

# Public Document Pack



**Committee:** Planning Committee  
**Date:** Thursday 14 April 2016  
**Time:** 4.00 pm  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

## Membership

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

## Substitutes

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

## AGENDA

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

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

**3. Requests to Address the Meeting**

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

**4. Urgent Business**

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

**5. Minutes** (Pages 1 - 27)

To confirm as a correct record the Minutes of the meeting of the Committee held on 17 March 2016.

**6. Chairman's Announcements**

To receive communications from the Chairman.

**Planning Applications**

- |     |   |                   |
|-----|---|-------------------|
| 7.  | <b>Cropredy Marina, Claydon Road, Cropredy, Banbury</b><br>(Pages 30 - 48)  | <b>15/01949/F</b> |
| 8.  | <b>3 West Bar Street, Banbury</b> (Pages 49 - 70)                           | <b>16/00037/F</b> |
| 9.  | <b>28 Grange Park, Steeple Aston, Bicester</b> (Pages 71 - 77)              | <b>16/00349/F</b> |
| 10. | <b>The Gables, 4 Westbourne Court, Bloxham, OX15 4HD</b><br>(Pages 78 - 85) | <b>16/00526/F</b> |

**Review and Monitoring Reports**

**11. Appeals Progress Report** (Pages 86 - 92)

Report of Head of Development Management

**Summary**

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

**Recommendations**

The meeting is recommended:

- 1.1 To accept the position statement.

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

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwellandsouthnorthants.gov.uk](mailto:democracy@cherwellandsouthnorthants.gov.uk) or 01295 227956 prior to the start of the meeting.

### **Declarations of Interest**

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

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

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

### **Evacuation Procedure**

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

### **Access to Meetings**

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

### **Mobile Phones**

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

### **Queries Regarding this Agenda**

Please contact Aaron Hetherington, Democratic and Elections  
[aaron.hetherington@cherwellandsouthnorthants.gov.uk](mailto:aaron.hetherington@cherwellandsouthnorthants.gov.uk), 01295 227956

**Sue Smith**  
**Chief Executive**

Published on Wednesday 6 April 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 17 March 2016 at 2.00 pm

- Present: Councillor Colin Clarke (Chairman)  
Councillor Fred Blackwell (Vice-Chairman)
- Councillor Andrew Beere  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Matt Johnstone  
Councillor James Macnamara  
Councillor Alastair Milne Home  
Councillor Nigel Randall  
Councillor G A Reynolds  
Councillor Barry Richards  
Councillor Lawrie Stratford  
Councillor Sean Woodcock
- Substitute Members: Councillor D M Pickford (In place of Councillor Michael Gibbard)  
Councillor Barry Wood (In place of Councillor Mike Kerford-Byrnes) (in place of Councillor Kerford-Byrnes)
- Also Present: Councillor Douglas Webb, ward member for Wroxton for agenda item 15  
Joy White, Oxfordshire County Councils Highways Department
- Apologies for absence: Councillor Michael Gibbard  
Councillor Mike Kerford-Byrnes  
Councillor Richard Mould  
Councillor Rose Stratford
- Officers: Jon Westerman, Development Services Manager  
Bob Duxbury, Development Control Team Leader  
Nigel Bell, Team Leader - Planning / Deputy Monitoring Officer  
Aaron Hetherington, Democratic and Elections Officer  
Linda Griffiths, Principal Planning Officer  
Victoria Barrett, Assistant Planning Officer  
Matt Chadwick, Planning Officer  
James Kirkham, Senior Planning Officer  
Stuart Howden, Senior Planning Officer  
Andrew Lewis, Principal Planning Officer  
Bob Neville, Senior Planning Officer

## **Declarations of Interest**

### **9. Land North East Of Skimmingdish Lane Launton Oxfordshire.**

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

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

### **12. Plots 4 and 5 Brookhill Way, Banbury.**

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

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

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

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

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

### **15. Land North West of Wroxton Mill, Wroxton, Oxfordshire.**

Councillor Alastair Milne Home, Declaration, the applicant was known to him, but would remain in the council chamber and take part in the debate and the vote.

Councillor James Macnamara, Declaration, the applicant was known to him, but would remain in the council chamber and take part in the debate and the vote.

Councillor Lawrie Stratford, Declaration, the applicant was known to him, but would remain in the council chamber and take part in the debate and the vote.

### **18. Tesco Extra, Lockheed Close, Banbury, OX16 1LX.**

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

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

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

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

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

**19. Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0HS.**

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

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

Councillor Barry Richards, Declaration, as the property is adjacent to his home and would leave the council chamber and not take part in the debate or vote.

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

Councillor D M Pickford, Declaration, as a member of Executive and would leave the Council Chamber for the duration of the meeting.

Councillor G A Reynolds, Declaration, as Deputy Leader of the Council whose areas of responsibility included recreation.

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

182 **Requests to Address the Meeting**

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

183 **Urgent Business**

There were no items of urgent business.

184 **Minutes**

Subject to the following amendments, the Minutes of the meeting held on 18 February 2016 were agreed as a correct record and signed by the Chairman, subject to the following amendment to Minute 169:

**Minute 169: Twenty Ha of Land Proposal of New Highway Aligned with Howes Lane, Bicester**

*[Addition of conditions 7 – 33]*

Subject to the addition of conditions 7 – 33 to Minute 169, Members are asked to agree the minutes of the meeting of 18 February 2016 as a correct record:

7. Prior to the commencement of the development hereby approved, details of the final surface treatment of road, cycleway and footway shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
8. Notwithstanding the submitted details and prior to the commencement of the development hereby approved, revised positions for the bus stops, which shall be Real Time Information enabled, shall be submitted to and approved in writing by the Local Planning Authority. The bus stop positions shall thereafter be provided in accordance with the approved details prior to the first use of the development.
9. Prior to the first use of the road infrastructure hereby approved, full details of the bus stop infrastructure and street furniture to be provided at the bus stops as well as details of the future maintenance arrangements for these features shall be submitted to and approved in writing by the Local Planning Authority. The bus stop infrastructure and street furniture shall be provided prior to the first use of the road infrastructure and shall be maintained in accordance with the approved details thereafter.
10. Notwithstanding the submitted details and prior to the commencement of the development hereby approved, revised details of the junction ellipses shall be submitted to and approved in writing by the Local Planning Authority. The junction ellipses shall be provided in accordance with the approved details.
11. No development shall commence on the road infrastructure hereby approved until such time that a scheme for the closure of the existing parts of Howes Lane and Bucknell Road that are proposed to be closed through a formal Traffic Regulation Order, has been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the road, the scheme shall be constructed and implemented in accordance with the approved details.
12. Prior to the commencement of the development, full details of the interface between the road infrastructure and the areas of land at the existing Howes Lane and Bucknell Road that are to be closed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
13. Prior to the commencement of the development, full details of the design of the traffic signalised junctions and signalised crossings, including the method by which the signals shall operate in combination as a network, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first public use of the road infrastructure, the traffic signals shall be installed and commissioned in accordance with the approved details.
14. Prior to the commencement of the development hereby approved, a detailed scheme design including calculations for surface water

drainage of the development including details of all SUDs infrastructure and maintenance of the features shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter and prior to the commencement of any development on the site the approved surface water drainage scheme shall be implemented and thereafter maintained.

15. Prior to the commencement of the development, full details of the design of the ponds shall be submitted to and approved in writing by the Local Planning Authority. The design of the ponds shall be implemented in accordance with the approved details.
16. Prior to the commencement of the development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan is to include details of wheel washing facilities, any restrictions upon development traffic and routing of construction traffic to the site. The approved plan shall be implemented in full during the entire construction phase.
17. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP)/ Code of Construction Practice (CoCP), 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 and 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 approved CEMP.
18. Within 4 months from the first use of the road infrastructure hereby approved, a post construction noise survey shall be carried out to assess whether there are any adverse effects from the road once in operation on any existing residential dwelling that would exceed the levels set out in BS8233:2014, which shall be submitted to and approved in writing by the Local Planning Authority. Should any adverse effects be identified, a scheme for the remediation of any such impacts shall be identified within the report and shall be approved in writing by the Local Planning Authority. The identified remediation shall be carried out within 3 months from the written approval of the remediation scheme.
19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy has been submitted to the local planning authority for its written approval. The remediation strategy shall include details how this unsuspected contamination shall be dealt with. The remediation strategy shall thereafter be implemented as approved.
20. No development shall commence until a Soil Resources Plan that details the soils present, proposed storage locations, handling methods and locations for reuse, shall be submitted to and approved in writing



by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved plan.

21. Prior to the commencement of the development, details of existing and proposed levels for the road infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved levels.
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.
23. 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
24. 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 final surface course of the road/ footways being completed. 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.
25. Prior to the commencement of the development hereby approved, full details of a scheme for the protection of all retained trees and hedgerows, in accordance with the recommendations contained within the tree survey report submitted with the application (Report number 5003-UA005241-UE21R-01-Arb-App-3 dated 3<sup>rd</sup> December 2014) shall be submitted to and approved in writing by the Local Planning Authority. All approved tree protection measures shall be installed prior to the commencement of the development and shall be retained for the duration of the construction phase.
26. Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing

and proposed trees, shrubs and hedgerows within influencing distance of such services, including details of any required engineering solution methods for development within the Root Protection Area of any tree/hedgerow 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.

27. 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.
28. Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of the first stage Written Scheme of Investigation referred to in condition 25, 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.
29. Prior to the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.
30. No removal of hedgerows, trees or shrubs, shall take place between the 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
31. Prior to the first use of the road infrastructure hereby approved, a Landscape and Ecology Management Plan (LEMP) covering areas to be offered for adoption until such time that the land is adopted and land outside of the adoptable area 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.
32. Prior to the commencement of the development a Site Waste Management Plan, targeting zero waste to landfill, shall be submitted to and approved in writing by the Local Planning Authority. The approved Site Waste Management Plan shall thereafter be implemented in accordance with the approved details.

