part 1 – core Strategy, December 2015 does not list ironstone as one of the mineral resources proposed to be included in mineral safeguarding areas (which are to be defined in Part 2 of the Plan).

The application site is already constrained by the current housing development immediately to the east on the western edge of the existing built up area of Adderbury. The need for unworked margins (buffer zones) between the dwellings and any mineral working would significantly reduce the area of the site that could be worked for ironstone. It could also affect any working of the ironstone deposits within the land adjoining the proposal site to the west. The extent of these unworked margins would be increased by housing development on the application site but, in view of the relatively limited extent of the mineral deposits in this area and the uncertainty over their potential working, it is unlikely that this would greatly increase the quantity of mineral that would be prevented from being worked.

In view of the proposed change in policy on safeguarding of ironstone in Oxfordshire and the constraints on and uncertainty over the possible working of the mineral deposits within the application site and adjoining land, I consider there to be insufficient justification for these mineral deposits to be safeguarded from the effect of the proposed built development. Therefore no objection should be raised to this application on minerals policy grounds.

- 3.12 **Drainage Officer:** With regard to the Flood Risk Assessment (Ref: MT/NWK/JN2016/FRA), prepared by Morgan Tucker, OCC requires **further clarification** to be provided with regard to the allowable discharge rate calculation and storage volumes methodology in the FRA. OCC will normally require that, for the range of annual flow rate probabilities, up to and including the 1% annual probability (1 in 100 year event) the developed rate of run-off into a watercourse should be no greater than the undeveloped rate of runoff for the same event based on the calculation of QBAR or QMED and the use of FSSR growth curves. In the calculations of storage volumes consideration should be given to interception, Attenuation, Long Term and Treatment storage volumes. Discharge rates will need to be agreed.

Have the swales and SUDS features been designed around the natural flow paths within the site?

If approved, a condition is recommended requiring the submission of a surface water drainage scheme for the site.

Other Consultees

- 3.13 **Thames Water:** Waste - with the information provided TW has been unable to determine the waste water infrastructure needs of this application. Should the LPA look to approve the application ahead of further information being provided, a Grampian condition is requested in respect of a drainage strategy for the site.
Water – the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. A condition is therefore requested regarding impact studies in respect of the existing water supply infrastructure and any additional capacity required.

Insufficient documentation containing confirmed details of the proposed drainage plan could be located on the local authority website. In order for Thames Water to determine whether the existing sewer network has sufficient spare capacity to receive the flows from the proposed development, a drainage strategy must be submitted detailing both the foul and surface water strategies. Details of the proposed connection points or alterations to the public system including; calculated peak foul and surface water discharge rates for both the pre and post development site, details of any pumped discharges (maximum pump rates), attenuation details with accompanying capacity requirement calculations and details of incorporated SUDS must be included in the drainage strategy. If initial investigations conclude that the existing sewer network is unlikely to be able to support the demand anticipated from this development, it will be necessary for the developer to fund an Impact Study.

- 3.14 **Environment Agency:** no comment, the application has been assessed as having a low environmental risk.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policies

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides 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 policies of Cherwell district's Statutory development Plan are set out below:

Adopted Cherwell Local Plan 2011-2031 Part 1

Policy BSC1 – District wide housing distribution

Policy BSC2 – The effective and efficient use of land

Policy BSC3 – Affordable housing

Policy BSC4 – Housing mix

Policy BSC7 – Meeting education needs

Policy BSC8 – Securing health and well being

Policy BSC9 – Public services and utilities

Policy BSC10 – Open space, outdoor sport and recreation provision

Policy BSC11 – Local standards of provision – outdoor recreation

Policy BSC12 – Indoor sport, recreation and community facilities

Policy ESD3 – Sustainable construction

Policy ESD5 – Renewable energy

Policy ESD7 – Sustainable drainage systems

Policy ESD10 – Protection and enhancement of biodiversity and the natural environment

Policy ESD15 – The character of the built environment

Policy Villages 1 – Village categorisation

Policy villages 2 – Distributing growth across rural areas

INF 1 - Infrastructure

Adopted Cherwell Local Plan 1996 (Saved Policies)

H18: New dwellings in the countryside

C8: Sporadic development in the open countryside

C27: Development in villages to respect historic settlement pattern

C28: Layout, design and external appearance of new development

- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV12: Contaminated land
- TR1: Transportation funding

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.

Other CDC Planning Guidance/Documents

Building in Harmony with the Environment SPG
 Countryside Design Summary SPG
 Planning Obligations Draft SPD 2011
 Adderbury Conservation Area Appraisal
 Adderbury Neighbourhood Plan

Cherwell Local Plan – Proposed Submission Draft (August 2012)

5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle of Development
- Design and Access Statement
- Landscape and Visual Impacts
- Transport Assessment and Highway safety
- Ecology
- Flood Risk
- Loss of Agricultural Land
- Impact on Heritage Assets
- Adderbury Neighbourhood Plan
- Planning Obligations

Principle of Development The Development Plan

5.2 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.

- 5.3 The site is outside the built up limits of Adderbury Village, in open countryside, and the proposal is a large scale residential development of up to 50 new dwellings with associated infrastructure, including 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

- 5.4 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 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

- 5.5 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.

- 5.6 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.

- 5.7 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 land has been previously developed or is of lesser environmental value, and, whether the development would contribute in enhancing the built environment. This 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.

- 5.8 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.

5.9 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'*.

5.10 The proposal would conflict with Policy Villages 2 in that it would result in the loss of open agricultural land beyond the existing built up limits of the village along Milton Road, and it 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 the Local Plan Part 2 has commenced. A consultation of the scope of this local plan closed in June 2015 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.

5.11 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 a 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 re-using land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant developments in locations which are, or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

5.12 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

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

- 5.13 The 2014 Annual Monitoring Report which was published on 31 March 2015 concluded that the District now had 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 5 year supply included a 5% buffer.
- 5.14 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).
- 5.15 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 the affordable housing as well as take account of the market signals (paragraph 54).
- 5.16 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 reconvened 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.
- 5.17 A revised AMR dated December 2015 was considered and approved by the council's Executive on 4th January 2016 which confirms that the District now has a 5.6 year Housing Land Supply.
- 5.18 Having regard to the above, it is clear that the Local Plan Inspector considered that the adopted Cherwell local Plan 2011-2031 provides 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 in accordance with paragraph 47 of the NPPF. The District therefore currently has a five year supply of deliverable sites.
- 5.19 The above view has recently been upheld by the Planning Inspectorate 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), and more recently in respect of an appeal at Chesterton for up to 51 dwellings (15/00454/OUT refers).

Design and Access Statement and Proposed Layout

- 5.20 Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should

contribute positively to making places better for people’.

- 5.21 The NPPF also advises at paragraph 60 that developments should seek to achieve a strong sense of place and whilst particular tastes or styles should not be discouraged, it is proper to promote or reinforce local distinctiveness.
- 5.22 Paragraph 61 states ‘although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’. The proposed development is not in accordance with these important factors, the development does not relate well to the adjacent development which is currently under construction and quite clearly sits in isolation beyond the existing built up limits of the village and does not integrate successfully with the existing village or the adjacent development. The adjacent David Wilson Homes development which was allowed on appeal is set well back from Milton Road and the existing public right of way and incorporates a large area of open space and landscaping to the frontage and western side of the site to provide a softer landscaped edge which blends with the open countryside to this part of the village. The development proposed lies to the west of this landscaped edge, extending the built village boundary into open countryside.
- 5.23 Policy ESD 15 of the adopted Cherwell Local Plan 2001-2031 advises design that standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policies C28 and C30. Policy C18 states that ‘control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development’. Policy C30 requires new housing development to be compatible with the appearance, character, layout, scale and density of existing dwellings in the locality and to ensure appropriate standards of amenity. Policy ESD 15 also advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale. This should be demonstrated in the design and access statement.
- 5.24 A Design and Access Statement has been submitted with the application which seeks to set out the framework for the proposed development of the site. An illustrative layout plan has been submitted which indicates that 50 dwelling units can be accommodated on the site, indicating open space and landscaping to the western section of the site and the residential development provided in two clusters with the public right of way retained through the centre of the development. Attenuation ponds and swales are also incorporated within the open space which will form part of the site drainage strategy, incorporating wet grassland and marginal planting. The Design and Access Statement however lacks detail and fails to adequately justify why the site has been identified, why it is suitable for the development proposed and how the concept of the layout has evolved in respect of the character of Adderbury, the adjacent development and the site’s opportunities and constraints.
- 5.25 The appearance of new development and its relationship with its surroundings and its built and natural environment has a significant effect on the character and appearance of an area. Securing new development that can positively contribute to the character of its local environment is therefore of key importance. The development indicated will sit forward in the street scene of the adjacent David Wilson Development and will extend the built form of Adderbury along Milton Road

into the open countryside to the detriment of the visual amenities of the locality and the edge of the village. The application site lies indisputably beyond the existing built up limits of the village which is very clearly defined by the new development adjacent, together with its open space and landscaped buffer.

- 5.26 In terms of sustainability and relationship with the remainder of the village, it is also necessary to consider the relationship of the site to the village centre and its facilities, in particular whether it is likely that residents would access facilities in the village, such as the school on foot or whether they would be more likely to use a car. The site is located some distance from the village centre and is served by its own separate vehicular access, will little scope for proper integration with the existing residential development.
- 5.27 In terms of the design and layout, whilst the design and access statement has sought to indicate character areas for the development which are stated to follow specific character areas from within Adderbury, no specific design principles have been set to guide or test the design approach for the development. Whilst the Design and Access statement has made an analysis of building form, type, scale, materials etc that are vernacular to Adderbury village, none of this has been translated into the design and access statement in respect of the proposed development. It is therefore unclear what the development on this site may look like and whether in terms of its design it will respect local vernacular and local distinctiveness.

Landscape and visual Impact

- 5.28 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 Value 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.*
- 5.29 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.*
- 5.30 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 landscaped areas should be judged. The NPPF also advises that the open countryside should be protected for its own sake.
- 5.31 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. In terms of National character Areas, the site lies at

the northern extent of the Cotswolds Landscape Character Area. In terms of Local Landscape Character Area, the Cherwell District Council, Landscape Character Area Assessment 1995 identifies the site as being within the Ironstone Hills and Valleys Landscape Character Area with 'small scale, rolling farmland with strong field patterns'.

- 5.32 The application site is a single agricultural field with a public right of way passing through it, surrounded on three sides by well-established native hedgerows which are generally unmanaged. A number of trees are located within the hedgerows. The site is not covered by any specific landscape designations within the current adopted Cherwell local plan policies, but as stated above, the site was previously characterised as being within an Area of High Landscape Value. There are no registered SSSI's or Local nature Reserves, Ancient Woodlands, Historic Parks and Gardens, or Registered Battlefields within or adjacent to the application site.
- 5.33 In terms of the visual assessment carried out by IDP Landscape Ltd on behalf of the applicants, fieldwork was undertaken to identify a number of public viewpoints in the immediate and wider setting of the site. This was informed by a desk study which included a review of that carried out for the adjacent site, and then verified in the field. The views are stated as being taken from publicly accessible viewpoints and are considered by IDP to provide a fair representation of the visual environment in which the site is located.
- 5.34 The submitted Landscape and Visual Assessment report states that the magnitude of change that will occur as a result of the development will be medium as not all the site will be developed and the landscaping will be enhanced. In terms of the wider character type of the Upstanding Village Farmlands, it considers the magnitude of change will be negligible given the existing effects of neighbouring development and the level of enclosure. In terms of receptors, visual sensitivity is considered to be high for those using the Public Right of Way, and medium for road users.
- 5.35 The Landscape and Visual Landscape Assessment concludes by stating that '*there will not be any residual significant adverse effects on the landscape or visual environment, except for the loss of the open field and the effect on the footpath through the site itself. The topography and landscape structure provide the capacity to accommodate the proposals, without the loss of key landscape elements or characteristics. On the basis that the landscape strategy proposed is executed successfully, it is considered that the proposals for new housing will not result in significant harm to the landscape character or visual environment*'. The report and the application proposal has been assessed by the Council's Landscape Officer who considers that the application site is located on a relatively level plateau and is relatively well concealed in the wider landscape due to topography and existing vegetation. Whilst the sensitivity of the landscape is relatively high, the effects will be confined to a few significant points, these being:
- The PRoW which runs through the site and beyond to the south. There will be very significant changes within the body of the site which reduce as you move further away from the proposed built-up area.
 - A PRoW to the southeast
 - Glimpsed views from other viewpoints

To conclude she considers that the submitted Landscape and Visual Assessment is a fair assessment of the proposed development.

- 5.36 It is accepted that the development proposed by virtue of its nature, being the development of an arable field, which is quite clearly part of the open countryside, situated beyond the existing built up limits of the will result in localised harm within the immediate vicinity of the site and from the existing public rights of way, either within the immediate locality, or which pass through the site. The introduction of houses,

access roads and associated domestic paraphernalia onto the site would have an urbanising effect on this rural setting. Despite, the visibility of the site within the wider countryside being restricted by intervening vegetation and topography and therefore the development proposed is not likely to appear so unduly prominent or obtrusive from the wider countryside it is considered that the visual impact of the development would not be so significant to cause such demonstrable harm as described within the NPPF to justify a refusal of the application in terms of its impact on the wider landscape. It is considered however, that there would be harm to the immediate locality and the enjoyment of users of the existing public right of way across the site as a consequence of the development on this currently open agricultural land and the rural setting of the village sufficient to justify refusal in this respect contrary to Policy ESD 13 of the Cherwell Local plan 2011-2031 and Government advice within the NPPF.

Transport Assessment and Highway Safety

- 5.37 A Transport Statement has been submitted as part of this application and has been prepared using the Department for Transport's document 'Guidance on Transport Assessment 2007'.
- 5.38 The application proposes the construction of a new single vehicular access by means of a new priority T-junction into the site directly from Milton Road which is a single carriageway road with a width of approximately 6m. The Transport Assessment states that the junction has been designed to accord with the Oxfordshire Design Guide and visibility splays of 2.4m x 215m have been provided in accordance with the advice set out in the Design Manual for Roads and Bridges. This section of Milton Road currently has a speed limit of 60mph. There is no formal footpath provision along the road frontage the immediate vicinity of the proposed site. As part of the development proposals the application states that a new section of footway that will tie into the new footway provision being made by other residential developments on this section of Milton Road, thereby providing access to the local amenities and public transport links.
- 5.39 The nearest bus stops to the site are located at the junction of Horn Hill Road/Milton Road, with no bus stops being known as Oak Tree Bay. Although there are no formal waiting facilities or timetable information supplied, the main service operating from these stops is the hourly S4 operating between Oxford and Banbury providing links to Kidlington and Deddington.
- 5.40 The Transport Statement and accompanying plans have been assessed by OCC as highway authority. An objection is raised to the current submission on a number of grounds:
1. The access layout of the junction meets standards, however, the full 215m visibility splay is not demonstrated since it appears truncated at the edge of the plan. The full visibility splay should be demonstrated.
 2. A footpath is suggested, however, no such footway appears on any plan. OCC requires assurance that the footway is feasible so this will need to be demonstrated on a plan clearly showing highway boundary.
 3. The TS does not present any analysis of the likely traffic impact of the proposed development on the highway network. No development trip generation estimates and no background traffic flows on Milton Road are presented. Reference to the analysis presented in the planning application for the neighbouring site (13/00456/OUT) suggests that the trip generation for the site should be comfortably accommodated on Milton road. However, this needs to be demonstrated.
- 5.41 As this is an outline application which seeks to establish the access into the site as part of this submission, these matters must be properly addressed as part of this

application. It is considered therefore that the submission cannot be considered sufficient in this respect.

Ecology

- 5.42 The application is accompanied by an ecological appraisal dated May 2015 which sets out the findings of a preliminary ecological appraisal undertaken on 15th May 2015. A desk study was carried out to identify statutory and non-statutory designated sites within 7km (internationally designated sites) and 5km (Nationally designated sites) and records of protected or notable species within 2km of the site. It confirms that the site is not within a statutory or non-statutory designated site, although Deddington Mill Local Wildlife Site is located only 2km away and Deada's Wood and Adderbury Lakes Woodland Trust Reserves are located only 1.7km away.
- 5.43 It is not just designated sites that are of importance to the biodiversity resource of the district. Landscape features such as hedgerows, woods, trees, rivers and riverbanks, ponds and floodplains can be of importance both in urban and rural areas, and often form wildlife corridors and stepping stones. Relevant habitat and species surveys and associated reports are required to accompany applications Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 requires the protection and enhancement of biodiversity and the natural environment.
- 5.44 The Phase 1 Habitat Survey recorded the following habitats on the site:
- Species-poor hedge and trees
 - Arable
 - Bare ground
- 5.45 The Protected Species survey results indicate that there are no Protected Species within the site, although the hedgerow and tree boundaries may support common reptiles and common farmland birds. There are various records around Adderbury, but no potential for roosting bats on site. The site itself formed mainly of an arable field is of poor quality for foraging bats. The hedgerows provide some value for foraging and commuting bats. The report concludes that the site is ecologically poor, it is currently being farmed with boundaries managed to maximise field sizes. Should the site management change from arable use, the value of the site may increase. With the development of the adjacent field (east of the site) the conditions on site may change such as the creation of a SUDs scheme immediately on the site's boundary which could increase the ecological interest. A number of recommendations are made to mitigate the impact of the development from an ecological point of view. This includes laying the hedge along the Milton Road frontage to ensure its future retention.
- 5.46 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.
- 5.47 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that 'every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity' and;
- 5.48 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where 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’.

- 5.49 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.50 Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or nesting 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
- 5.51 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.
- 5.52 Whilst the Council's ecologist has not yet responded in respect of this application, the Ecology Survey Report demonstrates that there is limited potential for the development on this site to result in unacceptable or significant adverse impacts on protected species. A number of conditions and informatives would need to be included within any grant of planning permission to ensure that adequate mitigation and enhancements are included as part of the development.
- 5.53 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.

Flood Risk and Drainage

- 5.54 A detailed Flood Risk Assessment and SUDS Drainage Strategy have been submitted with the application. The current Environment Agency Flood Map indicates that the development is located within Flood Zone 1, that is, land having a risk of less than 1 in 1000 annual probability of river flooding and therefore is of low environmental risk. There are two watercourses identified close to the site, Sor Brook located approximately 0.5km to the north and east of the site, which runs through Adderbury Village centre and River Swere approximately 1km to the south of the site. The Council's constraints map has identified that the site is a minor aquifer. The application submission proposes to implement a SUDS scheme comprising surface water swales through strategic corridors with the swales discharging to a balancing pond which will provide the majority of the attenuation storage volume. The balancing pond will discharge to an existing drainage ditch on the north site boundary at greenfield rates.
- 5.55 The submitted FRA has been assessed by OCC as lead drainage authority and has raised a number of issues. Further clarification is required in respect of the allowable

discharge rate calculation and storage volumes methodology in the FRA, and further advises that the calculations of storage volumes should consider the Interception, Attenuation, Long Term and Treatment storage volumes. OCC also query whether the swales and SUDS features have been designed around the natural flow paths within the site. A condition would therefore be necessary requiring a surface water drainage scheme for the site to be agreed and implemented.

- 5.56 In terms of waste, Thames Water have not been able to determine the waste water infrastructure needs and therefore recommend the imposition of a 'grampian style' condition should consent be granted. In respect of the existing water supply infrastructure, Thames Water advises that there is currently insufficient capacity to meet the additional demands of this development. A condition is therefore recommended requiring an impact study to be carried out prior to the commencement of the development to determine the magnitude of any new additional capacity required and a suitable connection point.

Loss of Agricultural Land

- 5.57 The Council's records indicate that the proposal would result in the loss of some 3,5ha 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 application site is Grade 2 agricultural land.
- 5.58 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.'
- 5.59 It is the case that most of the agricultural land surrounding Adderbury village is classified as best and most versatile, and any such 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 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 of the adopted Cherwell Local Plan 2011-2031, it has not been demonstrated that there are no other sites within 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.

Impact on Heritage Assets

- 5.60 The application is accompanied by a Heritage Settings Assessment. Paragraph 128 of the NPPF 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'.
- 5.61 Paragraph 132 of the NPPF 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'.
- 5.62 Policy ESD 13 of the adopted Cherwell local Plan 2011-2031 states that the 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 ESD 15 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, including information on heritage assets sufficient to assess the potential impact of the proposal on their significance'.

- 5.63 The site is not located within or immediately adjacent to the Adderbury Conservation Area and there are no listed buildings on the site or immediately adjacent. The Adderbury Conservation area and a number of listed buildings are however are located just to the east of the development site. It is not considered however, that the development of the site as proposed would have a detrimental impact on the setting of the conservation area or its listed buildings and is therefore acceptable in this respect..

Adderbury Neighbourhood Plan

- 5.64 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

- 5.65 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. Affordable housing would also need to be secured as part of the development. 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.

- 5.66 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.

- 5.67 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.

Engagement

- 5.68 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

- 5.69 In conclusion, having regard to the fact that the District currently has a five year housing land supply, it is considered that any benefits of the proposed are significantly and demonstrably outweighed by the adverse impacts such that planning permission should be refused for the reasons set out below.

Refuse, for the following reasons:

1. The development proposed, by reason of its scale and siting beyond the built up limits of the village, in open countryside, and taking into account the amount of new housing development already planned to take place in Adderbury, and Cherwell'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 rural housing growth planned for in the Cherwell local Plan. The proposal is therefore 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 Government advice within the National Planning Policy Framework.
2. By reason of its siting, scale form, appearance and relationship with the adjacent development, 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 Milton Road and the existing public right 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 Government advice within the National Planning Policy Framework.
3. By reason of the size of the development proposed and resulting loss of some 3.5ha of most versatile agricultural land, and taking into account the Council's ability to demonstrate a five year housing lands supply, the quantum of housing development already planned for 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.
4. The Design and Access Statement submitted as part of the application fails to provide sufficient detail in respect of the design principles for the new development, particularly in respect of the appearance of the dwellings, including design details, scale and form of the proposed new dwellings, window and door details, boundary enclosures and materials. It is therefore not possible to determine whether the development proposed will respect local distinctiveness and result in an appropriate form of development on this edge of village site. The proposal therefore fails to accord with the requirements of Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.
5. 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 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 2011-2031 and advice within the National

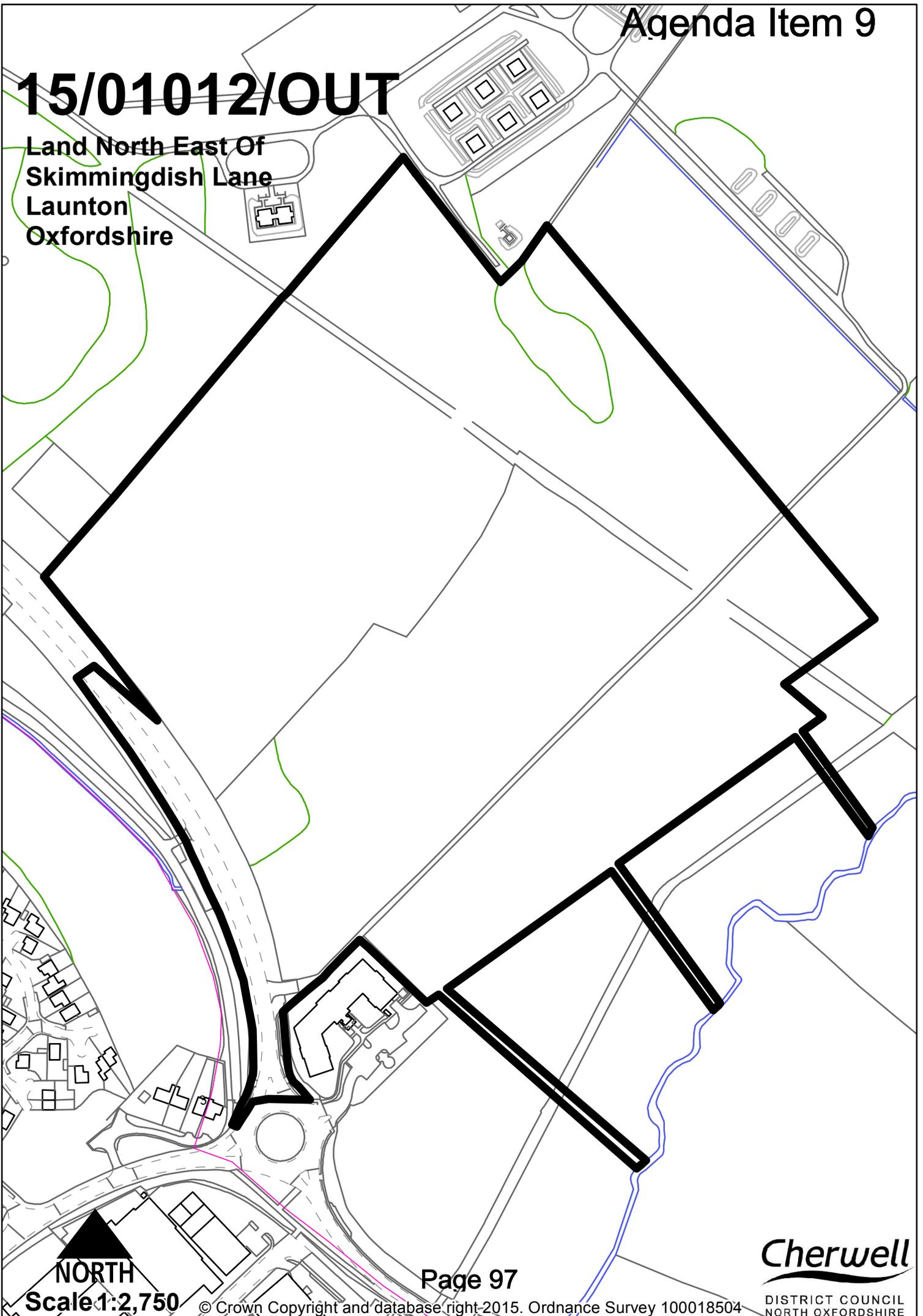
Planning policy Framework.

STATEMENT OF ENGAGEMENT

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

15/01012/OUT

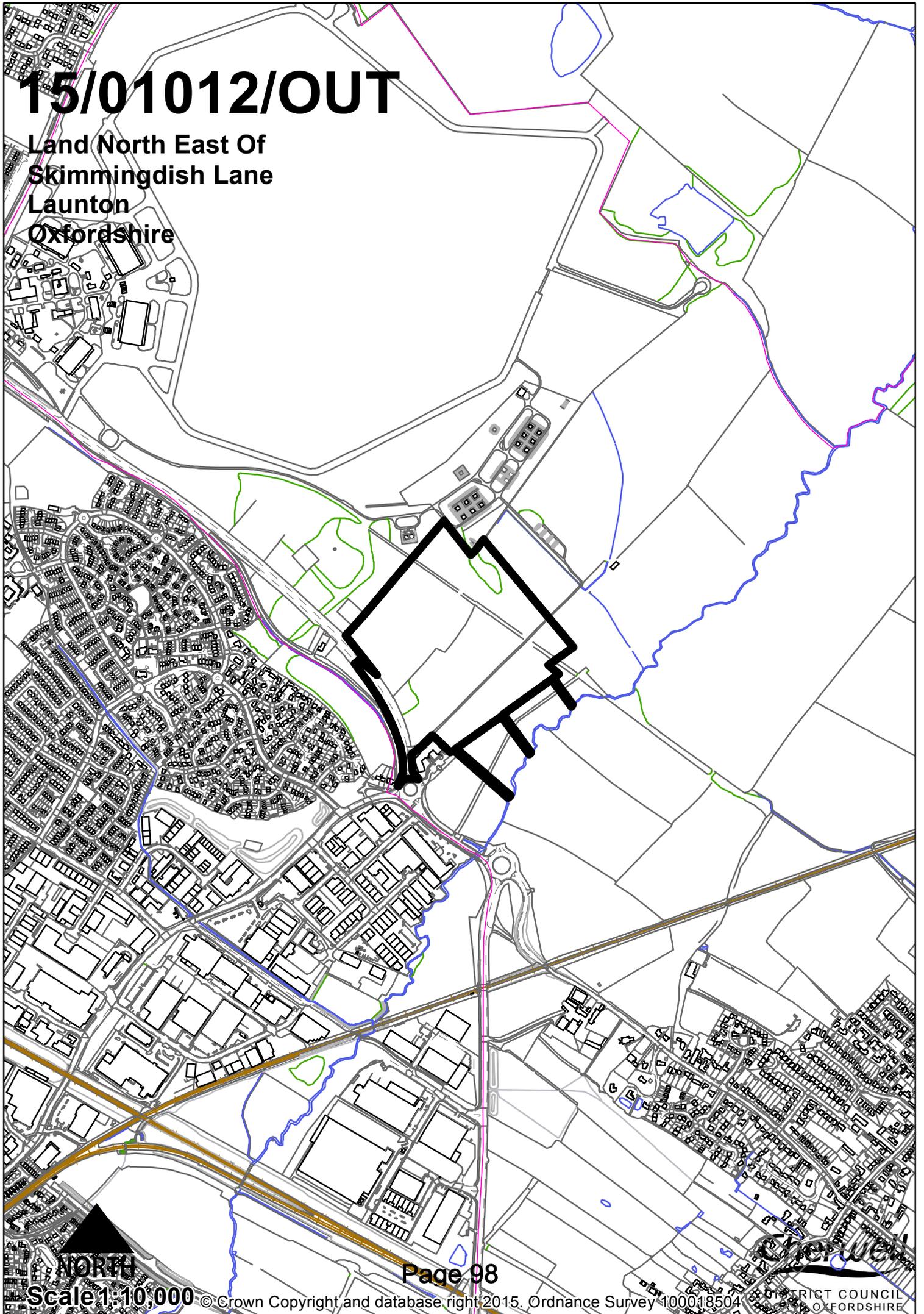
Land North East Of
Skimmingdish Lane
Launton
Oxfordshire



NORTH
Scale 1:2,750

15/01012/OUT

Land North East Of
Skimmingdish Lane
Launton
Oxfordshire



NORTH

Case Officer: Andrew Lewis **Ward(s):** Launton

Applicant: Albion Land Ltd

Ward Member(s): Cllr D L Hughes

Proposal: OUTLINE - Development of up to 48,308sqm of employment floorspace (Class B1c, B2, B8 and ancillary B1a uses), the siting of buildings to the south of the site, servicing and circulation areas, vehicular and pedestrian access from Skimmingdish Lane and landscaping

Committee Date: 17th March 2016 **Recommendation:** Approval

1. Application Site and Locality

- 1.1 The application site is located on the northern edge of Bicester. It consists mainly of land in use for agriculture although it is deemed to be of poor quality. It is approximately 14.45 hectares in size and lies on the north side of Skimmingdish Lane (A4421), the north circular road around Bicester. When originally constructed, this road was designed with a series of roundabouts that provided access to parcels of land identified for future development including land that forms part of the current application site. That access now provides access/egress to a care home. Skimmingdish is a heavily engineered road with wide carriageway, deep verges and footpath/cycle track along large parts of it. A footpath runs north through the site from Skimmingdish.
- 1.2 To the north and west of the application site is RAF Bicester, a designated conservation area with a scheduled ancient monument and locally listed buildings located immediately to the north of the site. To the north and east are cultivated fields and largely open countryside although there is a watercourse (flood zones 2/3) and a strong tree line to its eastern boundary. There is a Biodiversity Action Priority habitat located on the northern part of the site.
- 1.3 To the south of Skimmingdish Lane is a residential area and to the south and east is the Launton Lane Industrial Estate. Although buildings on it are primarily industrial there is an increasing mix of uses including recent retail units having been constructed, petrol filling stations and car sales, etc. The buildings are generally two storeys in height and mainly built in a modern, utilitarian style with simple materials, metal cladding being pre-dominant.

2. Description of Proposed Development

- 2.1 Although the application has been modified in concept since its submission the description of development remains unchanged. Outline planning permission is sought for the erection of

buildings to provide a floorspace of 48,308 metres within the use classes B1c (industry, that can take place in a residential area), B2 (General Industrial) or B8 (Storage and Distribution) with ancillary B1a (Office, other than for financial and professional services) floorspace. The application is accompanied by a plethora of documents and parameter plans. Approval of two matters of detail are sought now, that is the point of access to Skimmingdish Lane and the position of a building on the eastern half of the development zone. The parameter plans provide additional information that indicates the extent of the development zone and the amount of the site to be built or hard surfaced, the corridor of access, circulation and infrastructure; and the site levels and overall building heights. With regard to the latter, the applicant proposes to limit the height of buildings in the southern half of the site to 86 metres above ordnance datum (AOD) and 85 AOD in the northern half closest to RAF Bicester.

3 Relevant Planning History

3.1 There is limited planning history for this site or of relevance. A small part of the site (1.7 hectares) and including land on which the care home is now constructed was granted outline planning permission on appeal in 2007 for B1 use (ref; 05/01563/OUT) . Reserved matters were approved in May 2011 (ref: 09/01659/REM). Clearly this scheme was not progressed. The care home was granted outline planning permission in 2013 (ref 13/00372/OUT)

3.2 The principle of development has been considered by the Authority for some time in terms of Local Plan work. It was subject of much consideration of the Examination in Public at the Local Plan Inquiry. The Inspector supported its allocation, the Council confirmed this by adopting the Local Plan. This application was submitted before then but it is clear it followed closely the principle of development.

4 Response to Publicity

4.1 The application has been advertised by way of neighbour letters, site notice and press notice. Statutory consultees were re-consulted on amended plans. The final date for comment was the 6th February 2016. The following public comments have been received:

The New Lodge, Bicester Road, Launton; Object

- Should be preserved as green space
- Encroachment to RAF Bicester and Launton

85 Mallards Way Bicester: Strongly object

- Warehousing unsuitable; building too tall; adverse impact on setting of the Bomb Stores. Building will be an eyesore
- Dangerous access; traffic in congested area; inappropriate for continuous HGV traffic
- Trees will not protect importance of historic aerodrome
- Destruction of 2 footpaths
- Destruction of open farmland
- Outside the ring road, compromises control over future development
- Location illogical for warehousing. Should be relocated to Graven Hill
- Generate low employment
- Creates a hard edge to Garden Town

13 The Poplars, Launton: (2 letters): objects:

- Transport assessment is wrong with regard to frequency of bus timetable and railway station connected.
- Wrong to say no road safety issues-3 accidents recently
- No need for priority T junction
- Inappropriate speculative development which makes the TA worthless.
- Objects to run off into Langford Brook. Increases the risk of flooding
- Its employment capability will be much lower than its trajectory
- Concerned by buildings height
- Difficult to assess noise; HGV traffic will be constant.
- Concerned by air pollution
- Green roof may confuse pilots
- Conflict with NPPF over potential development of the airfield
- All aerodromes should be safeguarded
- The development does not conserve heritage assets.
- The scheme would be better suited at Graven Hill
- Concerned by impact of traffic when with impending road closures and development of rail lines.

Bicester Gliding Centre: Danger to aircraft and hindrance to those landing. Could render the site unusable for gliders.

Oxford Fieldpaths Society: I believe that the footpaths are to be diverted round the buildings (which are sited over them) with a permissive path round the other side. This would be acceptable

5 Response to Consultation

Launton Parish Council: Object

- Traffic-generate more (with few jobs); roads already busy; traffic through Launton
- Danger to aircraft (gliders)
- Visually intrusive due to height, and effect on RAF Bicester Conservation Area; lose vies of countryside.
- Excessive overproduction of material

Bicester Town Council

- BTC supports commercial use of the site but objects to warehouse use
- Concerned by access to Skimmingdish Lane
- Will generate lesser employment
- Buildings should complement those on the airfield
- Langford Brook will become a sewer. on the airfield

Councillor Porter: objects:

- Not appropriate use to the site

- Negative impact on historical value, environmental importance, traffic movement, quality of life of local residents
- Will not provide the level, scope, or number of employment opportunities that could/should be achieved
- Layout pays no respect to historic nature of area or historic buildings
- Buildings too high, may impede use for gliding
- Too big to screen with landscaping
- Adverse effect on natural habitats and dog walking
- Use of SUDs will destroy the environmental habitat
- Significantly increase flood risk
- Loss of good arable land
- Will employ few people in unskilled jobs
- Traffic assessment does not stand up to scrutiny. Adverse cumulative impact with care home and residential on south side of Skimmingdish. Lead to congestion and risk to highway safety.
- The application is unclear about what is being proposed.

Cherwell District Council:

Head of Strategic Planning and the Economy:

The application site is on land allocated for employment development in the adopted Local Plan 2011-2031.

The Local Plan (Policy SLE1 and site specific policies) identifies new strategic sites at Bicester for employment generating development. Policy SLE1 states that employment development on new sites allocated in the Plan will be the type of employment development specified within each site policy in Section C. Other types of employment development (B Use class) will be considered in conjunction with uses set out if it makes the site viable.

The application site is on land allocated for mixed use employment in the Local Plan 2011-2031 (shown on Bicester Policies Map 5.2 and Inset Map Bicester 11). The policy which relates to the allocation is policy Bicester 11 (Employment land at North East Bicester). The site has a critical role to play in the delivery of new employment development to support the growth in housing and to reduce out commuting at Bicester.

Policy Bicester 11 sets out a number of policy requirements and key site specific design and place shaping principles against which the planning application should be considered. The proposals should also be considered against other policies in the Local Plan 2031 including policies ESD10, ESD13 and ESD15 in order to determine any unacceptable impacts on the historic or natural environment. Without compromising necessary operational and market requirements, in line with the NPPF and Local Plan 2031, a high quality design should be sought. There should also be appropriate compliance with policies relating to climate change and sustainable transport.

There is a difference between the site boundary provided for the planning application and the site boundary for policy Bicester 11 in the Local Plan 2031 with the north eastern boundary located slightly further north than the boundary in the Local Plan and the application site omitting land in the south and east of the allocation. The application site

therefore includes a small area of land (countryside) outside the allocation to the north which includes a small part of the former RAF Bicester Conservation Area. The actual boundary difference is considered immaterial. The application provides a landscape buffer, including planting, with no built development proposed outside the site allocation boundary in the Local Plan. Consideration of impact on and harm to the significance of RAF Bicester Conservation Area, the scheduled ancient monument and locally listed buildings is required. However, importantly, the principle of mixed use employment development in this location has been examined and established through the Local Plan process and it is unlikely that any harm will be substantial from the proposals. The public benefit of delivering sustainable and viable employment development on this site is likely to outweigh any harm.

In planning policy terms it will not be necessary for an application to cover the land currently allocated in the Local Plan to its full extent to the south east (not included within the application site boundary) as long as the application does not significantly compromise the delivery of policy objectives. In any case this part of the site is at a higher risk of flooding.

The proposals are overall consistent with Policy Bicester 11 with the application proposing a mix of employment uses and floorspace in line with the Local Plan employment trajectory. The proposals will lead to the creation of jobs and economic growth which are key requirements of the NPPF and the Local Plan. The applicant explains that just over 1,000 jobs will be created which is consistent with the figure of approximately 1,000 in policy Bicester 11. A mixed B use class employment proposal even with the majority of the scheme proposed for B8 uses (storage and distribution) would be expected to create approximately this number of jobs on a site of this size. The proposals would deliver one of the strategic employment sites in the Local Plan which is important for Bicester and will contribute to delivering the Local Plan strategy.

The proposals are supported from a planning policy point of view and subject to detailed consideration it is recommended that proposals are approved.