33. The development shall be constructed to meet a minimum of CEEQUAL Standard 'Very Good'.

185 **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.

186 **Land North Of Southfield Farm North Lane Weston On The Green**

The Committee considered application 15/01953/OUT, an outline application for the erection of up to 26 dwellings including the 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.

In introducing the report, the Planning Officer advised the Committee that whilst they had considered and determined the application at their last meeting, due to an administrative error the applicant's planning agent had not been given the opportunity to address the Committee. The application was therefore being presented again to the Committee to allow the applicant's planning agent to address the meeting and the application to be considered afresh with Members having regard to the information before it at the Committee meeting and the contribution of the speakers.

Dr Susan Davis, Vice Chairman of Weston on the Green Parish Council and Roger Evans, a local resident, addressed the committee in objection to the application.

Matthew Taylor, the agent for the applicant, addressed the committee in support of the application.

Councillor Randall proposed that application 15/01953/OUT be refused as the settlement was beyond the village boundary. Councillor Macnamara seconded the proposal.

In reaching their decision the committee considered the officer's report and presentation, written update and the addresses of the public speakers.

**Resolved**

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

1. The development proposed, by reason of its scale and siting beyond the built up limits of the village, encroachment into the open countryside, and taking account of the Council's ability to demonstrate an up-to-date five year housing land supply, is considered to be

unnecessary, undesirable and unsustainable new development that would harm the rural character and setting of the village. The proposal is therefore considered to be unacceptable in principle and contrary to Policies ESD13, ESD15 and Villages 2 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.

2. The development proposed, by reason of its poor connectivity and links to the existing village and position adjacent to the busy Northampton Road , would represent an unsustainable form of development poorly related to the services and facilities within the existing village. The proposed development would therefore be contrary to Policies SLE4, ESD1 and ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1 and advice in the National Planning Policy Framework which seeks to ensure that new development facilitates sustainable modes of transport and provides opportunities for the use of public transport, walking and cycling.
3. 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 local 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 Part 1 and Government advice within the National Planning Policy Framework

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### **Land West of OS Parcel 4100 Adjoining and South of Milton Road, Adderbury**

The Committee considered application 15/02359/OUT for a residential development of up to 50 No dwellings, access, infrastructure and public open space with means of access from Milton Road to be determined with all other matters reserved for subsequent approval at Land West of OS Parcel 4100 Adjoining and South of Milton Road, Adderbury for Rosconn Group Ltd.

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

### **Resolved**

That application 15/02359/OUT be refused 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.

188 **Land North East Of Skimmingdish Lane Launton Oxfordshire**

The Committee considered application 15/01012/OUT, an outline application for a 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 at Land North East Of Skimmingdish Lane, Launton, Oxfordshire for Albion Land Ltd.

John Broad, representing CPRE addressed the committee in objection to the application.

Tim Waring, the applicant's agent, addressed the committee in support of the application.

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

**Resolved**

That application 15/01012/OUT be approved, 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
  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.
  2. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
  3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
  4. 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
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.
  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
  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.
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
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.

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.
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.
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.
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.



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.
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.
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.
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.
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.
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.
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.

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.
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.
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.
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.
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.
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.

(4.15pm – 4.20pm: Adjournment of meeting for a comfort break)

189

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

The Committee considered application 15/02052/F for the demolition of outbuildings and erection of one low energy building with change of use of land to residential at Bean Acre Cottage, Rope Way, Hook Norton, Banbury, OX15 5QB for Mr Charlie Luxton.

Charlie Luxton, the applicant, addressed the committee in support of the application.

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

**Resolved**

That application 15/02052/F be approved, 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.
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.
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.
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.
5. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> 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.

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

190

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

The Committee considered application 15/02053/LB, a listed building application for the demolition of outbuildings and erection of one low energy building with change of use of land to residential at Bean Acre Cottage, Rope Way, Hook Norton, Banbury, OX15 5QB for Mr Charlie Luxton.

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

**Resolved**

That application 15/02053/LB be approved, subject to the following conditions:

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

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.
5. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> 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.
6. All rainwater goods shall be traditional cast iron or metal painted black and permanently so retained thereafter.

191

#### **Plots 4 and 5 Brookhill Way, Banbury**

The Committee considered application 15/02060/F for the erection of building to provide self-storage facility (Class B8) at Plots 4 and 5 Brookhill Way, Banbury for Banbury Storage Solutions Ltd.

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

#### **Resolved**

That application 15/02060/F be approved, subject to the following conditions:

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

Architectural site and building plans, sections and elevations  
Forum Architecture Limited

- 15008-01-A Ordnance Survey Site Plan
- 15008-06-A Topographic Site Plan
- 15008-11-C Proposed Site Plan
- 15008-20-C Proposed Ground Floor Plan
- 15008-21-A Proposed First Floor Plan
- 15008-22-A Proposed Second /Third Floor Plan
- 15008-23-A Proposed Fourth Floor Plan
- 15008-24-A Proposed Roof Plan

- 15008-31-A Proposed Elevations
- 15008-40-C Proposed Sections and Long Views

Drainage and external works details  
Calcinotto Consulting Civil and Structural Engineers

- 3160-001-T1 Existing Drainage Plan
- 3160-003-T3 Proposed Drainage Plan
- 3160-010-T3 Proposed Levels Plan
- 3160-050-T2 Drainage Details 1 of 4
- 3160-051-T2 Drainage Details 2 of 4
- 3160-052-T2 Drainage Details 3 of 4
- 3160-053-T2 Drainage Details 4 of 4
- 3160-055-T2 External Work Details 1 of 2

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
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.
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.
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
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
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
9. 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
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.

11. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage 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
12. 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.
13. 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
14. 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.

192

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

The Committee considered application 15/02068/OUT, an outline application 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).

Richard Hazel, a local resident, addressed the committee in objection to the application.

Alex Hales, the applicant's agent, addressed the committee in support of the application.

Councillor Heath proposed that application 15/02068/OUT be refused on the grounds of overdevelopment and highways concerns. Councillor Milne Home seconded the proposal. The motion was duly voted on and subsequently fell.

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

### **Resolved**

That application 15/02068/OUT be approved, subject to:



- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph 5.42 and 5.43 of the planning officers' report.
- 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.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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'
  - 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.
  - 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.

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.
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
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

193

**Swalcliffe Park School, Main Road, Swalcliffe, Banbury, OX15 5EP**

The Committee considered application 15/02119/F for the installation of external security lighting at Swalcliffe Park School, Main Road, Swalcliffe, Banbury, OX15 5EP for Swalcliffe Park School

Councillor Reynolds proposed that application 15/02119/F be refused as the number of lights proposed was excessive and would negatively impact on the environment and neighbouring vicinity. Councillor Heath seconded the proposal. The motion was duly voted on and subsequently fell.

Councillor Woodcock proposed that application 15/02119/F be approved. Councillor Richards seconded the proposal.

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

**Resolved**

That application 15/02119/F be approved, 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.
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 14 October 2015 and drawing 15-246 01 Rev. E and 15/246 02 OR
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.
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.
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.
6. Prior to the fitting or erection of any of the lights hereby approved, a schedule of the existing lights within the site and existing lights attached to any building within the site shall be submitted to and approved in writing by the Local Planning Authority. All existing lights identified on the schedule shall be removed from the site prior to any new light being brought into use.

194

**Land North West of Wroxton Mill, Wroxton, Oxfordshire**

The Committee considered application 15/02120/F for the erection of one dwelling at Land North West of Wroxton Mill, Wroxton, Oxfordshire for Mr & Mrs James & Angela Perry.

Councillor Webb addressed the committee as Ward Member.

John Daly, Parish Councillor of Wroxton Parish Council, addressed the committee in support of the application.

Councillor Reynolds proposed that application 15/02120/F be approved. Councillor Milne Home seconded the application. The motion was duly voted on and subsequently fell.

Councillor Richards proposed that application 15/02120/F be refused as per the reasons set out in the report. Councillor Woodcock seconded the proposal.

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

**Resolved**

That application 15/02120/F be refused 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.

195

**20 The Bourne, Hook Norton, Banbury, OX15 5PE**

The Committee considered application 15/02233/F for a single storey rear extension 20 The Bourne, Hook Norton, Banbury, OX15 5PE for Sanctuary Housing.

In reaching their decision the committee considered the Officer's report and presentation.

**Resolved**

That application 15/02233/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, drawing 'P.01 rev. P2' site location plan and block plan.

196 **Pool Farm, Mill Lane, Stratton Audley, OX27 9AJ**

The Committee considered application 15/02314/F for a permanent use of land as Rally school including use of land for quad bikes, buggies and jeeps at Pool Farm, Mill Lane, Stratton Audley, OX27 9AJ for Christopher Wigmore.

Ken Smith and Elizabeth Collins, local residents, addressed the committee in objection to application.

Christopher Wigmore, the applicant, addressed the committee in support to the application.

Councillor Clarke proposed that application 15/02314/F be deferred to allow for further liaison with environmental health. Councillor Milne Home seconded the proposal.

In reaching their decision the committee considered the officer's report, presentation and address of the public speakers.

**Resolved**

That application 15/02314/F be deferred to allow for further liaison with environmental health.

197 **Tesco Extra, Lockheed Close, Banbury, OX16 1LX**

The Committee considered application 16/00017/F for a proposed extension to existing home shopping area within existing service yard with replacement canopy at Tesco Extra, Lockheed Close, Banbury, OX16 1LX for Tesco Stores Ltd.

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

**Resolved**

That application 16/00017/F be approved, subject to the following conditions:

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

198 **Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0HS**

The Committee considered application 16/00246/F for an extension to the existing leisure centre for use as cafe/ library area ancillary to the leisure use with the current library being relocated at Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0HS for Cherwell District Council.

In reaching their decision the committee considered the Officer's report and presentation.

**Resolved**

That application 16/00246/F be approved, subject to the following conditions:

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered: 2168/100, 2168/101, 2168/111, 2168/112, 2168/122 and 2168/123.

199 **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 7.18 pm

Chairman:

Date:

### PLANNING COMMITTEE

14 April 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.

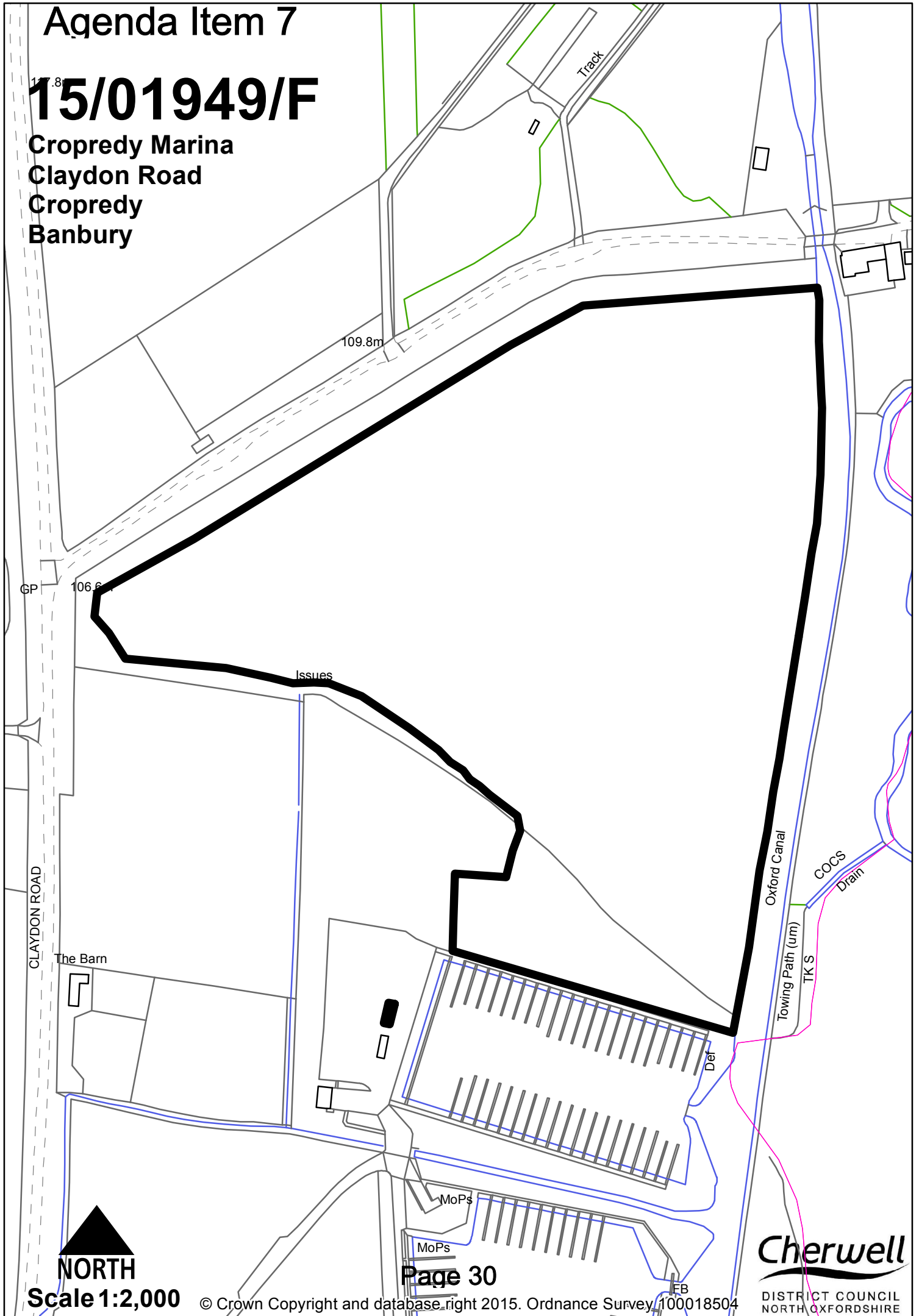
	<b>Site</b>	<b>Application No.</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
7	Cropredy Marina Claydon Road Cropredy Banbury	15/01949/F	Cropredy	Approve subject to the Environment Agency confirming no objections and subject to a legal agreement to preclude the construction of the approved office building.	Emily Shaw
8	3 West Bar Street, Banbury	16/00037/F	Banbury Easington	Approval	Stuart Howden
9	28 Grange Park, Steeple Aston, Bicester, OX25 4SR	16/00349/F	The Astons and Heyfords	Approval	Victoria Barrett
10	The Gables, 4 Westbourne Court, Bloxham, OX15 4HD	16/00526/F	Bloxham And Bodicote	Refusal	Victoria Barrett



# Agenda Item 7

## 15/01949/F

Cropredy Marina  
Claydon Road  
Cropredy  
Banbury

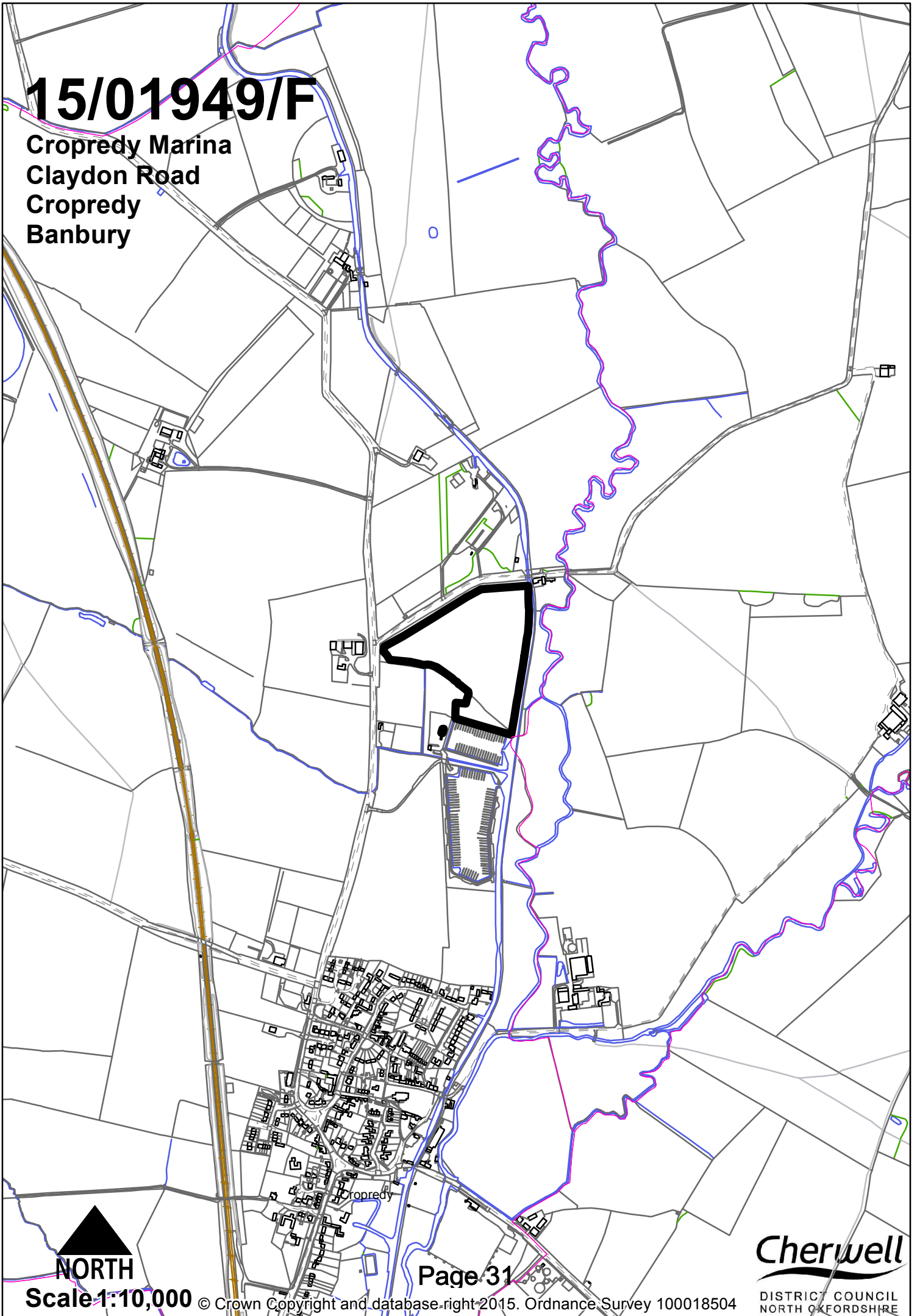


**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# 15/01949/F

Cropredy Marina  
Claydon Road  
Cropredy  
Banbury



Scale 1:10,000

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

**Applicant:** Cropredy Marina Ltd

**Ward Member(s):** Cllr K Atack

**Proposal:** Creation of north basin to form extension to marina, including installation of pontoons for up to 100 boat moorings; extension to existing car park for 42 cars, installation of swing bridge, replacement of approved but unbuilt office and associated landscaping.