Design and Conservation have made full and comprehensive assessments of the scheme from its inception to the latest scheme. Their conclusions are:

- that the Council has a duty to conserve or enhance the setting of the RAF Bicester Conservation Area, the listed buildings and scheduled monuments. The proposed 16m/14.5 m high buildings do not conserve the setting of the RAF Bicester Conservation Area and do not enhance it.
- The submitted material does not show how the proposals have been designed to give the most sensitive layout, orientation or height for the site which sits next to national heritage assets, a care home, a principle road through Bicester, nearby housing or distant views of Bicester from neighbouring parishes.
- The application needs to provide parameter plans for the site which demonstrate that the proposed site uses can be accommodated on the site in a way which does not harm the adjacent heritage assets and provides a positive approach to the design and masterplanning requirements of the site.
- There is disparity between the Applicant and the Design and Conservation section as to the scale of appropriate development for the site. It is our view that the scale, height and

location of the buildings set forward in the brief and parameters plan will harm the setting of the conservation area and the scheduled monuments. We believe that an appropriate solution can be found to accommodate a similar brief on the site, but it will require the following changes:

- Reduction in the height and scale of the building parameters
- Appropriate landscape and public realm strategy, including structural landscaping, suds, parking, pedestrian movement and public realm
- Production of design principles / parameters to guide the architectural design of the buildings. This should include parameters for areas of glazing / active frontage, alongside the principles for the materials and details.

CDC Community and the Environment: Manager:

A condition to provide Public Art on site should be placed on this development. The scheme should be approved by Cherwell DC Arts development team and installed prior to the building being operational

CDC-Ecologist:

- There are no major protected species constraints on site. The additional bat survey confirms that bats are relatively unlikely to be directly or significantly impacted on site as long as the lighting design is sympathetic and in line with the Bat Conservation Trust guidance
- Additional reptile and badger surveys will be needed however it is likely that any outcome of such surveys can be accommodated in terms of mitigation on site within existing and proposed landscaping therefore I have no objection to these being conditioned.
- The loss of hedgerow and woodland habitat on site is a significant habitat loss, particularly adjacent to a LWS however the proposed landscaping will go some way to maintaining habitat linkages across site.
- The only thing that hasn't really been considered on site is invertebrates and in particular there are a number of records of Priority moth species adjacent to the site. Any landscaping and planting should therefore ensure that where important food sources for these moths are lost they are replaced and encouraged to mitigate any loss to these species. These records are obtainable from TVERC.
- I have some concerns about the proposed drainage channels to the South East of the site. Having looked through the documents it is not clear to me what will be draining into the water course there and whether there has been any analysis of the impacts this might have on this habitat or species using it. In my opinion this needs looking at further. If significant runoff will be draining into the watercourse (which becomes Langford Brook and runs down to Gavray Drive LWS to the South) a brief assessment at least of ecological impacts is needed.
- As well as the mitigation proposed the applicant should ensure that their final layout and plans include measures for biodiversity enhancements on site. This not only includes the landscaping but also the built environment where enhancements could include integral bird or bat boxes or green roofs. These can be included within a LEMP.
- I would suggest the conditions to any permission requiring reptile and badgers survey, Landscape and Management Plan (LEMP), Construction Environmental Management Plan (CEMP) for biodiversity and restrictions to protect nesting birds.

CDC Tree Officer:

- I would agree with the findings and BS5837 categorisation of the trees listed within the submitted arboricultural report.
- The proposed scheme requires the removal of substantial arboricultural groups and individual trees within the site boundary with particular reference to the proposed removal of G1 and G4 having the largest impact upon amenity and biodiversity. The scheme proposes suitable mitigation for such loss through the creation of new shelter belts to the south-east and north-east boundaries along with the rejuvenation of existing boundary vegetative features to the north-west and south-west.
- Consideration should be shown towards ensuring that such proposed boundary edges to the site are accessible for maintenance and receive long-term physical protection by ensuring that sufficient clearances are provided between the built structures and the mature canopy spread of adjacent trees and vegetation.
- The proposed boulevard running through the site provides an opportunity to create a prominent tree-lined avenue which, aside from the social benefits, will increase biodiversity levels as well as softening the appearance of adjacent architecture. Sufficient verge space should therefore be provided to allow for such a planting scheme with adequate clearances provided between the frontage of adjacent buildings and the predicted mature canopy spread of tree species selected.

CDC-Landscape Officer

- There should be a decent landscape buffer between the unit(s) and Skimmingdish lane. Landscaping should be increased to the north. Tree pits should be included.
- There are concerns about the removal of hedgerows and trees to facilitate access to Langford Brook (consider outlying re-bordered corridors on the Landscape Parameters Plan) and so an AMS condition is required. What is the nature of this proposal? Is it to drain rainwater into the brook?
- No further comment on the conditions proposed. I would assume that there is going to be an 'upfront' BS5837 tree survey of trees and hedgerows on the site boundaries, or within an influencing distance of construction, with root protection areas indicated within construction exclusion zones to protect the soils and current attenuation of the proposed landscape buffers.
- Recommend conditions on planting pits, and arboricultural method statement

CDC Science Officer (Noise)

I have reviewed the noise assessment (ref 15/0240/R1) and broadly accept its conclusions. The report itself (ref paras 5.2.2 and 5.3.2 in particular) acknowledges that a noise management plan for each unit will be beneficial in minimising noise tugs and tractors will give rise to noise levels appreciably above prevailing (although within max noise limits) designing the building so that B1a elements are closest to the care home may help to minimise noise.

In view of this I recommend the layout be designed to minimise noise impact on the care home in particular, noise management plans be developed and noise mitigation be utilised to further minimise noise. Detailed layout and proposals to address these matters should be submitted for approval prior to any development taking place. Conditions are required:

- requiring that the noise mitigation (optimum version) as proposed in the noise reports submitted is fully implemented to the standards (or better) specified in the report
- a condition requiring details of a scheme to minimise noise impact upon the housing the opposite side of the main road be submitted for approval as a reserved matter. The main concern would be the like of "clanks and bangs, reversing beepers etc"

from loading/unloading/docking operations, most likely at night which can be significantly intrusive. A scheme could include procedural controls, source mitigation and/or bunding/shielding.

Oxfordshire County Council:

Transport

Recommendation: No objection subject to conditions

Key issues:

The amendments include a proposed list of conditions and obligations, and a parameter plan (3830-28-09) showing a 4m-wide 'Footway Cycle' zone between the main site access and the public footpath access onto Skimmingdish Lane at the southeastern corner of the site.

Legal agreement required to secure:

Contributions

OCC's transport requirements, which have been agreed since this amendment was submitted, are as follows:

- Strategic transport contribution £219,000* towards the highway capacity improvements to the eastern corridor peripheral route – dualling and junction capacity improvements along Skimmingdish Lane and Charbridge Lane.
- Public transport contribution £176,000 – to improve the frequency of existing bus services serving Launton Road.
- Travel plan monitoring contribution £1,240 – to cover OCC's costs of monitoring the travel plan for five years following first occupation.

It is agreed that from this amount the developer may deduct from this amount (as opposed to the amount stated in the conditions and obligations document supplied) the cost of diversion of underground services required for the mitigation scheme at the Launton Road/A4421 roundabout (For the avoidance of doubt this does not include such costs in connection with the site access and crossing works north of the roundabout). The final amount is to be determined on the basis of formal estimates received, and must be settled prior to completion of S106 agreement.

Highway works

OCC requires the agreed highway works to be secured by obligation.

- Widening and bus laybys and bus stops at Launton Road roundabout – indicative drawing 15230-13
- Site access arrangements to include priority junction with ghosted right turn, footway/cycleways, signalised crossing, as shown on indicative drawings 15230/07 and /08 in the transport assessment. Note that this drawing will need to be amended to demonstrate commitment that street lighting will be provided between the site access and existing lighting near the Launton Road roundabout.

Conditions:

The developer has put forward a list of conditions including some amendments to our proposed conditions. My comments are as follows:

- Conditions 6 and 9 – the changes from OCC's proposed condition need to be verified with our drainage team and I am still seeking a response.
- Conditions 10 and 12 – OCC requires the highway works to be secured by obligation – in that case these conditions become unnecessary.
- Condition 11 – we require our originally recommended condition, which is for a framework travel plan covering the whole site. This enables the site to be considered

as a whole and for site-wide targets and measures to be established. This plan would include a requirement for individual travel plans for separate occupants over a threshold. Further clarification can be sought from OCC's Travel Plans team.

- Condition 13 – I am concerned about the piecemeal nature of this proposed approval process. In order for the site to be considered in its entirety and for adequate access to be ensured to all parts of the sites for all users, including pedestrians and cyclists, an additional condition is recommended requiring the first reserved matters application to include a layout for the whole site.

Detailed comments:

- The proposed footpath diversion is acceptable.
- The footway-cycleway zone proposed is welcomed but it is assumed to be in addition to the previously agreed access arrangements, which include a new footway/cycleway adjacent to the carriageway. The purpose of the zone is to ensure that pedestrian and cycle access can be provided following future dualling of Skimmingdish Lane.

Ecologist: Adjoins a wildlife site

Economy and Skills: No objection subject to conditions. Requests an Employment and Skills Plan.

Archaeology: Investigation required before development. Condition recommended

Other External Consultees:

Historic England: No detailed comments. The conservation area is more an inward looking one. Main impact on the Conservation Area and scheduled bomb stores but degree of harm is low. Detailed design will be important.

Environment Agency: Originally objected to a deficient flood risk assessment. A more detailed assessment has been provided and subject to appropriate conditions no longer objects. Without the inclusion of these conditions however the EA consider the development to pose an unacceptable risk to the environment

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 (CLP 2011)

PSD1 – Presumption in Favour of Sustainable Development
BIC11 - North East Bicester Business Park

BIC8 - Former RAF Bicester
ESD15 - The Character of the Built Environment
ESD13 - Local Landscape Protection and Enhancement
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
ESD17: Green Infrastructure
ESD1 - Mitigating and Adapting to Climate Change
ESD2 - Energy Hierarchy
ESD3 - Sustainable Construction
ESD4 - Decentralised Energy Systems
ESD5 - Renewable Energy
ESD6 - Sustainable Flood Risk Management
ESD7 - Sustainable Drainage Systems (SuDS)
ESD8 - Water Resources
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
INF1 - Infrastructure
SLE1 - Employment Development
SLE4 - Improved Transport and Connections

The Inspector considered Policy Bicester 11 in some detail and considered it a sustainable location with good links to existing and proposed employment sites. He thought the site boundary to the Conservation Area and relationship to the scheduled monuments was suitable identified on the proposals map. His proposed only modifications.

Cherwell Local Plan 1996 (Saved Policies) (CLP96)

C28 - Layout, design and external appearance of new development
C30 - Design of new residential development
TR1 - Transportation funding
TR10 - Heavy Goods vehicles
C23 - Retention of features contributing to character or appearance of a conservation area
C25 - Development affecting the site or setting of a schedule ancient monument

Other Material Planning Considerations:

RAF Bicester Conservation Area Appraisal October 2008

Draft Bicester Masterplan

The Bicester masterplan consultation draft was produced in 2012. It identifies the following long term strategic objectives that guide the development of the town, are:

- To deliver sustainable growth for the area through new job opportunities and a growing population;
- Establish a desirable employment location that supports local distinctiveness and economic growth;
- Create a sustainable community with a comprehensive range of social, health, sports and community functions;
- Achieve a vibrant and attractive town centre with a full range of retail, community and leisure facilities;
- To become an exemplar 'eco-town', building upon Eco Bicester – One Shared Vision;
- To conserve and enhance the town's natural environment for its intrinsic value; the services it provides, the well-being and enjoyment of people; and the economic prosperity that it brings;
- A safe and caring community set within attractive landscaped spaces;

- Establish business and community networks to promote the town and the eco development principles; and,
- A continuing destination for international visitors to Bicester Village and other tourist destinations in the area.

The aim is for the masterplan to be adopted as SPD, subject to further consultation being undertaken. The masterplan is at a relatively early stage and as such carries only limited weight.

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.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. 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 impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

The main paragraphs of the NPPF which apply in the determination of this application are as follows:

Paragraph 14 - the 'presumption in favour of sustainable development'.

Paragraph 17-the core Planning Principles

Paragraph 18 to 22 to build a strong competitive economy

Paragraphs 29-33 on sustainable transport.

Paragraphs 56-61 referring to good design; and

Paragraphs 128 to 136 of the NPPF regarding Conserving and Enhancing the Historic Environment.

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

7 Appraisal

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

- Principle of Development;
- Employment
- Design, Layout and Appearance;
- Impact on Heritage Assets;
- Landscape and Visual Impact, Trees and Landscaping;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Ecological Implications;
- Flood Risk;

Planning Policy and Principle of the Development

- 7.2 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 in 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.
- 7.3 Policy Bicester 11 of the CLP identifies the land subject of this application as a strategic development employment site. It states the site is acceptable for B1, B2 and B8 use. No restriction or limitation is place on the percentage of the actual use. It can therefore be a mix, or it could be entirely one use. The Local Plan considers it capable of providing a floorspace of 52,500 m² and 1000 jobs. The applicant has stated this scheme, if approved, can provide 1000 jobs albeit in a slightly smaller floor area.
- 7.4 The current application is in outline save for approval of access and the siting of one building. There are therefore no detailed plans or designs but the supporting documentation and parameter plans set out the principles of the proposal in order to demonstrate its conformity with the development plan. The significant elements are:
- Good accessibility and connectivity with the surrounding highway network with linkage to the footpaths and cycleways
 - Strong buffers of green space around the site
 - The retention of a large swathe of undeveloped open space commensurate with the flood plain to the south east.
 - A commitment to high quality design and finishes through design codes
 - And commitment to a scheme that will conserve the setting of the adjacent scheduled ancient monument and conservation area.
- 7.5 The issues of traffic and transport, and impact on heritage will be discussed in more detail below but in principle the application is seen to conform with Policy Bicester 11.

Employment

- 7.6 Para 17 of the NPPF set out the core principles of planning policy and prominent is “to proactively drive and support sustainable economic development to deliver the...industrial units, infrastructure and thriving local places that the country needs.” It goes on in paragraph 19 to say ‘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’.
- 7.7 The CLP 2011 sets out in policy SLE1 that new development sites have been identified to promote growth and increase the amount of employment land in the District for commerce, engineering and manufacturing. Primarily this is in Bicester which also seeks to make the town more sustainable by balancing employment with residential development. It also reflects the urban focus of the Local Plan

- 7.8 Policy SLE1 refers to the Council's flexible approach to employment generation and policy Bicester 11 reflects this as it identifies 15 hectares of land for employment development but allows it to be B1, B2 or B8 use. This proposal therefore complies with the central thrust of the Council's employment policy to provide for growth and allow a degree of flexibility for developers to achieve it.

Design Layout and Appearance

- 7.9 Another principle of the NPPF is to always "seek to secure high quality design and a good standard of amenity for all Buildings". Section 7 of the NPPF 'Requiring Good Design' attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people'. The NPPF goes on to say at paragraph 58 that planning policies and decisions should aim to ensure that developments achieve a number of results including the establishment of a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and that developments should respond to the local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 60 advises that whilst particular tastes or styles should not be discouraged, it is proper to seek to promote or reinforce local distinctiveness.
- 7.10 Policy ESD 15 of the CLP 2011 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the built environment and to ensure we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policies C28 which states that 'control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development'. Policy ESD15 also advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement
- 7.11 This is an outline application therefore the details associated with it are to some extent limited. They are accompanied by various documents however, setting out the design principles that will be followed should outline planning permission be granted. These include Design and Access Statements, including an update, a Design Code, Planning Reports (also updated), Parameter plans and Explanatory document, plus a Heritage Impact assessment (also updated).
- 7.12 The developer benefits, to some extent, from almost a blank canvas at Skimmingdish Lane. However this is not the case when a closer analysis of the locality is made. The floodplain to the south east precludes a large area designated under Bicester 11 from development. Impact on the care home which Bicester 11 wraps round has to be sensitively dealt with. There is a main road frontage to address and south and west of that are housing and commercial to which the development must relate. But crucially to the north and east is RAF Bicester, a conservation area containing a number of specific heritage assets and beyond that the countryside. Heritage is dealt with in more detail below but in broader terms the Officers are now satisfied that what is set out in the documents can be achieved in terms of the requirement of Policy Bicester 11 for a high quality well designed urban edge that respects the landscape setting. The present

scheme has been modified so the green buffers around the site have been increased and the development footprint reduced by about 14%.

- 7.13 There has been one significant bone of contention and that is the developer's requirement for an internal floor/ceiling height of 12.5m. Sinking the buildings into the ground has not been an option due to the requirements of the Environment Agency for a 72 AOD floor level. As a result the buildings will be quite tall. As a compromise, a central access-way divides the site in to two. The southern side which is considered to be less sensitive will have a maximum AOD of 86m giving a building a potential height of 16m. The northern side with a closer proximity to the Airfield has an AOD of 85m which will give it an overall external height of 14.5m.
- 7.14 In terms of the impact on the care home, the main building on the southern part of the site is set back from Skimmingdish and away from the southern boundary so the outlook of the residents to front and side is not impeded. At the rear of the building will be a service yard, screened by the structure from the public domain of Skimmingdish. The care home will be specifically screened by acoustic fencing and landscape bunding. It should be stated the Care Home is occupied by residents with high care dependency and limited awareness of their environment.
- 7.15 The overall feel, as set out by the Design Codes and Design Statement is to achieve a development with a distinct character with a strong visual identity provided by the office components in the buildings. These will also be used to create active frontages to Skimmingdish Lane itself.

Impact on Heritage Assets

- 7.16 The NPPF has as a core principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Section 12 deals with conserving and enhancing the historic environment. It states "when 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. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or 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." All of which the applicant has done
- 7.17 It goes on to say that "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 any necessary expertise. They should take this assessment 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 proposal."
- 7.18 Paragraph's 131 to 134 are paramount in determining planning applications and state: "131...local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness.

132. 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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; And
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

- 7.19 On this application a second element where there has been heated debate is over the impact of the development on the immediate heritage assets. Part of the application site includes the conservation area of RAF Bicester although no physical development is proposed in that part. But the site is adjacent and overlaps not only the Conservation Area but is also in close proximity to a number of scheduled ancient monuments namely the southern bomb stores, mushroom pillboxes and seagull trenches. The Conservation Officer has been concerned not just by the direct effect of the development proposed by Bicester 11 upon these heritage assets but the wider aspect of harm caused such as to views from across the airfield, in particular from the Control Tower. Some of the potential harm is tempered by a strong area of woodland actually outside the site but part of the outlying area of the airfield. When viewed from the Control Tower this tree belt provides some, but not total, screening of the buildings and, being in the Conservation Area, enjoys a degree of protection from its location which should carry on.
- 7.20 The applicant has produced a comprehensive assessment of the impact on heritage and updated it to rebut the concerns of the Conservation Officer. However her objection remains and she concludes the scheme, even at its reduced height of 14.5/16m buildings will not conserve the setting nor enhance the appearance of the Conservation Area and will harm the setting of the Scheduled Ancient Monuments.
- 7.21 The views of Historic England have also been sought and somewhat surprisingly they decided not to comment in detail. They regard the airfield as an inward looking conservation area, not a view shared by the Conservation Officer, and that the harm to the scheduled ancient monuments would be relatively low. They do recognise the final reserved matters could have considerable significance and asked to be re-consulted

then but they seem to recognise that the site is allocated for employment use and therefore there is a strong presumption in favour of development.

- 7.22 Notwithstanding the understandable concerns of the Conservation Officer, from a planning viewpoint it is concluded that whilst there is clearly harm, that harm is not significant and in the test of the NPPF if there is a public benefit to the proposal, which in this case will be a significant level of jobs achieved by the development of a strategic employment site, then permission should be granted.

Accessibility, Highway Safety and Parking;

- 7.23 The NPPF has a core principle that planning should; '*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;*' The NPPF also advises that the transport system needs to be balanced in favour of sustainable transport giving people a real choice about how they travel (para 29). It is advised that encouragement should be given to solutions that support reductions in greenhouse gas emissions and reduce congestion (para 30). Transport assessments are required (para 32). The PPS advises that account should be taken of improvements that can be undertaken within the transport network that cost effectively limit the significant impacts of the development and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (para 32).
- 7.24 The Adopted Cherwell Local Plan policy SLE4 requires all development to 'facilitate the use of sustainable transport, make fullest use of public transport, walking and cycling'. Encouragement is given to solutions which support reductions in greenhouse gas emissions and reduce congestion. New development is required to mitigate off site transport impacts. Policy Bicester 11 requires proposals to include connectivity to its surroundings, accessibility to public transport, footpath/cycle links and as part of any planning application a transport assessment and travel plan.
- 7.25 Both an assessment and travel plan have been produced for this application. In addition, an application has been made under s257 of the planning Act to divert an existing footpath that runs through the site. The local Ramblers and Walkers groups have been consulted on this and raised no objection to rerouting the path slightly further south of its current alignment.
- 7.26 The site was considered at the public inquiry to be a sustainable location for employment development and that has, in part, led to its designation as a Strategic Employment site. It benefits from a good position with a long frontage on to the A4421, Skimmingdish Lane. The chosen point of access is fairly central to the development site and has good visibility in either direction. Measures are required in the immediate vicinity of the site by the Highway Authority both to ensure highway safety and to maintain traffic flows in this location. These include filter lane on egress to the carriage way with a ghosted right turn in to the site and modifications to the Launton Road roundabout. These works will be undertaken by the developer and secured by a Grampian condition. Outside of the immediate locality the Highway Authority consider there will be a need to improve capacity along Skimmingdish Lane and Chartbridge Lane and the developer has agreed to make a financial transport contribution of £219,000 towards the enhancement of the eastern transport corridor.
- 7.27 The applicant has also agreed to make a financial contribution towards improvements to public transport, namely to improve the frequency of bus services along Launton Road, and towards monitoring of the travel plan.

- 7.28 Other improvements sought and agreed with the applicant are widening of footpaths on Skimmingdish Lane and provision of a toucan crossing on Skimmingdish Lane in order to improve accessibility for pedestrians and cyclists. This will enable the existing cycle route to carry on into the Bicester 11 site. The A4421 will also be widened to facilitate a bus lay-by with associated infrastructure such as a shelter. These works have been shown indicatively but a condition is required to ensure satisfactory details are submitted. The applicant is agreeable to undertake such work before the development is brought in to use.
- 7.29 The design code talks about the layout and sets out a parking standard for cars, hgvs, motor bikes and bicycles depending on the eventual scale of development and type of use proposed. Surface treatment will be brushed concrete for the service yard but car parks and footpaths will be surfaced in block pavements.

Landscape and Visual Impact, Trees and Landscaping;

- 7.30 A Landscape Visual Impact assessment has been submitted in compliance with Policy Bicester 11. Its contents have been found to be broadly acceptable to the Council's Landscape Officer. The LVIA seeks to reduce the impact of the buildings by creating landscape zones, in effect softening the edges of the development and assimilating it in to the surrounding countryside. Hedgerows and trees around the site have been kept by pulling the buildings away from the boundaries and the site benefits from a number of areas of woodland dotted around it thus reducing the long range visual impact. Sadly the loss of some field hedging within the site is inevitable from the allocation of the site for development but this is mitigated by indicative landscape schemes in the LVIA. These will be planted in such a way as to also act as wildlife corridor as well as limiting the visual intrusion of buildings
- 7.31 The proposed scheme requires the removal of some arboricultural groups and individual trees within the site boundary with particular reference to the proposed removal of G1 and G4 having the largest impact upon amenity and biodiversity. However the scheme proposes suitable mitigation for such loss through the creation of new shelter belts to the south-east and north-east boundaries along with the rejuvenation of existing boundary vegetative features to the north-west and south-west.

Flood Risk;

- 7.32 Although a Flood Risk and Drainage Strategy was submitted with the application its conclusions were not accepted by the Environment Agency (EA). However the scheme has been amended and buildings moved north out of the area deemed to be with the potential of flooding. The EA have now withdrawn their previous objection but recommended a number of conditions they require to be imposed.

Ecological Implications

- 7.33 A core principle of the NPPF is to "contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework." It goes on to say in section 11-Conserving and Enhancing the Natural Environment: The planning system should contribute to and enhance the natural and local environment by:... recognising the wider benefits of ecosystem services;...and minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity,

including by establishing coherent ecological networks that are more resilient to current and future pressures”.

- 7.34 Policy Bicester 11 was designated in part because it is considered to be low grade agricultural land, the policy also seeks to secure a net gain in biodiversity, create wildlife corridors and requires ecological surveys. The applicants have undertaken an appraisal (with update) of the site followed up by a bat survey. The Council's ecologist agrees with the main findings that there are no major protected species constraints on site, including bats. Conditions are recommended to require further surveys to cover reptiles and badgers.
- 7.35 The loss of hedgerow and woodland habitat within the site is a significant habitat loss, particularly adjacent to a LWS however the proposed landscaping will go some way to maintaining habitat linkages across site. One thing recommended by the Ecologist is an inclusion in the landscape scheme of food sources for Priority Moths which are known to exist in the area.
- 7.36 It is also suggested that as part of the mitigation proposed the applicant should ensure that their final layout and plans include measures for biodiversity enhancements on site. This not only includes the landscaping but also the built environment where enhancements could include integral bird or bat boxes or green roofs. These can be included within a Landscape and Management Plan (LEMP). Conditions to any permission requiring reptile and badgers survey, Construction Environmental Management Plan (CEMP) for biodiversity and restrictions to protect nesting birds are recommended.
- 7.37 The applicants have included in their documents a commitment to enhance the biodiversity of the area in accordance with local policy.

Effect on Neighbouring Amenity

- 7.38 One of the attractions of allocating this site for employment is its relatively self contained nature. There are limited receptors in the vicinity that will be directly affected by its use. Housing is proposed on the south side of Skimmingdish Lane but this will incur limited impact on amenity from business operations.
- 7.39 The main effect could be on the Care Home and this was recognised in Policy Bicester 11 which required a planting buffer and B1a development in proximity. The position of the main building to the northwest of the Care Home is sited so it is not in the main views out of the rear or side elevations. A landscape bund and acoustic fencing is proposed in between the care Home and the building and its service yard. Full details will need to be provided under reserved matters but in principle this conforms to the requirements of Policy Bicester 11.

Public Art

- 7.40 Due to the size and scale of development proposed, and in line with the Council's policy on Public Art, it is recommended a condition be imposed to secure a work of art on site as part of the development

Impact on the Glider School and Use of the Flying Field at RAF Bicester

- 7.41 RAF Bicester is used by a gliding club. They have objected to this application as they did at the EIP to its allocation. Although RAF Bicester is subject to a safeguarding map this does not preclude buildings of a greater height being considered. In fact the map has

limited weight and its main use is to ensure a consultation takes place. The existing tree belt on the northern boundary probably presents a greater threat to the gliders being closer to the runway, on a slightly higher parcel of land, approximately 12m in height and therefore at 84 AOD. It is calculated the buildings would be some 250m from the edge of the runway.

Section 106-Heads of Terms

7.42 The County Council have asked for and the applicant has agreed the following contributions to be secured by a s106 Agreement:

- Strategic transport contribution £219,000 (towards improvement to future enhancement of the A4421 in its role within the strategic County highway network between Charbridge Lane and Skimmingdish Lane). This figure represents the maximum amount deemed necessary.
- Public transport contribution £176,000
- Travel plan monitoring contribution £1,240

Engagement

7.43 The NPPF advises that 'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre application discussion enables better coordination between public and private resources and improved outcomes for the community' (para 188). This site has been subject to intense negotiations as part of the Local Plan process and was then followed by pre-application engagement. With regard to the duty set out in paragraphs 186 and 187 of the Framework, where problems or issues have arisen during the processing of the application they have been dealt with through negotiations with every attempt made to seek compromise where disputes occurred. It is considered that the duty to be positive and proactive has been discharged through the continuing work and negotiation with the applicant in relation to the detailed matters raised by this application and the S106 agreement.

8. Conclusion

8.1 Planning decisions should be in accordance with the Development Plan unless material considerations indicate otherwise. Policy Bicester 11 identifies this site as a location for 52,500sq metres floorspace of Class B1, B2 or B8 use. The application proposals accord with the development plan being a part of an allocated Strategic Employment site. This issue has already been considered in some depth at the Examination in Public of the Local Plan so Officers consider the development to conform with the Local Plan. The type of employment proposed is considered to be acceptable in this location. It will provide a significant number of employment opportunities in a flexible range of types. This is what the Local Plan allocation permits. The information submitted also demonstrates that the design parameters and principles can accommodate an acceptable form of development in a way that although it may cause some harm to heritage assets the harm is not considered to be significant to outweigh the public benefit from the employment created.

Recommendation

Approval, subject to:

- a) Delegation of the negotiation of the S106 agreement to Officers in accordance with the summary of the Heads of Terms and subsequent completion of S106 agreements and;
- b) the following conditions with delegation provided to Officers to negotiate final amendments to the wording of conditions

SCHEDULE OF CONDITIONS

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

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

- 2 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 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 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 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 4 The reserved matters to be submitted under Condition 2 shall be in accordance with the following approved plans:

- Development Area and Building Zone 3830-25-23
- Access and Circulation 3830-28-09
- Siting Plan 3830-30-06
- Site Levels and Building Heights 3830-29-11
- Landscape Parameters Plan FR14-228L01F

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.

- 5 No development approved by this planning permission shall take place until such time as a scheme to provide level for level floodplain compensation up to and including the 1% annual probability (1 in 100) flood with an appropriate allowance for climate change has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To avoid increasing flood risk to areas downstream on the Langford Brook.

- 6 No development approved by this planning permission shall take place until such time as a scheme to provide level for level floodplain compensation up to and including the 1% annual probability (1 in 100) flood with an appropriate allowance for climate change has been submitted to, and approved in writing
Finished floor levels shall be set at a minimum of 71.00maOD

Reason: To ensure that future occupants of the site are kept safe and the proposed buildings are not at unacceptable flood risk.

- 7 No development shall take place until a scheme for the provision and management of an 20 metre wide buffer zone in those areas where the application boundary adjoins the Langford Brook shall be submitted to and agreed in writing by the local planning authority.
Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.
The scheme shall show the buffer zone as being free from above ground built development including lighting and formal landscaping.

The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

- 8 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 may be secured by a Section 106 Agreement)
- Sizing of features - attenuation volume
- Infiltration tests to be undertaken 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 plans
- Flood Risk Assessment

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.

- 9 Prior to the commencement of the development (except for any ground investigation or survey works), details of the required highway improvement works, listed below, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- New signalised pedestrian crossing on Skimmingdish Lane;
- Footway widening along Skimmingdish Lane;
- Provision of Bus stop laybys on Skimmingdish Lane between the site access and the adjacent roundabout to the south east; and
- Works to the Skimmingdish Lane / Launton Road Roundabout

The works shall be carried out prior to any building being brought into use.

Reason - In the interest of highway safety.

- 10 Prior to first occupation of any building approved on the site, a framework travel plan shall be submitted to and approved in writing by the local planning authority. Thereafter the travel plan shall be implemented in accordance with the details approved.

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

- 11 Prior to the occupation of any relevant building a Travel Plan relating to that building and in general accordance with the Framework Travel Plan hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented prior to the occupation of the relevant building.

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

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

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

- 13 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas including a bus turn around facility 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 including the bus turn around facility 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.

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

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

- 15 Following the approval of the Written Scheme of Investigation referred to in condition 1 and prior to any demolition of the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason - To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF

- 16 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, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.

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

- 17 Prior to the [commencement of the/first occupation of the] development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

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

- 18 No removal of hedgerows, trees or shrubs [nor works to, or demolition of buildings or structures that may be used by breeding birds], shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such

works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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

- 19 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

- 20 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance or the translocation of any reptile, a reptile survey (which shall be in accordance with best practice guidelines) shall be carried out, and the findings, including a mitigation strategy if required, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works of mitigation shall be carried out in accordance with the approved details.

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

- 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 [specify appropriate section if required] shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason CR2

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.

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

Reason - 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.

- 23 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

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.

- 24 Prior to the occupation of the development hereby approved details of the acoustic screening to be provided between the development and the existing care home on the south western edge of the development site shall be first submitted and approved in writing with the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development.

Reason - to protect the amenity of nearby receptors.

- 25 Prior to the commencement of development an Employment & Skills Plan (ESP) setting out measures to encourage training and employment opportunities for local people during the construction of the development shall first be submitted to and approved in writing with the Local Planning Authority. The ESP shall be implemented in accordance with the approved details.

Reason - to encourage the employment of local people and encourage sustainable patterns of commuting.

- 26 Prior to the occupation of any relevant building an Employment & Skills Plan (ESP) setting out measures to encourage training and employment opportunities for local people during the operation of the relevant building shall first be submitted to and approved in writing with the Local Planning Authority. The ESP shall be implemented in accordance with the approved details.

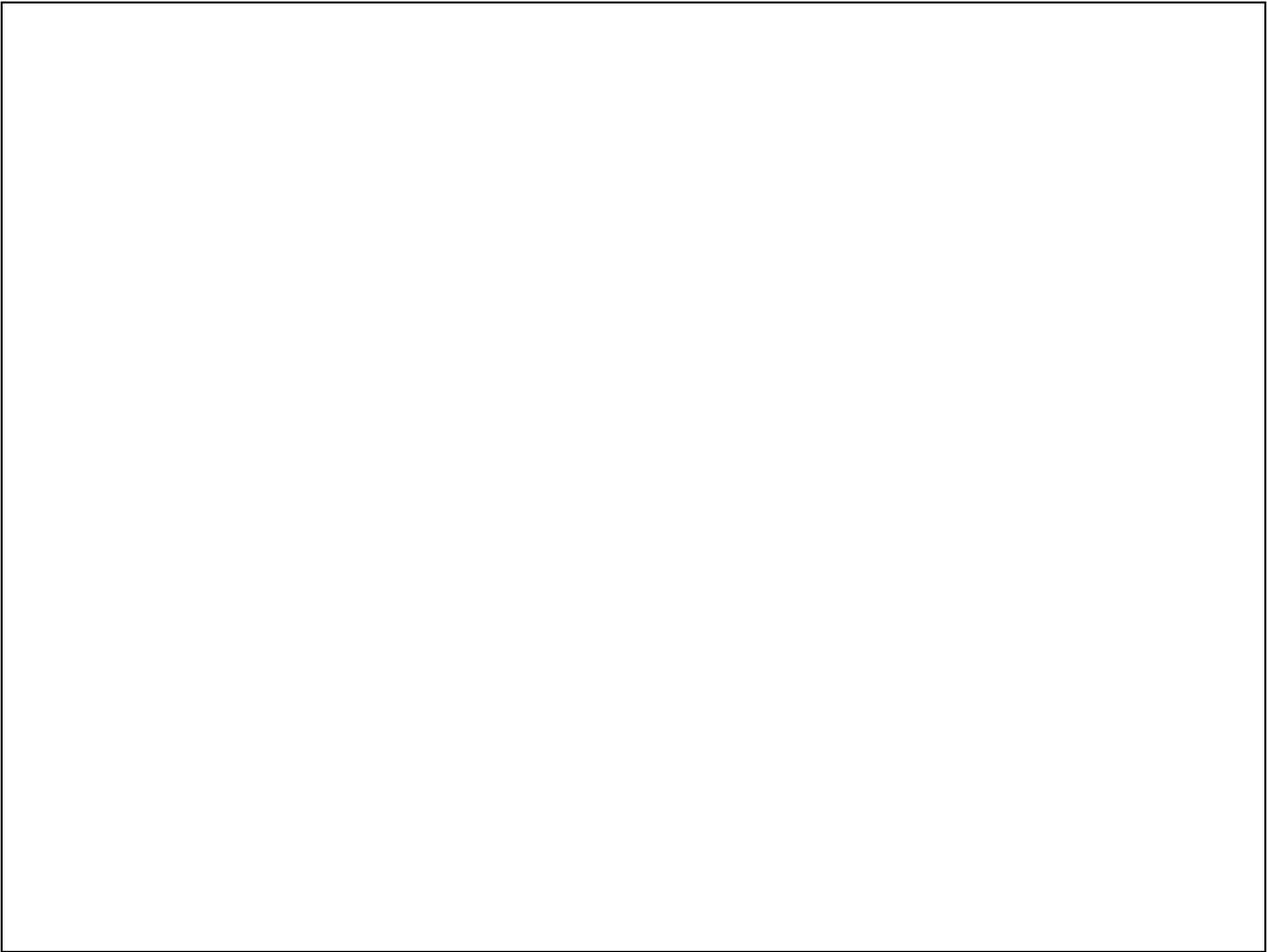
Reason - to encourage the employment of local people and encourage sustainable patterns of commuting.

PLANNING NOTES

1 STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has 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 Region Land Drainage 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 Langford Brook, designated a 'main river'.
- 3 Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team on 01865 815700 or email roadagreements@oxfordshire.gov.uk
- 4 No development shall take place across any public footpath/right of way unless and until it has been legally stopped up or diverted.
- 5 In the submission of reserved matter details for approval, a particularly high standard of architectural design in the external appearance of the buildings is expected in view of the prominence of the site and its proximity to RAF Bicester Conservation Area
- 6 Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
- 7 The Applicant is reminded that the premises should be made accessible to all disabled people, not just wheelchair users, in accordance with the provisions contained within the Disability Discrimination Act 1995. This may be achieved by following recommendations set out in British Standard BS 8300: 2001 - "Design of buildings and their approaches to meet the needs of disabled people - Code of Practice", or where other codes may supersede or improve access provision. Where Building Regulations apply, provision of access for disabled people to the premises will be required in accordance with Approved Document M to the Building Regulations (2004) - "Access to and use of Buildings", or codes which contain provisions which are equal to or exceed those provisions contained within Approved Document M.
- 8 Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.



CONTACT OFFICER: Andrew Lewis

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Agenda Item 10

15/02052/F

**Bean Acre Cottage
Rope Way
Hook Norton
Banbury
OX15 5QB**

Wheatsheaf
House

149.0m

19

House-By-The-Green

Beanacre
Cottage

FB


NORTH

Scale 1:500

**Site Address: Bean Acre Cottage
Rope Way Hook Norton**

15/02052/F

Ward: Hook Norton

District Councillor: Cllr Ray Jelf

Case Officer: Bob Neville

Recommendation: Approval subject to the completion of an acceptable Unilateral Undertaking and conditions

Applicant: Mr Charlie Luxton

Application Description: Demolition of outbuildings and erection of one low energy building with change of use of land to residential

Committee Referral: Member call-in, in relation to surrounding Common Land. **Committee Date:** 17/03/2016

1. Site Description and Proposed Development

- 1.1 The site consists of Beanacre Cottage, a grade II listed building, a group of three outbuildings and an area of paddock land located on the outskirts of Hook Norton. Beanacre Cottage sits within an area of 'Common Land' controlled by Hook Norton Parish Council and commands a visually prominent position at the edge of the village. There are residential properties immediately north and east of the site, whilst land levels drop to the south and south-west of the existing outbuilding and then rise again with open countryside beyond.
- 1.2 In terms of site constraints, as noted above, Beanacre Cottage is situated on 'Registered Common Land' and is a grade II listed building (listed as Benacre, first listed on the 9th November 1984), with the outbuildings considered to be curtilage listed through their association to the cottage. The site sits within the Hook Norton Conservation Area and there are two further grade II listed properties some 85m west of the site. The 'House By The Green', adjacent the site, is considered to be of local importance and is listed as a Non-Designated Heritage Asset. The site sits within a buffer zone surrounding an area of potentially contaminated land north-east of the site. The Swere Valley and Upper Stour Conservation Target Area follows the line of the valley south of the site and cuts through part of the site. Hook Norton disused railway and cutting a District Wildlife Site is located to the east of the site and there are records of several notable and protected species (Common Frog, European Otter, Yellow Hammer, Bullhead and Bluebell) within the vicinity of the site. There are no other notable site constraints relevant to planning and this application.
- 1.3 The application proposes the demolition of the existing outbuildings at the site to be replaced by a two storey low energy building sunken into the hillside, to provide residential accommodation, and the change of use of land to provide an area of residential curtilage to be used as a domestic garden. The proposed building would be of a contemporary design with a palette of materials intended to provide links to existing structures and agricultural buildings within the area and would employ renewable energy technologies and sustainability measures. The proposed building would be built over the footprint of the existing outbuildings with a proposed footprint of some 160m², providing residential accommodation on two floors. The upper section would be finished in timber under a metal roof, reflecting an agricultural barn like appearance. Whilst the lower section would be set into the hillside with natural stone walls under a flat sedum roof.
- 1.4 The proposals would see applicant's main place of residence being transferred from Beanacre Cottage to the proposed new building and the existing ancillary accommodation (home office/guest accommodation) within the existing outbuilding

being then located within Beanacre Cottage; to accommodate growing family needs and home office/work requirements. The applicant contends that the proposals would not result in the creation of a new dwelling or separate planning unit and have submitted a draft Unilateral Undertaking (UU) with the intention being to ensure that the planning unit is maintained as a single entity.