**Committee Date:** 14<sup>th</sup> April 2016                      **Recommendation: Approve subject to the Environment Agency confirming no objections and subject to a legal agreement to preclude the construction of the approved office building.**

**Committee Referral:**                      **Major Application**

## 1. Application Site and Locality

- 1.1 The application site is an area of open agricultural land which lies to the north of the existing marina and to the north of the village of Cropredy. The road to Claydon lies to the west of the site and the road to Appletree lies to the north of the site. The canal basin lies to the east of the site and is part of the Canal Conservation Area, which is a linear designation which stretches from the north to the south of the District of Cherwell along the line of the Oxford Canal. The canal tow path is a registered footpath (public right of way) which runs along the eastern side of the canal basin, opposite the existing and proposed marina. The Road Bridge, Number 150 over the canal to the north of the site is a grade II listed structure, a late 18<sup>th</sup> Century/early 19<sup>th</sup> Century single arch bridge. The site lies within flood zone 2 medium probability of flooding (land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding) and flood zone 3 high probability of flooding (land having a 1 in 100 or greater annual probability of river flooding). A mature oak tree is located to the north of the existing marina and will be sited immediately adjacent to the new basin.
- 1.2 The village of Cropredy comprises a primary school, two public houses, a shop, community hall, recreation facilities and a doctor's surgery. The site of the extended marina is within walking distance of the village of Cropredy.

## 2. Description of Proposed Development

- 2.1 The development proposes an extension to the existing marina in the form of an additional basin sited to the north providing a further 100 boat moorings. Access for boats into the new basin will be via the existing access from the main canal into basin no. 2 and then from

existing basin no. 2 into the new basin no. 3, via a channel between the two basins. The proposal does not include a new access into the canal basin. A swing bridge is proposed between existing basin no. 2 and proposed basin no. 3 which will ensure pedestrian access is maintained from the existing car park to the moorings at the north east corner of basin no. 2.

- 2.2 Vehicle access to the site will remain as the current arrangement from the main existing access from the Claydon Road. Parking is currently provided on the site to the west of basin no. 2. A further extension to the car parking area is proposed as part of this application. This new parking area will be sited to the west of the proposed basin no. 3. There is also a new access track proposed from the extended car parking area to the north of the site to provide vehicle access to the new basin.
- 2.3 A new landscaping scheme is proposed to the north, west and east of the proposed basin. The proposed planting is a native shrub mix.
- 2.4 The land to the north of the proposed basin is included within the red line of the application site to provide an area for the excavated material to be deposited. The submitted plan indicates that the excavated material will be deposited at a maximum depth of 300mm within the specified area. The current top soil will be stripped from the field and retained to allow the spoil to be deposited and the top soil to be re-used.
- 2.5 A new office building is proposed as part of these proposals. The building is single storey and is to be sited to the west of basin no. 2 and within the existing car parking area. The building is to be constructed from timber with a felt roof. An office building was approved as part of the planning application for the existing marina; this was to be located within the car parking area near the entrance to the site. The proposed office building replaces this and is sited further to the north.
- 2.6 A number of technical supporting documents have been submitted with the application, including a Feasibility Assessment, Design, Access, Heritage and Planning Statement, Flood Risk Assessment, extended Phase 1 Habitat Survey, Landscape and Visual Impact Assessment, Transport Assessment, and an Arboricultural Impact Assessment and Method Statement.

### 3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
14/01239/F	Variation of Condition 23 of 11/01255/F - To allow for additional lighting - (Retrospective)	Approved
15/01056/F	Erection of canopy and siting of floating dry dock - Retrospective	Approved
11/01255/F	Proposed Marina with ancillary office, store, car parking, access and associated landscaping	Approved

### 4. Publicity and Consultation

#### 4.1 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 19<sup>th</sup> March 2016.

5 letters of objection have been received in summary raising the following comments:

- *Concerns raised about the water levels within the existing Oxford Canal and the impact of the proposal on water levels due to increased use of the canal. Increased boat use on the canal will exacerbate the low water levels.*
- *The extension to the marina would increase the number of boats moorings to 350. The proposed number of boats would be more than the number of houses in Cropredy.*
- *The increased number of vehicle trips to the marina would cause safety issues on the local road network.*
- *The increased use of the village services by people at the marina is minimal.*
- *Concerns raised regarding permanent residential use of boats within the marina. Permanent residents will place pressure on existing services within the community.*
- *The proposed office and store is larger than previous approved.*
- *The marina has not generated local business opportunity.*
- *Retail boats sales are taking place at the site.*
- *The increase in the size of the marina will cause further harm from vehicle trips to the site, impact on the landscape and lighting.*
- *The character and appearance of the conservation area is important. The existing marina has intruded significantly into the rural landscape and the proposal would cause considerable further visual intrusion.*
- *The proposed landscaping is minimal*
- *Is the number of parking spaces proposed required.*
- *Fishermans cottage has views to the south down the canal, the proposal would affect these views.*
- *The new basin would reduce the absorption of water into the ground.*
- *The environmental improvement within the scheme is minimal.*

#### **4.2 Response to Consultation**

Parish Council: *No objection to the application, but make the following observations.*

- *The Parish Council have learned that there are a number of occupiers who are now on the electoral role, have children registered at the village school and a number are registered at the village surgery. This situation needs to be addressed as, apart from contravening the original terms of the permission, we understand that anybody in permanent residence should be contributing to council tax.*

- *Light pollution is a significant factor from the present marina and is particularly troublesome to Cropredy residents living in the Creampot Lane area. The lighting at both the present marina and the new one, if approved, should be controlled by sensors to ensure minimal visual impact.*
- *An additional concern relating to the present application is the current problem with water shortages on the canal. Despite comments in the application the addition of 100 new berths will inevitably increase usage on the canal which is struggling to cope with present traffic due to lack of water, particularly in the busy months.*

Cherwell District Council:

**CDC Environmental Protection Officer:** no objections to the proposal

**CDC Landscape Architect: Original comments on the submitted plans** - *There will be a medium significance of effect in respect of the cumulative impact of the proposed marina for visual receptors from the towpath - as indicated by photo view P13 - it is therefore important to retain/and supplement the existing vegetation along the canal with a native hedgerow, in accordance with the Native Hedgerow Mix on the Landscape Proposals.*

*The trees are not identified in Reports 4 Planning's tree survey, and I think the viability of these multi-stemmed coppice trees near to the canal boats should be assessed, especially if the layout is to be revised to reduce the construction impact on the mature Oak (T11) on the edge of the basin. I am concerned about the future viability of this 'amenity' tree, and of course, subject to our arboriculturalist's response, I would advocate revising the location of the basin to avoid the root protection area entirely, reducing the element of doubt, given that the Landscape Proposals indicate this tree as being closer to the edge of the proposed basin than the distance indicated in the Tree Protection plan.*

*On the Landscape Proposals, information relating to the extent of grass seeding, and vegetation to soften the perimeter of the basin (as already established on site), is non-existent. This is necessary to ensure all relevant surface/interface landscape treatment is identified. Also on the landscape proposals the retained trees and hedgerows are to be stated as being retained given that they provide visual and landscape mitigation and amenity to the site. Especially the hedgerows, trees and recent tree planting immediately north and west of the 'approved' car park.*

*In conclusion, I have no objection to this application as long as full hard and soft details of landscaping under the relevant planning condition, including a separate landscape maintenance specification under condition, is submitted to ensure that the development is appropriately landscaped and maintained. The following British Standards are appropriate: BS 4428:1989 Code of practice for general landscape operations (excluding hard surfaces); BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations.*

**Landscape comments on the revised landscape proposals** - *Having considered the revised landscape proposals, drawing no. ID622.01E, I confirm:*

1. *There are construction issues in respect of the Oak tree immediately west of the proposed basin.*
2. *Areas of amenity grass are not shown; these are necessary to ensure no visually harmful hard surface areas are added in the spaces between proposed hedgerows and basin and between existing hedgerows and car park.*
3. *The edge of the existing basin is visually softened with native marginal edge planting which must be replicated around the new basin.*

4. The proposed hedgerows to the car parks, require additional indigenous hedgerow trees such as *Acer campestre* x5.
5. The proposed hedgerow to the periphery of the basin is native and the shrub mix to the west of the basin in terms of visual amenity and landscape mitigation, are acceptable.

**CDC Arboricultural Officer:** *The Oak tree close to the proposed basin is a quality tree worth preserving and I consider it should have been classified as a B. There is a discrepancy between the design plan and the tree constraints plan so they need to clarify the location of the tree in relation to the edge of the proposed marina. Also they need to supply an arboricultural method statement with regards to the protection of the tree and the works that will take place around it to ensure the root zone is not damaged.*

**Arboricultural comments on additional and amended information:** *It is good to see the design plan amended to show the wharf going around the root zone of the oak tree T11.*

*But the tree report is full of generic information and very little specific comments on the project. In this case there is no specific comments in the method statement regarding tree protection of tree T11 and to works taking place within the root protection area, ie there appears to be a path going through the root protection area and no comments have been made as to the type or construction method.*

*Also I would like to know the method of wharf edge construction and how much they need to intrude into the bank.*

**CDC Ecology Officer:**

*The submitted ecological information is fine although a little light on information. The site is largely arable land but with some features of ecological value namely a hedgerow, ditch and some scrubby vegetation. In addition the impacts on the adjacent canal particularly at the North of the development boundary where there is little between the two also need to be considered.*

*In general there are no major ecological issues on site, the adjacent site already having been disturbed by the creation of the current marina and the office building is unsuitable for bats. The conclusions within the Extended phase 1 report are all appropriate and should be conditioned – namely mitigation for loss of hedgerow, strimming of bank and ditch sides and recheck for water vole, pre-works vegetation management for reptiles and avoidance of nesting bird season or a pre-works check.*

*The planting of new native hedgerows will mitigate for the loss of the current hedgerow to some extent. I am assuming this was not of hedgerow regulation quality although this is not stated explicitly. **The recommended 2m buffer of tall ruderal vegetation or wildflower grass mix is not noted on the landscape proposals and should be provided.** This is needed to compensate for the loss of the Priority hedgerow and Priority arable margin habitats on site and should be managed for wildlife. Information on **how these features will be managed** into the future should be supplied or maybe conditioned as an LEMP in order to ensure no net loss of biodiversity overall.*

*Whilst I agree with the appraisal that bats are unlikely to commute or forage across the current arable field itself they are very likely to use the canal as a route and for feeding particularly given the wooded vegetation opposite. In addition Otters for which there are records just South of Cropredy have not been considered. It is unlikely they utilise this*

stretch of canal given the level of disturbance but they may well use the canalside on the other side of the canal. The avoidance of light spill onto the canal side and vegetation is therefore very important given the potential impacts on European Protected Species. I could not see **lighting proposals** in the documents (I may have missed them) but these should be supplied and should adhere to the The Bat Conservation Trust guidelines with regards to the impact of lighting on bats. Ideally some periods of almost total darkness should be maintained.

Whilst the measures to protect retained biodiversity and mitigate for loss are fine there is **little obvious net gain** for biodiversity from this development and we should be seeking a net gain under National and Local policy. The ecological proposals should go further in this regard. Given the lack of mature trees on site bird boxes on the new office building might be included, additional planting or scrub areas for birds, hibernacula to encourage reptiles, measures to improve the canal side or increase opportunities for water vole on site might be also possible and would be appropriate in this location. The Local Wildlife Trust has a water vole officer who may have useful comments on this.

I would recommend the following conditions:

The development hereby approved shall be carried out in accordance with the recommendations set out in 4.0 of the Extended Phase 1 Habitat Survey carried out by Reports 4 Planning on 16<sup>th</sup> July 2015. The pre-works checks for water vole and nesting birds where appropriate shall be carried out by a suitably qualified person and submitted to the Local Planning Authority for written approval.

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

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

In addition a lighting scheme needs to be submitted.

### **CDC Conservation Officer**

I have no particular objections to the proposed location and design of the office building providing the fenestration of the building is to be reconsidered.

I do, however, have concerns over the addition of a new basin to the north. The land begins to rise to the north and whilst the existing basins appear contained by the landscape the new basin appears to be fitted in where it can and has a poor relationship to the existing facilities. It also has a poor visual and contextual relationship to the canal. Mooring basins have a better visual relationship with the canal if the access point is from the canal directly rather than the proposed arrangement with the basin lying somewhat randomly not quite alongside the canal leaving an irregular 'spit' of bank separating the two.

Much engineering and precision has historically gone into the building of canals; the proposal put forward here seems anything but. There is a distinct impression that this is an opportunistic development and the latest basin has simply been 'shoehorned' in.



*The proposal is harmful to both the character and appearance of the canal conservation area in this location and further more undermines the visual aesthetic of what has already been built as well as the significance of the canal.*

Oxfordshire County Council (Single Response):

**OCC Transport:** *No objection – The applicant has clearly demonstrated that the impact of the extended marina with 349 boat berths will be significantly less than was predicted and considered to be acceptable when the original marina development (249 boat berths) was proposed. When the proposals for the existing 249 berth marina were submitted, 120 daily vehicle movements were predicted to be generated. This was considered to be acceptable bearing in mind the local transport network and the new site access junction on Claydon Road. The number of actual vehicle movements each day by the 249 berth marina have recently been recorded at an average of 53 (based on a four week automatic traffic counter survey capturing the busy summer period). On this basis, the additional 100 berths is predicted to generate only another 21 movements each day bringing the total number of movements of the expanded marina to 74 each day. Suggest conditions regarding car parking, construction traffic management plan.*

Other External Consultees:

**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.*

*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.*

**Canal and Rivers Trust**

**Response to original plans –** *Further details with regard to landscaping and drainage are required. No additional connection to the canal corridor is required. The proposed basin is relatively stark and we would welcome the softening of the banks by the use of planted coir rolls. The existing hedgerow provides a level of screening of the smaller basin and additional landscaping is required to provide a similar level of screening for both the existing and proposed basin.*

**Comments on amended plans –** *no objections subject to the imposition of conditions relating to landscaping, lighting and pollution. No additional connection to the canal is required and recommend softening of the bank. Pleased to see that the mature Oak Tree is to be retained, but we are concerned that the proximity of the tree to the basin may put the tree at risk. The applicant has now clarified that water from the ditch course is to pass through a culvert under the canal and the applicant should discuss this matter further with the Canal and River Trust to establish if the culvert has the capacity to take any additional flow. The new basin will require additional lighting to allow safe movement of the boaters.*

**Environment Agency:** *In the absence of an acceptable Flood Risk Assessment (FRA) the EA object to the grant of planning permission and recommend refusal on this basis for the following reasons:*

- *The FRA submitted with this application does not comply with the requirements set out in paragraph 103 of the National Planning Policy Framework. The submitted*

*FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to demonstrate that the proposed development will not lead to a loss of flood storage with the consequent increase in flood risk to others.*

*Overcoming the EA's objection – We suggest that the 1 in 100 year flood level with an allowance for climate change should be taken as 100.6m AOD. Within the FRA Section 2.5 and 2.6 shows that 726.3 cubic metres will be lost in flood plain storage however as the marina will be excavating land the FRA states that there will be a net increase in flood storage of 958 cubic metres. However, the majority of this compensation is within the flood plain, with a small amount within flood zone 1. As the excavated area of the new marina is predominantly within the flood plain this is not adequate compensation. The FRA suggests that volumetric compensation within the flood plain will be provided, however, we do not feel that this will be adequate and justification needs to be given as to why level for level compensation cannot be provided. The loss of floodplain could have a negative impact on flood risk downstream. Confirmation is also required as to the exact location of the excavated material from the creation of the new marina. Confirmation is also required as to whether any land raising will be completed as part of this development.*

*No objection to the marina extension on the grounds of detrimental affects to water resources of the River Cherwell. However, we did express concerns at initial discussions that although there would appear to be no increase on the abstraction from the Cherwell which feeds the South Oxford and Oxford hydrological unit, there would be increased demand on the Ox and Grand union particularly from the South Oxford Summit and associated reservoirs. Whilst the additional demand of 77MI per annum on the Ox and GU is relatively small it would be beneficial to get a greater understanding and in more detail of where exactly this additional demand would come from through a stage 2 study.*

## **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 SD1 – Presumption in favour of Sustainable Development  
Policy SLE 3 – Supporting Tourism Growth  
Policy SLE 4 – Improved Transport and Connections  
Policy ESD 6 – Sustainable Flood Risk Management  
Policy ESD 7 – Sustainable Drainage Systems (SuDs)  
Policy ESD 8 – Water Resources  
Policy ESD 10 – Protection and Enhancement of Biodiversity and the Natural Environment  
Policy ESD 13 – Local Landscape Protection and Enhancement  
Policy ESD15 - The Character of the Built and Historic Environment  
Policy ESD 16 – The Oxford Canal

## Policy ESD 17 – Green Infrastructure

### Cherwell Local Plan 1996 (Saved Policies)

TR11 – Oxford Canal Future use of the Canal

Policy C23 – Retention of Features Contribution to the Character and Appearance of a Conservation Area.

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

Policy C29 – Appearance of development adjacent to the Oxford Canal

Policy C30 – Design of new development

Policy C31 – Compatibility of proposals in residential areas

Policy ENV1 – Development likely to cause detrimental levels of pollution.

## 5.2 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.

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

## 6. Appraisal

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

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

### Principle of Development

6.2 The proposal is for an extension to the existing marina to the north of Cropredy to provide an additional 100 berths for the mooring of recreation canal boats. Policy ESD16 of the adopted Cherwell Local Plan 2011-2031 Part 1 seeks to support and promote recreation, leisure and tourism related uses of the canal and new facilities for canal users. Development proposals which promote recreation, leisure and tourism on the canal should be located close to existing settlements.

6.3 In the case of this proposal the existing marina is sited to the north of the village of Cropredy which is a Category A village offering a range of existing services. The existing marina and proposed extension are located outside of the built up limits of Cropredy and whilst not immediately adjacent to the village, it is as close as is considered appropriate taking into account the siting of the current marina basins and the local topography and potential neighbour and visual impacts. It is considered that, notwithstanding all other issues to be assessed, the proposed extension to the marina is appropriately located close to Cropredy

and within 1km of a shop, doctor's surgery, public houses, recreation area, church and school which can all be accessed easily on foot or by bike. The proposed extension to the existing marina is therefore considered to comply with the locational requirements of Policy ESD16 of the adopted Local Plan.

- 6.4 Policy SLE 3 of the adopted Cherwell Local Plan supports proposals for improved tourism facilities in sustainable locations, where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District. The proposed extension to the marina will allow for a further 100 recreation boats to be moored at the marina. This will allow for leisure boats to be stored within the marina when not in use and lead to these boats being used for holidays within the district which will increase the number of overnight stays and visitor numbers within the district. The proposal which increases the availability for boats to be moored at the site will lead to an increase in visitor numbers and overnight stays within the district in accordance with Policy SLE 3. In addition the proposal will also sustain 4 full time employees, as well as generating work for independent contractors in the form of mechanics, painters and dock operators.
- 6.5 Comments received from the Parish Council and from third parties have raised concerns that some individuals are living permanently at the site. The marina and the proposed extension is not provided for permanent residential moorings and the applicant's agent has confirmed that the proposal (as stated on the application form) is for 'non-residential' moorings and applicants are required to provide an alternative fixed home address and are advised that if they are found to be living permanently at the site they will be required to be removed from the site within 14 days.
- 6.6 An investigation of the Council's records revealed that a number of boats also appeared to have registered address points at the marina. However these boats have been highlighted to the agent who has responded and advised that although the owners of these boats do spend time staying on the boat and cruising the canal they also have alternative fixed addresses and spend time away from the marina. Therefore, based on the available evidence at the time of writing, Officers are satisfied that there are no permanent residential moorings at Cropredy Marina.
- 6.7 In conclusion, Officers consider the proposed extension to the existing marina is acceptable in principle in this location, but the appropriateness of the proposal is also dependant on other material considerations which are assessed below.