- 1.5 The application has been amended during the course of determination in response to officers raising issues with the applicant, with regard to the proposed site area not including the area of land necessary for the development of the proposed new entrance steps to the north-west elevation. This element was subsequently removed from the application, retaining the existing steps. The site area was also amended reducing the amount of residential garden to be considered as part of the application. Further information in the form of Landscape and Visual Impact Assessment was also submitted in response comments made by the Council's Landscape Officer. In light of the amended and additional information the application was re-advertised and a further consultation exercise undertaken.

2. Application Publicity

- 2.1 The application has been advertised by way of a press notice, site notice and neighbour letters. The initial final date for comment on this application was 11.02.2016; however, following the submission of revised and additional information a further consultation exercise was undertaken and a final deadline for comments has been set at the 17th March 2016. As the deadline for further comments extends beyond the date when this report has been prepared, any further consultee responses or comments received will be conveyed to committee members as a written update prior to the meeting on the 17th of March. At the time of writing, comments and observations have been received from three local residents as a result of this process.

Full details of all the representations received are viewable on the Council's web-site. Relevant planning issues raised by third parties are summarised as follows:

- Detrimental impact on Common Land; through potential encroachment and potential access requirements during the construction phase of any such development;
- The proposals are not in keeping with surrounding properties or Conservation Area;
- The site is beyond the built-up limits of the village;
- Detrimental impact on highway safety, with on-street parking being a particular issue.

3. Consultations

- 3.1 **Hook Norton Parish Council** - No objections

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

Conservation Officer: No objections subject to conditions.

Ecologist: No objections. The applicants have submitted a bat survey. No bats were found in the building or evidence of such and there is negligible potential for bats to be supported. In addition other features of interest on site were commented on. I have no ecological conditions to recommend as a result as significant impacts on protected species or habitats are relatively unlikely.

Environmental Protection Officer: Based on the findings of the Phase 1 Desk Study Report referenced 15185/1 submitted by Georisk Management no further assessment is required with respect to land contamination. No

objections subject to conditions.

Landscape Officer: No objections. Initially raised concerns with the level of information submitted, but withdrew these concerns following the submission of the Landscape Visual Impact Assessment report.

3.3 **Oxfordshire County Council Consultees:**

Highways Liaison Officer: No objections, subject to the UU being imposed. The Highways Authority's does have concerns which orientate around the fact that this proposal does not enjoy vehicular access or off street parking and that there is concern with regards to the potential damage to the green area which is an important feature in the vicinity and to the safety and convenience of other road users due to vehicles parking and manoeuvring on the highway.

3.4 **Other External Bodies:**

Historic England: No comments to make. 'We do not consider that it is necessary for this application to be notified to Historic England'.

Thames Water: No objections subject to informatives being included within any such permission, with regards to water and sewerage infrastructure capacity.

Open Spaces Society: No comments received

Banbury Historical Association: No comments received

National Amenity Societies: No comments received

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

4.1 **Development Plan Policy**

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

Policy PSD1: Presumption in Favour of Sustainable Development

Policy Villages 1: Village Categorisation

Policy ESD 1: Mitigating and Adapting to Climate Change

Policy ESD 3: Sustainable Construction

Policy ESD 5: Renewable Energy

ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 13: Local Landscape Protection and Enhancement

ESD 15: The Character of the built and historic environment

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

C28: Layout, design and external appearance of new development

C30: Design of new residential development

ENV12: Development on contaminated land

Hook Norton Neighbourhood Plan (HNNP)

Policy HN - CC 1: Protection and enhancement of local landscape and character of Hook Norton

Policy HN - CC 2: Design

Policy HN - CC 3: Local distinctiveness, variety, and cohesiveness

Policy HN - CC 4: Resource efficient design

Policy HN - H1: Sustainable housing growth

Policy HN - H2: Location of housing

Policy HN - H4: Types of housing

4.2 **Other Material Policy and Guidance**
National Planning Policy Framework (the Framework) - March 2012
Planning Practice Guidance (PPG)

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle
- Visual Amenity
- Impact on the Setting of Heritage Assets
- Highway Safety
- Residential Amenity
- Impact on Common Land

The property (Beanacre Cottage) is a listed building and the outbuildings are considered curtilage listed by association. Issues relating to the direct impact on the listed building are to be dealt with under an associated listed building consent application ref. 15/02053/LB.

Relevant Planning History

5.2 B.279/59 - New porch and windows (Approved)

CHN.403/79 - Demolish existing stables and erection of new stables with tack-room and wood-store (Approved)

CHN.407/84 - Demolish outside w.c., build front extension (Approved)

CHN.LB.206/85 - Single storey extension, renew existing thatch roof raising lower roof-line to match rest lower ground floor (Approved)

CHN.LB.207/85 - Single and two storey extensions, renew existing thatched roof. Lower part ground floor raise lower roof-line to match rest (Approved)

06/01634/F - Replacement porch to front, alterations and conversion of laundry/stable building to guest bedroom, en-suite and office for ancillary use to main dwelling including installation of solar panels to south east roof slope and refurbishment of store building for use as a workshop (Approved)

06/01635/LB - Refurbishment and alterations to dwelling including replacement and alterations to windows, replacement porch and alterations to internal staircase, new stone wall and hardwood and wrought iron gates (Approved)

08/01416/LB - Removal of acrylic paint on exterior and application of new thin skim of self coloured off-white lime render. Internal alterations. New wood wool breathable insulation applied to internal face of exterior walls (Approved)

Principle

5.3 In determining the acceptability of the principle of a new dwelling regard is paid to Government guidance contained within The National Planning Policy Framework (NPPF). The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF also introduces a presumption in favour of sustainable development, with the need to protect and enhance the natural, built and historic environment seen as an essential element alongside economic and social concerns.

5.4 Paragraph 6 of the Framework sets out the Government's view of what sustainable

development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.

- 5.5 Policy PSD1 contained within the CLP echoes the Framework's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 5.6 Cherwell District Council can demonstrate a five-year supply of deliverable housing sites, therefore the presumption in favour of sustainable development, as advised by the Framework, will therefore need to be applied in this context.
- 5.7 The principle of residential development in Hook Norton is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Hook Norton is recognised as a Category A village (most sustainable settlement) in the Cherwell Local Plan 2011 – 2031 Part 1. Within Category A villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built up area of the settlement. Policy HN - H1 of the HNNP reflects Policy Villages 1 of the CLP in terms of the principle of new residential development.
- 5.8 The proposals seek permission for the erection of low energy building which would have all the facilities and attributes of a dwelling house, and are considered tantamount to the construction of such. The proposals would also see a change of use of land to residential curtilage. The applicants contend that the land has been used as garden land for a number of years (in excess of ten), however, whilst there is visual evidence of residential use, this has not been established through a formal planning application or certificate of lawful development; it is therefore officer's opinion that the land requires a change of use from agriculture to residential.
- 5.9 Given its location within the area of Common Land, Beanacre Cottage has a very limited residential curtilage and little opportunity for expansion of the existing building. Whilst not within the immediate residential curtilage of the existing dwelling, the existing outbuildings are accepted to be in an ancillary use to the main dwelling and the principle of residential use of these buildings has been established through the granting of a previous permission on site reference 06/01634/F.
- 5.10 There remains a question as to whether the site is within the built-up limits of the village and is a matter of continued debate. Officers have taken the view that given the association of the outbuildings with Beanacre Cottage, and in some respects the adjacent property 'The House by the Green', that as a group they could be considered as within the built-up limits of the village, but also that the proposal, given the siting of the new building, beyond the footprint of the existing outbuilding, and its proposed residential curtilage, would result in an extension of the residential boundaries of the village at this location.
- 5.11 The proposal is considered to constitute minor development. Paragraph C.262 of the Cherwell Local Plan 2011 – 2031 Part 1, gives the criteria for assessing whether a proposal constitutes acceptable 'minor development', which includes:
- The size of the village and the level of service provision;
 - The site's context within the existing built environment;
 - Whether it is in keeping with the character and form of the village;
 - Its local landscape setting; and
 - Careful consideration of the appropriate scale of development.

Thus, whilst the proposals could be acceptable in principle on this site, this is also subject to them not causing adverse harm to the character and appearance of the area and wider landscape; the setting of a listed building and Conservation Area; neighbour amenity and highways safety; these are matters discussed further below.

Visual Amenity

- 5.12 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.
- 5.13 Policy ESD13 of the Cherwell Local Plan states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements.
- 5.14 Policy ESD15 of the Cherwell Local Plan states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. This includes a requirement for new development to respect the traditional pattern of routes, spaces and plots and the form scale and massing of buildings. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.
- 5.15 Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the urban context of that development. Further, saved Policy C30 of Cherwell Local Plan 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density with existing dwellings in the vicinity.
- 5.16 Policy HN-CC1 requires that any development must be located and designed so that it is readily visually accommodated into its surroundings and setting and provides a positive contribution to the locally distinctive character and context of Hook Norton. In addition, development which makes use of previously developed land and buildings will generally be preferred to greenfield locations. Policy HN-CC2 indicates that new development should be of high quality design which reflects local distinctiveness and respects and enhances the historic environment of the Parish and its heritage and natural assets. Policy HN-CC3 further reinforces the requirement for new development to reinforce local distinctiveness and produce high quality schemes.
- 5.17 The design approach taken for the proposed new building is of a contemporary nature with materials that look to reflect those in use within the village and typical of agricultural buildings that would be found in such edge of village locations. At para. 60 the Framework states that:

“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”

And further in para. 61 that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations”.

Policy ESD 15 again reflects the principles of the Framework policies, requiring that

new development, with a contemporary design response, should re-interpret local distinctiveness, and include elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette which would complement and enhance the character of its context, through sensitive siting, layout and high quality design.

- 5.18 Views of the proposed development would largely be confined to those from the north and north-west, surrounding residential properties and glimpsed/distant views from along Swerford Road. There would be limited visibility of the proposed garden area given the topography of the site and surrounding landscape. The proposed building is to be set into the hillside and whilst the scale is of two storeys, views from the village (north-west) would be of a building of similar scale to that of the existing outbuilding.
- 5.19 Subject to approval of specific details, the types of finish materials proposed to be used in construction are considered to be sympathetic to the rural edge of village location. The timber Louvre/cladding and metal roof would reflect a somewhat rural/agricultural style building albeit with a modern twist, and the stone walls would reflect materials in use on surrounding properties and those within the village.
- 5.20 Neither the Council's Landscape Officer nor Conservation Officer raises any objections in terms of the visual impacts of the proposals and the case officer sees no reason to consider otherwise. The proposals would sit at the edge of the village, but are at a scale, replacing the existing building, that it would not disrupt the gradual transition from open countryside to the village settlement, that is generally seen at such edge of village locations. It is considered that the proposals would sit relatively comfortably within the landscape and given the limited visibility, would not be visually intrusive or detrimentally impact on the openness of the surrounding countryside.
- 5.21 It is Officer's opinion that the proposed design, although somewhat 'different', has a degree of originality, whilst retaining a connection to the rural character of the area, that would it not have an adverse impact on the visual amenity of either the immediate area or that of the wider Conservation Area and open countryside; and further that it would make a positive contribution to visual amenities through the replacement of a building which is of little architectural merit with one considered to be of quality design. As such, it is officer's opinion that the proposals sustain the character and appearance of the area and reinterpret local distinctiveness through a contemporary design approach in accordance with the provisions and aims of Policy ESD 15 of the CLP are therefore acceptable in this regard.

Impact on the Setting of Heritage Assets

- 5.22 The Framework requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of Heritage Assets and seeks to ensure that new development should make a positive contribution to local character and distinctiveness. It goes on to state when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of a Heritage Asset and any harm or loss should require clear and convincing justification. It goes onto state that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy ESD 15 of the CLP echoes this advice.
- 5.23 Furthermore Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken and Section 72 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

- 5.24 Whilst considered to be curtilage listed, officers are of the opinion that the existing outbuildings are of little architectural merit or historic interest and that their replacement with a building of quality design would be a visual improvement whilst sustaining the character at this edge of village location. The Council's Conservation Officer supports the proposals, subject to approval of finish construction materials, considering that the proposals would not have a significant impact on the setting of the adjacent listed building or wider Conservation Area and would not be to detriment of the historic or architectural significance of these Heritage Assets. It is further considered that the specific appropriate detailing and choice of construction materials could be dealt with through pre-commencement conditions should permission be granted.

Highway Safety

- 5.25 The Highways Authority (HA) has assessed the proposals, and on the basis that there would be no increase in the number of residential units (secured through a UU), raise no objections to the application; however, they do acknowledge that the lack of vehicular access and parking/turning and damage to the verges in the area is are issues at and around the site.
- 5.26 The existing site has no vehicular access and no off-street parking provision and this situation is not proposed to change as a result of the proposed development; with essentially the swapping of the main place of residence with the ancillary accommodation at the site. The applicant has given his intention to enter into a Unilateral Undertaking (UU) to ensure that the planning unit is maintained as a single entity; this is being progressed between the Council's Legal Team and the applicant's solicitors.
- 5.27 The HA expressed concerns as to whether the UU would be appropriate and robust going forward, to which the Council's Legal Team have confirmed that the UU will bind the land and successors in title in perpetuity. However, after 5 years, the then owners could apply under S106A to vary or remove the UU. If the highway issues were still relevant, should such an application be made, the Highway Authority could then object to that application at that time.
- 5.28 Concerns have been raised in objection to the application with regards to the impact on highway safety and general parking issues that currently exist. The roads around and leading to the site are fairly narrow and there is a significant amount on-street parking; there is also evidence of some damage to the highway verges which is considered to be caused by the inappropriate parking. However, given that the development does not propose any increase in demand for parking at the site, with no increase in the number of separate dwelling units, and in light of there being no objection from the Highways Authority, it is considered that there would be insufficient grounds, in terms of detrimental impacts on highway safety, to warrant a reason for refusal that could later be sustained. The proposals are therefore considered acceptable in terms of highway safety.

Residential Amenity

- 5.29 Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP which 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'*.
- 5.30 Officers consider that the only neighbouring property likely to be affected by the proposed development is the 'House on the Green' east of Beanacre Cottage. However, given the scale and siting of the proposals and relationship of the site with this neighbouring property, it is considered that the proposed development would not

result in any significant detrimental impact on the amenity of this property and is therefore acceptable in this regard.

- 5.31 The proposals include an area of residential curtilage to be used as a domestic garden. Whilst this area of garden land has been reduced in size during the course of the application, it is considered that sufficient space remains to provide an acceptable level of outdoor amenity space that it would not be to the detriment of the amenity of the future occupants of the proposed new building.

Impact on Common Land

- 5.32 As noted above Beanacre Cottage is located within an area of common land and from available records the outbuildings also appear to be partially within this area; although this is a matter that the applicant has verbally indicated is in dispute, but is a separate matter to be dealt with outside of the context of this current application.

- 5.33 Land that is registered as common land receives certain protections, including those under Section 38 of the Commons Act 2006. The 2006 Commons Act states that: '*A person may not, except with the consent of the appropriate national authority, carry out any restricted works on land to which this section applies*'. Restricted works are defined as:

- works which have the effect of preventing or impeding access to or over any land to which this section applies; including the erection of fencing; the construction of buildings and other structures or the digging of ditches and trenches and the building of embankments;
- works for the resurfacing of land.

- 5.34 Whilst, in officer's opinion, the proposals do not appear to encroach onto the common land to any greater extent than existing buildings, 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. If work encroaches on to common land, or access is required across such land, the applicant would still be required to secure any necessary consent from the Planning Inspectorate, being the appropriate authority, in consultation with Hook Norton Parish Council having a controlling interest in the land.

Other Matters

- 5.35 The proposals are for a low energy building incorporating various renewable energy technologies and sustainability measures which are set out in full the supporting Design and Access Statement. Policies ESD 1, ESD 3 and ESD 5 advises of the Authority's support for sustainable development, that incorporates renewable and low carbon energy provision and looks to ensure resilience against climate change; looking for new development to reduce carbon emissions and use resources more efficiently, including water. These aims are also reflected in Policy HH-CC4 of the HNNP. The proposals are considered to be of merit in this regard and are consistent with the provisions and aims of the above mentioned policies.

- 5.36 Environmental records indicate that the site is within the buffer zone surrounding an area of potentially contaminated land north-east of the site. The applicant has submitted a Phase 1 Desk Study of the land with regard to potential contamination issues. This report identified no significant contamination issues. Whilst it is considered that the development is unlikely to be affected by this site constraint the Council's Environmental Protection Officer has recommended a condition with regards to unsuspected contamination, should permission be granted, to ensure that the proposed development is in accordance with the provisions and aims of Saved Policy ENV 12 of the CLP 1996, to ensure that any potential risks from land contamination to the future users of the land and neighbouring land are minimised.

- 5.37 Hook Norton disused railway and cutting a District Wildlife Site is located some 250m to the east of the site. There are also records of several notable and protected species within the vicinity of the site. The Council's Ecologist has assessed the proposals and supporting information, including the Bat Survey submitted with the application and raises no ecological issues. Officers see no reason to disagree with this opinion. The proposals would not directly impact on any significant features of ecological or biodiversity interest and would provide a net gain in biodiversity through the introduction of the sedum roof. The proposals are considered to be in accordance with the provisions and aims of Policy ESD 10 of the CLP and acceptable in this regard.

Conclusion

- 5.38 It is considered that, subject to the completion of an acceptable Unilateral Undertaking, ensuring that the planning unit is maintained as a single entity, the proposal assessed within this application is an acceptable form of sustainable development that, causes no significant harm to neighbour amenity or highway safety; the design and scale is sympathetic to the rural edge of village character and context, and provides standards of amenity which are considered acceptable. The proposals would provide additional residential accommodation necessary for the applicant's modern family life and home office/work requirements, whilst not detrimentally impacting on the character and appearance of the site, conservation area or wider landscape within which the site sits.
- 5.39 The proposals have been assessed in accordance with the Development Plan, including the policies of the adopted Hook Norton Neighbourhood Plan, with due regard to other material planning considerations, including those raised in objection. The proposal is considered to comply with the above mentioned policies and is therefore recommended for approval as set out below.

6. Recommendation - Approval subject to the completion of an acceptable Unilateral Undertaking and the following conditions

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

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered: 108_Location Plan A, 108_03_100A, 108_03_210, 108_03_211A, 108_03_212A, 108_04_220A, 108_05_210 and 108_05_211.

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

3. Prior to the commencement of the development hereby approved, a sample of the material to be used in the construction of the roof of the upper barn structure 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 ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-

2031 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, full details of the timber Louvre/timber cladding to be used in the construction of the external walls of the development, including type/materials, colour and finish 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 ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

6. All rainwater goods shall be traditional cast iron or metal painted black and permanently so retained thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. 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, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site and to in order to safeguard the openness and character of

the area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

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.

Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

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

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921

to discuss the options available at this site.

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

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), any problems or issues that have arisen during the determination of the application have been dealt with in consultation with the applicant. It is considered that the duty to be positive and proactive has been discharged through the interaction with the applicant and the efficient determination of the application.

Bob Neville

Date: February 2016

15/02053/LB

**Bean Acre Cottage
Rope Way
Hook Norton
Banbury
OX15 5QB**

Wheatsheaf
House

149.0m

19

House-By-The-Green

Beanacre
Cottage

FB


NORTH

Scale 1:500

15/02053/LB

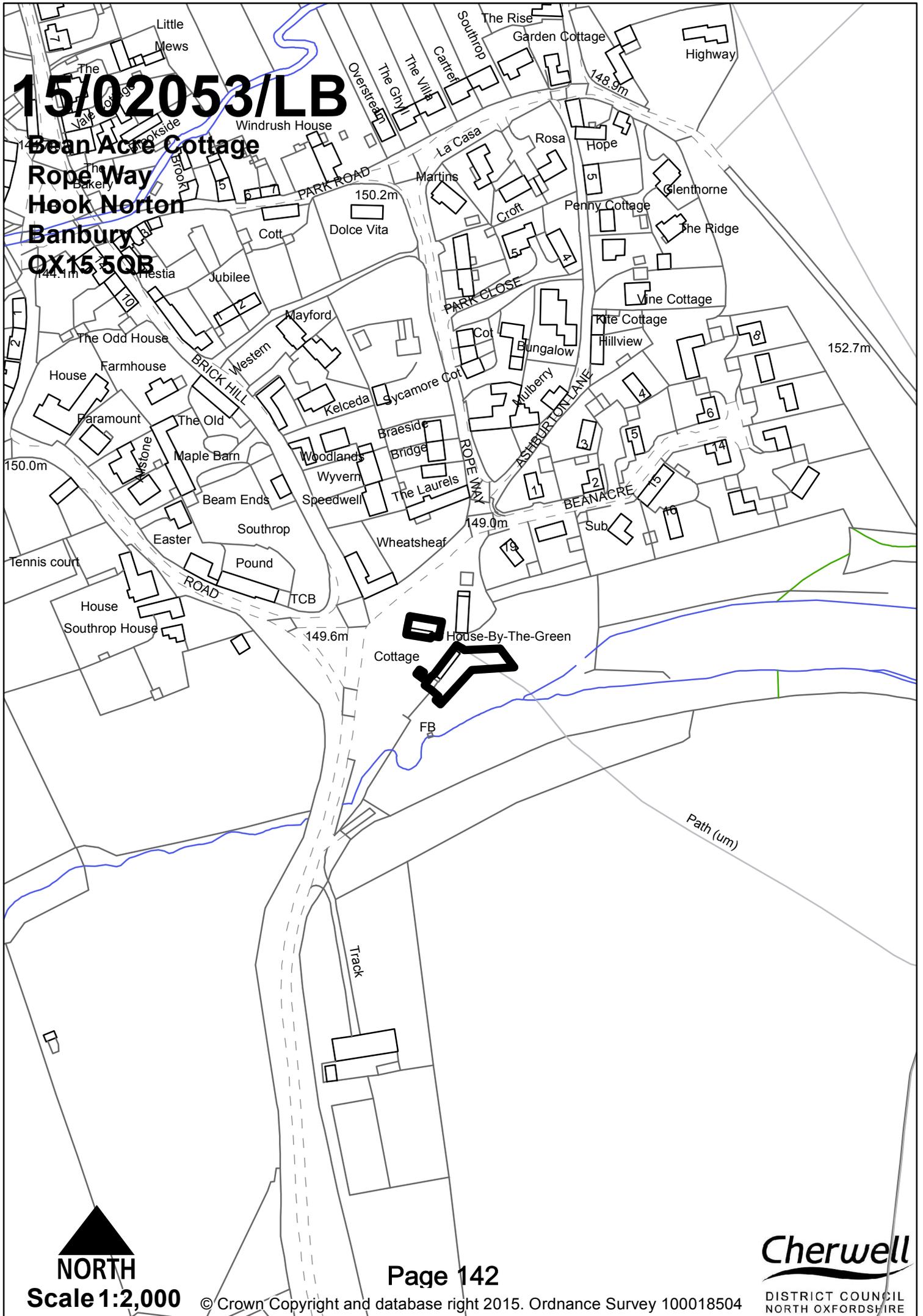
Bean Acre Cottage

Rope Way

Hook Norton

Banbury

OX15 5QB



**Site Address: Bean Acre Cottage
Rope Way Hook Norton**

15/02053/LB

Ward: Hook Norton

District Councillor: Cllr Ray Jelf

Case Officer: Bob Neville

Recommendation: Approval subject to conditions

Applicant: Mr Charlie Luxton

Application Description: Demolition of outbuildings and erection of one low energy building with change of use of land to residential

Committee Referral: Member call-in, in relation to surrounding Common Land. **Committee Date:** 17/03/2016

1. Site Description and Proposed Development

- 1.1 The site consists of Beanacre Cottage, a grade II listed building, a group of three outbuildings and an area of paddock land located on the outskirts of Hook Norton. Beanacre Cottage sits within an area of 'Common Land' controlled by Hook Norton Parish Council and commands a visually prominent position at the edge of the village. There are residential properties immediately north and east of the site, whilst land levels drop to the south and south-west of the existing outbuilding and then rise again with open countryside beyond.
- 1.2 In terms of site constraints, as noted above, Beanacre Cottage is situated on 'Registered Common Land' and is a grade II listed building (listed as Benacre, first listed on the 9th November 1984), with the outbuildings considered to be curtilage listed through association to the cottage. The site sits within the Hook Norton Conservation Area and there are two further grade II listed properties some 85m west of the site. The 'House By The Green', adjacent the site, is considered to be of local importance and is listed as a Non-Designated Heritage Asset. The site sits within a buffer zone surrounding an area of potentially contaminated land north-east of the site. The Swere Valley and Upper Stour Conservation Target Area follows the line of the valley south of the site and cuts through part of the site. Hook Norton disused railway and cutting is a District Wildlife Site is located to the east of the site and there are records of several notable and protected species (Common Frog, European Otter, Yellow Hammer, Bullhead and Bluebell) within the vicinity of the site. There are no other notable site constraints relevant to planning and this application.
- 1.3 The application proposes the demolition of the existing outbuildings at the site to be replaced by a two storey low energy building sunken into the hillside, to provide residential accommodation, and the change of use of land to provide an area of residential curtilage to be used as a domestic garden. The proposed building would be of a somewhat contemporary design with a palette of materials intended to provide links to existing structures and agricultural buildings within the area and would employ renewable energy technologies. The proposed building would be built over the footprint of the existing outbuildings with a proposed footprint of some 160m², providing residential accommodation on two floors. The upper section would be finished in timber under a metal roof, reflecting an agricultural barn like appearance. Whilst the lower section would be set into the hillside with natural stone walls under a flat sedum roof.
- 1.4 The application has been amended during the course of determination in response to officers raising issues with the applicant with regard to the proposed site area not including the area of land necessary for the proposed entrance steps to the north-west elevation. This element was subsequently removed from the application, retaining the existing steps. The site area was also amended reducing the amount of

residential garden to be considered as part of the application. Further information in the form of Landscape and Visual Impact Assessment was also submitted in response comments made by the Council's Landscape Officer. In light of the amended and additional information the application was re-advertised and a further consultation exercise undertaken.

2. Application Publicity

- 2.1 The application has been advertised by way of a press notice, site notice and neighbour letters. The initial final date for comment on this application was 11.02.2016; however, following the submission of revised and additional information further consultation exercises were undertaken and a final deadline for comments has been set at the 17th March 2016. As the deadline for further comments extends beyond the date when this report has been prepared, any further consultee responses or comments received will be conveyed to committee members as a written update prior to the meeting on the 17th of March. At the time of writing, comments and observations have been received from three local residents as a result of this process.

Full details of all the representations received are viewable on the Council's web-site. Relevant planning issues raised by third parties are summarised as follows:

- Detrimental impact on Common Land; through potential encroachment and access during the construction phase of any such development;
- The proposals are not in keeping with surrounding properties or Conservation Area;
- The site is beyond the built-up limits of the village;
- Detrimental impact on highway safety, with on-street parking being a particular issue.

3. Consultations

- 3.1 **Hook Norton Parish Council** - No objections

- 3.2 **Cherwell District Council Internal Consultee:**
Conservation Officer: No objections subject to conditions.

- 3.3 **Oxfordshire County Council Consultees:**
None undertaken

- 3.4 **Other External Bodies:**
Historic England: No comments to make. 'We do not consider that it is necessary for this application to be notified to Historic England'.
Banbury Historical Association: No comments received
National Amenity Societies: No comments received

4. Relevant National and Local Policy and Guidance

- 4.1 **Development Plan Policy**
The Cherwell Local Plan 2011-2031 - Part 1 (CLP)
ESD 15: The Character of the built and historic environment
Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)
C18: Development affecting a listed building

- 4.2 **Other Material Policy and Guidance**

National Planning Policy Framework (the Framework) - March 2012
Planning Practice Guidance (PPG)
Hook Norton Neighbourhood Plan

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Impact on the Listed Building

Issues relating visual and neighbour amenity, highway safety and the impact on the Common Land are to be dealt with under the associated application for full planning permission ref. 15/02052/F.

Relevant Planning History

5.2 B.279/59 - New porch and windows (Approved)

CHN.403/79 - Demolish existing stables and erection of new stables with tack-room and wood-store (Approved)

CHN.407/84 - Demolish outside w.c., build front extension (Approved)

CHN.LB.206/85 - Single storey extension, renew existing thatch roof raising lower roof-line to match rest lower ground floor (Approved)

CHN.LB.207/85 - Single and two storey extensions, renew existing thatched roof. Lower part ground floor raise lower roof-line to match rest (Approved)

06/01634/F - Replacement porch to front, alterations and conversion of laundry/stable building to guest bedroom, en-suite and office for ancillary use to main dwelling including installation of solar panels to south east roof slope and refurbishment of store building for use as a workshop (Approved)

06/01635/LB - Refurbishment and alterations to dwelling including replacement and alterations to windows, replacement porch and alterations to internal staircase, new stone wall and hardwood and wrought iron gates (Approved)

08/01416/LB - Removal of acrylic paint on exterior and application of new thin skim of self coloured off-white lime render. Internal alterations. New wood wool breathable insulation applied to internal face of exterior walls (Approved)

Impact on the Listed Building

5.3 The key issue to consider is the impact upon the historic character, interest and fabric of the listed building, and the impact upon the significance of this designated heritage asset. 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 Beanacre Cottage is a Heritage Asset and therefore the Framework requires that any development must sustain and enhance its significance, and development should also make a positive contribution to its local character and distinctiveness. The emphasis is on ensuring that the historic significance of the heritage asset is not harmed.

5.5 Saved Policy C18 of the CLP 1996 advises of the Council's desirability of preserving the listed building or its setting or any features of special architectural or historic interest.

5.6 Beanacre Cottage a grade II listed building (listed as Benacre, first listed on the 9th

November 1984). The listing describes the property as:

'Benacre Cottage - II Cottage. C17. Coursed ironstone rubble painted white. Thatched roof. 2 brick end stacks. 2-unit plan plus extension on right. Single storey plus attic. C20 casements throughout with wooden lintels. C20 porch. Main structure unaltered. Single 3-light metal casement on first floor at rear. Interior: Chamfered beam in C17 part and bressumer over fireplace'.

- 5.7 No works are proposed to Beanacre Cottage itself as part of this application, and works only relate to the outbuildings associated with the main dwelling. These outbuildings are considered to be curtilage listed through their associated ancillary use to Beanacre Cottage. The outbuildings, formally stables, are physically separate from the cottage and have previously received permission from the Local Planning Authority for rebuild (CHN.403/79) and alteration (06/01634/F & 06/01635/LB) over the years. The current proposals would see the demolition of the outbuildings, to be replaced by a two storey building of contemporary design, providing residential accommodation.
- 5.8 Whilst considered to be curtilage listed, officers are of the opinion that the existing outbuildings are of little architectural merit or historic interest and that their replacement with a building of quality design would be a visual improvement whilst sustaining the character at this edge of village location. The timber Louvre/cladding and metal roof would reflect a somewhat rural/agricultural style building albeit with a modern twist, and the stone walls would reflect materials in use on surrounding properties and those within the village and it is this element of the proposals which would be viewed in the same context as the main listed building.
- 5.9 The Council's Conservation Officer supports the proposals, subject to approval of finish construction materials and details, considering that the proposals would not have a significant impact on the setting of the adjacent listed building or wider Conservation Area and would not be to detriment of the historic or architectural significance of these Heritage Assets. The case officer sees no reason to disagree with this opinion and consider that the significance of Beanacre Cottage as a Heritage Asset is at very least sustained and potentially enhanced through the development proposals being completed to a high standard of design and finish. It is further considered that the specific appropriate detailing and choice of construction materials to ensure a high standard could be dealt with through appropriate pre-commencement conditions, should permission be granted.

Conclusion

- 5.10 It is considered that the proposed replacement of the existing outbuilding with a contemporary building of quality design and finish would not detract from the architectural or historic significance of the listing building (Beanacre Cottage) and has the potential to enhance the setting of the listed building and the Hook Norton Conservation Area, whilst meeting the applicant's desire for improved living accommodation meeting the modern family's needs and homeworking requirements. Special regard has been paid to the desirability of preserving the listed building, its setting and/or any features of special architectural or historical interest which it possesses and also the setting within the Conservation Area, through the design of the proposal and choice of construction materials. The proposal is not considered to be contrary to the aim of relevant policies and is therefore considered acceptable and recommended for approval as set out below.

6. Recommendation - Approval subject to the following conditions

1. The development to which this permission relates shall be begun not later than the

expiration of three years beginning with the date of this permission.

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered: 108_Location Plan A, 108_03_100A, 108_03_210, 108_03_211A, 108_03_212A, 108_04_220A, 108_05_210 and 108_05_211.

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

3. Prior to the commencement of the development hereby approved, a sample of the material to be used in the construction of the roof of the upper barn structure 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 that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, full details of the timber louvres/timber cladding to be used in the construction of the external walls of the development, including materials, colour and finish shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

6. All rainwater goods shall be traditional cast iron or metal painted black and permanently so retained thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

The applicant is reminded that this building is included in the Statutory List of Buildings of Architectural or Historic Interest, and no works to the exterior or interior of the building, which materially affect the character of the building may be carried out without the prior express consent of the Local Planning Authority (given through the submission of an application for, and subsequent grant of, Listed Building Consent). This consent gives approval only for those works shown on the plans and details submitted and approved in relation to this application. Additionally the applicant shall carry out the approved works in such a manner as to ensure that the existing building(s) is/are preserved and not structurally or superficially altered in any way whatsoever save in accordance with the approved plans the subject of this consent and the said building(s) shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

The applicant is reminded that the carrying out of any unauthorised work to a listed building is an offence, punishable by a fine, imprisonment or both, as detailed in Section 9 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

STATEMENT OF ENGAGEMENT

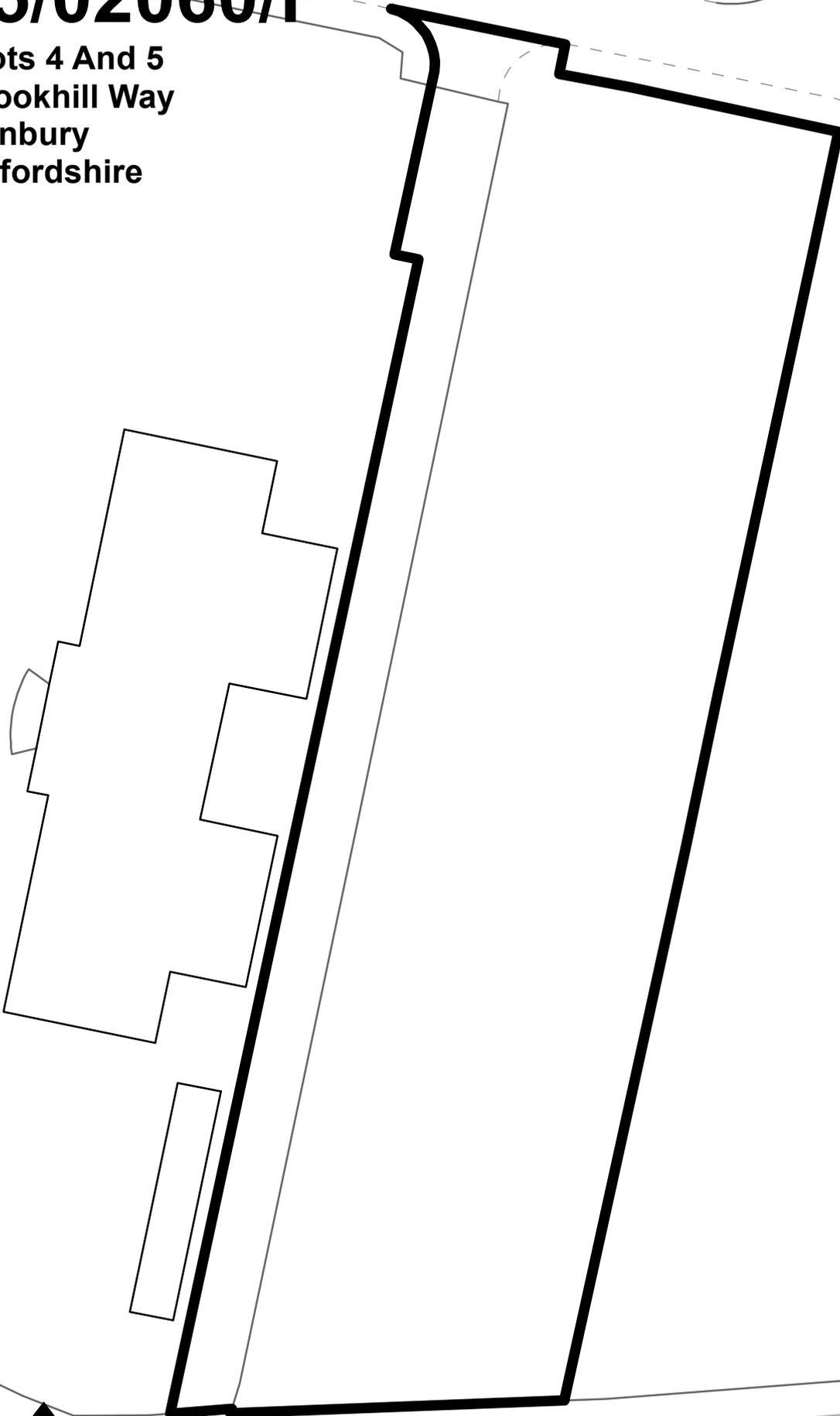
In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), any problems or issues that have arisen during the determination of the application have been dealt with in consultation with the applicant. It is considered that the duty to be positive and proactive has been discharged through the interaction with the applicant and the efficient determination of the application.

Bob Neville

Date: February 2016

15/02060/F

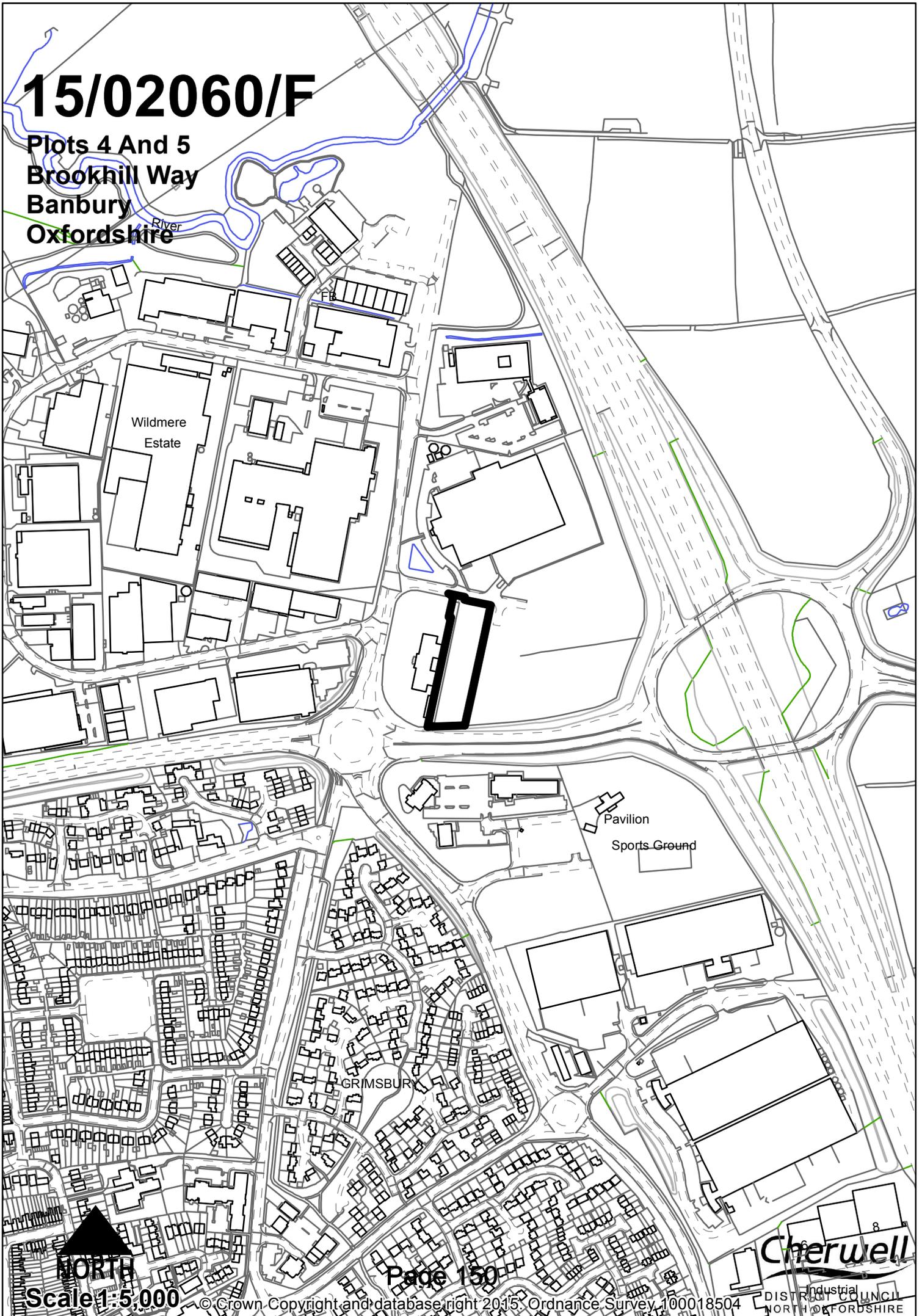
Plots 4 And 5
Brookhill Way
Banbury
Oxfordshire



NORTH
Scale 1:600

15/02060/F

Plots 4 And 5
Brookhill Way
Banbury
Oxfordshire



NORTH

Scale 1:5,000

Page 150

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Cherwell
Industrial District Council
NORTH OXFORDSHIRE

Plots 4 and 5 Brookhill Way, Banbury 15/02060/F

Ward: Banbury Grimsbury and Castle

District Councillors: Councillor Beere,
Councillor Bell and Councillor Hussain

Case Officer: Bob Duxbury

Recommendation: Approval

Applicant: Banbury Storage Solutions Ltd.