#### **Visual Amenity and Landscape Impact**

- 6.8 Policy ESD13 of the Cherwell Local Plan Part 1 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. Proposals will not be permitted if they would cause undue visual intrusion into the open countryside (or) cause undue harm to important natural landscape features and topography.*
- 6.9 The site of the new basin lies to the north of the existing marina. To the east of the new basin lies the canal which is designated as a conservation area and has a public footpath running along the eastern side of the canal. The water level of the canal and the existing marina basins sits at 100m above sea level and the land to the west and north rises slightly above the level of the canal to approximately 110 metres above sea level at the point of the Appletree Road to the north. To the south and west the land levels also rise slightly from the water level of the canal and the existing marina towards the village and the Claydon Road. The difference in levels means that the existing marina and the proposed extension sit in a natural dip of the land adjacent to the canal. The proposed development will result in an additional marina basin, making a total of three basins, including the two already part of the

existing marina. The new basin will measure 150 metres in length from north to south and would result in a total length of the three basins measured from north to south of 500 metres.

- 6.10 The proposed development will result in a significant change to the appearance of the area and it will be clearly seen from the rear of some of the properties to the south, the Claydon Road, Appletree Road and the tow path. However, as a result of the topography of the site and the surrounding area, longer distance views of the marina site are not possible. There is already a large body of water capable of accommodating 249 boats and the new basin will introduce a further body of water to the north capable of accommodating a further 100 boats. The existing marina can currently be seen from the nearby roads, towpath and some properties without undue harm to the visual amenities of the area. The proposed extension would be considered to sit comfortably alongside the existing marina and furthermore would be viewed in the context of the existing marina site and therefore is considered not to cause undue visual harm to the locality. The proposal is therefore considered to be in accordance with Policy ESD13 of the adopted Cherwell Local Plan.
- 6.11 The proposal includes the excavation of the basin and the re-grading of the land to the north and west to accommodate the excavated earth. The height of the raised land will be no more than 300mm above the height of the existing ground level. The proposed re-grading is not considered to materially alter the topography of the landscape thus complying with Policy ESD13 of the adopted Local Plan which seeks to ensure that development does not harm the character of the landscape.
- 6.12 The proposed office building is to be sited to the west of the existing marina within the existing car parking area. The building is single storey in height and is to be constructed from timber with a felt roof. The building is sited within the boundaries of the existing marina site and due to its scale and external appearance would be considered to sit comfortably within the site and within the locality without causing undue harm to the visual amenities of the area. Furthermore, the previous planning approval for the existing marina included an office building of a similar scale and appearance which has not been erected. The proposed office building is proposed to replace the office building previously approved and therefore the principle of a building of this scale and appearance has already been established. However, as the approved office building is still capable of being implemented, and to avoid unnecessary and unjustified built development in the countryside, Officers consider a legal undertaking is required from the applicant not to implement the extant permission for the office building.
- 6.13 The proposed development comprises additional car parking spaces, amounting to 42 additional spaces. The new parking spaces will be provided in three rows to the west of the new basin and to the east of the existing car parking area, on an area of previously approved hardstanding. This additional parking area will be visible from the canal tow path and will be viewed within the context of the surrounding marina and other car parking area. In order to soften the appearance of this additional car parking additional landscaping is proposed and this can be secured by a suitable condition. Therefore this additional car parking would not be considered to adversely affect the visual amenities of the area.
- 6.14 The new basin is to be accessed from the existing north basin and therefore a channel is required to be created between the existing north basin and the proposed basin. A bridge is required to allow pedestrian access between the west and east side of the north basin and the new basin. In order to allow pedestrian access across the new channel a swing bridge is proposed. Pedestrian access along this route from the car parking area is considered to be required to allow suitable access to the berths. A suitable designed swing bridge in this location would not be considered to cause undue harm to the visual amenities of the area. However full design details have not been provided as part of the application for the swing

bridge and full details will therefore need to be secured and agreed by a suitable worded and timed condition.

- 6.15 Concerns have been raised about external lighting and light pollution. Officers acknowledge that inappropriately designed and sited lighting can have a harmful impact on the character and appearance of an area, particularly in rural locations such as this. This issue is dealt with in further detail at paragraphs 6.29 and 6.30 of this committee report, but in summary no details of external lighting are shown on the submitted plan and so this issue can be addressed by a suitably worded condition.

### **Impact on Heritage Assets**

- 6.16 The site is adjacent the Oxford Canal Conservation Area, and Policy ESD16 of the Cherwell Local Plan Part 1 states that: *proposals which would be detrimental to its character or appearance will not be permitted*. Furthermore, Policy ESD15 of the Cherwell Local Plan states that new development proposals should: *“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 in the NPPF and NPPG*.
- 6.17 The Council’s Conservation Officer has raised an objection to the proposed development on the grounds it would be harmful to both the character and appearance of the canal conservation area in this location and furthermore undermines the visual aesthetic of what has already been built as well as the significance of the canal.
- 6.18 This section of the canal has been significantly altered within the last 5 years with the development of a 249 berth canal side marina which is accessed at two points from the canal basin into two marina basins. This proposal is for the construction of a further marina basin, resulting in 3 no. basins in total, which will be accessed from the northern side of the existing northern basin via a new channel into the new basin which will lie to the north of the existing marina providing 100 additional berths. The new basin will be visible from the canal conservation area, from various points on the tow path and from the bridge to the north. The proposed scheme includes a landscaping scheme which will provide additional planting to the east of the new basin to help the new basin sit comfortably within the landscape and reduce the impact on the adjacent conservation area.
- 6.19 As previously discussed in this report, the location of the proposed extension to the existing marina is considered appropriate in principle, and it is likely that any proposal to provide additional or extending mooring facilities related to the use of the Oxford Canal for tourism and recreational purposes would have some impact on the character and appearance of the canal Conservation Area. It is considered that taking into account the siting and scale of the existing marina which was found not to adversely affect the historical importance of the canal conservation area or its setting, that the proposed siting and scale of the new basin along with the proposed landscaping scheme would not be considered to adversely affect the historical importance of the canal conservation area or its setting. #

### **Trees and Landscaping**

- 6.20 The application has been supported by a landscaping scheme shown on drawing number ID622.01E and an Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Constraints Plan and Tree Protection Plan all contained within a report prepared by J Harper dated 8<sup>th</sup> September 2015 and revised on the 17<sup>th</sup> March 2016 in response to the Council’s Arboricultural Officers comments.

- 6.21 The proposed basin works have been prepared to ensure the retention of an existing mature oak tree to the north of the basin (referred to as T11 in the submitted reports and consultee comments). The Council's Arboricultural Officer has provided comments on the submitted information and changes have been made to the arboricultural report to address these comments. Based on this amended information Officers are content that the proposed basin can therefore be provided without the removal of any existing trees and the proposed construction will be carried out to ensure the retention of the mature oak tree located immediately to the north of the proposed basin. This can be secured by condition.
- 6.22 The proposed basin will result in the loss of a section of low lying native hedge row which lies to the north of the existing marina. The proposed landscaping scheme which supports the application proposes the planting of a native hedge to the north and west of the proposed basin and to the north of the existing and proposed car parking area. To the east of the proposed basin a native shrub mix is proposed. The proposed native planting to the north and west of the site is considered essential to ensure that the new basin sits comfortably within the surrounding landscape. However, there are some areas of the site which currently have no proposed landscaping shown on the proposed landscape plan which if appropriately landscaped could add benefit in terms of visual amenities and biodiversity to the overall scheme. Therefore it is recommended that a suitable condition to secure an acceptable landscaping scheme be applied if permission is granted.

#### **Accessibility, Highway Safety and Parking**

- 6.23 The Local Highway Authority have raised no objection to the proposed new marina basin in highway terms. The applicant has clearly demonstrated within the submitted Transport Assessment that the impact of the extended marina, creating a 349 berth marina, will be significantly less than was predicted and considered to be acceptable at the time that the original marina development (249 boat berths) was proposed.
- 6.24 When the proposals for the existing 249 berth marina were considered, 120 daily vehicle trips were predicted to be generated. This was considered to be acceptable bearing in mind the local transport network and the new site access junction on Claydon Road. The number of actual vehicle movements each day associated with the 249 berth marina have recently been recorded at an average of 53 (based on a four week automatic traffic counter survey capturing the busy summer period). On this basis, the additional 100 berths is predicted to generate only another 21 movements each day bringing the total number of movements of the expanded marina to 74 each day. This is considerably less than the originally predicted 120 each day for just the original marina.
- 6.25 The construction of the proposed basin will generate traffic movements to and from the site which will be likely to have an impact on the local road network. In order to manage these traffic movements and to avoid unnecessary impact on the highway network and residents of the surrounding villages a construction travel management plan can be secured by condition prior to works commencing on the site.

#### **Effect on Neighbouring Amenity**

- 6.26 Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor space.* It also states that proposals should: *limit the impact of light pollution from artificial light on local amenity.*
- 6.27 When considering the impact of the proposed marina basin on the residential amenity of neighbouring properties, the site of the proposed basin is located over 500 metres from the closest residential property to the south and approximately 200 metres from the cottage

adjacent to the canal to the north and over 200 metres from the residential property at Poplars Farm. The cottage on the canal sits at a similar ground level to the proposed basin and the property at Poplars Farm sits at a higher ground level than the proposed basin.

- 6.28 Additional native planting by way of a new hedge is proposed to the north, east and west of the proposed basin and whilst this will not entirely screen the proposal from the residential properties to the south, east and west it will help to ensure that the basin sits comfortably within the site and will soften views from these properties. It is accepted that there will be views of the basin from nearby residential properties which will differ between the summer and winter months. However it is considered that due to the distances involved between the proposed basin and the affected properties the proposed development would not be considered to harm the living amenities of residents of these properties in terms of visual intrusion and overbearing impacts. Residents may feel the development is intrusive but given the site circumstances it is not considered harmful enough to justify a reason for refusal.
- 6.29 A number of objections have raised concerns about the lighting of the proposed basin and also concerns about the lighting of the existing marina. Inappropriate lighting has the potential to adversely affect both residential and visual amenity. The current marina is lit by low level bollard lighting sited along the pathways and jetties to the berths. 4 15w led lights are used across the site, 1 at the access from the highway 1 at the access from the canal and 2 near the refuse bins. 3 70w lights are used to light the existing car park.
- 6.30 With regard to the existing lighting on site the Council's Planning Enforcement Officers are investigating whether this complies with the approved plan under 14/01293/F and this will be checked on site. The current application does not include details of the external lighting for the proposed basin but it is considered that the exact specification of the lights and their locations can be dealt with by way of a condition.

### **Ecological Implications**

- 6.31 Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*
- 6.32 Paragraph 109 of the NPPF states that: *The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible.* Policy ESD10 of the Cherwell Local Plan Part 1 seeks to ensure that harm to biodiversity and protected species is avoided and that new development delivers a net gain in biodiversity, as expected by the NPPF.
- 6.33 The application is supported by an Extended Phase 1 Habitat Survey which recommends identifying mitigation for the loss of hedgerow, to check for water voles before strimming of the bank and ditch sides, pre-works vegetation management for reptiles, and avoidance of works within the nesting bird season or if works are to begin within this period then a pre-works check is required. The Council's Ecologists agrees with the findings within the survey and raised no objections to the proposal in terms of impact on protected species.
- 6.34 The planting of new native hedgerows will mitigate for the loss of the current hedgerow to some extent. A suitable condition can be applied to seek an appropriate Landscape



Ecological Management Plan to ensure a suitable buffer to the new planting and wildflower grass mix.

- 6.35 Lighting has the potential to cause harm to protected species such as bats and otters and therefore the avoidance of light spillage onto the canal side and its vegetation is therefore very important. A full lighting scheme for the proposal can be secured by a suitably worded and timed condition.
- 6.36 The Council's Ecologist has highlighted that policies within the National Planning Policy Framework and within Policy ESD10 of the adopted Local Plan 2011-2031 seek to ensure that development proposals enhance and encourage biodiversity. The proposals contained in this application do contain planting to mitigate for the loss of existing hedgerows, however, it does not seek to enhance biodiversity. Enhancement could be achieved through additional tree planting, additional planting or scrub for birds, hibernacula to encourage reptiles, measures to improve the canal side or increase opportunities for water vole on site. A suitably worded condition can be applied to seek these biodiversity enhancements which are sought through National and Local Policy.

#### Flood Risk and Water Supply

- 6.37 Both local and national planning policy and guidance seek to avoid new development giving rise to new or increased risks of flooding. Policy ESD6 of the Cherwell Local Plan Part 1 in particular states that: *Development proposals will be assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding.* It goes on to state that proposals should: *demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.*
- 6.38 The application was accompanied by a Flood Risk Assessment (FRA) dated the 13<sup>th</sup> October 2015. The Environment Agency have been consulted on the application and have raised an objection to the proposal as submitted, in their comments dated the 28<sup>th</sup> January 2016. The Environment Agency comment that the submitted FRA is not considered acceptable as it does not comply with the requirements set out in paragraph 103 of the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the Environment Agency states that the submitted FRA fails to demonstrate that the proposed development will not lead to a loss of flood storage with a consequent increase in flood risk to others.
- 6.39 The applicant's agent has submitted further flood risk information to address the Environment Agency's objection. This further information provides details on the following:
- a) Flood Storage Volume – the new 136m long basin will provide a storage volume of 13129 cubic metres a net gain in flood storage of 1683.7 cubic metres.
  - b) Loss of Flood Storage – The moored boats will displace some water. 100 boats each 2m wide will reduce the above flood storage by 683 cubic metres.
  - c) Net Gain in flood storage from proposal – 957.5 cubic metres. There will be no loss of flood plain and the scheme will not have a negative impact on flood risk downstream due to the provision of additional flood storage.
- 6.40 The Environment Agency has been consulted on the additional information but at the time of writing had not yet provided further comments to the additional flood risk information

provided. Further comments from the Environment Agency will be reported at the Planning Committee meeting and the Officer recommendation updated accordingly.

- 6.41 With regard to water supply, the application is supported by The Cropredy Marina Stage 2 Report which considers the impact of the Marina extension on water supply within the existing canal and river system. The Environment Agency have raised concern about the water supply within the existing system to serve the extended marina. The Cropredy Marina Extension Stage 2 Report which carried out a Technical analysis of the impact of the proposed marina extension concluded that there would be no net increase in abstraction from the River Cherwell at Cropredy, therefore the Environment Agency have raised no objection on the grounds of detrimental effects to water resources of the River Cherwell. There would however be increased demand from the Oxford and Grand Union canals particularly from the South Oxford summit and the associated reservoirs.
- 6.42 The Environment Agency advises that information regarding the effect on the flow of the River Cherwell would be helpful to form part of this assessment at this stage. The applicant's agent has commented on this issue further by advising that the water supply is adequate as the marina basins hold a large volume of water, which acts as a reserve to supply the locks downstream from them, and that few boats enter or leave the marina on any given day which lessens water being lost through locks downstream. They advise that problems which arose last summer resulted from a temporary illegal extraction, not from the presence of the Marina.
- 6.43 The Environment Agency has not objected to the proposal in relation to the water supply issue and the Canal and Rivers Trust are content that the system contains adequate water to supply the proposed extension. There has been no other evidence submitted that would put into question the opinion of the Canal and Rivers Trust on the issues of water supply. Therefore it is considered that the marina extension can be provided without demonstrable harm to the water supply of the Cherwell and local water systems.

## **7. Conclusion**

- 7.1 The proposed marina extension is considered acceptable in principle in this location, being an extension to an existing facility in close proximity to a Category A village, one of the District's more sustainable rural settlements. The proposal is considered to be of a scale, siting and appearance which would not cause undue harm to the visual amenities of the locality, the historical importance of the canal conservation area and its setting and without undue harm caused to highway safety. Furthermore, the proposal would not cause undue harm to the residential amenity of neighbouring occupiers and would not cause harm to protected species. Therefore, subjecting to the Environment Agency removing its objection and confirming that the proposal is acceptable in flood risk terms, the proposal is considered to comply with Government guidance contained within the National Planning Policy Framework and Policies SLE3, ESD6, ESD10, ESD13, ESD15 and ESD16 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved policies TR11, C28, C29, C30, C31 and ENV1 of the Cherwell Local Plan 1996.

**Recommendation: Approve subject to:**

- a) **The Environment Agency confirming no objections in relation to the impact of the development on flood risk.**
- b) **The applicant entering into a legal agreement to preclude the construction of the previously approved office building at the site**
- c) **the following conditions (the precise wording, along with any additional conditions considered necessary, to be supplied in the written updates prior to the Committee meeting):**
  - 1. 3 year time limit for implementing the consent
  - 2. Compliance with the approved plans
  - 3. Development to be carried out in accordance with the approved Flood Risk Assessment
  - 4. Development to be carried out in accordance with the recommendations contained in the extended Phase I habitat survey
  - 5. Approval of the external materials for the office building
  - 6. Approval of full design and construction details for the pedestrian bridge
  - 7. Approval of a detailed landscaping scheme
  - 8. Time scale for the approved landscaping to be carried out
  - 9. Tree works to be carried out in accordance with the approved tree statement
  - 10. Existing trees (including the Oak Tree T11) to be retained
  - 11. Approval of a method statement for enhancing biodiversity
  - 12. Approval of a Landscape and Ecology Management Plan
  - 13. No external lighting to be installed without the approval of a Lighting Scheme
  - 14. Approval of surfacing details for the car parking areas, and parking areas to be retained
  - 15. Approval of a Construction Traffic Management Plan
  - 16. Restrict occupancy to recreational moorings only
  - 17. Restrict number of boats to be moored in the extended basin to 100