Application Description: Erection of building to provide self-storage facility (Class B8)

Committee Referral: Major Development exceeding 1000sqm of new floorspace

Committee Date 17 March 2016

1. Site Description and Proposed Development

- 1.1 Situated between the Karcher building (just being completed) and Lloyds Bank building and on the northern side of the A422 Ermont Way, leading to junction 11 of the M40, the site is part of the last remaining parcel of undeveloped land within an area allocated for employment generating development within the Cherwell Local Plan 1996. The land in question is accessed from Brookhill Way (off of Daventry Road), which currently terminates in a turning head. The site is flat with some slight undulation across it however the south boundary of the site progress into a steep landscaped embankment adjacent to the A422 onto the northbound carriageway of the M40. A ditch runs along the bottom of the embankment. All of the site is unused and unkempt.
- 1.2 The application proposes to develop the site for 6,975 sq. metres of B8 floorspace. The application is submitted in detail. The amended plans show a building measuring approximately 55 metres x 24 metres and having a maximum height of 16 metres, which is approximately a metre higher than the adjacent Lloyds Bank building. The revised plans show the building moved further away from the Lloyds building.

2. Application Publicity

- 2.1 The application has been advertised as a major development by way of neighbour letter, press notice and site notices. The final date for comment on the amended plans was 18th February 2016.
- 2.2 One letter of representation has been received on behalf of Lloyds Bank Group, the occupiers of the adjacent building to the west. They object on the following grounds
 - Overdevelopment within 7.0 metres from the boundary- “the siting of the building is in close proximity to the Lloyds building and the scale would not allow for sufficient amenity space and landscaping to be provided. The proposals are not in line with Policy SLE 1 (Employment Development) of the Local Plan which sets out that proposals should, “meet high design standards, using sustainable construction, are of an appropriate scale and

respect the character of its surroundings”. As indicated in other policies for strategic sites in the Local Plan, green space is an incidental infrastructure requirement for employment development, and development proposals should include a comprehensive landscaping scheme including on-site provision to enhance the setting of buildings. Whilst this policy does not relate to this site, it is considered the current proposals should provide this”

- Linked to the layout is the impact on amenity. The building is positioned in close proximity (approximately 7m from the boundary of the Lloyds site) to the Lloyds building. The proposal constitutes a five-storey self-storage building, which will have predominantly blank facades clad in grey aluminium with glazing at ground level. The building will be higher than the existing Lloyds building with a maximum height of 18.1m and is higher than development existing and proposed in the vicinity. For example the Karcher development extends to 14.9m. The building will therefore be approximately 3m higher than developments existing on adjacent sites.
- Further to this, Policy SLE 1(Employment Development) of the Local Plan states that employment proposals in Banbury will be supported if they meet set criteria inclusive of ensuring that they do not have an adverse effect on surrounding land uses, residents and the historic and natural environment. Policy ENV1 (Development likely to cause detrimental levels of pollution) of the Saved Policies from the Cherwell Local Plan (1996) outlines that Development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted. Due to the excessive bulk, massing and height of the proposed building, combined with its proximity to the existing Lloyds property, there would be an adverse impact upon the occupiers of the Lloyds building in terms of the levels of natural daylight into the building

3. Consultations

- 3.1 Banbury Town Council:** Object on the grounds that this site is part of the existing strategic employment sites contained within the local plan. Banbury Town Council has always had concerns/objections over sites that have Been used for B8 use as the ratio of the size of the area used and the number of employees is extremely low (Proposed number of FTE employees = 3.5 on this application)

Cherwell District Council Consultees

- 3.2 Planning Policy Officer:** No comments to make

- 3.3 Landscape Officer** It is important to retain the structure of the southern thicket to ensure visual mitigation of the development for users of the A422. Protective fencing in accordance with BS5837 to be erected prior to site clearance and construction.

The proposed tree on the north western corner should be of sufficient ultimate size to mitigate as required above. A structural engineer should be consulted to ensure that the adjacent structure to the north is not structurally damaged. Root deflectors will be required to protect both structure and parking area paving. A recommend a hornbeam (*Carpinus betulus*) which may achieve an ultimate height of 20+ m; supplied as a 16 -18 cm (containerised) and planted and

maintained in accordance with *BS 8545: 2014 Trees: from nursery to independence in the landscape – Recommendations*.

Full (hard and soft) landscape details are required. The thicket proposals in the north-western corner are important to reinforce the screening of the development. The planting should be maintained in accordance with *BS4428: 1989 Code of practice for general landscape operations (excluding hard surfaces)*.

The meadow and mown grass 'verge' to the future plot is acceptable. Unfortunately there is no opportunity for landscaping between Lloyds and this large building.

Oxfordshire County Council Consultees

3.4 Updated single response on transport and drainage matters

Objection

This response contains much of the same information from my previous response for the original application 15/02060/F; however, I have changed comments linking to the amendments made in this application.

Key issues:

- Pedestrian safety implications on the site
- Disabled parking layout
- Car parking layout
- No Transport Assessment submitted
- No Travel Plan submitted
- Cycle parking adequate, but still not covered

Legal agreement required to secure:

If the Local Planning Authority is minded to grant planning permission it is recommended that the following mitigation is required:

Bus Infrastructure

The opening of the Banbury Gateway Retail Park to the north of Wildmere Road has provided a new bus service which operates between Banbury Town Centre and the Retail Park (passing Brookhill Way). Currently, there is no public transport infrastructure within a suitable walking distance of the site; therefore, we ask that a Section 106 Developer contribution of **£4,000** is requested to provide for the installation of two new bus stops north of Brookhill Way (including bus stop poles, flags, information cases and bus stop clearways). The latter, would require a TRO and therefore, further consultation. This will be a service that staff of the new Magenta self-storage will be able to utilise to get to and from work, where appropriate.

Hennef Way/A422 roundabout mitigation costs

A Section 106 Developer Contribution is sought for capacity improvements on the Hennef Way / A422 roundabout south of Wildmere Road. Contributions will be calculated as follows:

The standard charge has been calculated by taking the total estimated funding shortfall cost of transport and access schemes planned in the District and then dividing that cost by the number of residential units and new jobs being planned

for over the Plan period, giving a per dwelling or per job contribution figure. This also provides a figure of £824 per job created or per 75m² of B8 floor space.

Development Proposal – 6,975m²

6,975m² / 75m² = 93

93 * 824 = 76,632

Transport Strategy Contribution = **£76,632.00**

Conditions

The following conditions are recommended in the event that the Local Planning Authority is minded to grant planning permission:

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 (some of which has already been submitted):

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration tests to be undertaken 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 plans
- Flood Risk Assessment

Parking and Manoeuvring Areas Retained

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

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

Details of Turning for Service Vehicles

Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of a 16.5m articulated lorry turning within 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 details.

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

Travel Plan

The proposed building will require a Travel Plan Statement in support of this application. This will be put together using the Oxfordshire County Council (OCC) Travel Plan Statement template and will be sent to the Travel Plan Team at OCC for approval before first occupation.

Reason – To comply with sustainable development guidance contained within the National Planning Policy Framework

Detailed comments:

Site Location

The proposed development site is a generally level rectangular plot with an area of 0.56ha, situated on the north-east edge of the built-up area of Banbury. The immediate surrounding area is characterised by large commercial buildings that make up the Wildmere Industrial Estate, this being the only remaining undeveloped plot in Brookhill Way.

The site has an access from Brookhill Way, which leads off the north-west side of Wildmere Road, which meets Hennef Way (A422) at a roundabout, 200m west of Junction 11 of the M40 motorway.

It is therefore, in a suitable location that allows visitors to make use of the highway network connections, from all directions

Traffic generation and impact

It is worth noting here, that given the size of this development (5580m²); normally a Transport Assessment would have to be submitted in the planning application for B8 land uses over 3000msq. The developer has just submitted a Transport Statement.

According to the Transport Statement submitted, the trips generation for the site generated using the software TRICs, will be as follows:

The above trip rates would equate to a maximum vehicle movement every 4 minutes at peak times, which is in line with TRICs surveys for other similar sites.

Whilst I acknowledge these trip generations for AM and PM peak times are slight, I do not think the daily trip generation impact on the surrounding highway network has been taken into consideration.

It is assumed that all car movements to and from this development, regardless of their origin of travel, will travel through the Hennef Way/A422 roundabout. Although the impact of this development in isolation could not be considered severe, its cumulative impact together with other developments contributing traffic to this junction will become severe and require mitigation. Bearing this in mind, a Section 106 Developer contribution will be sought towards capacity improvements on the Hennef Way / A422 roundabout south of Wildmere Road

Access and manoeuvring

The access to proposed development will be through a shared access road with the Lloyds Commercial Finance Ltd. building to the west. This first access road was approved under the planning application 15/00763/F (later modified under 15/00259/DISC) and the current application seeks to realign this shared access to allow the new road to be built accessing the self-storage car park.

The visibility splays at this new junction would be satisfactory and vehicle speeds of approaching traffic would be slow, given the fact that vehicles will have either come through of a barrier to the west from the Lloyds Commercial Finance Ltd. car park or just turned into the shared access road from Brookhill Way.

Swept path analysis

It is worth noting that tracking was provided previously for a 16.5m articulated lorry, so therefore, we would need to see new swept path analysis for this amended layout, to ensure that they could manoeuvre safely in the car park,

especially if there are two vehicles in the 2 unloading bays. They also need to prove that they egress from the site in a forward gear.

Pedestrian access

The footway into the site still exists and terminates adjacent to the disabled space opposite the reception. Whilst I am assuming that not many people will be walking onto this site, it would be safer if the developer were to provide some demarcation for a pedestrian walkway across the car park from these disabled spaces.

They have not provided a direct footway access or demarcation zone for a pedestrian that links the front of the building to the rear. On the whole, it is safe to assume that a visitor will park nearest to the point at which they want to enter the building; however, we still have to assume that there will be some pedestrian movement between the reception areas along the western side of the building.

By adding 11 car parking spaces to the western side of the building that are perpendicular to the building, this forces pedestrians out into the access road leading to the rear of the car park. Whilst this access road is wide enough to accommodate a car/HGV and a person two way movement and even 2 cars passing each other, it doesn't remove the fact that it could pose a safety risk, especially in the case of a small child. A pedestrian would only reach a safe area once they reach the widened footway running around the north western corner of the building.

I suggest placing a clear demarcation zone that pedestrians can walk in, together with some signs warning drivers to be aware of pedestrians along this part of the site.

The drive width is 5.8m, so there would be ample space to add a demarcated footway, even if this was just 0.8m in width. I appreciate that this would mean that two HGVs would not be able to pass if there was a pedestrian, but I feel that this occurrence would be minimal. Priority signage could be used to remove the risk of this happening, thus creating a safer through route for all users to and from the rear of the car park.

The developer should submit full details of the pedestrian areas (including signage if appropriate), car parking areas and driveways to the Local Planning Authority.

Car parking

The car parking spaces being provided have gone down from 27 to 23 in the amended site layout. The gross floor space has also gone down from 6975m² to 5580m², so therefore we would ideally see a total of 28 spaces according to current OCC guidance. I am willing to deem this an appropriate number of spaces; given that this kind of development will not experience high surges in demand like its retail counterparts on out of town sites. Also, further car parking accumulation figures from the transport statement originally submitted; suggest that approximately 14 spaces will be needed at any one time on a typical weekday.

I am concerned that there may be some conflict between the users of bay 2 and visitors using the spaces closest to the building that run along the north eastern boundary of the site. Realistically, these parking spaces may not be used if bay 2 is in use; however, it is a layout issue that needs addressing.

The refuse area could be moved so that it is adjacent to the building, which would allow the 5 car parking spaces to be moved along, although, this is still not ideal, given the proximity of the spaces to the loading bay.

Disabled parking

I have noted that, whilst 2 disabled spaces are being provided for, there are some issues with the layout of these. The most easterly space has lost its buffer width on one side of 1200mm, as the adjacent car parking space comes right up to it. The most westerly space, whilst it retains its buffer on all sides, the westerly side of the parking space is footway and therefore the surfacing and /or levels of the buffer for this space may vary and not run continuously to allow the transfer of a wheelchair/person with mobility difficulties. Both spaces should have a buffer strip along all but the wall side, measuring 1200mm in width that is on the same level as the parking space itself.

The area of footway directly in front of the reception does not show any details of a dropped kerb or tactile surfacing to allow for the access of the above user either.

Cycle parking

The recommendation of 14 stands, as outlined in our current guidance on cycle parking, is still not being met, as they are proposing to provide 3 stands. The location is appropriate, as cyclists can dismount and walk onto the footway, without having to walk in the open car park. I am mindful that, like pedestrians, not many people will be cycling to a self-storage unit and will choose to come by car, so providing 3 stands (6 spaces) seems reasonable. I would want to see these covered, as staff may want to leave a cycle all day.

Drainage

The developer proposes the use of an attenuation tank on site to store water temporarily before entering into the surface water sewer along Brookhill Way, due to insufficient infiltration rates on the site for the drainage of surface water. This is not yet an approved strategy agreed with Thames Water, who owns the sewer in Brookhill Way.

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 (some of which has already been submitted):

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration tests to be undertaken 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 plans
- Flood Risk Assessment

Other Consultees

3.5 Highways England: No objection

3.6 Thames Water:

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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

. Water Comments

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

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

4 Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan - 2011-2031

The Cherwell Local Plan was adopted by the Council in July 2015 and provides the strategic policy framework. The policies listed below are considered to be material to this case:

- Policy SLE1 Employment Development
- Policy SLE4 Improved Transport and Connections
- Policy ESD6 Sustainable Flood Risk management
- Policy ESD7 Sustainable Drainage Systems (SUDS)
- Policy ESD10 Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD15 The Character of the Built Environment

Cherwell Local Plan 1996 (Saved Policies)

- Policy TR1 Transportation funding
- Policy C28 Standards of layout, design and external appearance
- Policy ENV1 Development likely to cause detrimental levels of pollution
- Policy ENV12 Land Contamination

4.2 Other Material Policy and Guidance

National Planning Policy Framework
National Planning Practice Guidance

5 Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of Development
- Transport Impact
- Design and layout
- Landscaping and Trees
- Flood Risk and Drainage
- Planning Obligation

Relevant Planning History

- 5.2 98/00160/OUT: Development for employment-generating purposes within classes B1 (business), B2 (general industrial) and B8 (storage and distribution) with associated access, parking, drainage and landscaping. (OUTLINE). PERMITTED.
- 5.3 01/01002/REM: Two storey offices (B1) with associated access, parking and landscaping including alterations to existing vehicular and pedestrian access. PERMITTED.
- 5.4 02/01376/REM: Reserved matters App Ref: OUTLINE 98/00160/OUT for erection of building for purposes within use class B8 (storage and distribution) with associated offices, access, vehicular parking and landscaping. PERMITTED.
- 5.5 03/02118/F: Erection of 2 No. premises for motor dealership and ancillary uses. PERMITTED.
- 5.6 04/02792/F: Erection of 2 No. buildings for motor dealership and ancillary uses. PERMITTED.
- 5.7 .
- 5.8 10/00309/F: Erection of 2 No. buildings for motor dealership and ancillary uses - Extension of time to extant permission 04/02792/F. PERMITTED.
- 5.9 12/01748/OUT OUTLINE - Development of site for up to 10,500sq.m (Gross) of employment uses comprising a mix of light industrial (Class B1c), general industrial (B2) and storage and distribution (B8) with ancillary office accommodation and associated road, car parking and landscaping works

Principle

- 5.10 The main theme of the NPPF is a presumption in favour of sustainable development. 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 planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies indicate that development should be restricted.
- 5.11 The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the planning system does everything that it can to support sustainable economic growth.
- 5.12 The site was allocated for employment generating development in the Cherwell Local Plan 1996 and as such Policy EMP1 applies which states that 'Employment generating development will be permitted on the sites shown on the proposals map, subject to the other relevant policies in the plan'.
- 5.13 With regard to the Cherwell Local Plan 2011-2031, Policy SLE 1 of the new allocated sites within the plan (which does not include this site as it was allocated in the adopted Cherwell Local Plan), however the supporting text states that the Council will continue to protect existing employment land and buildings for employment (B class) uses.
- 5.14 The proposed B8 use represents employment generating development on a previously allocated site which has a planning history of approvals for employment generating uses, For these reasons, the proposal is considered to be appropriate in principle for this site subject to the individual material planning considerations set out below.

Transport Impact

- 5.15 The site lies within an existing industrial area that accommodates a number of employment generating uses. It is supported by a significant road network, including the M40, and is serviced by good walking and cycling links. Given the nature of the proposal, the adopted Cherwell Local Plan allocation for the site and the extant permissions, officers are satisfied that this is a sustainable location, in transport terms for the proposed use. To support sustainability, the Local Highway Authority requires a Travel Plan which can be secured via condition, but there is some doubt about the necessity of this given the low employment numbers and the fact that nearly all users of the facility will be arriving by vehicle.
- 5.16 A development of this scale would normally attract developer contributions towards general transport and access in accordance with the Council's Draft Planning Obligations SPD, together with any highway improvements that would be required as a direct result of the impact of the development and associated movements on the local highway network. In this case however, planning permission has previously been granted and implemented in relation to the site and other parcels of land immediately adjacent (including the Lloyds and DHL buildings), in association with which, all of the highway improvements and a contribution towards transport infrastructure was made to mitigate the impact of

the development of the site as a whole (including the undeveloped part of the site which is the subject of this application) on the local highway network. Therefore in your officer's opinion the request from the County Council for further contributions is unreasonable and unnecessary. Further comments on this are anticipated from OCC.

- 5.17 With regard to the indicated layout of the site, the OCC comments have been reported to the applicants and further detailed amended plans are awaited.
- 5.18 The Highways Agency raises no objections to the scheme in terms of its impact upon the wider highway network.
- 5.19 In light of the above assessment and subject to the recommended conditions, officers are satisfied that the proposed development would be located in a sustainable location, would achieve safe access and would have no greater impact upon the highway network than the previously approved application(s), and as such no further obligations or highway works are required. The advice contained within the NPPF therefore on sustainable transport, regarding sustainability, safety and improvements within the transport network, is therefore satisfied, with which SLE4 of the adopted Cherwell Local Plan is consistent.

Design

- 5.20 The proposal relates to a warehouse building with only loading doors at ground floor level on three elevations and little fenestration other than on the front elevation at ground floor facing towards Brook Hill Way. The building will be set back from Brook Hill Way behind a small area of land which is reserved for future development. The building will be constructed with an aluminium cladding system in light grey with a darker grey top band, with prominent advertising on magenta coloured panels on corner areas of the building.
- 5.21 As originally submitted the building was considered to be too tall in the context of the adjacent Lloyds and Karcher buildings, and was proposed to be sited too close to the Lloyds building with a gap over only 7.7 metres. The revised scheme now before Committee is a longer, thinner and lower building which now sits 13 metres away from the Lloyds building.
- 5.22 In the configuration now proposed the building is considered to be acceptable in scale in relation to the surrounding buildings and will now sit comfortably in the context of the adjacent set of buildings. In terms of impact upon the adjacent office building and its workforce, the revisions which involve lowering the building and re-positioning it further away from have , in our opinion, reduced the impact to a tolerable level

Landscaping and Trees

- 5.23 The site is well contained by the existing landscaped embankment and the backdrop of the existing commercial and industrial buildings, when viewed from junction 11 of the M40 and the A422. The comments of the Council's landscape architect are noted and it would seem that protection of the existing trees together with the introduction of a comprehensive landscaping scheme across the site would be the most appropriate way in which to achieve a quality development.

Flood Risk and Drainage

- 5.24 The proposed development lies within Flood Zone 1 and as the site is less 1ha in area, a Flood Risk Assessment (FRA) is not required. A SUDS approach to drainage will be required. Relatively late in the process drainage arrangements have been submitted and are currently being consulted upon.

Land Contamination

- 5.25 The Council's Environmental Protection Officer has not responded but has previously confirmed that the Council holds no records of previous contaminative uses on the adjacent site and as such it is considered that no further investigative work or associated mitigation measures are required in relation to land contamination..

Planning Obligation

- 5.26 As all the highway works and contributions have previously been carried out and paid for in association with the previous planning applications this application does not attract the need for the developer to enter into a S106 agreement associated with the application..

Conclusion

- 5.27 The proposed development represents employment generating development which is supported by the NPPF and the development plan. The design of the buildings is now considered acceptable and the degree of impact upon the neighbouring office building does not warrant a refusal. The proposed development is considered to be sustainable, would be appropriate within its urban context and would have a natural impact upon the existing highway network. The proposal takes into account the existing landscaping and trees, As such the application is recommended for approval

Engagement

- 5.28 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

6. Recommendation

Approval, subject to:

A) The following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered.....
Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.
3. The materials to be used for the building hereby approved shall be in accordance with the details contained on the submitted and approved drawings
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, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.
Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework
5. Prior to the commencement of the development hereby approved, full details of a new boundary fence to be constructed to a height of 2.4 metres and 3 metres on the northern and southern boundaries of the site respectively as shown on the approved site plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the new boundary treatment shall be erected, in accordance with the approved details, and retained and maintained in situ at all times.
Reason - To ensure the satisfactory appearance of the completed development, and to comply with Policies C28 and C30 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework
6. Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the building, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins

Reason - To provide appropriate and essential infrastructure for business waste management in accordance with the provisions of Policies INF1 and BSC 9 of the Cherwell Local Plan 2011 - 2031 Part 1.

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

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

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

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

9. 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 (some of which has already

been submitted:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration tests to be undertaken in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS features
- Network drainage calculations
- Phasing plans
- Flood Risk Assessment

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

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

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

11. Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of a 16.5m articulated lorry turning within 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 details.

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

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

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

13. Notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 and its subsequent amendments, the approved building shall not be extended or altered 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 the site in order to safeguard the amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

14. The building shall be used only for the purpose of self-storage warehousing only and for no other purpose whatsoever, including any other purpose in Class B1,B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005
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.

15. All buildings hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision.
Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework

Planning Notes

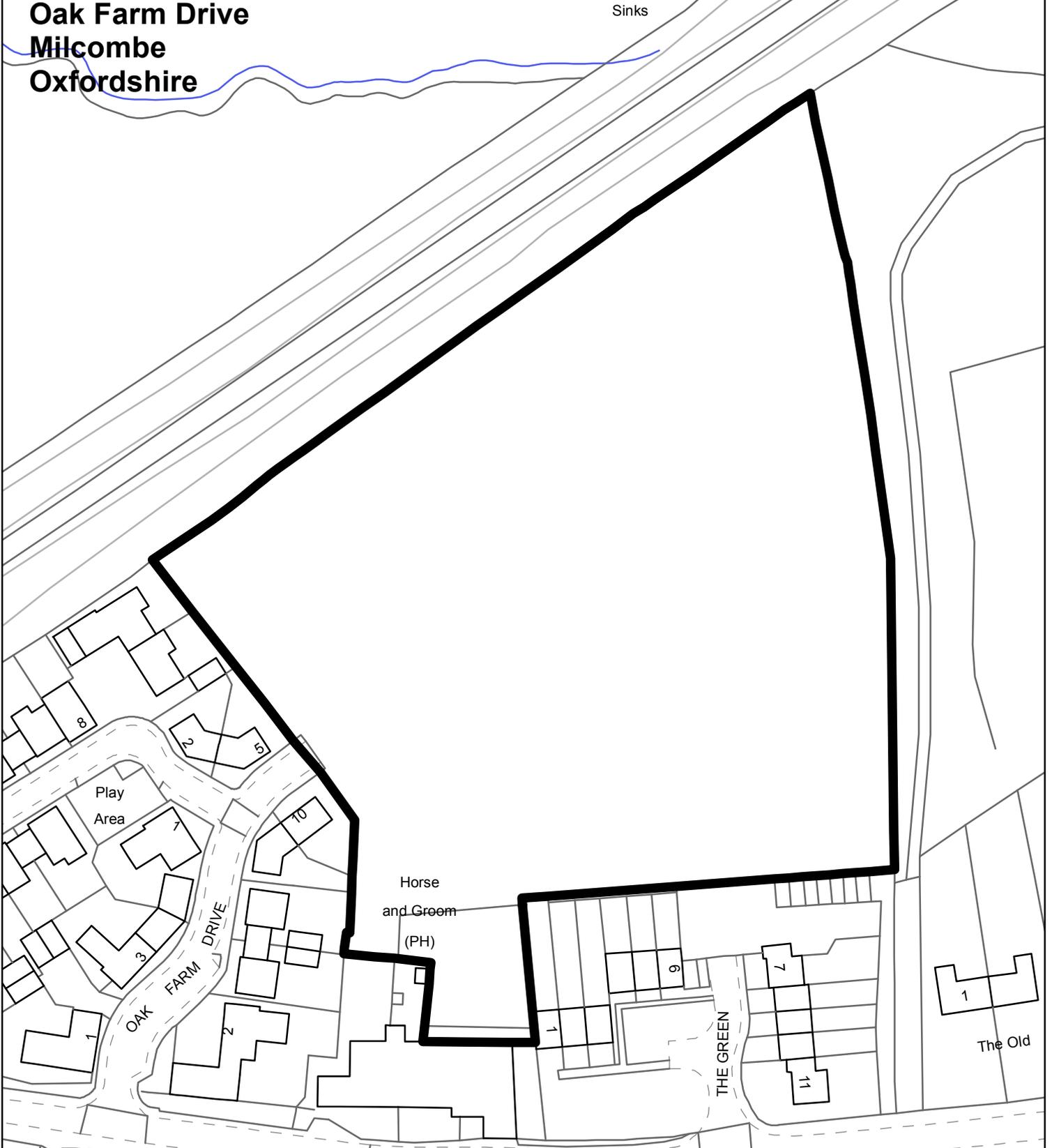
1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the [applicant/agent] in a positive and proactive way as discussions have been undertaken to secure amendments to ensure that an appropriate form of development has been arrived at.

15/02068/OUT

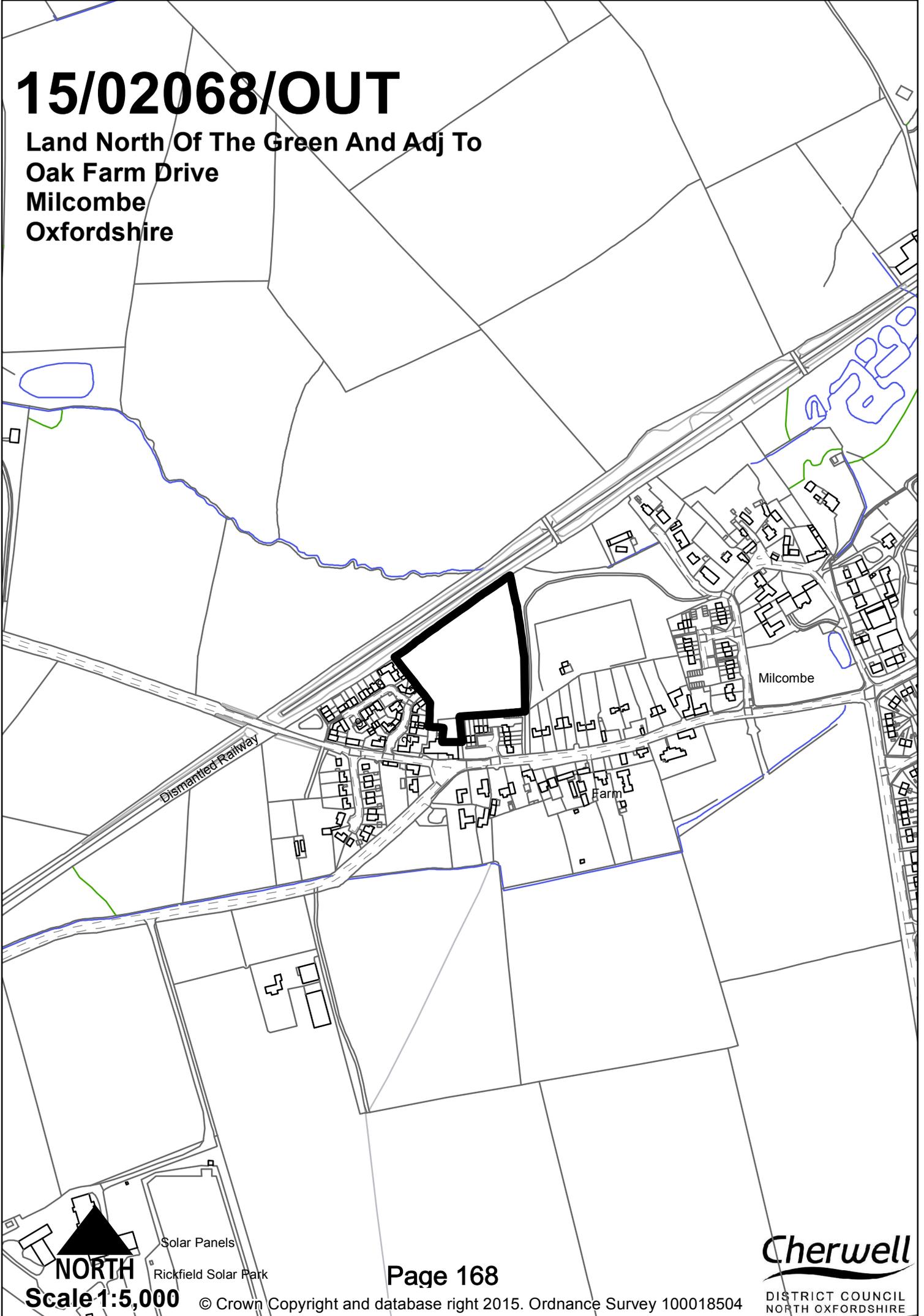
Land North Of The Green And Adj To
Oak Farm Drive
Milcombe
Oxfordshire



Scale 1:1,000

15/02068/OUT

Land North Of The Green And Adj To
Oak Farm Drive
Milcombe
Oxfordshire



Milcombe

Farm

Dismantled Railway

Solar Panels
Rickfield Solar Park

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Site Address: Land North of The Green 15/02068/OUT and adj. Oak Farm Drive, Milcombe

Ward: Bloxham and Bodicote

District Councillor: Cllr Chris Heath and Cllr Lynda Thirzie Smart

Case Officer: Bob Duxbury **Recommendation:** Approval

Applicant: Trustees of the Estate of JW Tustian(deceased)

Application Description: Erection of 40 no. Dwellings with means of access to be assessed and all other matters reserved

Committee Referral : major application

Committee Date: 17 March 2016

1. Site Description and Proposed Development

- 1.1 The application site (which amounts to 1.43 hectares) is situated to the north of the main village street, and more specifically to the north of Nos 1-7 The Green and the adjacent Horse and Groom PH. The site lies to the east of Nos 2, 4, and 6 Oak Farm Close and 6, 8, and 10 Oak Farm Drive. The land is unused agricultural land which is bounded to the north by the embankment of the former Banbury to Chipping Norton railway line, which forms a linear dense tree planted feature on this side of the village. The site is separated from other residential development to the east by other open land used as horse paddocks. A public footpath crosses that land north to south
- 1.2 The proposal seeks consent for 40 dwellings. The application is accompanied by an illustrative plan showing the sole vehicular access taken from the existing field gate on Oak Farm Drive that was provided when that adjacent development was undertaken. The illustrative plan shows the houses served from a central roadway and two cul-de-sacs, with an area of public open space in the north east corner of the site. 35% affordable housing is proposed. The Design and Access statement indicates that it is the intention to a mix of 2, 3, 4 and 5 bedroomed houses.
- 1.3 The application is accompanied by a planning statement, transport statement, flood risk assessment, foul sewage and utilities report, arboricultural impact assessment, ecological surveys, a landscape and visual assessment and a desk-based archaeological assessment.
- 1.4 An addendum to the landscape and visual assessment has been submitted to address comments made by the Council's Landscape Officer.
- 1.5 A further iteration of the illustrative masterplan has been produced which attempts to address detailed issues concerning the hedgerow on the

eastern boundary, with a widened buffer on this side, the public open space/LAP, repositioned houses away from the western and southern boundaries to allow landscape mitigation

2. Application Publicity

2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 18 December 2015

2.2 59 objections have been received from local residents raising the following subjects

- Inadequate sewerage facilities
- Lack of education facilities
- Lack of health facilities
- Poor access via Oak Farm Drive – alignment, width, on street parking, junction with main road and consequent risk to highway safety
- Exacerbating traffic flows through the village,
- Are these properties needed?
- Proposed development would be too dense
- Lack of parking
- Construction issues – alternative route needed
- Poor land drainage
- Previous construction compound on this land left drainage issues affecting Oak Farm Close – concern that this may be made worse by recent archaeological survey work and by the proposed development
- The village has poor services
- Poor public transport connections – especially relevant to affordable housing provision
- Ecology matters – reported sightings of woodpeckers/owls/bats
- Disturbance to existing residents from potential use of footpath
- Suggesting that there are better alternative sites around Milcombe
- Scale of development is too great
- Concern over the appearance and form of the development – is backland development appropriate
- Loss of visual amenity for surrounding residential properties and when seen across from Paradise Lane
- Development contradicts policy of concentrating development in the largest villages
- No significant economic benefit
- Impact upon the setting of Farnell Fields – a nearby listed building
- Premature pending Local Plan Pt 2
- Concern about status of “footpath” to rear of 7-11 The Green
- Would enlarge the village unacceptably, changing the character of the village

2.3 Four of the above letters raised no objections but concentrated on the issues associated with construction access/disturbance etc.

- 2.4 A petition signed by 119 residents of the village objects to the proposed development
- 2.5 A letter of objection has been received from solicitors acting for the owners of the public house , raising concerns on the following basis
- They consider that there is a risk that the operational activity of the public house could be compromised because of the possibility of complaints concerning noise, smell, etc., and that this in turn could lead to a licensing review which could affect the trading potential of the public house.
 - Approving this residential development would be contrary to Local Plan policy in that it would not support the operational activity of this existing business
 - The proposal is considered to be contrary to Local Plan policy BSC2 and will be in an unsustainable location.

3. Consultations

3.1 Milcombe Parish Council:

Milcombe Parish Council is strongly opposed to this most inappropriate and ill-conceived development and wishes to make the following observations:

1. The recent publication of the Annual Monitoring Report provides the latest housing figures for CDC, which shows the Council has exceeded its 5 year land supply i.e. **5.6 years**, for the period 2016 – 2021. This demonstrates that the proposed development of 40 dwellings in Milcombe is **totally unnecessary**.

2. Domestic Services

A sewerage system and treatment works were constructed in 1954/5, presumably driven by, and designed for, the significant proposed development in the subsequent decade, plus a pumped flow from South Newington. Apart from property connections, there has not been any upgrading of the system, apart from the removal of the treatment works, to date, despite a property increase of 75% in Milcombe alone. Over the last few years, problems, particularly to do with odour, have increased.

The potable water distribution system was also installed around 1955 and, we believe, no major upgrading has been carried out to date. For many years now, there have been numerous occurrences of poor quality water "at the tap", with regard to turbidity and odour.

The electricity supply system was installed about 1950. Like the rest of North Oxfordshire, there has been very little in terms of upgrading and power cuts, particularly during the winter, are commonplace.

3. Highways and Vehicular Access

All roads within the village curtilage are relatively narrow and access is restricted by a significant number of parked vehicles. In recent times the situation has been exacerbated by the increasing number of heavy vehicles using Main Road as a "rat run" to avoid South Newington and Chipping Norton. The likely outcome of this situation is an increase in the likelihood of

accidents, and noise nuisance, particularly during the night, for residents along New Road, Main Road and Wigginton Heath Road.

The vehicular access to the proposed development is of major concern. There are two considered alternatives: (1) Via The Green and (2) Extension of Oak Farm Drive. Access through The Green is prevented by a covenant set down at the time of construction of that development; therefore the only possible access is from Wigginton Heath Road into Oak Farm Drive. The matter of safe access into Wigginton Heath Road was first raised during the consideration of the Oak Farm planning application, when it was asserted by OCC Highways that Wigginton Heath Road had a minimum width of 5m, hence the road was adequate for the projected increase in traffic movements. Subsequent measurements showed that at 7 locations adjacent to the junction, the road width varied between 4.65m and 4.94m. The potential increase of nearly 140% of traffic movements into an already unsafe access junction is totally unacceptable.

4. Education

Milcombe totally relies on schooling provision outside the village i.e. Bloxham, Banbury, Adderbury, Deddington and Hook Norton and therefore dependant on "school transport". It is understood that Bloxham Primary is already "at capacity" and Warriner will be in a similar situation when the ongoing developments in Bloxham are completed. A similar situation exists in the other above referenced villages, so where do these additional children receive their education?

5. Health Services

A similar situation, to the above, exists with regard to doctor's surgeries and dental practises, many, outside of Banbury, having a full register.

6. Visual Impact

Contrary to a statement in Savills "Historic Environment Assessment", the visual impact on a significant listed building i.e. Farnell Fields, would be immense. Any consideration of adequate screening would be futile, due to the elevation of the proposed development site

7. CDC Local Plan

The size and extent of this proposed development would appear to be at odds with the CDC Local Plan. Within the Plan, Category A villages, which include Milcombe, were allocated a total of 750 dwellings. Due to current developments either started or granted, this figure has reduced to 276, which must limit potential development in the remaining villages to infill only, not a development of 40 dwellings!

A further letter was received from the Parish Council before the last Committee in which they said “should the Planning Committee be minded to approve the application at its meeting on 18 February 2016, the Parish Council wishes to make the following comment:

Milcombe Parish Council would wish to request additional Section 106 monies, from the developer, to cover much needed improvements to the recreational activities in our ever growing village.

These improvements would include extending the main play and recreational area, and the facilities within it, and significant improvements to the Village Hall.

There is also the possibility that funding for the Mobile Library service will be reduced/lost, so contributions would also be sought to maintain this

Cherwell District Council Consultees

3.2 Housing Officer

This outline application for 40 units correctly states that there will be a requirement for 35% affordable housing provision to be made on site (14 units).

There should be a tenure split 70/30 affordable rented/ shared ownership (or some other form of intermediate housing agreed with the Council). This equates to 10 affordable rented units (including a bungalow) and four shared ownership units.

The affordable homes should meet the HCA's Design and Quality Standards including the necessary HQI requirements. 50% of the rented element should also meet the lifetime homes standards and the bungalow is to meet full wheelchair standards.

It is expected that the affordable rented units be tenure blind in their appearance, this includes in terms of their parking arrangements which should be in-curtilage wherever possible.

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

A suggested mix is as follows:

Affordable Rented Shared Ownership

2 x 3b5p Houses 4 x 2p4p Houses

3 x 2b4p Houses

1 x 2b4p Bungalow

4 x 1b2p Houses/ Apartments

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

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

- Milcombe is a Category A village, one of the more sustainable villages in the district.
- Policy Villages 2 of the adopted Local Plan 2011-2031 provides for an

additional 750 dwellings at Category A villages (2014-2031) (in addition to the rural allowance for small site 'windfalls' and planning permissions as at 31 March 2014).

- From the 2015 AMR it can be determined that a total supply of 470 dwellings is presently expected from non-strategic sites (10 or more dwellings) at Category A villages at 31 March 2015.
- This leaves only some 280 left to be identified to meet the Policy Villages 2 requirement through to 2031.
- Sites will be identified through the preparation of Neighbourhood Plans where applicable, Local Plan Part 2, and through the determination of applications for planning permission.
- There has not been a development at Milcombe that has contributed to the allocation of 750 dwellings in the rural areas. This proposal would assist in meeting Policy Villages 2 requirements.
- Since 2011, there has been 33 dwellings completed (29 at Oak Farm) and at 31 March 2015 there are 3 dwellings that have planning permission but not yet built. Oak Farm was an identified site in the Non-Statutory Cherwell Local Plan 2011 (approved in 2004).
- The site is included in the SHLAA Update 2014 (ref. MI018). The SHLAA concluded that *"This is considered to be a potentially developable site providing for about 40 dwellings in the next five year period as a continuation of the on-going Oak Farm development"*. The site assessment recognised that development on the site would lead to some negative impacts on the openness of the land in this area and the character of this part of the village however it was considered that these could be mitigated against through layout and design. The SHLAA states that the site would be an appropriate location for residential development in principle provided satisfactory access/egress could be secured and good links are provided to the rest of the village.
- The proposed development would be in scale to the adjacent development to the west which achieved 30 dwellings per hectare.
- Milcombe has a population of 613 people with 266 dwellings (2011 Census).
- The district has a 5.3 year housing land supply for the current period 2015- 2020 and a 5.6 year supply for the next five year period (2016-2021) commencing on 1 April 2016.
- There is no pressing need for additional land release at this time at a village that is being provided with a significant amount of new housing.

The recommendation is therefore - There is no Planning Policy objection raised. The provision of some additional housing at Milcombe to meet Policy Villages 2 requirements accords with the Development Plan. Milcombe is a sustainable village with a food shop, a public house, recreational facilities and a village/community hall, and is located approximately 1.5 miles away from Bloxham where a wider range of services and facilities are available. A judgement on the acceptability of the precise number of dwellings proposed will need to be made in this context having regard to the merits of providing housing (including affordable homes) and potential impacts such as those on the character, appearance and landscape setting of this part of the village. Milcombe is one of the smaller Category A villages in terms of population and has recently

received some development. Therefore careful consideration is needed of the impact on local infrastructure having regard to comments of service providers such as the County Council.

3.4 **Landscape Officer:**

LVIA

I confirm the site is contained, both visually and physically by the dismantled railway to the north and housing to the south.

I agree with the findings of the LVIA in respect of Landscape Effect(5.2.1): a **Minor Adverse** effect. However with the approval of the planning consent the paddock immediately east of the site (the land between developments) will be put a risk of infill development. This should not be allowed in order to retain the open landscape character, amenity and setting to the older buildings.

I generally agree with the results of the LVIA. However, an additional visual appraisal should be carried out in respect of dwellings to the east of the paddock: Barlow Close and Paradise Lane which I judge to indicate a **moderate adverse** effect that must be mitigated successfully with a landscaped buffer that includes the eastern boundary hedgerow. The buffer is to be planted with native trees with allowance for a 4 m buffer, the road, front gardens to ensure the trees are of sufficient distance to prevent structural damage (defer to NHBC guidelines and structural engineer) and reduce shade and light loss to windows. The landscape buffer to prevent further encroaching development into this setting.

Existing Trees

An 'up-front' tree and hedgerow survey under BS5837 is necessary to inform the design layout – the access road is very close the eastern boundary hedgerow; it is obvious the RPA has been considering with the position of this road. It is important the retained the hedgerow buffer for visual receptors on the PRow route code 298/3/10. Therefore a hedgerow retention condition with a minimum maintenance height of 3 m. All approved work to be done outside the bird nesting season. Please note that a shallow ditch exists along the hedgerow, which perhaps, as the land falls towards the proposed balancing pond, could provide development run-off/attenuation to this pond.

Play

The central green space in PREAPP's concept masterplan, is which is appropriate location for a LAP, is not evident in the latest masterplan. I recommend that the layout is revised to accommodate as LAP with its associated landscape buffer– to be designed in accordance with the design standards of our current Planning Obligations SPD.

Landscape Mitigation

The proposed intervening hedgerow between proposed and existing boundaries on west and southern boundaries is acceptable in principle, however the close proximity of dwellings near Oak Farm Drive, the dwelling and garages to Oak Farm are problematic in terms of visual impact for adjacent residencies and encroaching hedgerow on building foundations that may be deemed a nuisance by residents. If these building can be relocated further from the site boundaries the will be reduce impacts and allow enough

space for boundary mitigation planting (defer the NHBC and structural engineer)

Adoptable OCC highway should be designed to accommodate street trees on the southern and eastern side of the street with sufficient grass verge width for well specified tree pits.

Conditions

- Play provision and informal open space
- Hedgerow retention
- Tree survey and root protection (if not already provided).

3.5. **Community Development**

Seeks a contribution towards the improvement of the existing village hall and towards community development

3.6 **Public Art**

There will be a requirement for Public art which addresses the integration of this development with the village and existing community. This may be a functional artwork but will involve community participation

- 3.7 **Business Support Unit** – It is estimated that this development of 40 houses has the potential to attract New Homes Bonus of approximately £291,775 over 6 years under current arrangements for the Council, with an additional sum paid of £280 per affordable home

Oxfordshire County Council Consultees

3.7 **Transport**

Raises no objection subject a legal agreement requiring a contribution towards the enhancement of buses serving Milcombe and to the improvement of the bus stop at The Green and a Section 278 agreement re works on the highway and to conditions

Detailed comments:

Vehicular Access

Extension of Oak Farm Drive shall form the only vehicular access on site. Oak Farm Drive is 4.8m wide flanked by 1.5m footways either sides and is fronted by dwellings and a parking layby.

Visibility at the access is not a concern, Oak Farm Drive being extended to provide a logical access to the development site. However, access treatment may be required to prevent any parking of vehicles in the vicinity of the proposed access.

Pedestrian Access

It is proposed that the most direct pedestrian access to the site shall be achieved via the existing public rights of way, in the south east corner of the development where the developer will provide improvements. Currently PROW 3 (298/3) involves a stepped access which for compliance with all users should be improved to a ramped access. This is something that the Countryside Access team would be keen to take up if planning permission was granted as it would improve accessibility and provide a valuable link between the development, the countryside and Milcombe village via Main Road.

In addition to this any future layout within the site must show a comprehensive pedestrian network, in the main with footways provided on both sides of the carriageway.

Traffic

In terms of traffic activity (trip generation) it is evident that there will be a minor 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 database was undertaken.

Using TRICS data it is estimated within the applicants' Transport Statement that around 21 vehicles in the morning and 22 vehicles in the evening peak two way flows (in the busy hours) will be generated by the development. The Highway Authority concurs with these figures. To conclude the associated trip generation traffic is considered negligible given the numbers it will generate i.e. one additional vehicle every 3 minutes from/to the development site in the peak hours.

The highway is predicted to operate safely as a result of development as such small changes in traffic flow would not result in a significant material change in highway operation and as such there are no issues with the amount of traffic generated by the development.

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 at the nearby junctions including the proposed site access frontage with the highway.

Adoption of streets

It is noted where development involves the construction of residential estate roads/pavements it is a requirement of developers to enter into an agreement with the highway authority under section 38 of the Highways Act 1980, under which they themselves will construct the streets to the satisfaction of the highway authority in accordance with current specification. This must be conditioned accordingly.

Layout

The final details will be subject to OCC perusal when the reserved matters/detailed planning application is submitted.

3.8 Education

No objection subject to a legal agreement to secure appropriate financial contributions for improvement of primary school provision at Hook Norton (£177,577)

Detailed Comments:

Primary:

Bloxham Primary School has been expanded to 2 form entry and is full. Hook Norton CE Primary School is currently undergoing expansion to 1.5 form entry, to meet the needs of planned and proposed housing growth in the area, and to reduce pressure on Bloxham Primary School, with which it shares an overlapping catchment. All relevant housing developments in the area would be expected to contribute towards the cost of this expansion.

The phased capital project which is ongoing at Hook Norton CE Primary School has a total cost of £1.33m and, when complete, will deliver an additional 105 primary pupil places. This is a cost of £12,666 per pupil place.

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, 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 at their first preference school as a direct result. As such it would go against the intention of 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 who would otherwise have attended the school would be displaced to other schools in nearby Banbury. These schools currently have spare places, but these places will be filled as a result of the population growth which is already evident in the local primary schools. Secondary school capacity in Banbury will need to be expanded as these higher pupil numbers feed through, and therefore should the schools also be required to accommodate growth as a result of housing development in 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.

Special:

Across Oxfordshire 1.11% of pupils are taught in special schools. There is an insufficiency of capacity for SEN provision across Oxfordshire and within Banbury itself to meet the needs of the growing population. Demands arising from further residential development will need to be addressed.

For this development, the nearest such establishment is Frank Wise School (in Banbury) where the council is delivering a £1.8m project to replace 24 places currently provided in temporary classrooms as well as provide 8 additional places for growth. Grant funding of £963k has been secured towards this project, leaving a balance of £837k for the county council to fund from S106 and other sources. Given the scale of growth proposed in the revised Cherwell Local Plan, further expansion of the school beyond that currently planned is expected in the longer term; the scale and timing of this will be reviewed after confirmation of the Local Plan.

The area is also served by a number of facilities which provide county-wide specialist provision. These include (as of September 2014) the Endeavour Academy, Oxford, a new 20-place autism school (including 12 residential places) with an estimated capital cost of £4.3m.

3.9 Other matters

OCC seek a small contribution towards book stock for Adderbury library, but do not seek further infrastructure contributions due to Regulation 123 of the CIL Regs..

3.10 Thames Water

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. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011-2031 Part 1:

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

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

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

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

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

The following policies are considered to be relevant:-

Policy PSD1	Presumption in Favour of Sustainable Development
Policy BSC1	District wide Housing distribution
Policy BSC2	The effective and efficient use of land
Policy BSC3	Affordable Housing
Policy BSD4	Housing Mix
Policy BSC10	Open Space, Outdoor Sport and Recreation Provision
Policy ESD1	Mitigating and adapting to climate change
Policy ESD2	Energy hierarchy
Policy ESD3	Sustainable Construction
Policy ESD7	Sustainable Drainage Systems
Policy ESD13	Local Landscape Protection and Enhancement
Policy ESD15	Character of the built and historic environment
Policy Villages 1	Village Categorisation
Policy Villages 2	Distributing Growth across the rural areas

Adopted Cherwell Local Plan (Saved Policies)

H18	New dwellings in the countryside
C8	Sporadic development in open countryside
C28	Layout, design and external appearance of new development
C30	Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

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

4	Promoting sustainable transport
6	Delivering a wide choice of high quality homes
7	Requiring good design
8	Promoting healthy communities
10	Meeting the challenge of climate change and flooding
11	Conserving and enhancing the natural environment

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

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

Policy H19	New dwellings in the countryside
Policy EN30	Sporadic development in the countryside
Policy EN34	Conserve and enhance the character and appearance of the landscape
Policy R4	Protection and enhancement of existing public rights of way

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning Policy and the Principle of Development
- Five Year Housing Land Supply
- Design
- Landscape impact
- Ecology
- Flooding and Drainage
- Transport Assessment and Access
- Heritage matters
- Planning Obligation

Planning Policy and Principle of Development

5.3 The Development Plan for Cherwell District comprises the recently adopted Cherwell Local Plan 2011-2031 and the saved policies in the Adopted Cherwell local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

5.4 The site in question is not allocated for development in any part of the development plan, and it does fall outside of the built up area of the settlement..

5.5 Policy Villages 1 of the recently adopted Cherwell Local Plan 2011-2031 designates Milcombe as a Category A village, and therefore one of the Districts most sustainable settlements based on criteria such as population, size, range of services and facilities and access to public transport. Policy Villages 1 replaced Policy H13 of the 1996 Local Plan, but broadly follows the same ethos, in principally allowing minor development within the confines of the settlement, infilling and conversions. Policy Villages 2 seeks to distribute the amount of growth that can be expected within these villages, although how the numbers will be distributed is not specified as precise allocations within each village may be set out in Local Plan Part Two or in a Local Neighbourhoods Development Plan Documents.

5.6 Quite clearly this development fails to comply with the new Policy insofar as the site does not lie within the built up limits of the settlement and in doing so also potentially conflicts with Policy ESD13 of the Local Plan that seeks to

protect and enhance local landscapes. However Paragraph 49 of the NPPF states 'housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites – see below for the Council's current position..

5.7 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which amongst other things require planning to:

- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- Proactively drive and support sustainable economic development
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Support the transition to a low carbon future in a changing climate
- Encourage the effective use of land by re-using land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which are, or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

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

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

5.9 Whilst it is acknowledged that Milcombe is one of the more sustainable villages, this does not necessarily mean that the proposal itself constitutes sustainable development. The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below ,In an appeal at Bourne Lane, Hook Norton an Inspector concluded that whilst the village does not have a piped gas supply and that

electricity supply and broadband connectivity can be poor, that these did not alter his overall assessment of the range of facilities available within the village and that it was sustainable.

- 5.10 In terms of the environmental dimension, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Whilst this is a green field site and its loss will cause harm to the character and appearance of the countryside, this would be limited to short–medium distance views within the immediate vicinity of the site. See below for further comments.

Five year land supply

- 5.11 The Council recently published its up to date Annual Monitoring Report (AMR). In that document the Council declared that it has a 5.3 year housing land supply for the current 2015-2020 period, and a 5.6 year supply for the next 5-year period (2016-2021) commencing on 1 April 2016.
- 5.12 Policy Villages 2 provides for an additional 750 dwellings at Category A villages. From the AMR it can be determined that a supply of 470 houses is expected from non-strategic sites (sites of 10 and more), leaving only 280 houses left to be identified to meet the Policy Villages 2 requirement through to 2031. Sites will be identified through the preparation of Neighbourhood Plans where applicable, Local Plan Part 2 and through the determination of applications for planning permission. Milcombe has seen 29 dwellings being built between 2011 and 2015.. This proposal would assist in meeting Policy Villages 2 requirements
- 5.13 Paragraph 14 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole. The identified issues of relevance are identified and considered below. I return to the issue of the balanced judgement at the end of the report.
- 5.14 Given the amount of development that has already been committed to take place in the rural areas, and in the context of the Council having an up-to-date 5 year housing land supply, it is important to consider whether allowing this site to be released for housing would undermine the overall strategy of the Local Plan to direct housing to the most sustainable locations in the district. In particular concerns have been raised about the quantum of development proposed at Milcombe

- 5.15 Government guidance and appeal decisions are clear that being able to demonstrate a 5 year housing land supply is not itself a reason to refuse planning permission, and proposals must be considered in the context of the presumption in favour of sustainable development contained in the NPPF. Therefore provided the proposal does not conflict with any of the Council's adopted development plan policies, including the criteria of Policy Villages 2, on balance the proposal is considered appropriate in sustainability terms and would not undermine the overall housing strategy of the recently adopted Cherwell Local Plan Part 1.

Design & Layout

- 5.16 The application is an outline scheme and so the submitted layout plan is illustrative. The proposal is for 40 houses. The masterplan shows an east-west continuation of Oak Farm Drive with short cul-de sacs off to each side. One set of houses can be set back and face towards the eastern boundary allowing a softened edge to the retained area of agricultural land to the east. The site is of adequate size, and the density is low enough to allow adequate stand-off from the boundaries with adjacent residential properties
- 5.17 An area of informal open space is shown in the north eastern corner of the site. A surface water attenuation feature is shown as likely to be situated within this space.

Landscape Impact

- 5.18 The criteria listed under Policy Villages 2 include "whether significant adverse impact on heritage or wildlife assets could be avoided...whether development would contribute in enhancing the built environment (and) whether significant adverse landscape impacts could be avoided
- 5.19 The application site lies beyond the built up limits of the village in an area of open countryside. Policy ESD13 of Cherwell Local Plan 2011-2031 seeks to resist development if it would result in demonstrable harm to the topography and character of the landscape but also to secure appropriate mitigation where damage to local landscape character cannot be avoided.
- 5.20 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of internal, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological works.
- 5.21 The application site, like the adjoining land under development, is not within any locally or nationally designated landscapes. .

5.22 The application is accompanied by a landscape and visual assessment. This document identifies 3 viewpoints; to the north on the hillside on a public footpath; on a footpath to the south of the village, and closer to the site where the footpath emerges south of the former railway line. At para 3.4 above the Council's Landscape Officer concludes that the proposal would only have at the worst only a minor adverse impact upon the landscape, albeit that a further viewpoint study has been requested (from the east on Paradise Lane). This will be dealt with at Committee. From the north the intervening vegetation provides a screen to the proposed houses, and this provides an enclosure of the land from the wider landscape. Overall it is considered that the degree of harm is relatively low and is tolerable

5.23 In response to Landscape Officers comments at 3.4 above A further visual appraisal has been undertaken of the impact of the scheme when viewed from the east. This reports that

The following describes the identified visual effects to the visual receptors represented by viewpoint location 4.

Viewpoint 4: *The viewpoint is representative of the users of the local highway, a minor road leading to a cul de sac. The speed of travel on the highway would be low. The viewpoint is also in close proximity to single storey residential properties, with large front gardens with boundary vegetation. Consequently the sensitivity of the receptor is considered to be **Medium**. It is considered that there would be a **Medium** magnitude of visual change from this location. This is due to the distance from the proposed development, the similar appearance in builtform in terms of scale, and character to that of the existing housing at Oak Farm Drive and residential properties in the south, presence of the overhead lines as a visual detractor (not shown in the photograph), the angle of view on the horizon susceptible to change by the viewer and the presence of intervening vegetation which provides partial screening in the middle distance.*

*It is considered that there would be a **Moderate Adverse** visual effect on Viewpoint 4 and the immediate surroundings. The degree of visual effect would decline over time as existing and proposed tree and shrub planting increase in size providing partial screening in the middle distance to views from the east. Over time it is considered the effects would reduce to **Moderate/Minor Adverse***

They conclude by the following comments

From desktop study and fieldwork we find the proposed residential development would have a moderate/minor adverse effect on views from the east near Paradise Lane, following plant establishment over a period of 10 years. The proposed development proposes to retain the existing boundary vegetation which would be protected during construction and enhanced by additional planting of native trees and shrubs. Following guidance provided by Cherwell Landscape Officer, further consideration would be provided during the detailed design process of the Reserved Matters Application in the event of a successful Outline Application to creation of a buffer to existing boundaries to provide adequate protection with further planting to assist in greening of the development. Further planting would occur within the development by use of tree planting within areas of public open space, the street and also within gardens of the individual properties. This new planting will assist in greening of the existing settlement edge of the Oak Farm Drive

housing development, already completed, to views to the east. The planting would enhance the aesthetic of the local environment and assist in enhancement of local biodiversity and nature conservation interests

5.24 In consideration of the latest LVIA The Landscape Officer comments I would be happy to support the LVIA judgement for VP4 (a Moderate/Minor Adverse effect over time) if the illustrative masterplan indicated sufficient depth of landscape buffer to the eastern boundary. It does not. The 4 m wide buffer is for a reason. The proposed trees appear to be located very close to, or within the access road, and it would be therefore, difficult for these trees to survive, with insufficient soil volume to aid establishment. The 4 m wide buffer allow for the prescribed number a trees to develop and provide the necessary level of landscape mitigation over time.

Furthermore the layout ignores the existing trees adjacent to the housing on this boundary; trees that must be subject to a BS5837 survey (existing hedgerows to be included) with root protection zones, with protective fencing during site activation/clearance and construction. This survey is required at the earliest possible opportunity in order to establish a design constraint and also inform the design layout. The LAP requirement (location/connectivity) within the layout is an outstanding matter. The illustrative masterplan does not currently show a LAP.

(Development Services Managers note: on an outline application these matters can be dealt with by **additional conditions** – to be agreed with the Chairman)

Ecology

- 5.24 The application is accompanied by an Ecological Appraisal , a great crested newt and reptile survey. The appraisal confirms that the site is not within or adjacent to any statutory or non-statutory wildlife sites and that the proposed development would not cause any significant impacts to such sites.
- 5.25 The Ecological appraisal considers the potential impact on a number of species, including bats, badgers, nesting birds, reptiles and amphibians.
- 5.26 In respect of these species, evidence was found of badger foraging, but no setts or main frequently used tracks. There was no evidence of bat roosts and only a limited level of bat activity. The conclusions of the submitted report a corridor of habiat along the northern and eastern boundasry should be conserved and that subject to further survey work and mitigation no adverse impact upon protected species is anticipated.
- 5.27 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 5.28 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that 'every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and: 'local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application

where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a 'competent authority' in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places'.

- 5.29 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-
1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
 2. there is a satisfactory alternative
 3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 5.30 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 5.31 The Council's Ecologist is assessing the Ecological Assessment which has been submitted with the application and her comments will be reported

Flooding and Drainage

- 5.32 The site lies within Flood Zone 1 (low risk). A Flood risk assessment has nevertheless been undertaken by the applicants. AS the site is in Zone 1 redevelopment of the site for residential development is not precluded. Surface water discharge from the site can be discharged to the existing ditch to the north-east of the site, and SUDS can be used to limit this post development discharge to green field run off rates and to provide storage for a 1:100 storm including suitable allowance for climate change impacts.

Transport

- 5.33 The proposal indicates that all vehicular access is proposed from the Oak Farm Drive access onto the land. The application is accompanied by a transport statement. This concludes that the predicted traffic flows from a development of the size proposed can be accommodated via this route of access, and the that the peak hour and predicted daily rates will make no discernible difference to the traffic flows on the wider network.
- 5.34 It is noticeable that many of the negative comments concerning the proposal concern the inadequacy of Oak Farm Drive and its junction with the Wigginton Heath road. OCC were requested to reflect upon these comments. They have confirmed that they retain their position that they have no objections to the scheme

- 5.35 Pedestrian access to the site is obtainable not just via the vehicular access route but can also be augmented by connection to the existing public footpath which connects to the main village street, so connectivity is suitable.
- 5.36 Milcombe has a bus service, the 488 Chipping Norton to Banbury service. This largely commercial service is unlikely to be affected by changes in bus subsidies. The village is therefore sustainable in transport terms. OCC seek a contribution towards the support of the bus service and the improvement of the nearby bus stop

Heritage Issues

- 5.37 Milcombe does not have a Conservation Area. The nearest designated heritage asset is the Grade 2 listed house known as Farnell Fields situated off Paradise Lane. Whilst it will be possible to see the proposed development from that building and its grounds, it is not considered that its setting will be detrimentally affected due to the distance between them – a minimum of approx. 120 metres.
- 5.38 An archaeological evaluation has been submitted and very few finds were made. No comments have been received from the County Archaeologist.

Planning Obligations

- 5.39 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. The draft Supplementary Planning Document (SPD) relating to the requirements was considered by the Council's Executive in May 2011 and was approved as interim guidance for development control purposes.
- 5.40 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/services. Obligations are the mechanism used to secure these measures.
- 5.41 In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:
- necessary to make development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in kind and scale to the development
- 5.42 Having regard to the above, the Heads of terms relating to the additional development would include the following:-

CDC Contributions

- Provision of affordable housing
- Provision of on-site informal open space/play provision
- Contribution to sports provision

- 5.43 OCC seek infrastructure contributions to the improvement of primary school provision and for bus service support/ bus stop improvement

Engagement

- 5.44 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

- 5.45 Whilst the Council are currently able to demonstrate a five year supply of housing sites, this does not preclude the ability to approve dwellings outside of the village confines and an individual judgement needs to be made as to whether the benefits arising outweigh the harm. The NPPF at paragraph 14 sets out the presumption in favour of sustainable development at the heart of decision taking within the planning system.

- 5.46 In accordance with paragraph 14 of the NPPF, the adverse impacts of the proposed development do not outweigh the benefits and so there should be a presumption in favour of sustainable development.

- 5.47 The proposal is appropriate to be considered under Policy Villages 2 of the Cherwell Local Plan and the quantum and location of development proposed is considered to be consistent with the overall housing strategy of the Local Plan. The proposal would deliver social and economic benefits with the provision of new housing, including a policy-compliant on-site affordable housing contribution, and would contribute to meeting rural housing needs in the District. There would be no significant adverse harm to the visual amenities of the area and no other significant or unacceptable environmental harm has been identified. The proposal is considered acceptable in highway safety and access terms.

- 5.48 All-in-all the benefits of the proposal, which is considered to comply with the Council's adopted Development Plan policy, outweigh any harm and so the proposal is considered to be sustainable development within the meaning of the Framework

6. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph 5.41 and 5.42,
- b) The comments of the Council's ecology officer
- c) the following conditions:

1. No development shall commence until full details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") of this approved development have been submitted to and approved in writing by the local planning authority and the development shall be carried out as approved.

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

2. In the case of the reserved matters, a valid application for approval shall be made not later than the expiration of **one** year beginning with the date of this permission.

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

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

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

4. The development hereby permitted shall comprise of no more than 40 dwellings and shall be carried out in general accordance with the submitted design and access statement and those plans approved as part of the reserved matters applications.

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

5. 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

6. Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which this scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Associations current edition 'sewers for adoption'

Reason – To ensure that the development is served by proper arrangements for the disposal of surface/foul sewage, to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework

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

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

8. Prior to the commencement of the development hereby approved, full details of pedestrian footpaths between the development and Main Road, and pedestrian access linking to the adjacent PROW's to the north shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

9. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

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

Framework

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 and in accordance with the submitted Stage 1 Arboricultural Report 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.

11. Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy R12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

Planning Notes

1. PN19
2. PN22

Statement of Engagement

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

15/02119/F

Swalcliffe Park School
Main Road
Swalcliffe
Banbury
OX15 5EP

161.0m

160.9m

Barn
(Museum)

6

The Manor House

4

7

The Old Forge

Forge
Cottage

TCB

Manor
Cottage

Swallows

Sparrow
Hall

Lodge
Cottages

Swalcliffe Park
School Trust
(special needs)

Pond

FB

Issues

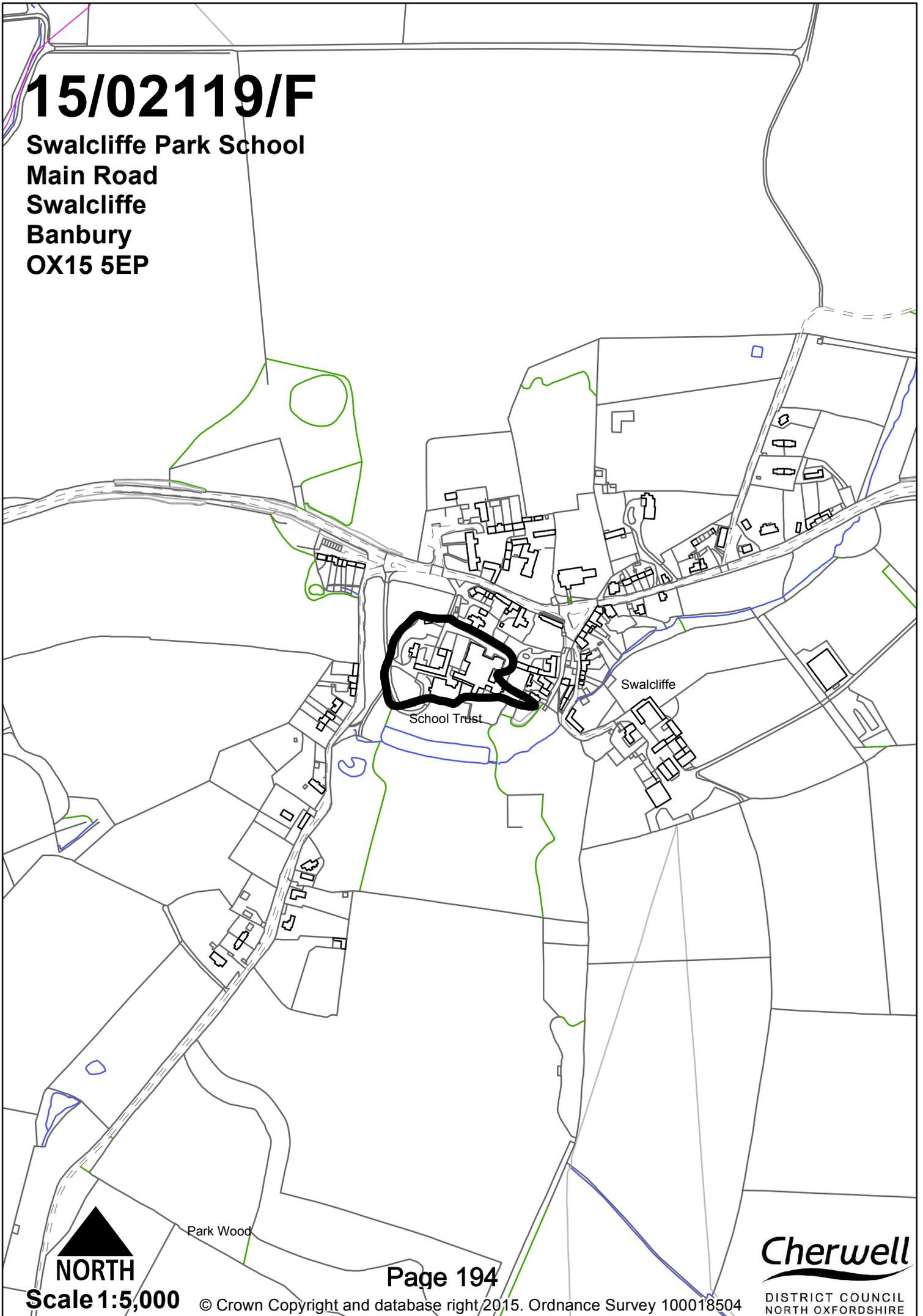
Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE



15/02119/F

Swalcliffe Park School
Main Road
Swalcliffe
Banbury
OX15 5EP



NORTH

Scale 1:5,000

Page 194

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Emily Shaw **Ward(s):** Sibford

Applicant: Swalcliffe Park School

Ward Member(s): Cllr George Reynolds

Proposal: Installation of external security lighting

Committee Date: 17.03.16 **Recommendation:** Approval subject to the receipt of acceptable amended plans/details.

1. Application Site and Locality

- 1.1 The application site is located within the village of Swalcliffe to the south of the Main Road which runs through the village. The site is accessed from the Main Road via a long tarmacked drive. The buildings are currently occupied by Swalcliffe Park School, a specialist residential and day school for boys with Autism. The whole of the site is located within the Swalcliffe Conservation Area and the main school building and stable block are grade II listed buildings. Surrounding the site there are a number of other listed buildings to the west, north and east. To the north is the Tithe Barn which is a grade I listed building and a Scheduled Ancient Monument and also to the north is The Manor House and St Paul's Church both Grade I listed buildings.
- 1.2 The site is bounded to the north and east by the gardens and outbuildings of a number of residential properties. The closest residential property is Forge Cottage which lies to the north and the side elevation of the dwelling sits on the northern boundary of the school site. There are also a number of properties to the west sited approximately 30 metres from the driveway to the school and approximately 60 metres from the nearest building (The Stable Block).

2. Description of Proposed Development

- 2.1 This application seeks planning permission to install a number of pole mounted lights within the curtilage of the school site and a number of wall mounted lights to the school buildings which include two listed buildings. The proposed lighting scheme has been developed and designed by a professional lighting consultant, Alan Tulla, and is a site wide scheme which will replace all the existing external lighting at the site.
- 2.2 Part 7, Class M of the Town and County Planning (General Permitted Development) Order 2015 allows for some alterations to school buildings as permitted development. However, because the works proposed fall within the curtilage of a listed building they cannot be considered under Part 7 Class M as permitted development and therefore all the lights proposed within this application require planning permission.
- 2.3 The proposed layout plan shows an area for Muster Points (safe meeting points during an emergency) within the grounds. These are covered under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). Class 2 allows for

miscellaneous advertisements relating to the premises on which they are displayed for the purpose of identification, direction or warning. The poles required to display the Muster Points do not require planning permission as stated under Section 222 of the Town and County Planning Act 1990. This section of The Act allows development without planning permission provided it is required to display an advertisement which complies with the Advertisement Regulations. The Advertisement Regulations do not allow any illumination of these advertisements.

2.4 The proposal comprises the following:

A total of 44 wall mounted lights laid out as follows -

- 10 wall mounted lights are proposed on the main school building – 8 are Talos 14w LED lights mounted at 2.5 and one at 3.0 metres above ground level and 2 are Talos 31w LED lights mounted at 2.5 metres above ground level.
- 10 wall mounted lights on the stable block - 9 of the lights proposed are Talos wall mounted 14w LED lights mounted at 2.5 metres above ground level and one is mounted at 3.0 metres above ground level.
- 9 wall mounted lights on the modern school building and attached residential unit – 8 are Talos Wall mounted 14w LED lights mounted at 2.5 metres and one at 3.0 metres above ground level. One is a Talos 31w LED light on the southern elevation of the building.
- 4 wall mounted lights on the rear extension to the stable block and 3 fence mounted lights to the rear of the stable block – All these are Talos wall mounted 14w LED lights mounted 2.5 metres above ground level.
- 5 wall mounted lights on the site managers office and storage buildings to the north of the site – All these are to be Talos wall mounted 14w LED lights mounted 2.5 metres above ground level.
- 3 wall mounted lights on two of the residential houses within the site – all Talos 14w LED lights mounted 2.5 metres above ground level.

A total of 23 pole mounted lights:

- 11 Talos 14w LED lights mounted on 2 metre high poles to the east and north east of the site;
- 12 Talos 14w LED lights mounted on 3 metres high poles to the north and west of the site.

A total of 67 lights are proposed overall.

2.5 There is currently a pending listed building consent application for the lighting which is to be physically attached to the listed buildings. This application is intended to be determined under delegated powers and will be assessed on its own merits.

2.6 Amendments have been sought from the agent to address comments and concerns raised by the Case Officer and the Council's Conservation Officer. At the time of writing this report the amendments had not been received. however, the agent has advised in writing that the proposed layout plan will be updated with the following:

- Show the lights in the covered canopy area to the rear of the main building, which will replace existing lighting.
- Move the light proposed close to important windows in the main building to the courtyard.
- Confirm the pole mounted lights are 3m in height at the western side of the site.
- Light to north of Muster Points to be moved 2 metres back away from the roadway.
- The lights on the listed building will be raised to the string course level.

The agent has also confirmed that the applicant would be agreeable for a condition to be attached to the recommendation to agree the exact locations of the lighting to be installed on the elevations of the listed building.

3. Relevant Planning History

- 3.1 Planning permission was granted in 1995 for 3 floodlights to the tennis court to the centre of the site. A further application later in 1995 was submitted to remove condition 4, which restricted the tennis court use for school use only. The removal of this condition allowed the use by residents of the village of Swalcliffe.
- 3.2 There is no other planning history on the site relating to lighting on the site. Therefore, the existing lighting within the curtilage of the buildings and attached to the building does not benefit from planning permission or listed building consent. This application seeks planning permission and listed building consent for a site wide lighting scheme which replaces all the existing lighting on the site.

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
95/00399/F	Erection of 3 No floodlights mounted on 6 metre columns to illuminate existing tennis court (To illuminate court for all its existing established uses i.e. tennis football hockey and other games)	PER
95/01158/F	Relaxation of condition 4 of 95/00399/F to allow the floodlights to be used by the residents of Swalcliffe parish.	PER
16/00035/LB	Installation of external security lighting attached to the main school building and stable block	Pending Consideration

4. Response to Publicity

- 4.1 7 Letters of objection to the proposal have been received, 6 from residents to the north and east and one letter from a resident on Park Lane, raising the following comments:

- *Concerns raised about why the lighting needs to be on all the time during the hours of darkness.*
- *Concerns from adjoining neighbours about the impact of the lights being illuminated all the time at 20% output and then full output when triggered by two motion sensors close to the northern and eastern boundary of the site.*
- *The existing lighting at the school was installed without planning permission and listed building consent and has been in place since 2014. This lighting led to a complaint by neighbours to Cherwell District Council Anti-Social Behaviour Team and Planning Enforcement.*
- *Swalcliffe is an E1 Environmental Zone. This means zero luminance post curfew. This includes buildings and roads. 1 Lux for public roads is allowed but there are no public roads within the school site.*
- *No emergency exits are shown on the proposed plans.*
- *The teaching and recreational buildings to the north are locked during the hours of darkness so there there is no need for security lighting here only lighting required for fire escape and safety.*
- *The proposed LED lights cannot be dimmed so the proposed 20% output is not a function of the proposed lighting.*
- *5 metres spacing of the lights to the northern boundary on poles appears to be an excessive number of lights in this area.*
- *The lighting consultant's report states 64 lights are proposed yet the layout plan shows 67 and the principle in his letter of support stated 82 lights.*
- *The proposal represents a high level of energy consumption*
- *There is no need for the lights to be on all the time at 20% output.*
- *Impact of the proposed lighting on the conservation area, listed buildings and existing dark village environment.*
- *The proposal doesn't include any information about the future management of the lighting scheme.*
- *Allowing this level of excessive lighting at Swalcliffe school will set a precedent for other school sites in the area.*
- *Concerns raised from residential neighbour 'Backwater' due to their siting lower than the school grounds and the height of the proposed lighting and the impact the proposal will have on them in terms of light spillage.*
- *Concern about the impact of the lighting on local wildlife and ecology.*
- *This lighting scheme will affect the currently dark environment within the village of Swalcliffe.*

4.2 3 letters of support received from members of staff at the school, in summary raising the following comments:

Letters of support from members of the school staff have raised the following:

- *The current lighting at the site is not fit for purpose because it does not light the site adequately to provide a safe site for staff and pupils. Concerns have been raised by members of staff in relation to the health and safety of the site which is poor due to the existing lighting.*
- *The proposed external lighting is proposed to improve the safety of the site during the night.*
- *The school has demonstrated the lighting the Parish Council and Local Residents*
- *The proposed scheme proposes two levels of illumination at 20% and at maximum output to reduce the impact on neighbours.*
- *The school is very keen to ensure that the resulting scheme meets the needs of all interested parties and hopes that residents within the village will understand the constraints within which the school must operate to ensure the health and safety of all students, staff and visitors.*
- *Comments from a member of the Care Team - We would like to improve the lighting around the school site for the following reasons. We often need to monitor our boys and observe them from a distance to ensure that they are safe and their whereabouts are always known to us. We are presently finding it difficult to maintain this duty of care due to the poor lighting that we currently have on site. There have been several accidents to staff and boys due to the poor lighting and not being able to see adequately on paths and driveways. Improved lighting means that we would also be able to offer more outdoor activities which would improve the wellbeing of our boys.*

5. Response to Consultation

5.1 Parish/Town Council:

We object to the application for the following reasons:-

The proposal to install lights which will be kept on all night is not acceptable. They will light up, not just the school, but much of the surrounding area and contribute significantly to the light pollution. Swalcliffe is a dark village, and is much valued for this reason by the residents. We do not understand why the lights have to be on all the time and why some of the lights cannot be put on a motion sensor. The school has not given us a sufficiently good reason for this.

The number of lights is excessive. It has now increased from 64 to 77, which will increase the lighting coverage of the area. We do not understand why this number is necessary.

A number of technical issues have been raised about light intensity and how many lights come on if a beam is tripped. The paperwork is not clear in addressing these queries.

5.2 Cherwell District Council:

Environmental Protection Officer:

I have looked at this application and visited the site. I believe that whilst the ideal would be for no lighting at all that is not an option as the school has a duty to protect the health and safety of the children and it's staff. The scheme proposed would be a dramatic improvement on the lights that are currently there now (which have been investigated by colleagues for potential statutory nuisance, but no action was taken) and will reduce any light trespass to neighbouring properties to virtually zero when they are at a low level.

I therefore have no comments or objections to the application as long as it is installed according to the plan provided by the applicants and any changes that are made in the future are approved in writing by the Local Planning Authority.

Conservation Officer:

General Comments - The fittings are acceptable for walls but I am not keen on them being appended to the poles which are proposed. I would prefer to see a very sleek modern lamppost with cowls shining to the ground and only where there is no alternative to a wall fitting. We suggested the lights would be less obtrusive in the north east corner of the site fixed to the modern blockwork of the boundary wall rather than on independent poles even if the pupils were directed to the grassed path rather than the road. The Agent said he would investigate the lighting diagrams. In the car park to the north of the site, west of the driveway there are a number of lights on posts proposed, again we would prefer lampposts rather than the fitting on a stick.

Principle south elevation: We discussed the proposal and agreed on site that 3 No lights located higher up above the string (centre and centred on bays) would be preferable - wiring to run up in a corner and along the string. Subject to photo montage no objection subject to old fittings being removed. We agreed the light near the driveway and listed building would be removed as it was in a slightly precarious position. We agreed the light next to the Palladian stair window should be moved onto another wall – possibly the covered walkway.

Muster point: Poles to the west of the central lawn of the driveway have been added since the 2009 aerial photograph and affect the setting of the listed building. The addition of further lighting poles on the opposite side of the driveway would further impact on the setting.

It is recognised there is a need for a muster point but there has been little consideration given to the design or their effect on the setting of the listed building. If this is the best muster area then we would recommend simple matt dark charcoal grey lamp posts with downlight, with discreet luminous banding at low level if there is a worry about walking into them in the dark. The signage would remain bright green as currently exists attached to the lampposts. This would reduce the number of poles and make the muster signage slightly more elegant. The head of the light needs to be in proportion to the column height.

The alternative for the signage would be to fix them to new (instant mature) trees, possibly silver birch (initially with tree guards) this would be more subtle and the bark would be visible by day and night. The proposed lighting in the general positions on the east of the road would be more acceptable coupled by strengthening the planting on the boundary. This

would require the sign to move down the tree as it grew and for the fixing to be reviewed as the tree grew so it did not cut into the bark.

Ecology Officer:

Habitat lighting

There are records that the woodland in this area supports Natterer's bats. This is a relatively scarce species and these Myotis bats are particularly affected by artificial lighting - generally avoiding it. In addition there are bats roosting in the tithe barn, school itself and other buildings in the area which are likely to use the Park woodland for foraging and commuting. Disturbance to bats by lighting can constitute unlawful disturbance as it can dissuade bats from using roosts and affect their survival. The Conservation of Habitats and Species Regulations 2010 makes it an offence to 'intentionally or recklessly disturb any bat while it is occupying a structure or place that it uses for shelter or protection'. As we don't know exactly where the roost for some of these bats are and they are likely to use the woodland for foraging, particularly areas close to the water, all care needs to be taken to minimise light spill as far as possible and not to light any areas unnecessarily.

The submitted light spill diagrams suggest that the light spill from the proposed lighting columns will be fairly small, although I am not an expert in this and there is little information currently on the exact levels of lighting which causes an unacceptable impact as this is habitat dependent. I think the main areas of concern as regards impacts on habitat are the 'Muster area', 'Lower crescent car parking section', 'Lodge cottage to George House' and 'Muster point to road'. I understand the light levels will be reduced when not in use along the driveway however ideally there should be a period of complete darkness in these areas where lights which are not needed are switched off.

I question if this number of lights are necessary for safety or whether the number could be reduced? Even a small reduction in columns could create some further dark areas to be utilised by wildlife. Could the driveway lights be turned off for four hours a night for example, or are staff driving up and down throughout the night? The use of each light throughout the whole night should ideally be justified.

Building lighting

In addition a bat survey report in 2012 for this site (ref 12/00207/F) showed that there are bats roosting within the school buildings themselves. As far as I can see no account has been taken of this in designing the lighting scheme for the building (if it has they could send this information on). If the building lighting scheme disturbs bats using these roosts it could also be considered unlawful. This aspect needs additional consideration and some parts of the building may need checking for roosts before lighting is installed to ensure no offence occurs. This is dependent on how this scheme compares to the current lighting levels on site. If these or similar lights on the building are already present then this is less likely to be an issue.

5.3 Other External Consultees:

Oxfordshire Fire Authority: no comments received to date. Any comments will be reported in the written up date to Planning Committee.

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

Policy ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
Policy ESD13 – Local Landscape Protection and Enhancement
Policy ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

Policy C25 – Development Affecting the Site or Setting of a Scheduled Ancient Monument
Policy C28 – Layout, Design and External Appearance of New Development
Policy C31 – Compatibility of Proposals in Residential Areas
Policy ENV1 – Development likely to cause Detrimental Levels of Pollution

6.2. Other Material Planning Considerations:

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

Paragraph 69 (safe and accessible environments), paragraph 109 and 118 (Ecology), paragraph 128 (heritage significance), 131, 132, 133, 134 (sustain and enhance heritage assets)

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

7 Appraisal

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

- Principle of development
- Impact on setting of Heritage Assets;
- Landscape and Visual Impact;
- Effect on Neighbouring Amenity;
- Ecological Implications;
- Other issues – future management and precedent

Principle of development

7.2 The National Planning Policy Framework seeks to secure healthy communities and at paragraph 69 states that the planning system can play an important role in creating healthy and inclusive communities. The Local Planning Authority should ensure through planning decisions the creation of *'safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public spaces.'* The National Planning Policy Guidance on Light Pollution goes further and sets out advice on the considerations to be taken into account when considering light pollution. Relevant to this proposal is the consideration of the following:

- What is the benefit of the proposed lighting scheme and what are the needs of the school?
- When is the light required?
- Does it materially alter lighting levels in the locality/is the area currently a dark landscape?
- Impact on protected species.

The impact of the proposed lighting on the amenities of the area and the impact on protected species are considered later in this report. However before considering these issues it is first necessary to establish whether the proposed lighting is justified and acceptable in principle.

7.3 **What is the benefit of the proposed lighting scheme?** - The proposed lighting scheme is to provide a site wide lighting scheme which will comprise suitable lighting for all the emergency escape routes identified on drawing 15-246-01 Rev. C as well as improving the overall safety of the site as a residential school where staff and students are resident during the night time and can be required to move about the site in the dark. Following an accident at the site when a member of staff fell in the car park it has been identified through a risk assessment required as part of The Regulatory Reform (Fire Safety) Order 2005 that a more suitable lighting scheme is required to improve the health and safety of staff and students at the school. The school has a duty to ensure the site is safe for its staff and pupils and must ensure the requirements of *BS5266 Emergency Lighting* in terms of fire escape lighting, which requires a minimum of 1 lux along the centre line of the escape route, is provided. It is therefore identified that the proposal provides a benefit to the school to have an improved site wide lighting scheme for fire safety and for the running of a safe site for staff and pupils.

7.4 **When is the light required?** The lighting is to be operated during the hours of darkness between dusk and dawn at a 20% output providing a light level of 1 lux to the centre of the road and pathways around the site. 1 lux can be compared to the light levels at twilight, therefore a very low level of light is proposed to light the identified escape routes. The light is also required for security and the safety of pupils and staff at the site and therefore the lights will be fitted with two motion sensors. When both motion sensors are triggered the light will switch to full output 100% providing a light level of up to 60 lux to provide a safe environment for staff and pupils if they are out in the grounds during the hours of darkness. Once the motion sensor has been triggered the light will then turn back to the reduced output after a specified period of time. This specified period of time can be agreed as part of a maintenance and management scheme to be secured by condition.

7.5 In summary the proposed lighting scheme will reduce the light spill at the site currently caused by the existing lighting at the site and replace this with a suitable site wide lighting scheme which provides appropriately lit emergency escape routes in accordance with BS5266 and appropriate lighting to ensure the site is safe for staff and pupils. The proposed lighting scheme is therefore considered to be justified and acceptable in principle, subject to other considerations as assessed below.

Impact on heritage Assets

- 7.6 The site comprises two grade II listed buildings, the main school building Swalcliffe Park House and the Stable Block. Furthermore, the whole of the application site is located within the Swalcliffe Conservation Area. The proposed scheme must therefore be assessed taking into consideration the impact of the proposal on the setting of these buildings and the setting of the Conservation Area as designated heritage assets.
- 7.7 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) sets out the duty of the Local Planning Authority in assessing applications for listed building consent and planning permission which affects a listed building. Subsection (1) of Section 66 provides: *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
- 7.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) sets out the duty of the Local Planning Authority in assessing applications which affect Conservation Areas to give: *special attention...to the desirability of preserving or enhancing the character or appearance of that area.”*
- 7.9 The Conservation Officer has commented on the proposals and has raised some concerns regarding the impact of the proposed lighting scheme on the existing elevations of the building and the setting of the listed buildings. A number of the proposed lights are attached to the listed buildings and the other school buildings within the site. It is accepted that the principle of attaching lights to the buildings is acceptable in order to provide a suitable lighting scheme for the safe running of the site. However, the submitted details do not include details of the exact location of the lights on the listed buildings which is required to fully assess the impact of the proposed lights on the setting and appearance of the listed building. Suitable locations for the lights were discussed with the agent at the site meeting to reduce the visual harm on the existing elevations and the setting of the listed buildings. Further details to show the exact location of the lights can be sought through an appropriately worded planning condition.
- 7.10 The Conservation Officer has also raised some concerns regarding the lighting which is proposed to be mounted on poles within the grounds of the site and its impact on the setting of the grade II listed buildings. There are two main areas of pole mounted lighting:
- (1) 12no. 3 metre high lighting to the west and north west of the site adjacent to the Muster Points and the rear car parking area
 - (2) 10no. 2 metre high lighting to the north and east of the site close to the north and eastern boundary.

Area (1) to the west is close to the western entrance to the listed building and sited close to a dense bank of mature trees. It is considered that the lighting to the frontage of the main Listed building would impact on the setting of the listed building. However, due to the lights location close to a dense bank of trees which will help the poles appear discrete within the existing setting, it is considered that they would not adversely harm the special historic setting of the listed building. Area (2) to the east and north of the site comprises 8 pole mounted lights along the rear access road. These pole mounted lights will cause additional clutter within the site of the school. This was raised with the agent at the site visit and it was suggested that the lights could be attached to the existing boundary wall. However, attaching the lights to the boundary wall would require a much brighter light and a light which would have to spread further to light the roadway. This would further impact the neighbouring properties and in this location this increase in impact on the neighbouring properties should be avoided due to the close

relationship between this area of the school and the neighbouring properties. It is therefore considered that in this location to the rear of the modern school building the lights and poles are not within direct view of the listed building, and on balance it is considered that the harm caused by the proposed pole lighting is minimal and the benefit of the scheme by improving the safety of the site outweighs this minimal harm.

- 7.11 The proposed lighting scheme replaces an inappropriate lighting scheme and proposes a scheme which ensures that the lights are directed down towards the area they are lighting without light spillage outside the boundaries of the site. Therefore the impact of the proposal on the special character of the conservation area is considered to be minimal ensuring that the character and appearance of the conservation area is preserved and even enhanced due to the removal of inappropriate lighting.
- 7.12 The proposed lighting is contained within the site of the existing school and will therefore have no impact on the setting of the Grade I listed Tythe Barn and Church to the north of the site.
- 7.13 In summary the proposal is considered to cause some harm to the setting and significance of the listed buildings within the site. However, on balance the identified harm caused is considered to be outweighed by the benefit of the improvement to the safety of the site through appropriately lit emergency escape routes and lighting for the site to improve the safety of the site. The proposal would preserve the character and appearance of the conservation area and setting of the Grade I listed Tythe Barn and Church to the north. The proposal is therefore considered to be in accordance with Government guidance contained with the National Planning Policy Framework and Local Plan policies ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policy 25 of the Cherwell Local Plan 1996.

Landscape and Visual amenity

- 7.14 Concerns have been raised by neighbours regarding the impact of the proposal on the currently dark environment of Swalcliffe.
- 7.15 The site is enclosed to the north-west and west by dense mature woodland which screens the site from the west and similarly to the south east the site is enclosed by dense mature woodland which screens the site from the south east. To the north and north east lie residential properties within Swalcliffe Village. From the Main Road through the village to the north and from The Square and Bakers Lane to the east there are very limited views of the site from within the public domain. To the south of the school is the park land which provides the setting for Swalcliffe Park. Public views of the site from the south are limited as there are no footpaths which run to the south of the site.
- 7.16 The existing lighting at the school is not fit for purpose because it is very bright and causes excessive light spill and shadows within the site and into neighbouring properties and does not light the grounds around the building effectively to provide suitable security and does not provide safe lit emergency escape routes. The proposed lighting scheme for the site will replace the current lighting which does not benefit from planning permission or listed building consent. The proposed scheme will replace the existing lighting with a total of 67 Talos LED Lights, two of which are 31w LED (approximately 2400lms each) and 65 of which are 14w LED lights (1000lms each). The proposed lighting is enclosed within a die cast aluminium body and faces downward which ensures no upward light will be caused. The lighting will be on during the hours of darkness at a 20% output rate to provide an illumination of 1 lux on the road ways and pathways, a suitable low level of lighting for the identified as escape routes. When movement is detected, by triggering two motion sensors, the luminaires will then switch to full output providing a level of 40-60lux.

7.17 Considering the proposed site wide lighting scheme the overall lighting levels will be low levels of lighting and the downwards forward direction of the lighting will ensure a reduced level of light spillage compared to the existing lighting. The proposal would not produce light spillage beyond the boundaries of the site and would direct lighting to the ground, therefore not adversely affecting the existing dark landscape of the village of Swalcliffe. Therefore the impact of the proposal on the visual amenities of the locality will be limited and are not considered to be adverse. The proposed lighting scheme is considered to be in accordance with Government guidance within the National Planning Policy Framework and Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 Part 1.

Effect on neighbouring amenity

7.18 A number of objections have been received from residents who live in Swalcliffe to the north and east of the application site. Concerns have been raised by the neighbours regarding the lights being illuminated all the time. The lights are proposed to be illuminated between dusk and dawn at an output of 20% of maximum power to ensure a minimum lighting level of 1 lux at the centre point of the escape routes and a maximum level of 10 lux. The light levels created when the lights are lit at the reduced output will be very low light levels which due to the design of the proposed light fittings will direct light on a specific location without light spill beyond the footpath or road way to be lit. At maximum output when the lights are triggered by the motion sensors they will produce a level of light at approximately 40 lux near the boundaries of the site and up to 60 lux near the main school building; this level of lighting is similar to internal residential room lighting. These levels of lighting proposed are required by the school to ensure the health and safety of the site is maintained during the hours of darkness.

7.19 The existing lighting at the school is unsuitable because it causes light spillage across a large area of the site and into neighbouring properties. The existing lighting was investigated by the Council's Environmental Protection Team for potential statutory nuisance, but no action was taken. The Environmental Protection Team have commented on the proposed scheme and have raised no objection and have commented that the scheme proposed would be a dramatic improvement on the lights that are currently there now and will reduce any light trespass to neighbouring properties to virtually zero when they are at a low level.

7.20 Additional lighting is proposed to the north and west of the site to enable staff and pupils to locate the fire assembly points at the front of the school building. The proposal will remove existing bollard lighting in this location and replace these with 4no. 3 metre high pole mounted lights. These lights are located immediately adjacent to this mature woodland which sits between the school site and the neighbours. The lights will face towards the school and away from the neighbour and due to the low level of lighting and the low level of light spillage it is considered that the proposed lighting will not adversely affect the residential amenity of neighbours on Park Lane.

7.21 New lighting is proposed to the north east corner of the site facing into the site. These replace a number of lights which are attached to the building at the north east corner and face towards the neighbours. The lighting here is 8no. 2 metre high pole mounted lights facing towards the school building. The lights will face away from the neighbour and will be sited no higher than the existing boundary wall. Therefore with the existing boundary wall between the school and the neighbour acting as a screen to the lighting and the low level of lighting and low spillage of the lighting it is considered that the proposed lighting in this location will not adversely affect the residential amenity of neighbours to the north and east.

7.22 The pole mounted lights to the east on the site between Lodge Cottage and the main school building will provide a lit pathway back to the school building. To the south of this lighting there

is dense tree planting which will screen this lighting from the neighbours to the east of the site and would not adversely affect residential amenity.

- 7.23 The lights attached to the buildings are to be sited 2.5 metres above the ground and would be located within the site and much further away from the neighbouring properties than the pole mounted lights considered above. It is considered that no building mounted lights would adversely affect the residential amenity of neighbouring occupiers.
- 7.24 Comments raised have questioned the ability of the lights to be dimmed below their maximum output. The Case Officer has spoken to the lighting consultant Alan Tulla who has advised that the lights are dimmable.
- 7.25 The number of lights proposed and the spacing of the lights is required due to the design of the lights which directs the light downwards towards the ground and therefore there is very little spread of light beyond the position of the light. Therefore, in areas to the north east of the site where the lights are mounted on 2 metre high poles the lights are required to be spaced closer together to achieve the required lighting at the centre of the road/pathway.
- 7.26 The proposed lighting scheme due to the individual light design, siting and output, and taking into account the need for the lighting in safety terms, would be considered to cause no undue harm to the residential amenity of neighbouring occupiers and is therefore considered to be in accordance with Government guidance contained within the National Planning Policy Framework and saved policies C28, C31 and ENV1 of the Cherwell Local Plan 1996.

Impact on protected species

- 7.27 The Ecology Officer has identified that the woodland to the west and south east of the site supports Natterer's Bats, as roosting habitat and foraging habitat. Therefore, consideration must be had for the impact of the proposed scheme on the protected species and their habitat.
- 7.28 To the western side of the site the area adjacent to the woodland is currently lit by bollard lighting. This lighting is to be removed and replaced by the proposal lighting. As part of the proposal, lights on 3 metre high poles are proposed to the western side of the site adjacent to the mature woodland. To the south east of the site, again this area is lit by lighting currently attached to Lodge Cottage and the main school building, the proposed lighting in this area replaces some existing lighting and two additional lights on 2.5 metre high poles are proposed. The light design proposed directs the light towards the ground and forward with virtually no light spillage to the back of the light. The lighting consultant provided information showing the light spillage in each area of the proposal and this illustrates that there would be very little light spillage of light into the mature woodland.
- 7.29 Furthermore, it should be noted that the lights proposed in this application would not usually require planning permission as the installation of lights within the grounds of a school is normally permitted development under Part 7 Class M of the Town and Country Planning (General Permitted Development) Order 2015. The lights proposed in this application only require permission because they are within the grounds of a listed building. As such, if these lights were not sited within the curtilage of a listed building then the impact of the lights on protected species could not be controlled as part of the planning process and would have to be controlled under other protected species legislation.
- 7.30 In conclusion, the impact of the proposal on bats using this habitat would, on the evidence available, be minimal and would not be considered to cause undue harm to the protected species. In addition a condition, requiring the submission and approval of a statement outlining the detailed arrangements for operating and maintain the lighting, can be imposed to

ensure the impact is minimised as far as possible. The proposed development is therefore considered to be in accordance with Government guidance contained within the National Planning Policy Framework and Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

Other issues – future management and precedent

- 7.31 The application has not been supported by any information to explain how the lighting scheme would be maintained into the future. This is required to ensure the scheme works correctly to ensure the impact on the setting of the buildings, the locality, neighbouring properties and protected species is not altered due to the system not working correctly. It is proposed to seek a Statement to explain the maintenance and management of the scheme as a condition of granting permission, to be submitted and approved before the lighting scheme is brought into use.
- 7.32 Concerns have been raised in some of the third party comments received that the proposal if approved would set a precedent for similar lighting schemes elsewhere in the district. This site is unique in its location and setting and therefore is assessed taking into account the surrounding constraints of the site considering the impact caused on surroundings. Proposals for lighting schemes at other locations within Cherwell will be assessed on their own merits taking into account the constraints relevant to that site and therefore, the proposal at Swalcliffe Park School would not create a precedent for similar schemes elsewhere.

8. Conclusion

- 8.1 The proposed lighting scheme would remove the existing inappropriate lighting at the site and replace it with a site wide lighting scheme providing low level lighting during the hours of darkness. The lighting would be at two output levels, a reduced level 20% of maximum output from dusk until dawn and maximum output when triggered by motion sensors. The proposal is considered to provide an appropriate lighting scheme to meet the safety requirements of the school, and whilst there would be some limited harm to the setting of the listed building and the amenity of neighbours, this harm is considered to be outweighed by the benefit of the health and safety improvements of the school site. Furthermore, the proposal would not unduly harm the visual amenities of the locality and protected species. Therefore the proposal is considered to be in accordance with Government guidance within the National Planning Policy Framework and policies ESD10, ESD13 and ESD15 of the adopted Cherwell Local Plan and saved policies C28, C31 and ENV1 of the Cherwell Local Plan 1996.

9. Recommendation: Approval subject to the following conditions and the receipt of amended plans to address the concerns of the Conservation Officer as outlined in paragraph 2.6 of the report;

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

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Planning Statement Ref: 15/246, Significance Statement dated December 2015, Lighting Survey Report and Recommendations dated the 14th October 2015 and drawing 15-246 01 Rev. C

and 15/246 02 OR

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 fitting of any light to any of the listed buildings at Swalcliffe Park, full details of the locations of the lights and their power sources on the listed buildings, including the method of fixing them to the fabric of the listed 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 details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part1 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the installation of any external lighting column, details of the colouring and finish of the column(s) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the column(s) shall be installed and finished in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part1 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the lighting scheme hereby approved being brought into use, a statement for the operation, management and maintenance of the entire lighting scheme, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting scheme shall be operated only in accordance with the approved operation, management and maintenance scheme.

Reason - In order to safeguard the amenities of the area and protected species, and to minimise the risk of nuisance arising from the lighting and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.

Planning Notes:

1. **Note to condition 5:** The Operation, Management and Maintenance Statement shall include full details of the planned period of use of the lights, output level at the reduced level and maximum output level, and full details of the future maintenance of the scheme.

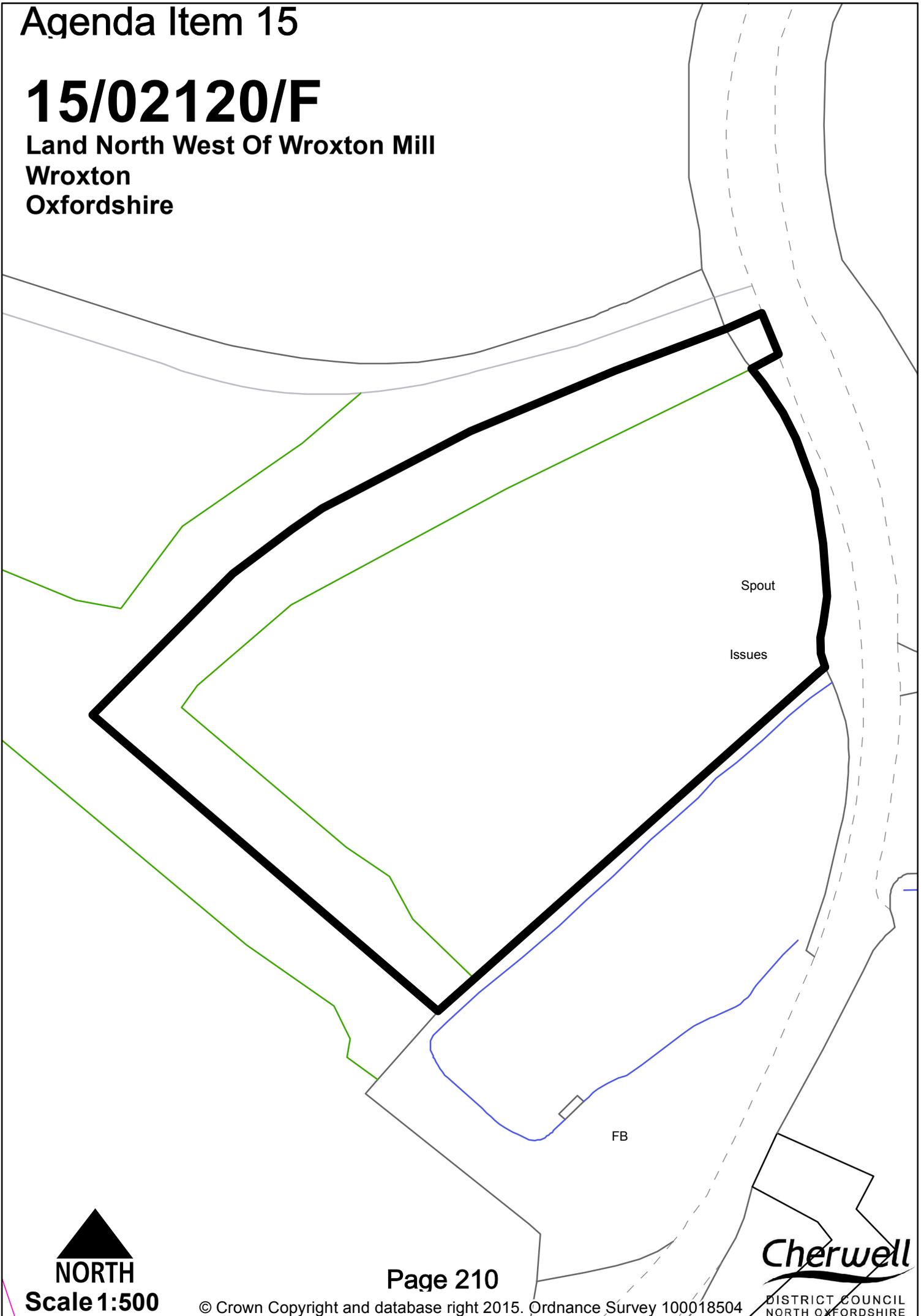
CONTACT OFFICER: Emily Shaw

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Agenda Item 15

15/02120/F

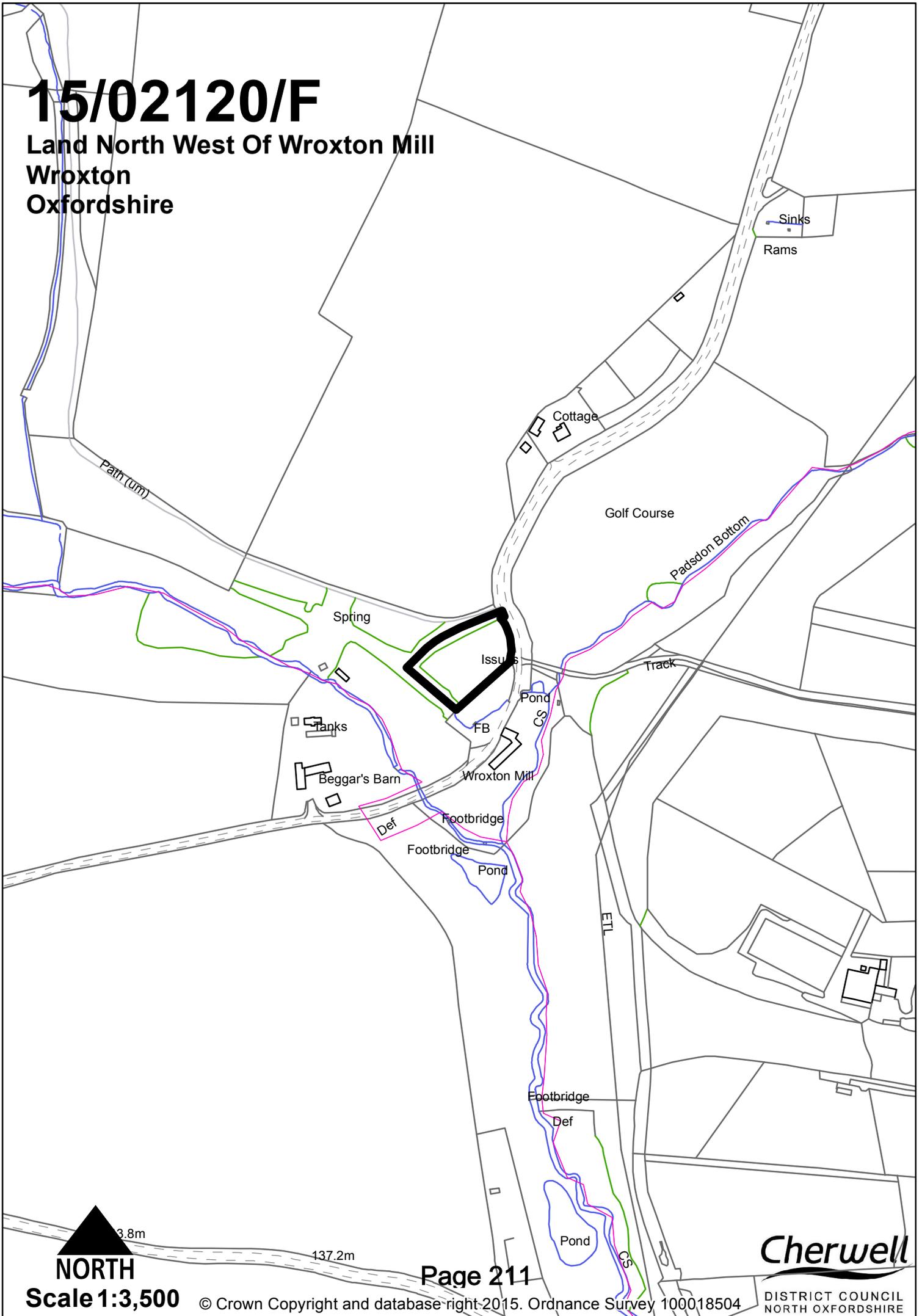
Land North West Of Wroxton Mill
Wroxton
Oxfordshire



NORTH
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15/02120/F

Land North West Of Wroxton Mill
Wroxton
Oxfordshire



Scale 1:3,500

**Land North West of Wroxton Mill
Wroxton
Oxfordshire**

15/02120/F

Ward: Wroxton

District Councillor: Cllr Webb

Case Officer: Matthew Chadwick

Recommendation: Refusal

Applicant: Mr & Mrs James & Angela Perry

Application Description: Erection of one dwelling

Committee Referral: Called-in by the Ward Councillor, Cllr Webb

Committee Date: 17.3.2016

1. Site Description and Proposed Development

- 1.1 The site is located approximately 1.7km to the southwest of Wroxton and 1km to the northeast of Shutford. The application site is located opposite the historic Wroxton Mill and historically has been used as part of the garden area of Wroxton Mill, but is now in separate ownership.
- 1.2 Planning permission is sought for the erection of one dwelling. The proposal is for a three bedroom, one a half storey dwelling that would be constructed from stone, with a timber framing under a slate tiled roof. The dwelling would be 'T' shaped and would have a maximum length of 20m, a maximum width of 13m, with a ridge height of 7m.
- 1.3 No listed buildings are within close proximity to the site and the site is not within a conservation area. Public Bridleway 418/10 runs immediately to the north of the site, at a minimum distance of 5m. The site is located within the Wroxton and Balscote Mills Local Wildlife Site. There are Protected Species within close proximity of the site, including the Smooth Newt, Eurasian Badger and Bluebell.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment is 25th February 2016. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Wroxton Parish Council: The Parish Council strongly supports this application being firmly of the view that the location, Wroxton Mill, constitutes a discrete settlement in its own right and therefore is not caught by the provisions of Saved Policy H18 of the Cherwell Local Plan 1996. The applicant has submitted ample evidence by way of photographs and plans to demonstrate a long history of buildings on the exact site of the proposed dwelling, to say nothing both of the three other substantial houses which are located in close proximity (Beggars Barn, Maidenhill Cottages and Wroxton Mill itself).

The Parish Council also notes that the application is strongly supported by the owners of the adjoining properties and that the proposed structure is attractively designed and barely visible from the highway.

The Parish Council is concerned that failure to approve the application would leave a virtually useless plot which would be hard (due to mature boundary hedgerows) to reinstate as agricultural land and would therefore rapidly deteriorate to become an

eyesore or something worse.

Finally, the Parish Council does not consider that acceptance of these arguments would lead to the creation of a dangerous precedent, because it cannot think of another area within the parish which could potentially lend itself to similar arguments.

Cherwell District Council Consultees

3.2 Arboricultural Officer: No comments received.

3.3 Ecology Officer: No comments received.

3.4 Landscape Officer: The principle of such development in open countryside is under question. If justified the following points must be considered:

- The mature hedgerow and trees on the northern boundary is to be retained because it provides a visual screen for PRoW (Rc 418/11/10) users the immediately north of the site.
- The existing trees on the southwest boundary are to be retained for visual mitigation.
- The site's road frontage will require sufficient landscape mitigation for users of the PRoW to the south of the site.
- There is semi-mature tree and a young beech hedge on the southern boundary. The hedge should be retained and allowed to achieve a maintainable height for visual mitigation from the highway.
- Tree and hedgerow survey is required in accordance with BS5837. Tree and hedgerow protection areas are to be identified.
- Landscape proposals and aftercare in accordance with the HTA's National plant Specification is necessary.
- A hedgerow retention condition and minimum mature height requirement of 3 m is necessary.

Oxfordshire County Council Consultees

3.5 Highways Liaison Officer: No objections, subject to conditions requiring improved access, full specification details of the access road and the turning and parking areas.

3.6 Footpaths Officer: No comments received.

Other Consultees

3.7 Thames Water: No objections.

3.8 BBO Wildlife Trust: No comments received.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan (2011-2031) Part 1

Villages 1: Village Categorisation

ESD13: Local Landscape Protection and Enhancement

ESD15: The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

H18: New dwellings in the countryside

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:

- Relevant Planning History;
- Principle of Development;
- Effect on Visual Amenity and Landscape Impact;
- Effect on Residential Amenity;
- Highways Safety;
- Ecological Impact.

Relevant Planning History

5.2 14/01491/F – Erection of one dwelling – Recommended for refusal by case officer, refused at Planning Committee by Councillors, for the following reasons:

- 1 The proposed dwelling constitutes residential development beyond the built up limits of the settlement for which no justification for essential need has been submitted. In its proposed location the dwelling would be an unsustainable form of development which would furthermore detract from the open and spacious, rural character of the area. As such the proposal is considered to be contrary to government guidance contained within the National Planning Policy Framework and Policy H18 of the adopted Cherwell Local Plan.
- 2 The proposed dwelling, by virtue its design and siting would cause harm to visual amenity, would not be in keeping with the character of the area, and would therefore neither conserve nor enhance the rural character of the area. As such the proposal would cause harm to the character and amenity of the area which falls within a designated Area of High Landscape Value, contrary to government guidance contained within the National Planning Policy Framework and Policies C7 and C28 of the adopted Cherwell Local Plan.

Principle of Development

5.3 Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.

5.4 Cherwell District Council can demonstrate a five-year supply of deliverable housing sites therefore the presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.

5.5 Policy ESD13 of the Cherwell Local Plan 2011 – 2031 Part 1 states that development will be expected to respect and enhance local landscape character. Proposals will not be permitted if they would cause undue visual intrusion into the open countryside.

5.6 Policy Villages 1 of the Cherwell Local Plan 2011 – 2031 Part 1 states that Wroxton is a Category A village and that minor development, infilling or conversions within the built-

up limits of the village may be acceptable. However, this site is not considered to be within the built-up limits for the reasons that are expanded on below.

- 5.7 Saved Policy H18 of the Cherwell Local Plan 1996 states that planning permission will only be granted for the construction of new dwellings beyond the built-up limits of a settlement (other than those identified in the policies relating to housing allocation sites) when it is essential for agriculture or other existing undertakings.
- 5.8 Paragraph 55 of the National Planning Policy Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as:
- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
 - Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - The exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - Reflect the highest standards in architecture;
 - Significantly enhance its immediate setting; and
 - Be sensitive to the defining characteristics of the local area.
- 5.9 The application site at Wroxton Mill sits approximately 1.7km to the southwest of Wroxton and therefore must be considered to sit outside the built-up limits of the settlement. Wroxton Parish Council have stated that Wroxton Mill is considered to be a discrete settlement in its own right and therefore Saved Policy H18 does not apply. Officers do not agree with this view for the following reasons.
- 5.10 Wroxton Mill is not identified as a Category A or B settlement under Policy Villages 1 of the Cherwell Local Plan 2011 – 2031 Part 1. As such, if it were to be treated as a village, it would fall within Category C “all other villages”. Policy Villages 1 states that Category C villages are capable of accommodating infilling or conversions. The proposed dwelling is clearly not a conversion. Furthermore it would occupy a greenfield site with no other buildings surrounding it, and so could not conceivably be viewed as “infill” development.
- 5.11 Nevertheless, officers do not consider Wroxton Mill to be a “village” for the purposes of Policy Villages 1 in any case, as it does not demonstrate any of the characteristics of a village. The settlement is not a civil Parish in its own right, as many of Cherwell’s villages are. Moreover it is a small group of disparate buildings comprising only three dwellings and does not have even the minimum services or facilities that a village would, including most notably a church. As the proposal is outside the built-up limits of the nearest settlement – Wroxton – and does not constitute a village in its own right, it fails to comply with Policy Villages 1 and the proposal must be assessed against Saved Policy H18 of the Cherwell Local Plan 1996.
- 5.12 The applicant has submitted photographic evidence that there was once a building on the site, with the photographs dated from 1959. This building is no longer standing and there is no evidence of the building on site. It is also questionable, from the photograph evidence provided, if the building was indeed occupied as a dwelling. Therefore the site must be considered as greenfield land, and any development on the site must be

considered to be a new dwelling and not a replacement.

- 5.13 Given the location of the site within the open countryside, Saved Policy H18 of the Cherwell Local Plan 1996 applies (the Development Plan) which states that unless the dwelling is essential for agricultural use or for low cost affordable housing (Policy H6), the proposal is unacceptable in principle. No justification for a new dwelling in this open countryside location has been provided, and therefore it is considered that the proposal would fail to comply with Saved Policy H18.
- 5.14 Without a demonstrated need, the proposal would introduce a new dwelling into the open countryside, would fail to comply with Policy Villages 1 and Saved Policy H18 and therefore the proposal is unsustainable development that is unacceptable in principle.

Effect on Visual Amenity and Landscape Impact

- 5.15 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.”*
- 5.16 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.
- 5.17 The design of the proposed dwelling attempts to replicate a converted barn with the large areas of glazing representing features such as barn door openings. However, the plan form fails to follow the linear form traditionally associated with rural buildings. Furthermore, features such as a chimney stack and dormer window are unlikely to be found on a converted agricultural building.
- 5.18 To summarise, the design is not traditional or reflective of the local vernacular. Although the building is proposed to be set back in the site, the lack of screening along the front of the site will result in the development being a prominent feature within the street scene.
- 5.19 The site is currently screened from the countryside to the north and west but if approved it would be difficult to insist that the planting is retained for more than the five years normally required by conditions. It is not unreasonable to assume that future occupiers may want to take advantage of the views gained from this location and therefore there is no guarantee the house would always remain so well screened. Furthermore, during different seasons the building may become more prominent.
- 5.20 In terms of the proposal's impacts on the character of the open countryside consideration has to be given to the proposed location in the open countryside and the proposed design.
- 5.21 The proposal is not reflective of the local vernacular. The proposal to build on a very open, undeveloped parcel of land will have a detrimental impact on visual amenity and the open and rural character of the countryside. The proposal is therefore contrary to government guidance on requiring good design and conserving and enhancing the natural environment and contrary to Policies ESD13 and ESD15 in the Cherwell Local Plan 2011 – 2031 Part 1, and Saved Policy C28 of the Cherwell Local Plan 1996.

Effect on Residential Amenity

- 5.22 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.

- 5.23 The application site is not located in close proximity to any residential properties and therefore there would be no significant harm from the proposals on the residential amenity of neighbours.

Highways Safety

- 5.24 The Highways Liaison Officer has offered no objections to the proposals, subject to a number of planning conditions. 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

- 5.25 The Ecology Officer has not commented on the proposals, but did comment on the previous scheme, stating that *the ecological survey report found that although the application site forms part of the larger Wroxton and Balscote Mills County Wildlife Site (CWS), it does not support any of the species-rich grassland or notably plants for which the CWS is designated. Therefore I cannot object to this development on the grounds of it causing harm to a designated site. Given the habitat on site and previous sittings of grass snakes in the vicinity, there is potential for them to be present within the application site. Therefore a precautionary method of working has been recommended within the report in order to ensure no reptiles are harmed during any site clearance. Ecological enhancements in the form of bat roosts and bird nesting boxes have also been proposed*.
- 5.26 With the inclusion of planning conditions it is therefore considered that the development could result in a net gain in biodiversity and would not have a detrimental impact on local ecology.

Engagement

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

Conclusion

- 5.28 The application site is located outside of the built-up limits of the settlement of Wroxton and is therefore considered to be contrary to Policy Villages 1. Furthermore, no essential need has been demonstrated for a new dwelling on the site, so the proposal would fail to comply with Saved Policy H18. The design of the dwelling is considered to not be reflective of local vernacular and would build upon undeveloped land in the open countryside which would cause unacceptable harm to visual amenity and the character, quality and appearance of the countryside.

6. Recommendation

Refusal, for the following reasons:

1. The proposed dwelling constitutes residential development in open countryside, beyond the built up limits of the nearest village, for which no justification for essential need has been submitted. In its proposed location the dwelling would be an unsustainable form of development which would furthermore detract from the open and spacious, rural character of the area. As such the proposal is considered to be contrary to government guidance contained within the National Planning Policy Framework, Policy Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, and Saved Policy H18 of the Cherwell Local Plan 1996.

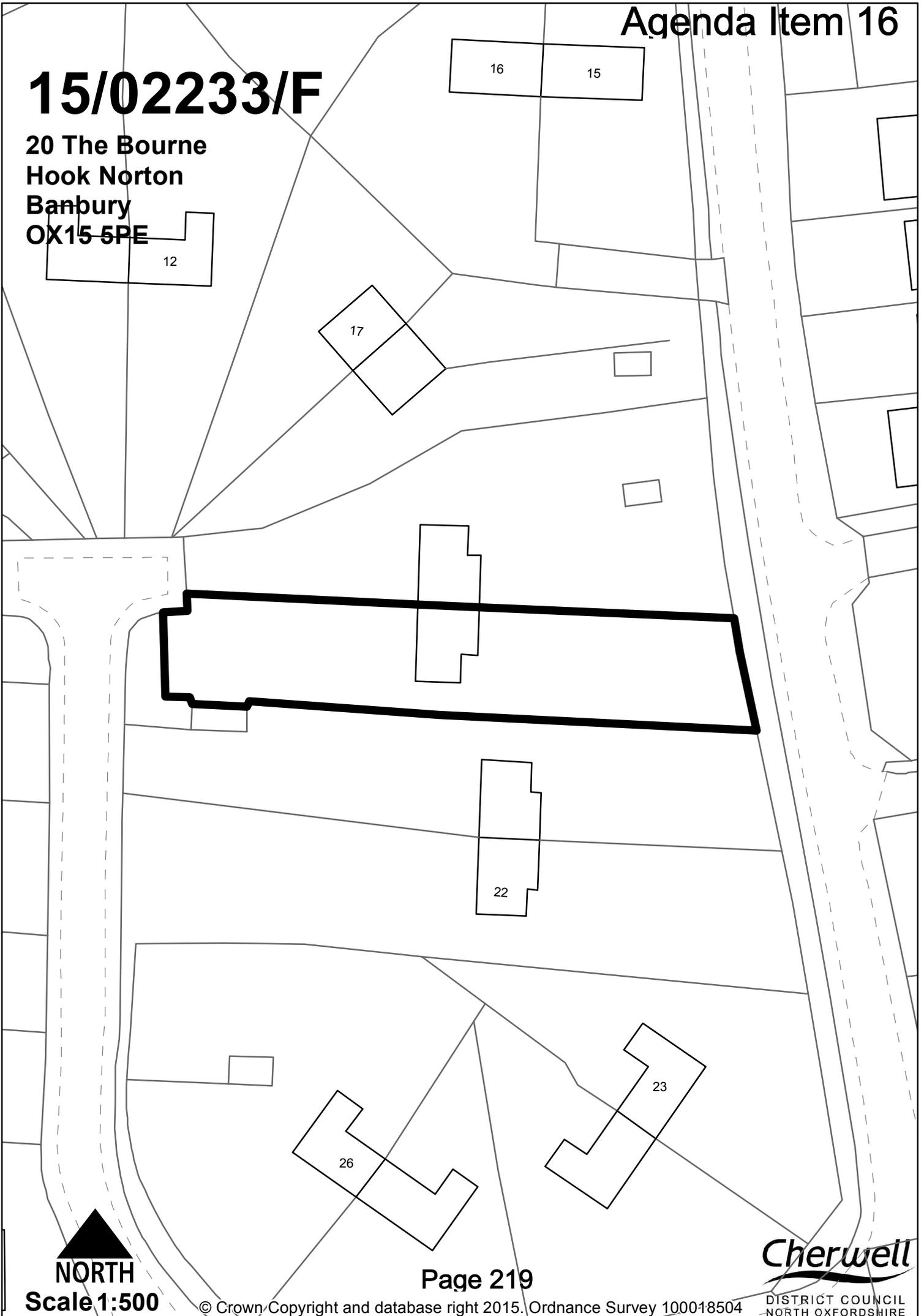
2. The proposed dwelling, by virtue its design and siting would cause harm to visual amenity, would not be in keeping with the character of the area, and would therefore neither conserve nor enhance the rural character of the area. As such the proposal would cause harm to the character and amenity of the area, contrary to Policies ESD13 and 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 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.

15/02233/F

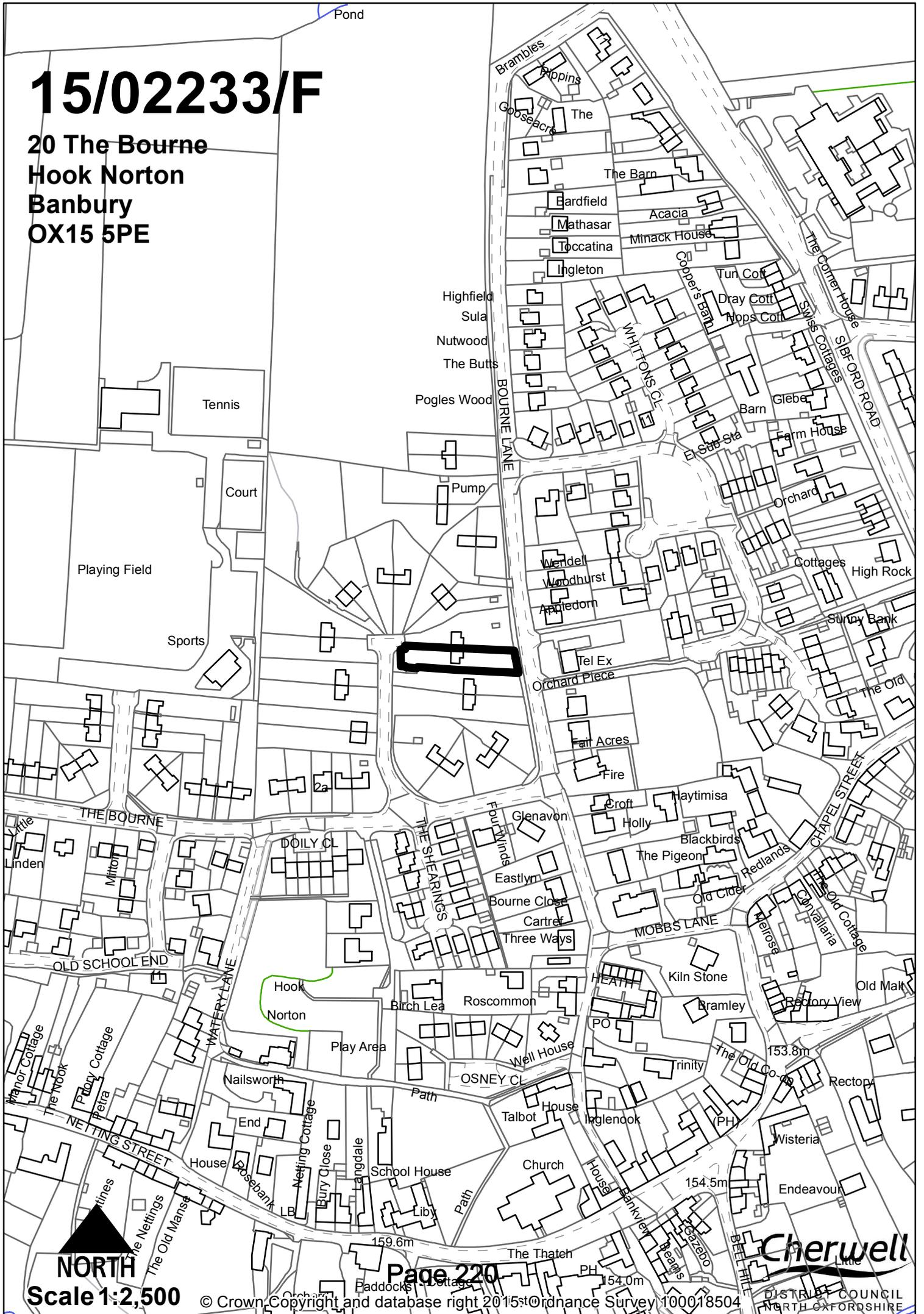
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Hook Norton
Banbury
OX15 5PE**



**NORTH
Scale 1:500**

15/02233/F

20 The Bourne
Hook Norton
Banbury
OX15 5PE



NORTH

Scale 1:2,500

Ward: Hook Norton

Ward Member: Ray Jelf

Committee Date: 17.03.16

Case Officer: Victoria Barrett

Recommendation: Approve

Applicant: Sanctuary Housing

Proposal: Single storey rear extension

Reason for call in: Agent is an employee of Cherwell District Council

1. Application Site and Locality

- 1.1 The application site is long and narrow with a semi-detached, two storey dwelling, located within Hook Norton. The site is bound by neighbours at both sides and roads at the front and rear. There are records of protected species in the vicinity.
- 1.2 There is not any relevant planning history.
- 1.3 The application seeks planning permission for a single storey rear extension to provide ground floor bedroom and bathroom provision.

2. Publicity

The application was publicised by way of neighbour notification letters (x2) and a site notice. The final date for comment was 3.03.16; no comments were received.

3. Response to Consultation

5.1 Parish/ Town Council:

Hook Norton Parish Council – no objections.

4. Relevant National and Local Planning Policy and Guidance

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

ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

Other Material Planning Considerations

National Planning Policy Framework (The Framework)
Planning Practice Guidance (NPPG)

5. Appraisal

The key issues for consideration in this case are:

- Visual amenity
- Residential amenity

Impact on visual amenity

5.1 The proposed development would be set back from the front elevation and would project sideward and rearwards. It would be slightly visible from the front elevation, but more so from the cul-de-sac at the rear. It would be constructed in materials to match the existing building. Although the design is considered to be poor and would not enhance the appearance of the site, it is also recognised that it would not significantly harm the visual amenity and thus it would not warrant a refusal. Moreover this section of the streetscape is not considered to be of a high quality nature in the first place. For these reasons, the proposed extension would accord with CLP 1996 Policy C28 and CLP 2011-2031 Policy ESD15.

Impact on residential amenity

5.2 Although the development would project from the existing footprint at the rear and southern elevation, due to its depth, height and siting it would not cause demonstrable harm to the neighbouring occupiers. Therefore, the development would comply with CLP 1996 Policy C30, and core principles of the framework.

6. Conclusion

6.1 The proposal would be an acceptable addition to the dwelling; would respect the character and visual amenity of the site, would not adversely affect residential amenity and would not harm highway safety. The proposal would thus comply with Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011- 2031 and the relevant paragraphs of the Framework.

7. Recommendation

Approve, subject to the following conditions;

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

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

2 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, drawing 'P.01 rev. P2' site location plan and block plan.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority; to enhance the visual amenity and comply with Policy ESD15 and 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 as set out in the application report

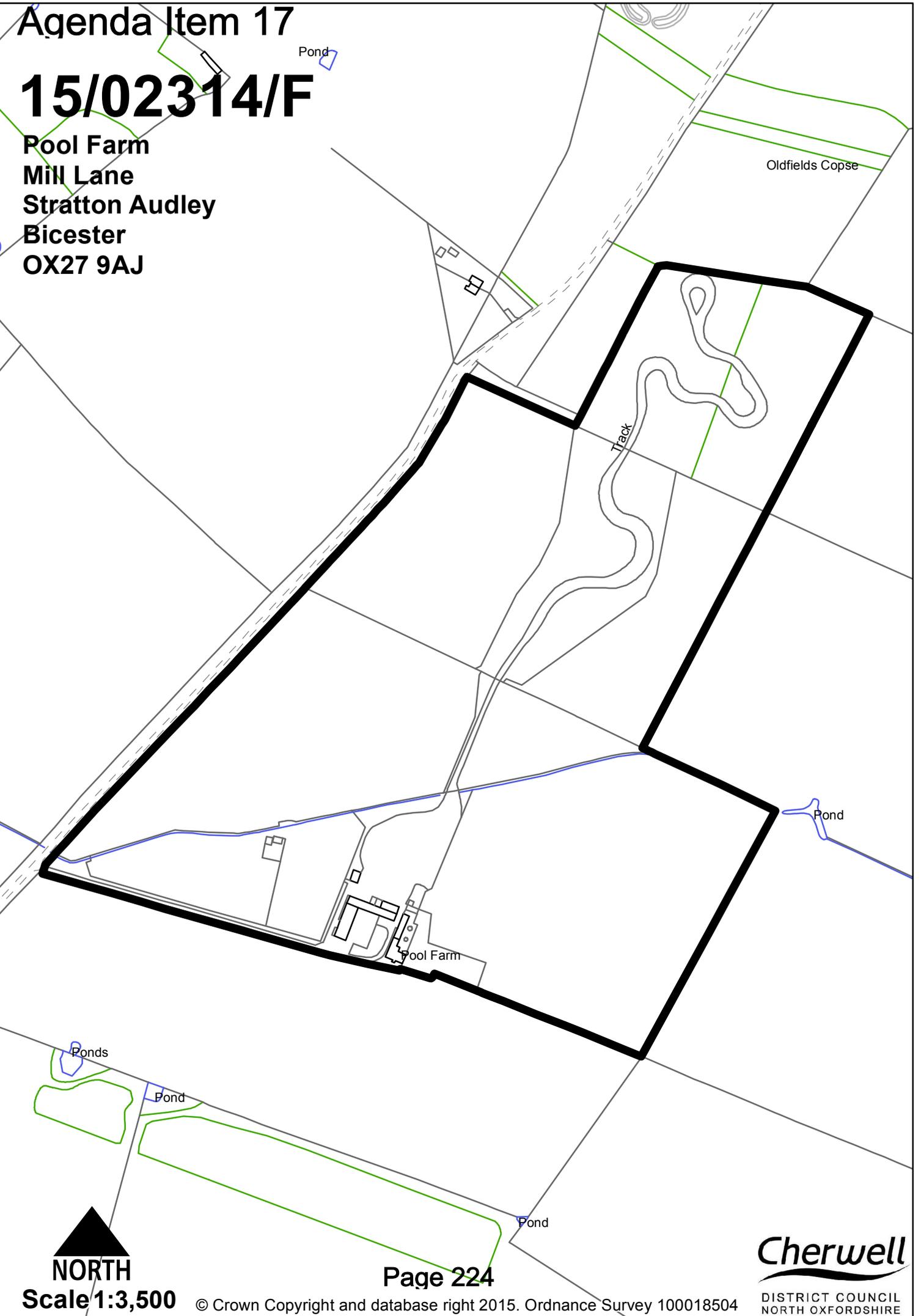
Case Officer: Victoria Barrett

DATED: 4 March 2016

Agenda Item 17

15/02314/F

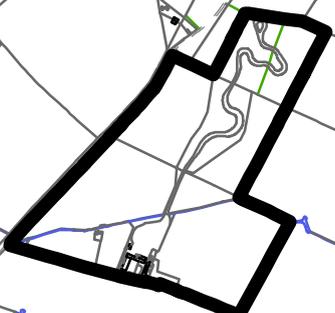
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Stratton Audley
Bicester
OX27 9AJ**



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15/02314/F

Pool Farm
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Stratton Audley
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Page 225

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Pool Farm,
Mill Lane,
Stratton Audley,
OX27 9AJ**

15/02314/F

Ward: Fringford

District Councillor: Cllr Wood

Case Officer: Stuart Howden

Recommendation: Approval

Applicant: Mr Christopher Wigmore

Application Description: Permanent use of land as Rally school including use of land for quad bikes, buggies and jeeps

Committee Referral: Site area is over 1 hectare

1. Site Description and Proposed Development

- 1.1 The application site is located within an isolated location, approximately 1.2 KM to the north east of Stratton Audley and over 600 metres away from Stratton Audley Park to the west. The site is accessed off Mill Lane which is located to the east of the site.
- 1.2 The site accommodates a detached farmhouse and a rally track is situated to the north east of the farmhouse. The rally use at the site has temporary planning permission (ref: 05/01926/F) for tuition purposes only and this consent expires on 31st March 2016. This consent restricted the rally school use to only be operated by a maximum of 1 car at a time and the rally school use can only take place on the track and yard area located to the north of Pool Farm.
- 1.3 To the south east of the rally track, the use of the land for quad bikes and 'Honda Pilots' (single seat 4 wheel off-road cars) has temporary planning permission (05/01927/F) and this consent also expires on 31st March 2016. These vehicles operate on a temporary grass circuit (defined by cones, tyres and bales rather than an engineered gravel track) and the use is restricted to no more than 4 quad bikes and/or 'Honda Pilots' being operated at any one time. Furthermore, the permission did not allow for the use of this land for racing or time trials. This consent is personalised to the applicant in this application, Mr Wigmore.
- 1.4 Furthermore, there are a collection of outbuildings to the west of the main farmhouse with a variety of uses, including the storage, servicing and repair of vehicles associated with the rally school and quad bikes and 'Honda Pilot' use as well as a function room which is used in association with the motor sport use at the site and for parties and wedding receptions. Parking is situated in a courtyard to the west of the farmhouse and the east of the garage used for the repair of vehicles.
- 1.5 Planning permission is sought for the permanent use of the land as a rally school and for quad bikes, buggies ('Honda Pilots') and jeeps. It is worth noting that there is currently no planning permission for the use of jeeps on the site.
- 1.6 Following discussions between the applicant and the case officer, amended plans and additional information has been received clarifying the areas of land and buildings that are used for the purposes set out in the application, and also specifying the types of vehicles to be used.
- 1.7 The site is not within a Conservation Area and there are no listed buildings within close proximity to the site. The site has some ecological potential as Protected

Species such as the wall butterfly, bluebell, common cuckoo and common cudweed have been recorded within close proximity to the site. The ancient woodland of Oldfields Copse abuts the northern boundary of the site and this woodland is also a District Wildlife site.

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 was 12 February 2016. 4 letters have been received from neighbouring occupiers objecting to the proposal and the issues raised are summarised below:

- Objections were made to the previous applications at the site, but planning permission was granted;
- Noise inappropriate in this rural location;
- Temporary consent should only be given for such uses and these uses should not be made permanent;
- Temporary consent would allow for an investigation and assessment of the noise and disturbance issues and mitigation measures to be undertaken;
- Residential amenity - noise and dust from vehicles as well as noise from shouting;
- Just because no complaints have been made about the use, this should not be taken as demonstrating that this use operates without causing disturbance;
- Any extension of the use is subject to the condition that the vehicles used comply with the relevant legislation governing road legal vehicles and fitted with silencers;
- The use should not be extended to buggies and jeeps;
- A condition should be attached requesting noise attenuation measures (e.g. mounds and fencing);
- Only one vehicle at a time should use the rally track;
- The use of quad bikes should be more contained closer to the buildings on Pool Farm;
- The rally track should be restricted to weekdays only with further restrictions on times of operation on Saturdays, and no use on Sundays and Public Holidays;
- Should only be used 3 days a week;
- Consent should be personalised as the operator of the business has a large influence on how it is run. The 2006 decision refers to the personal circumstances of the case which were deemed to override the normal planning policy considerations;
- All previous conditions should be re-imposed;
- Should restrict permitted development rights to prevent temporary uses (i.e. shooting) and should be used for tuition only;
- A change in the track surface to prevent noise and dust pollution;
- The local roads are used as a track when people leave Pool Farm causing highway safety concerns and visitors drive into residential properties to turn their cars around;
- Such consent would facilitate the sale of the property to a commercial purchaser who would seek to maximize the commercial use of the property to the detriment of the local area in general;
- The land is being used for corporate events despite conditions restricting such a use of the site;
- The site is being used as a wedding venue without planning permission.

3. Consultations

3.1 Stratton Audley Parish Council: No objections.

3.2 Godington Parish Council: No objections.

Cherwell District Council Consultees

3.3 Ecology Officer: *"I have no objections on ecological grounds to the continuation of the use of the land for a rally school as this already occurs on site. There does not appear to be any additional impacts proposed on trees or other vegetation. They do not state if lighting is needed but any lighting used must avoid light spill onto vegetation particularly at the Northern end of the track where it could affect the designated Ancient Woodland which is adjacent.*

I see there are no planting proposals as part of this application but should there be any planting intended this must use native species of UK provenance only."

3.4 Anti-Social Behaviour Manager: *"Having visited the area and studied the plans I have no reason to object to the application however I feel that as there have been no complaints with regards to the use of the site then the conditions on the current temporary planning permission are doing the job they were designed for. Therefore I recommend the following conditions (which match those previously used on earlier permissions 05/01926/F and 05/01927/F) on any new permissions granted*

- *That the area of the site to be used for use of quad bikes, "Honda Pilots" and Rally Cars shall be restricted to the areas of land marked on the submitted plan received by the local planning authority on 18th December 2015*
- *That the use of the land for the purposes hereby approved shall only operate between the hours of 1000 and 1800 Monday to Saturday and not operated at any time on Sundays and Public Holidays.*
- *The use hereby approved shall not operate on more than 3 occasions per week.*
- *No more than 4 Quad Bikes and/or Honda Pilots shall be operated at any one time.*
- *No more than one Rally Car shall be on the rally track at one time.*
- *There shall be no use of the rally track when the quad bike and /or Honda Pilots are being used.*
- *The vehicles shall be silenced to the manufacturer's standard specification and that the maximum sound power level of the vehicles, measured at exhaust outlet height one metre from the vehicle, shall not exceed 75dB(A) in the case of the quads and 100 dB(A) in the case of the "Honda Pilots".*
- *The land shall not be used for any uses other than those hereby approved e.g. War Games, Paintballing, Corporate Event Days, Clay Pigeon Shooting or helicopter rides."*

3.5 Landscape Officer: No objections.

3.6 Licensing: No comments received.

3.7 Recreation and Leisure: No comments received.

3.8 Arboricultural Officer: No objections.

Oxfordshire County Council Consultees

3.9 Highways Liaison Officer: No objections.

- 3.10 OCC Drainage: No objections, but ask questions in relation to what arrangements are in place for managing a pollution incident in the event of a rally car crashing and leaking oil. OCC Drainage question if any cars are repaired, refuelled or washed on site and whether the business has implemented any anti-pollution measures to control possible pollution. Furthermore OCC Drainage, ask what the risk is of pollutants reaching watercourses and do sustainable drainage systems have a role to play in remediating contaminants if this is the case.

Other Consultees

- 3.11 Environment Agency: No objections.
- 3.12 BBO Wildlife Trust: No comments received.
- 3.13 Anglian Water: No objections.
- 3.14 Thames Valley Police Design Advisor: No comments received.

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
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- ENV1: Development likely to cause detrimental levels of pollution

4.2 Other Material Policy and Guidance

National Planning Policy Framework (2012)

Planning Practice Guidance

5. Appraisal

5.1 The key issues for consideration in this application are:

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

Relevant Planning History

- 5.2 88/00139/S – Change of use of barn to workshop. Construction of track for testing Rally Cars – Refused as it was considered that: *“The formation and use of the track for testing of rally cars forms a visual intrusion into the countryside to the detriment of its rural character and the use produces noise intrusion of a nature alien to the quiet enjoyment of the rural area and likely to be detrimental to the wildlife of the locality.”*
- 5.3 88/00140/S – Change of use of barn to workshop – Approved. A number of conditions were attached to this permission including a condition stating that at the expiration of 2 years from the date of the decision (22nd January 1988) the use specified in the application will be discontinued and the land restored to its former condition, as well as a condition restricting the use of the workshop for the purpose of rally car repair and servicing only. The permission was also for the benefit of that applicant only (Mr Whiteford).
- 5.4 88/00691/S – Use of land as a rally school from agricultural use – Refused on the grounds that the formation of the track for the use of the rally school would represent a visual intrusion into the countryside to the detriment of its rural character and appearance and that its use would produce a noise intrusion of a nature alien to the quiet enjoyment of the rural area and likely to be detrimental to wildlife of the locality. However a track was constructed without the benefit of planning permission and an enforcement notice was issued on the 18th July 1988. The enforcement notice was appealed by the applicant as well as the refusal of this planning application. As a result, the enforcement notice was quashed by the Inspector and planning permission granted subject to the condition stating that the track shall be taken up, and all rubble, hardcore and other materials used in construction removed from the land, on or before the expiration of two years from the date of the appeal decision (14th June 1989). In addition, planning permission was granted and the appeal was allowed subject to a number of other conditions including that:
- The use shall be discontinued 2 years from the date of the appeal decision (14th June 1989);
 - No motor vehicle shall be driven on the land for the purpose of driving tuition before 0900 hours or after 1700 hours on weekdays nor at any time on Saturdays, Sundays or bank holidays;
 - No vehicle other than a motor car which complies with all relevant requirements of the Road Vehicles (Construction and Use) Regulations for the time being in force shall be driven on land;
 - No part of the land shall at any time be used for motor car or motorcycle racing or for any other form of motor sport including tuition, testing, trials of speed and practising for such activities.
- 5.5 90/00252/S – Continued use of barn as workshop (being that barn subject to application 88/00140/S) - Approved. A number of conditions were attached to this permission which were similar to the conditions attached to 88/00140/S (i.e. personal consent, two year temporary consent and the repair and serving of rally cars only).
- 5.6 90/00460/S – Continued use of Barn as workshop (Renewal of CHS. 140/88) – Approved – A number of conditions were attached to this permission including a condition noting that the workshop shall only be used for the purpose of rally car repair and servicing only. A condition noted that on 13th June 1991, the use specified in the application will be discontinued. The permission was also for the benefit of that applicant only (Mr Whiteford).
- 5.7 91/00358/S – Continued use of land as Rally School – Approved. A number of conditions were included, most notably:

- Condition 1 of this consent noted that at the expiration of 10 years of the date of the decision (11th June 1991), the use specified in the application will be discontinued and the land restored to its former condition. This was to enable the Council to review the position at the expiration of the stated period.
- Condition 2 stated that the Rally School shall only be operated by a maximum of 1 car at any one time in order to ensure the creation of a satisfactory environment free from intrusive levels of noise.
- Condition 3 stated that no vehicle other than a motor car which complies with all relevant requirements of the Road Vehicles (Construction and Use) Regulations for the time being in force shall be driven on the land in order to ensure the creation of a satisfactory environment free from intrusive levels of noise.
- Condition 4 noted that the use approved shall only take place on the track and yard area located to the north of Pool Farm and not on any other part of the holding.
- Condition 7 stated that the track and yard area shall only be used for the purposes of tuition and not for any testing, trial of speed, racing or other practising to ensure a creation of a satisfactory environment free from intrusive levels of noise.
- Condition 8 noted that the land shall not be used for any temporary uses constituting development whatsoever (e.g. war games, corporate event days, clay pigeon shooting etc.) in order to maintain the character of the area and to safeguard the amenities of the occupants of the adjoining premises and to ensure the creation of a satisfactory environment free from intrusive levels of noise.
- Condition 9 stated that no motor vehicle shall be driven on the land (other than agricultural vehicles used on the holding) before 0900 hours or after 1700 hours on weekdays, nor at any time on Saturdays, Sundays or Bank Holidays and this was to ensure the creation of a satisfactory environment free from intrusive levels of noise.

However, this consent was not made personal to the applicant.

- 5.8 91/00359/S – Continued use of barn as workshop – Approved. A number of conditions were attached to this permission which were similar to the conditions attached to 90/00252/S (i.e. personal consent for Mr Whiteford and the repair and serving of rally cars only). However, a condition was also attached stating that at the expiration of 10 years from the date of the decision (10th June 1991) the use specified in the application will be discontinued and the land restored to its former condition. This building has now been demolished and is used as a parking area.
- 5.9 95/01931/F – Relaxation of Condition 1 and 9 of CHS 358/91. Condition 1 vary time limit. Condition 9 vary hours of operation – Approved. This application sought to extend the permission until 2006 and to amend the hours of operation to be from 1000 to 1800 hours Monday-Saturday (excluding Bank Holidays) but accepting a voluntary restriction that it operates no more than three days per week. The application was approved on 7th December 1995 and the use was restricted to three days per week. A condition (Condition 3) was also attached stating that no use shall be made of the rally track when ‘Honda Pilots’ or quad bikes are being used on the adjacent land as permitted under 95/01934/F (see para 5.11 below).
- 5.10 95/01934/F – Change of use of land for quad bikes and ‘Honda Pilot’, together with use of barn for storage, servicing and repair – Approved. This application related to an area of land of approximately 8 hectares on the eastern side of the rally track (edged in green on the site plan submitted with this application). It was proposed that the vehicles operated on a temporary grass circuit (defined by cones, tyres and bales rather than an engineered gravel track) and the principle operation was proposed to

be groups coming on appointment. Consent was also granted for the use of a barn within the farmstead for the storage and servicing of these vehicles. A number of conditions were attached to this consent, including:

- Condition 1 stated that at the expiration of 3 years from the date of the permission (7th December 1995) the use specified in the application shall be continued and the land shall be restored to its former condition to enable the Council to review the position at the expiration of the stated period;
- Condition 2 noted that the area of the site to be used for the use of quad bikes and 'Honda Pilots' shall be restricted to that to the east of the rally track to ensure the creation of a satisfactory environment free from intrusive levels of noise;
- Condition 3 stated that the use of the land hereby stated that the use of the land shall only operate between the hours of 1000 and 1800, Monday to Saturday and shall not be operated at any time on Sundays and Bank Holidays to ensure the creation of a satisfactory environment free from intrusive levels of noise.
- Condition 4 stated that no more than 4 quad bikes and/or 'Honda Pilots' shall be operated at any one time to ensure the creation of a satisfactory environment free from intrusive levels of noise.
- Condition 5 noted that no racing or time trails shall be undertaken on this land to ensure the creation of a satisfactory environment free from intrusive levels of noise.
- Condition 6 stated that the vehicles shall be silenced to the manufacturers standard specification and that the maximum sound power level of the vehicles, measured at exhaust outlet height one metre from the vehicle, shall not exceed 75 dB(A) in the case of quads and 100dB(A) in the case of 'Honda Pilots' and this was to ensure the creation of a satisfactory environment free from intrusive levels of noise.

- 5.11 97/00421/F – Conversion of granary to form annex to farmhouse for guests and holiday cottage – Approved.
- 5.12 97/01839/F – Relaxation of Condition 1 of 95/01934/F to allow continued use of land for quad bikes – Approved. The application was approved and Condition 1 was varied to state that the use approved shall be discontinued and the land restored to its former condition on or before 24th January 2006.
- 5.13 01/02513/F – Change of use and alteration of existing farm buildings to provide presentations and training accommodation – Approved. Condition 2 of this permission stated that the accommodation permitted shall only be used in connection with the rally school use at the site.
- 5.14 02/01526/F – Variation of condition 2 of 01/02513/F to allow accommodation to be used as function room – Approved. The consent in 01/02513/F restricted the presentation/function room to be used only in association with the motor sport use at the site. The types of functions sought were not made clear in the application, but it was noted that the barn was advertised for use for wedding receptions and parties. Condition 3 of this consent noted that the premises shall only be operated for the uses hereby permitted between the hours of 0900 and midnight.
- 5.15 02/02511/F - Replacement of dutch barn with new wooden four bay building for storage of cars and hay – Approved. Condition 4 of this consent stated that the permission is granted for the erection of a storage building for vehicles in connection with the motor sport use at Pool Farm and/or for purposes of agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990 and for no other uses whatsoever.

- 5.16 05/01926/F – Renewal of 95/01931/F for the relaxation of Conditions 1 and 9 of CHS 358/91 for the continued use of the rally school – Approved. Planning permission was granted to allow the continued use of the rally school for another ten year period from the date of the decision notice (31st March 2006).
- 5.17 05/01927/F – Renewal of 97/01839/F for relaxation of Condition 1 of 95/01934/F to allow continued use of land for quad bikes and Honda pilots – Approved. Planning permission was granted to allow the continued use of the site for quad bikes and ‘Honda Pilots’ for another ten year period from the date of the decision notice (31st March 2006). Condition 7 of this consent stated that the use shall only be operated on 3 days per week (that is between Monday to Saturday between the hours of 1000 to 1800). Condition 8 noted that the land shall not be used for any temporary uses constituting development whatsoever, e.g. war games, corporate event days, clay pigeon shooting or helicopter rides. Condition 9 personalised the consent to Mr Wigmore (the applicant in this current application).

The Principle of the Development

- 5.18 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.
- 5.19 Paragraph 28 of the NPPF states that Local Planning Authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Paragraph 28 goes on further to state that to promote a strong rural economy, Local Planning Authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, promote the development and diversification of agricultural and other land based rural business, and support sustainable leisure developments that benefit businesses in rural areas, and which respect the character of the countryside. Furthermore, Paragraph B.38 of the Cherwell Local Plan Part 1 which supports Policy SLE1 notes that: *“The Council will support existing business and will seek to ensure their operational activity is not compromised wherever possible”*. It is noted within the application form that these temporary uses at the site currently employ 5 full-time employees and 2 part-time employees and the continuation of the rally school and quad biking and buggying would contribute in promoting a strong rural economy.
- 5.20 As noted in the planning history section of this report, the rally school and associated track have temporary planning permission until 31st March 2016, subject to conditions, and the site has been used as a rally school since 1989. In addition, the use of the land to the east of the rally track for quad bikes and ‘Honda Pilots’ also has temporary planning permission, subject to conditions, until 31st March 2016 and the site has been used for quad biking and buggying since 1995. Temporary planning permission has been granted more than once for each of these uses therefore the principle of continuing such uses has been considered acceptable in the past. As these uses have operated for a considerable length of time it is considered that it would be difficult to resist the principle of such development, even with the introduction of jeeps to the east of the rally track. Given this and the emphasis in the NPPF on promoting a strong rural economy it is considered that the principle of making these existing uses permanent at the site could be acceptable.
- 5.21 However, the principle of this development is also clearly dependent on it not causing adverse harm to the visual appearance and the rural character of the landscape, residential amenities, highways safety and ecology.

Landscape Impact

- 5.22 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions. Paragraph 123 of the NPPF states that planning decisions should aim to: *“Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*
- 5.23 Policy ESD13 of the Cherwell Local Plan Part 1 states that: *“Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations.”* Policy ESD13 goes on further to note 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.”*
- 5.24 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.”*
- 5.25 Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 5.26 With regard to the rally track, this is a mud track which does not rise above ground level. This is very well screened from the public highway of Mill Lane to the north west of the site by hedging along this highway. The rally track is well screened from the public highway to the south of the site which runs between Stratton Audley Stud and Pounden due to the topography of the area and hedging along the highway boundary. Furthermore, most of this track is sited within a wooded area. A Public Footpath (371/8b/10) is located to the north east of the site, but the site is screened from this footpath by the woodland of Oldfield Copse, which also contributes in screening views of the track from the north of the site. It is also worth noting that the previous planning permission required a landscaping scheme (91/00358/S) which has been carried out on site and contributes in softening the appearance of the rally track.
- 5.27 In relation to the quad bike, buggy and jeep use, temporary grass circuits are used (defined by cones, tyres and bales rather than an engineered gravel track) to the east of the rally track. This part of the site is also well screened from the public domain due to the same reasons outlined in the above paragraph of the report.
- 5.28 Whilst the existing temporary use of the land for rally cars, buggies and quad bikes has an effect upon the tranquillity of the rural area, it is worth noting that the continuation of such uses has previously been considered acceptable subject to conditions (for example, but not limited to: the operation of the uses to three times a day (excluding Sundays and Bank Holidays); the hours of the use from 1000 to 1800;

the use of the track to one rally vehicle at a time and for tuition only; and the use of the area to the east of the track to no more than 4 quad bikes and/or 'Honda Pilots'. These attached conditions were considered to be adequate in the previous applications for both uses at the site (ref: 05/01926/F and 05/01927/F) in relation to limiting harm upon the rural character of the area and similar conditions can be applied again.

- 5.29 Given the above, it is considered that the proposal would not cause detrimental harm to the visual appearance and rural character of the area, subject to conditions.

Residential Amenities

- 5.30 Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke or other type of environmental pollution will not normally be permitted. Paragraph 10.4 of the Cherwell Local Plan 1996, supporting saved Policy ENV1 notes that the Local Planning Authority will seek to ensure that the amenities of residential properties are not unduly affected by development proposals that may cause environmental pollution.
- 5.31 Paragraph 123 of the NPPF states that: *"Planning policies and decisions should aim to:*
- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
 - *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
 - *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established."*
- 5.32 The nearest residential properties are positioned approximately 130 metres to the west (1 and 2 Copse Cottages), 630 metres to the north east (Stratton Audley Mill, Mill Barn and Oldfield House), and 1KM to the east (Godington Hall) of the site. Mature woodland is situated between Copse Cottages and the rally track and this woodland also bounds the site to the north, whilst the land rises and levels out towards the dwelling to the north east. The use of the quad bikes, jeeps and buggies would also be restricted to the east of the rally track.
- 5.33 It is acknowledged that concerns have been raised from some of the aforementioned properties in terms of noise and dust. Furthermore, after conducting a site visit, the use of a rally car on the track is audible from some distance beyond the site boundary when the use is in operation.
- 5.34 The letters of objection note that if such uses are to be continued, the planning permission should again be for a temporary period. Conditions making both of these uses temporary were previously attached in order for the Local Planning Authority to review the position of the use. However, temporary planning permission has been granted more than once for each of these uses and the case officer considers an adequate time frame was allowed in order to review the rally school and buggy and quad bike uses when the previous applications in 2005 were submitted (16 and 10 years respectively). During the assessment of these applications, noise surveys were also carried out on the site by the Council's Anti-Social Behaviour Manager.
- 5.35 The Anti-Social Behaviour Manager has no objections to the proposal. The Anti-Social Behaviour Manager has noted that as there have been no complaints since the approval of the applications in 2006, it would appear that the conditions attached to

these permissions are adequate in terms of protecting the amenity of neighbours. For this reason the Anti-Social Behaviour Manager recommends that similar conditions are attached again should permission be granted (as outlined in paragraph 3.4 of the report). It is considered that the attachment of such conditions is necessary and reasonable in order to safeguard the amenities of the neighbouring properties from intrusive levels of noise. Furthermore the applicant has agreed to the conditions recommended by the Anti-Social Behaviour Manager.

- 5.36 Letters from third parties have recommended a number of other conditions which make reference to restricting the use on Saturdays, reducing the area used for quad bikes, jeeps and buggies and making enhancements to the rally track to prevent dust pollution, but given that these uses have operated since 2006 without such conditions, it is considered that it would not be reasonable to attach such conditions.
- 5.37 Whilst jeeps are also now proposed to the east of the rally track as well as buggies and quad bikes, a condition restricting the land to the east side of the track to no more than 4 quad bikes and/or buggies and/or jeeps would result in the same level of vehicles on the east side of the track to what has been previously allowed and it is not considered that the addition of jeeps to this land would result in significantly higher levels of noise than currently experienced. Furthermore a condition has been recommended which states that the vehicles shall be silenced to the manufacturer's standard specification.
- 5.38 Letters from third parties have requested further noise and attenuation measures, including examples of fencing and mounds. The case officer is of the opinion that both examples put forward would not make a significant difference in relation to restricting noise travelling from the site. It is also considered that such features would be undesirable and potentially harmful features in this rural location.
- 5.39 Letters from third parties have noted that if planning permission is granted, then this should be personalised to the applicant so the land is not sold to a purchaser who would seek to maximise that commercial use of the property. Such a condition was attached to the buggy and quad bike use at the site in 2006 and the committee report for this application noted that this was appropriate. The reason in the decision notice for this condition stated that this was attached as the consent was only granted in the view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning considerations which would normally lead to refusal of planning consent. However, such a condition was not attached to the rally school use. In respect of the current proposal officers do not consider it necessary or reasonable to recommend such a condition because the use is more properly regulated through other conditions, for example in relation to the hours and days of the operation, the number of vehicles allowed at any one time and the area in which these vehicles shall be used. Planning permission would be required to vary such conditions should any future owner of the business want to operate the business in a different manner.
- 5.40 Concerns have been raised in relation to noise emanating from people on the site when a picnic tent is set up to the west of the site, but such a matter is not relevant to the determination of this application and whether this constitutes a breach of planning control is a matter for the Council's Planning Enforcement team to investigate.
- 5.41 Thus, having regard to the length of time the use has operated without complaints, and given the separation distance between the use and the nearest residential properties, it is considered that it would be difficult to resist the permanent use of this site as a rally school and for the use of quad bikes, buggies and jeeps on the grounds of harm to residential amenity. Furthermore conditions similar to those previously applied can be used to ensure any impact is kept to a minimum.

Highways Safety

- 5.42 The Local Highways Authority have no objections to the proposal. Whilst the site is relatively remote and accessed from a minor road, the use, provided that it is carried out in accordance with the conditions imposed, should not result in a high volume of vehicular movements. The access has appropriate vision splays for the level of its use and there is considered to be adequate parking on site for customers.
- 5.43 Concerns have been raised in relation to the manner in which the vehicles which have left the site are driven on the roads in the locality. As this takes place on public highway land, the Local Planning Authority have no control over this matter and this is not a material planning consideration.
- 5.44 As such it is not considered that the use would cause detrimental harm to highway safety or the convenience of other road users.

Ecological Impact

- 5.46 The Ecology Officer has no objections to the continuation of the existing uses at the site. The Ecology Officer notes that there does not appear to be any additional impacts proposed on trees or other vegetation. The Ecology Officer raised a query in relation to lighting, but given the times of the day the use is conditioned to (1000 to 1800), it is considered very unlikely that lighting is required and any floodlighting would also require planning permission. Given the above, it is considered that the permanent use of the land for the rally school and quad bikes, buggies and jeeps would not cause adverse ecological harm.

Other Matters

- 5.47 A third party has noted that this site is being used for corporate events even though conditions have been attached preventing such a use. Condition 8 of 05/01927/F did note that the land shall not be used for any temporary uses constituting development whatsoever, e.g. war games, corporate event days, clay pigeon shooting. If groups want to visit the site to use the quad bikes and Honda Pilots this does not, however, mean this condition has been breached. That said, after viewing the website, it appears that this condition has been breached given that the land has been used for other uses including shooting and archery. The Council's Planning enforcement team has been made aware of this breach of condition.
- 5.48 A third party has also noted that the site is being used as a wedding venue without consent. Whilst it is the case that one of the barns is being used as a wedding venue, planning permission was granted in 2002 for such a use (02/01526/F).
- 5.49 OCC Drainage has raised a few questions in relation to leaking oil and the risk of pollutants reaching nearby watercourses. However, these uses on the site have been considered acceptable in the past (more than once) without restrictions in relation to contamination, and in the absence of evidence to suggest that contamination is an issue, it is not considered reasonable to attach such conditions relating to this matter in this instance.

Engagement

- 5.50 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 was notified of the recommended conditions from the Council's Anti-Social Behaviour Manager and raised no objection to these conditions. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.51 Given the above assessment, it is considered that this proposal is an acceptable form of development and that it complies with the above mentioned policies. It is considered that it represents sustainable development and so the recommendation is for approval subject to appropriate conditions as set out below.

6. Recommendation

Approval, subject to the following conditions:

1. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:
 - Application Form submitted with the application;
 - Drawing Number 5013/2 submitted with the application;
 - Site Location Plan at a scale of 1:5,000 received by e-mail from the applicant on 25th February 2016;
 - Additional plan outlining 'Rally Stage' and 'Yard' at a scale of 1:5,000 received by e-mail from the applicant on 29th February 2016;
 - E-mail from the applicant containing a list of vehicles to be used on the 'Rally Stage' and 'Yard' on 29th February 2016.

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.

2. The area of the site to be used for quad bikes, jeeps, and 'Honda Pilots' shall be restricted to the area outlined in green on Drawing Number 5013/2 submitted with the application.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. No more than 4 quad bikes and/or 'Honda Pilots' and/or jeeps shall be operated at any one time.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. The 'Rally Stage' and 'Yard' outlined in the additional plan (scale of 1:5,000 received by e-mail from the applicant on 29th February 2016) shall only be used for the purposes of tuition in accordance with the terms of this consent and shall not be used for any testing, trial of speed, racing or other practicing whatsoever.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the

National Planning Policy Framework.

5. No more than one vehicle shall be used on the 'Rally Stage' and 'Yard' outlined in the additional plan (scale of 1:5,000 received by e-mail from the applicant on 29th February 2016) at any one time, and the 'Rally Stage' and 'Yard' shall only be used by the vehicles listed on the e-mail received by the applicant on 29th February 2016.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. There shall be no use of the rally stage when the quad bikes and/or 'Honda Pilots' and/or jeeps are being used.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. The use hereby approved shall only operate between the hours of 10:00 and 18:00 Monday to Saturday and shall not operate at any time on Sundays and Public Holidays.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The use hereby approved shall not operate on more than 3 occasions in any one calendar week.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. The vehicles shall be silenced to the manufacturer's standard specification and the maximum sound power level of the vehicles, measured at exhaust outlet height one metre from the vehicle, shall not exceed 75dB(A) in the case of the quads and 100 dB(A) in the case of the "Honda Pilots".

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) order 2015, the site shall not be used for any temporary purpose or activity, including War Games, Paintballing, Corporate Event Days, Clay Pigeon Shooting or helicopter rides, other than those hereby approved.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Motor car or motorcycle racing or any other form of motor sport including testing, trails of speed and practising for such activities shall not take place on the site.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way. The applicant's agent was notified of the recommended conditions from the Council's Anti-Social Behaviour Manager and had no objection to these conditions. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

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Sub Sta

16/00017/F

**Tesco Extra
Lockheed Close
Banbury
OX16 1LX**

Tanks

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Shelter

96.3m

SOUTHAM ROAD
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Scale 1:1,250

EI Sub Sta

Page 241

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

16/00017/F

Tesco Extra
Lockheed Close
Banbury
OX16 1LX

Beaumont Industrial Estate

Tank

92.9m

FB

FB

92.8m

NORTH

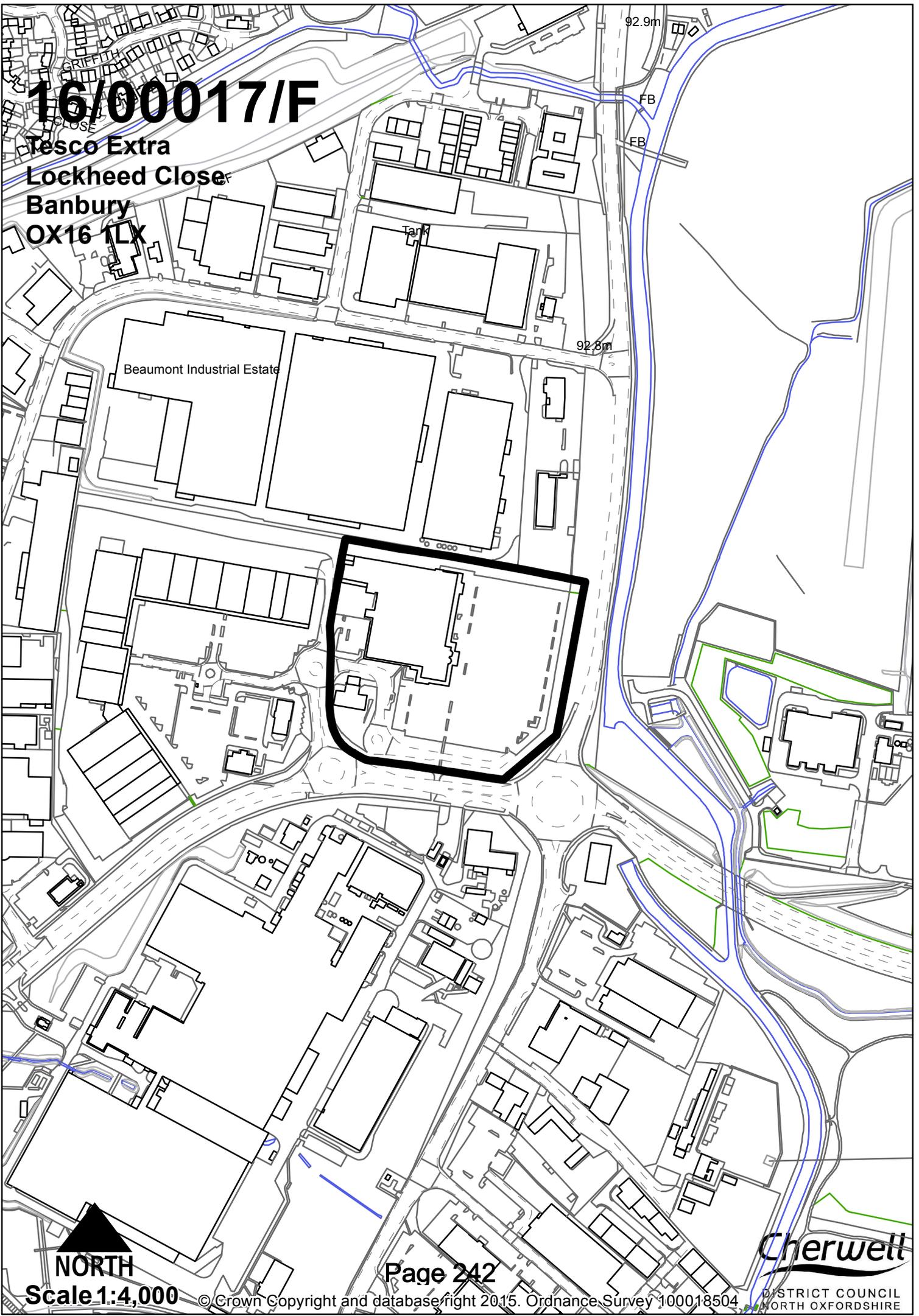
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Page 242

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE



Ward: Banbury Neithrop

District Councillor: Cllr Dhesi

Case Officer: Matthew Chadwick

Recommendation: Approval

Applicant: Tesco Stores LTD

Application Description: Proposed extension to existing home shopping area within existing service yard with replacement canopy

Committee Referral: Major Application by Site Area

Committee Date: 17.3.2016

1. Site Description and Proposed Development

- 1.1 The application site is the Tesco Extra store, located off Lockheed Close in the north of Banbury. The total site area is approximately 3.6 hectares.
- 1.2 Planning permission is sought for an extension to the existing dotcom facility on the west of the site, with a new freezer measuring approximately 6.6m in width by 4.4m in depth, a small lobby link area to the dotcom area, measuring approximately 2.2m in width by 2.5m in depth and a new steel framed canopy over the dotcom area, to be finished in metal clad panels, measuring approximately 19.9m in width by 6.4m in depth.
- 1.3 On the northeast corner of the site, an overnight parking area for the dotcom vans is proposed, which would be a secure compound surrounded by a 2.4m fence. This will involve creating a new access which will go into the customer car park and realigning the fence of the existing recycling area.
- 1.4 The site is located adjacent to the Oxford Canal Conservation Area and is situated partially in Flood Zone 2. The site is located within an area of Potentially Contaminated Land and Common Frogs have been located nearby, which are a 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 was 25th February 2016. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Banbury Town Council: No objections.

Cherwell District Council Consultees

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

Oxfordshire County Council Consultees

- 3.4 Highways Liaison Officer: The Highways Liaison Officer requested a condition for details

of turning for delivering articulated lorries. The agent has submitted a plan showing this, which the Highways Liaison Officer has deemed to be sufficient.

Other Consultees

3.5 Environment Agency: No comments received.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan (2011-2031) Part 1

SLE2: Securing Dynamic Town Centres
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:

- Relevant Planning History;
- Principle of Development;
- Effect on Visual Amenity;
- Effect on Residential Amenity;
- Highways Safety;
- Environmental Protection;
- Flood Risk.

Relevant Planning History

- 5.2 95/00348/F – Extension of bulk store area into service yard and enclosure of existing unloading dock – Approval.
- 5.3 97/01940/F – Extension of existing sales area into existing storage area. Extension of storage area into service yard. Modifications to customer entrance and construction of customer exit lobby – Approval.
- 5.4 99/02100/F – Installation of steel canopy in service yard for storage – Approval.
- 5.5 06/01482/F – Dot.Com extension. Additional staff car parking spaces and Dot.Com delivery van parking spaces – Approval.
- 5.6 13/00684/F – Proposed secure van parking, customer car parking amended and recycling area relocated – Approval.

Principle of Development

5.7 Policy SLE2 of the Cherwell Local Plan 2011 – 2031 Part 1 states that retail and other

'Main Town Centre Uses' will be directed towards the town centres of Banbury and Bicester and the village centre of Kidlington in accordance with Policies Bicester 5, Banbury 7 and Kidlington 2. It also states that the Council will apply the sequential test as set out in the NPPF as follows:

- Proposals for retail and other Main Town Centre Uses not in these town centres should be in 'edge of centre' locations. Only if suitable sites are not available in edge of centre locations should out of centre sites be considered.
- When considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.

5.8 The Council will consider if the proposals satisfy the sequential test and if they are likely to have a significant adverse impact on one or more of the factors outlined in chapter 2 of the NPPF which is aimed at ensuring the vitality of town centres.

5.9 The application site is located out of the town centre. However it is identified as part of an existing retail park on the Key Policies Map: Banbury in the Cherwell Local Plan 2011 – 2031 Part 1. As such, and taking into account the minor nature of the proposed development, the sequential test is not considered to be relevant in this application as there is no increase in floor space of the shop and the proposals will be ancillary to the existing retail use. Therefore the development is acceptable in principle, subject to the material planning considerations that will be discussed below.

Effect on Visual Amenity

5.10 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."*

5.11 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.

5.12 Tesco Extra is well screened from the surrounding highways on the north, east and south sides of the site. The proposals involve the creation of an overnight parking area for dotcom vans on the north of the site, which was previously approved under 13/00684/F, and this would be located behind the store. The scheme also proposes to add a freezer within the service yard and add a canopy over part of the dotcom yard. The proposals would not be clearly visible from the public domain, and in any case are considered to be fairly minor additions and therefore would not be considered to cause harm to the visual amenities of the locality.

Effect on Residential Amenity

5.13 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.

5.14 The application site is not located in close proximity to any residential properties and therefore there would be no significant harm caused by the proposals to the amenity of the nearest residential neighbours.

Highways Safety

5.15 The Highways Liaison Officer has offered no objections to the proposals, subject to a

planning condition requiring a swept path analysis of the associated vehicle movements. The agent has submitted a scheme to attempt to address these concerns which the Highways Liaison Officer has deemed to be sufficient. 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.

Environmental Protection

- 5.16 The site is located within an area of Potentially Contaminated Land. The Environmental Protection Officer has stated that they have no objections to the proposal and therefore it is considered that the application is acceptable in this respect.

Flood Risk

- 5.17 Part of the Tesco Extra site is located within a Flood Zone of higher flood risk. The Environment Agency have not commented on the scheme, but the areas of the site that would be affected by this proposal are not located within Flood Zones 2 or 3 (the zones of higher risk) and therefore it is considered that the proposals would not be considered to be significantly affected by Flood Risk.

Engagement

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

Conclusion

- 5.19 The proposal is acceptable in principle as a minor development that would operate ancillary to an existing, established retail use. The proposal is considered to be of a design, scale and style that is sympathetic to the context of the development. The proposal would also not have an adverse impact on neighbour amenity or highway safety and is therefore compliant with the policies outlined in section 4 of this report. Overall the proposals would have no adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

6. Recommendation

Approval, subject to the following conditions:

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

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application Forms, Design and Access Statement and Drawing Numbers: 15-2208/P/01, 15-2208/P/05, 15-2208/P/06, 15-2208/P/07, 15-2208/P/08 and 15-2208/P/09 submitted with the application.

Reason - For the avoidance of doubt, to ensure that the development is carried out

only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Any trees, herbaceous planting and shrubs forming part of the existing landscaping between the service road and the proposed freezer (as shown on Drawing No: 15-2208/P/06) which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

16/00246/F

**Woodgreen Leisure Centre
Woodgreen Avenue
Banbury
OX16 0HS**

Woodgreen Hall
Public Library
and
Community Centre

Woodgreen
Leisure Centre

Swimming Pool

35

36

37

38

39

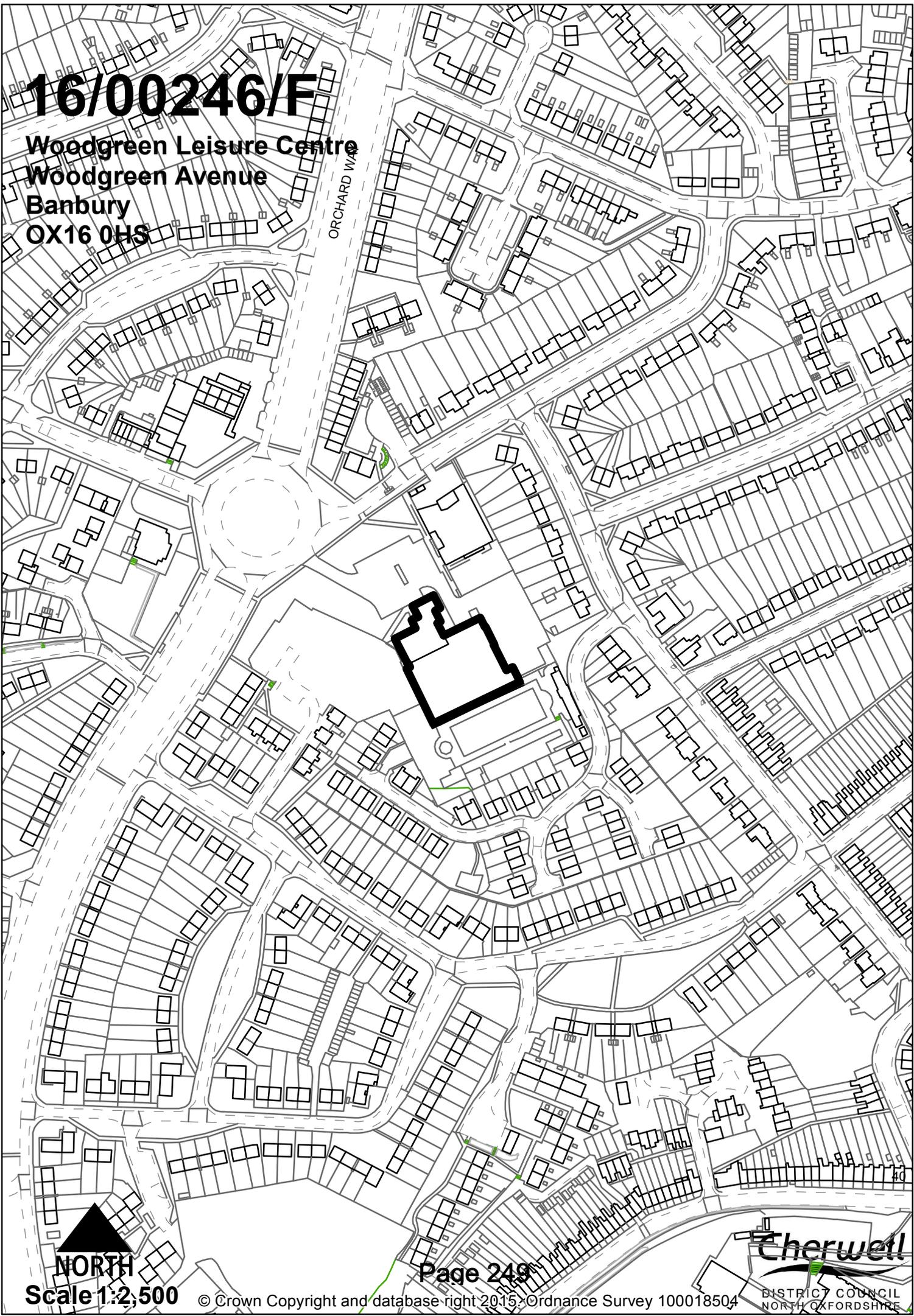


Scale 1:500

16/00246/F

Woodgreen Leisure Centre
Woodgreen Avenue
Banbury
OX16 0HS

ORCHARD WAY



NORTH

Scale 1:2,500

Page 249

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: James Kirkham **Ward(s):** Banbury Neithrop

Applicant: Cherwell District Council

Ward Member(s): Councillor Matt Johnstone
Councillor Surinder Dhesi

Proposal: Extension to existing leisure centre for use as cafe/ library area ancillary to the leisure use. Library currently exists but is being relocated.

Committee Date: 17/03/2016 **Recommendation:** Approve

1. Application Site and Locality

- 1.1 The application site is Woodgreen Leisure Centre which consists of a leisure centre with outdoor pool, indoor bowls hall, gym and exercise studio. It also has a library situated within the building. It is accessed from a roundabout on Woodgreen Avenue and has car parking situated to the north and west of the building.
- 1.2 The building is a mix of architectural styles including a main two storey pitched building with flat roof and mono-pitched extensions around the building. It is constructed with a mix of materials including brick and render.
- 1.3 The Banbury Early Intervention Hub exists to the north of the site and is a modern building with a mix of mono-pitched roofs. The building is predominantly finished in a blue and cream render. A new housing development is currently under construction to the west of the site (approved under 13/01880/CDC). This includes a number of properties facing onto the vehicular access to the site and then the rear elevations of a number of properties facing onto the western boundary of the site.

2. Description of Proposed Development

- 2.1 The current application seeks permission to erect a new single storey extension to the northern side of the building adjacent to the library and exercise studio. This would be located on an area currently laid to grass and hard standing.
- 2.2 The proposed extension would be part of a wider project for the remodelling of the inside of the building and would allow for a new main entrance foyer to be formed, the upgrading of the exercise studio and for the existing library to be relocated within the building and linked to a new café area.
- 2.3 The extension would be modest in scale compared to the existing building being 7.5 metres deep by 10.4 metres wide. It would be a single storey structure with a flat roof. It would be finished in timber cladding. The existing flat roof part of the building the extension adjoins would be rendered and painted white.

- 2.4 As part of the works an existing door in the western elevation would be altered to be a window to serve a new breakout room as part of the internal reorganisation of the building

3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
11/00956/CDC	1no. banner sign and 1no. freestanding sign	PER

4. Response to Publicity

- 4.1 The application has been advertised by way of neighbour letter and site notice. To date no comments have been received from members of the public.

5. Response to Consultation

Cherwell District Council

- 5.1 **Landscape Services** – No comments at the time of writing

- 5.2 **Ecologist** – No comments at the time of writing.

Oxfordshire County Council

- 5.3 **Highways** – No objections

Other External Consultees:

- 5.4 **Thames Water** – No objections. They recommend the installation of a properly maintained fat trap on all catering facilities.

- 5.5 **Natural England** – No comments and refer to their standing advice if the development is likely to affect protected species.

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 (adopted July 2015)

PSD1: Presumption in Favour of Sustainable Development
BSC5: Area Renewal

Policy Banbury 10: Bretch Hill Regeneration Area
ESD10: Protection of Natural Environment
ESD15: The Character of the Built and Historic Environment

Saved Policies of the Cherwell Local Plan (Adopted 1996)

C28: New development design
C30: Design Control

6.2 Other Material Planning Considerations:

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

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

7. Appraisal

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

- Principle of Development
- Design, Layout and Appearance
- Neighbouring Amenity
- Highways

Principle

7.2 The site lies within the Bretch Hill Regeneration Area, as identified in the Cherwell Local Plan Part 1. Policy BSC5: Area Renewal and Policy Banbury 10: Bretch Hill Regeneration of the Cherwell Local Plan Part 1 states planning permission will be granted for small scale redevelopment proposals that would result in improvements to the existing community facilities and services. Paragraph C.178 of the Local Plan Part 1 states that community facilities in the Woodgreen area provide an opportunity for improvements and regeneration to maximise the use of buildings by co-locating/sharing facilities. Policy Banbury 10 goes onto state that the layout of new development should enable a high degree of integration and connectivity with the existing communities. In this context there is considered to be policy support to allow the extension of community facilities such as the library and leisure centre. The principle of the development is therefore considered to be acceptable subject to other considerations.

Design, Layout and Appearance

7.3 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 and states all development will be required to meet high design standards. It goes onto state that proposals should be designed to integrate with existing streets and buildings should be clearly configured to create defined active public frontages. Saved Policy C28 and C30 of the 1996 Local Plan also seek to ensure high quality development.

- 7.4 The existing building does not have a strong unified appearance or character. It consists of a number of elements that have been altered and extended over time. The surrounding area also has a mixed character and appearance. The scale and form of the proposed extension would be in keeping with the existing building and the wider area. It would create a new clearly defined main entrance to the leisure centre through the use of different materials and tall glazed windows. This would help to provide some additional legibility to the site and modernise the appearance of the building. It would also have the additional benefit that it would also provide an active frontage and surveillance over the car park to the north of the site.
- 7.5 Overall the design of the extension is considered to be acceptable would improve the appearance of the building when entering the site via the vehicular access to the north of the site and would not be out of character with the surrounding area.

Neighbouring Amenity

- 7.6 Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and noise.
- 7.7 The proposed development would be visible from the new residential properties which are being constructed to the west of the site. Immediately to the west of the application site, the rear elevations of two new two-storey properties face onto the area where the new extension is proposed. Given the single storey scale of the extension, intervening distance and screening the proposed extension is not considered to significantly impact on the outlook or light to these properties.
- 7.8 The new ground floor window on the side elevation of the existing building would face these properties. However it is not considered to significantly impact on the amenity of these properties in terms of overlooking or loss of privacy given the fact that the window is situated at ground floor and would be screened by the existing boundary fence between the application site and these properties
- 7.9 The proposals are considered to be a sufficient distance from the other surrounding building to ensure they would not significantly impact on their amenity.

Highways

- 7.10 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to a site can be achieved for all people however development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy SLE4 of the Cherwell Local Plan Part 1 states that all development, where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. It goes onto state that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.
- 7.11 The proposed development would lead to some additional facilities at the site including a café and improved exercise studio provision. Whilst this might lead to some modest increase in use of the building it is not considered that this is likely to be significant and some users will come from the nearby housing or use the facilities in linked trips with existing provision at the leisure centre. The proposed development will not impact on the existing parking serving the site and sufficient parking is considered to be provided around the building. The Highway Authority has raised no objection to the application.

Engagement

7.12 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the application was acceptable as submitted. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

8. Conclusion

8.1 The proposed development would improve the facilities at the application site to serve the local and wider population and there is planning policy support for this. The design and appearance of the extension will update the appearance of the building and provide a new entrance to the building. The proposal would not lead to a significant detrimental impact on neighbouring properties or highway matters. Overall the development is considered to constitute sustainable development and is considered to be acceptable.

9. Recommendation

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

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

2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered: 2168/100, 2168/101, 2168/111, 2168/112, 2168/122 and 2168/123.

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

STATEMENT OF ENGAGEMENT

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

CONTACT OFFICER: James Kirkham

TELEPHONE NO: 01295 221896

Cherwell District Council

Planning Committee

17 March 2016

Appeals Progress Report

Report of Head of Development Management

This report is public

Purpose of report

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **15/01359/OUT – Land to the Rear of 21 to 23 Park Close and Adjacent to Church Lane, Yarnton.** – Appeal by Mr K Miller against the refusal of outline planning permission for the erection of a 2 bedroom house with garage.

15/01454/OUT – The Tally Ho Inn, 45 Ploughley Road, Arncott, OX25 1NY. – Appeal by B A Property Management Ltd against the refusal of outline planning permission for 5 no. dwellings.

15/01483/F – Land to the Rear of 58 to 66 Merton Road, Ambrosden. – Appeal by Mr and Mrs Clive and Lesley Collisson against the refusal of planning permission for the erection of 6 houses, garages and associated works.

15/01685/F – Land North of Office Building at Former Northern Aluminium Co Ltd, Southam Road, Banbury. – Appeal by Mr M Byrom of First Industrial against the refusal of planning permission for the installation of a peak power generation plant and associated development.

15/01895/F – Orchard Way, Heyford Road, Somerton, OX25 6LL. – Appeal by Mr David Berlouis against the non-determination of alterations and erection of extension.

2.2 **Forthcoming Public Inquires and Hearings between and February 18th and 17th March 2016**

Hearing commencing Wednesday 23rd March 2016 at 10:00 am in the River Cherwell Meeting Room at Bodicote House, White Post Road, Bodicote.

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.

2.3 **Results**

Inspectors appointed by the Secretary of State have:

- 1) **Dismissed the appeal by Philippa and Georgina Pain against the refusal of outline planning permission for up to 51 dwellings with vehicular access from The Hale together with public open space and surface water retention pond and associated infrastructure – Land North of Green lane and East of The Hale, Chesterton – 15/00454/OUT – (Committee).**

Housing Supply and Distribution

- No evidence before the Inspector to come to a different conclusion on the District's five year housing supply position than that taken by the SoS (Hook Norton decision) and the Inspector on the Kirtlington appeal decision. The Appellants dropped their case regarding lack of five year housing supply at the hearing as a result of these two earlier decisions. Nevertheless the Inspector noted the Council's improving housing supply position as demonstrated in the latest 2015 AMR.
- Inspector found that Local Plan Part 1 to be a sustainable strategy for housing growth in the District and noted the overall objectives to rebalance growth away from rural areas and towards Bicester/Banbury. Any significant increase beyond the 750 rural housing allocation for Category A settlements as set out in Policy Villages 2 would render the policy meaningless.
- Whilst Policy Villages 2 does not explicitly contain phasing requirements, the Inspector concluded that if disproportionate numbers of housing are provided in one single Category A settlement early within the plan period, it would leave other Category A settlements unable to meet their housing needs (including for affordable housing) later on in the plan period without being in conflict with Policy Villages 2.
- Inspector reiterated the findings of the Kirtlington Inspector by stating that the size of a Category A settlement was a factor to take into account in considering distribution of the rural housing allocation of Policy Villages 2. The Inspector concluded that Chesterton was one of the smaller Category A settlements and had comparatively limited services and amenities. She also noted that whilst it is close to Bicester it is not actually particularly accessible to Bicester given the lack of attractive pedestrian/cycle links or bus services. Inspector also referenced the likely reduction in bus services to the village in

light of the probable decision in April by OCC to withdraw subsidies. She went on to find that Chesterton had already received a significant amount of new housing over the past 2-3 years (including before the April 2014 date specified in Policy Villages 2).

- Overall the Inspector came to the view that the appeal proposals would see an excessive number of new homes proposed in Chesterton over a short time period which the village could not sustainably accommodate and which would in turn prejudice rural housing growth in other Category A settlements.
- Inspector noted the SoS recovered appeal decision at Hook Norton and concluded that, despite allowing the appeal, the SoS had applied a similar approach to considering suitability and sustainability of housing growth in Category A settlements though in that case ultimately came to a different view due to the larger size of Hook Norton and its wider range of facilities etc.
- Interestingly the Inspector found that the amount of affordable housing proposed did not act in favour of the proposals given that, cumulatively with other recent developments, far more affordable housing would be provided in Chesterton than the Council's own housing needs surveys suggested was required. This added further weight to claims that the level of housing growth in Chesterton was excessive and disproportionate. This view was similar to that expressed by the Inspector in the Kirtlington appeal decision.

Landscape Character

- Inspector noted that the site was not subject to any particular landscape or environmental designation. However, the Inspector concluded that it was open agricultural land that was important to the rural countryside setting of Chesterton which was reinforced by the surrounding network of rural lanes that made it feel remote.
- Overall the Inspector found that the new housing proposed together with the necessary associated highway works (which included new footways, traffic calming and a variety of signage associated with speed limit changes etc) would have a significant suburbanising effect to the detriment of local landscape character and the rural countryside setting of Chesterton.

2) **Allowed the appeal by Highfield Social Club against the refusal of planning permission for the removal of roof features, internal alterations and the erection of a two storey front extension (revised scheme of 14/02165/F) – Highfield Social Club, George Street, Bicester, OX26 2EE – 15/01079/F – (Delegated).**

The application sought consent for the erection of a two storey front extension to Highfield Social Club.

The application was refused as the height, depth and position was considered to result in an unacceptable loss of outlook, and an overbearing appearance when viewed from the nearest side and rear facing openings at Primrose Cottage, resulting in significant detriment to the living amenities of occupants. Further, first floor openings were proposed that would result in the perception of a loss of privacy to rear and side openings at the dwelling.

The rear elevation of Primrose Cottage is positioned to the front of the Social Club where the extension was proposed. The case officer visited the neighbour and viewed the site from inside the dwelling. The ground floor openings serve the lounge (rear) and utility area (side), and the first floor opening serves and bedroom. The existing building appeared quite overbearing from these openings and the officer considered bringing the two storey element of the Social Club a further 3.2 metres forward would worsen the existing situation. The extension protruded into the 45 degree line taken from both rear openings at Primrose Cottage. In addition, first floor openings were proposed in the extension, albeit furthest from the shared boundary, that would serve a meeting room and stairwell. Whilst these could have been conditioned as obscurely glazed, the case officer considered that openings in such close proximity to the neighbour would result in the perception of a loss of privacy.

The Inspector disagreed with the officer's assessment. As the meeting room window would be obscurely glazed this was considered sufficient to avoid overlooking. The staircase was somewhere people were unlikely to dwell for periods of time and, combined with the separation distance, this was not considered to affect the privacy enjoyed at Primrose Cottage. The extension was considered to be some distance from Primrose Cottage, and with the hipped roof reducing the bulk and mass of the extension nearest to the neighbour's boundary, the proposal was not considered to be within a line of vision that was overbearing or harmful to the outlook from the cottage.

- 3) Dismissed the appeal by Mr and Mrs Ward against the refusal of variation of conditions 1 and 2 of 13/00718/F – Plot 1 only (to retain house with altered façade / side elevation) – Former Rosemary, Main Street, Fringford, OX27 8DP – 15/00485/F – (Delegated).**
- 4) Dismissed the appeal by Mr and Mrs Ward against the refusal of removal of conditions 1 and 2 of 13/00718/F (retain Plot 1 building 'as built' with first floor side window to be removed) – Plot 1 only. Former Rosemary, Main Street, Fringford, OX27 8DP – 15/00486/F – (Delegated).**
- 5) Allowed the appeal by Mr and Mrs Ward against the variation of condition 1 of planning permission 13/00718/F –Plot 1 only. Former Rosemary, Main Street, Fringford, OX27 8DP – 15/01190/F – (Committee).**

Planning permission (ref 11/01160/F) was granted in September 2011 for a pair of semi-detached properties on a site formerly occupied a single dwelling. During construction it was discovered that the new dwellings were set further forward than shown on the approved plans. A subsequent revision to the scheme, which sought to address the impact on the neighbouring property by removing part of the first floor, was allowed on appeal (ref 13/00718/F). The approved amendment to the design has not been implemented.

Following this approval, three further planning applications were submitted, which sought permission for alternative solutions. All these proposals were refused and are the subject of this appeal decision.

When assessing the three schemes, the Inspector concluded that the key issues were the effect on:

1. The character and appearance of the wider area with particular regard to the street scene in Main Street and the setting of the Old Forge (a Grade 2 listed thatched house) and;
2. The living conditions of the occupiers of Kohanka, with particular regard to outlook.

Appeal A (15/00485/F) – leave the building as built

The Inspector considered that in terms of character and appearance *“that leaving the building in its current form would be harmful to the street scene in Main Street and to the rural character and appearance of the area.”* However, as with all three appeal cases, she concluded that there was “sufficient separation distance between Plot 1 and the Old Forge such that its setting would be preserved.”

With regard to the outlook and living conditions of Kohanka, the Inspector reasoned that the proximity of the side gable to a first floor window in Kohanka *“is harmful to the outlook from the property and to the living conditions that the occupiers could reasonably expect.”*

Appeal B (15/00486/F) – alter the building to produce an asymmetric gable

In this instance the Inspector argued that the alterations proposed *“would be prominent in the street scene and would appear awkward and contrived. It would be out of keeping with the symmetrical side gables that are visible when approaching along Main Street from the south-west. It would be prominent in the street scene and would ‘draw the eye’ causing material harm to the rural character and appearance of the street scene.”*

With regard to the impact on Kohanka, it was determined that this revision *“would improve the outlook from Kohanka and would not be harmful to the living conditions of the occupiers.”*

Appeal C (15/01190/F) – alter the building to produce a reduced gable.

The Inspector’s assessment in respect of design was that *“given the variety in the type and design of dwellings in Main Street, the variation in appearance between plots 1 and 2 could be accommodated without appearing unusual or incongruous in the street scene.”*

As with Appeal B, the Inspector concluded that the revised scheme would have an acceptable impact on the residential amenities of the occupiers of Kohanka.

On the basis of the above the Inspector dismissed Appeals A and B and allowed Appeal C. The Inspectorate has given the appellant six months to implement the approved scheme.

- 6) **Dismissed the appeal by Mrs M Shingler against the refusal of planning and listed building consent for a single story side extension, associated landscaping and restoration of garden area – Adderbury House, Lake Walk, Adderbury, OX17 3PE – 15/01234/F + 15/01235/LB – (Delegated).**

The Inspector concluded the main issue in both applications to be whether the proposal would preserve the special architectural and historical interest of the Grade II listed building.

Whilst the Inspector noted the size of the existing house, he considered that: *the length and design of the proposal would adversely affect the largely symmetrical southern frontage of the House which makes an important contribution to its special architectural and historic interest.* He also considered that this would result in harm to the Conservation Area despite views from public areas being limited. The appellant had sought to argue a fall-back position, referring to a previous planning permission they considered to be extant. However the Inspector concluded that: *it appears that the consented scheme mainly provides for detached garden buildings...this is in contrast to the proposal which provides for an extension of the house. I am not convinced therefore that the extant scheme would cause more harm to the significance of the listed building than the current proposal and this limits any weight I can ascribe to it as a fallback position.*"

The Inspector concluded that the proposed extension would cause less than substantial harm to the significance of this Grade II listed building, and would not preserve its special architectural or historic interest. The Inspector concluded that it had not been shown that public benefits would outweigh this harm and that the proposal would be contrary to Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. Given the above, the Inspector concluded that both of the appeals should be dismissed.

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, Law and Governance, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

Risk Management

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

Comments checked by:

Nigel Bell, Team Leader – Planning, Law and Governance, 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	
None	
Report Author	Tom Plant, Appeals Administrator, Development Directorate
Contact Information	01295 221811 tom.plant@cherwell-dc.gov.uk