**CONTACT  
OFFICER:**

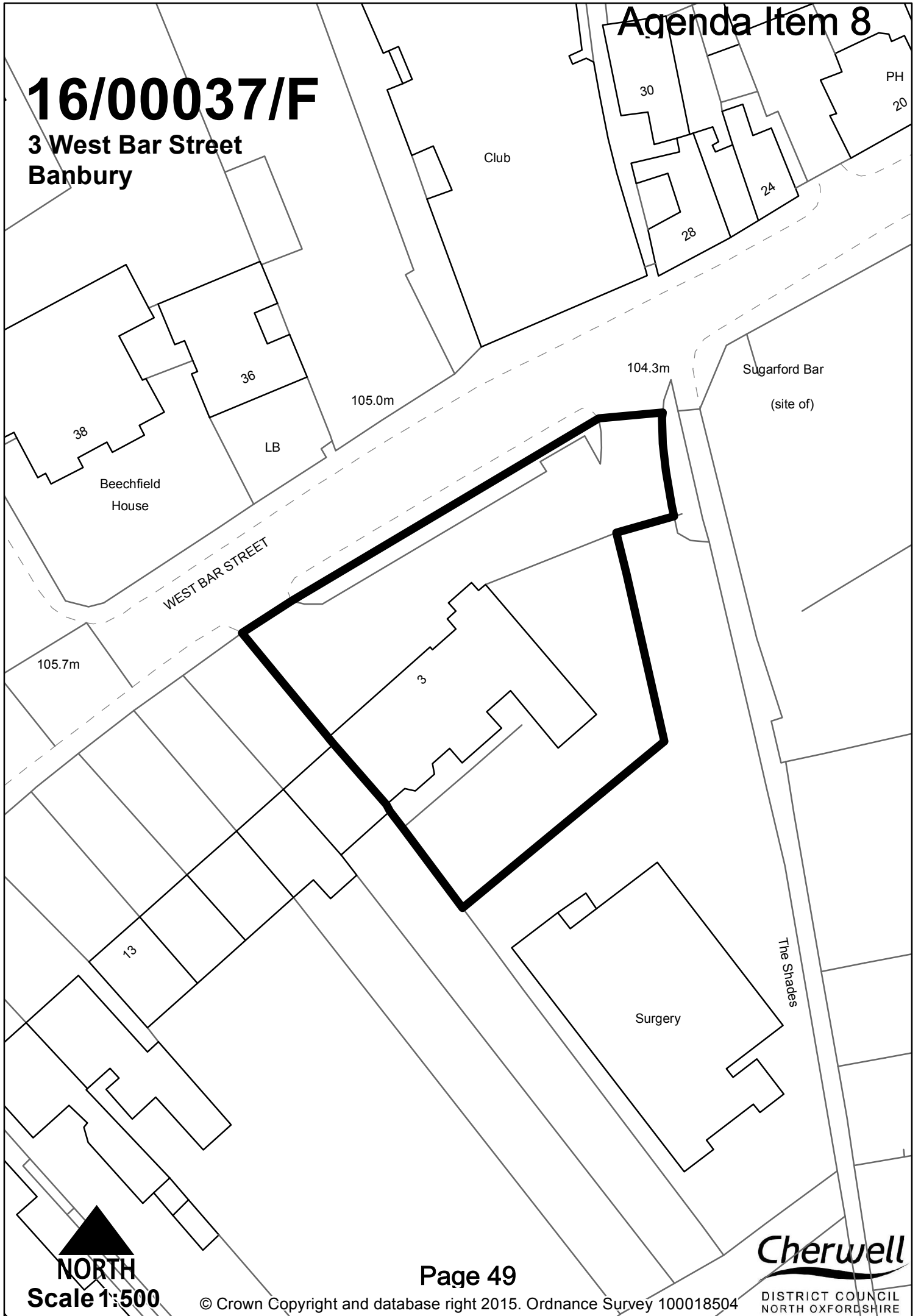
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**16/00037/F**

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**3 West Bar Street  
Banbury**



BANBURY

**NORTH**

**Page 50**

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**Clerwell**  
LONDON

1500037/F  
Banbury  
North Oxfordshire

**Ward:** Banbury Easington

**District Councillor:** Cllr Blackwell, Mallon and Morris

**Case Officer:** Stuart Howden

**Recommendation:** Approve

**Applicant:** West Bar Partnership

**Application Description:** Conversion and change of use of existing offices to create 12 no. new apartments. Works including: new 2.5 storey extension (previously approved); replacement of existing single storey element with 2.5 storey extension (previously approved 2 storey extension); associated landscaping and parking (amended scheme to 08/01665/F).

**Committee Referral:** Major Application

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

- 1.1 The application site is located within the centre of Banbury. The site comprises a 2 and a half storey building with two protruding gables, which is constructed from traditional red brick under a slate roof. Most of the building is used for offices (B1 use class) and part of the ground floor and curtilage is used as a driving test centre (sui generis use). A vehicular access to the site is located to the east and is accessed via a track which connects with West Bar Street and runs to a veterinary practice to the rear of the site. A second vehicular access to the site is situated to the west and a pedestrian access exists between the two. A hedge at a height of approximately 1.5 metres runs along the frontage of the site, set behind a low brick wall.
- 1.2 Planning permission is sought for the conversion and change of use of the existing building to 12 apartments (10.No 1 bedroom apartments and 2.No 2 bedroom apartments). It is proposed to replace a single storey element on the west side of the building and replace it with a 2 and a half storey extension. This extension is proposed to run to No.5 West Bar Street and would be a depth of approximately 11.5 metres. The eaves and ridge height of this proposed extension are proposed to be at a similar height to those on the existing building, but this extension is proposed to have a flat roof element. A further 2 and a half storey extension is proposed on the east side elevation of the building. The extension is proposed to be set back from the front wall of the building by approximately 10.6 metres and would have a depth of approximately 5.3 metres and a width of approximately 4.5 metres. This extension would have a similar eaves and ridge height to the existing building. The extensions are proposed to be constructed from similar materials to the existing building.
- 1.3 The vehicular accesses are proposed to remain and the existing parking area would be utilised to the front and side of the building to provide 12 on-site parking spaces. To the rear, private amenity space for the three ground floor units will be provided along with a shared area for the remaining flats. A wall is proposed along the west and east boundaries of the site. A wall is also proposed along the pedestrian access to the site to the building. A covered area for cycle storage is proposed to the rear of the site, whilst a covered area for bin storage is proposed to the front of the site.
- 1.4 The site is within the Banbury Conservation Area and is also within close proximity to a number of Grade II listed buildings which front South Bar Street to the east of the site. The building itself is locally listed and is attached at ground floor level to a terrace block which is also locally listed (5-13 West Bar Street). A public footpath (120/25/10) runs alongside the eastern boundary of the site. The site has some ecological potential as it is located within 2KM of Neithrop Fields Cutting Site of Special Scientific Interest (SSSI) and the legally protected species of the Common

Swift has been recorded within the vicinity of the site. The site is located on potentially contaminated land.

## **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 the 26<sup>th</sup> February 2016. No correspondence has been received as a result of this consultation process.

## **3. Consultations**

- 3.1 Banbury Town Council: No objections, but recommend that:

- *“CDC Waste and Recycling’s comments regarding waste and recycling storage are adhered to;*
- *Heightened diligence be paid to design and materials given the site’s presence in a conservation area; and*
- *Appropriate planning gains regarding section 106 are received.”*

### **Cherwell District Council Consultees**

- 3.2 Arboricultural Officer: No comments received.

- 3.3 Anti-Social Behaviour Officer: No comments received.

- 3.4 Building Control: No comments received.

- 3.5 Business Support Unit: No comments received

- 3.6 Conservation Officer: No comments received.

- 3.7 Ecology Officer: No objections subject to conditions requesting details of a scheme for the location of swift bricks or boxes in or on the building and that no works to the building exterior or demolition of structures that may be used by breeding birds shall take place between March and August unless agreed.

- 3.8 Environmental Protection Officer: No objections.

- 3.9 Landscape Officer: *“Since this scheme has more than 10 dwellings it will require an unequipped LAP. I can’t see why this can’t be provided on the ‘Shared garden’ area. The area will need to provide an area with seats, planting and space for children to play. We will need detailed landscaping plans for this development including planting plans.”*

- 3.10 Planning Policy: No comments received

- 3.11 Strategic Housing: No comments received.

- 3.12 Urban Design: No comments received.

- 3.13 Waste and Recycling: No objections after a revised plan with a larger bin storage area was submitted.

- 3.14 Affordable Housing: *“The application is seeking to refurbish an existing building into 6 flats with 6 new flats being built. This application is subject to the Affordable Housing policy of 30% equalling 4 units.*

However due to the type of housing provision this will provide it will be unsuitable to secure the affordable housing on site. Issues of housing management present as a problem for these kinds of development at this scale and arrangement, there is also the issue of an uncontrolled service charge element which could impact on the affordability of the flats to any new eligible occupiers. For this application we are asking for a commuted sum in lieu of providing affordable housing due to the management issues and service charge elements associated with the communal areas.

As a result of this we will be seeking an off-site commuted sum which will be based on 40% of the market value of the equivalent 4 flats.

We are therefore asking for £224,000 on the basis that  $£140,000 \times 4 \times 40\% = £224,000$ .”

3.15 Recreation and Leisure: “There is no community requirement in respect to this planning application”.

3.16 Public Art: “To provide a public artwork on site or a community arts project with new residents...Contribution to be in the region of £200 per dwelling.”

### **Oxfordshire County Council Consultees**

3.17 Highways Liaison Officer: No objections subject to conditions requesting specification details of the parking and manoeuvring, details of cycle parking and surface water drainage, a Construction Travel Management Plan and Travel information packs.

#### *“Key Issues*

*Previous permission for 10 no. flats on this site has expired (08/01655/F) but the principle of 10 residential properties on this site is still acceptable in transport terms – traffic generated is less than the current use*

*An additional 2 no. flats does not raise any concerns about the safe and efficient operation of the transport network in the vicinity of the development*

*Only 8 spaces for parking bicycles are proposed. This is not enough given that the site is well located for residents and visitors to cycle – county council standards require there to be 20 spaces for this site including visitors. The cycle store is poorly located*

#### *Detailed comments:*

##### *Site location and car parking*

*The information accompanying the previous planning application (08/01665/F) included a note on transport that set out how the proposed residential use would result in a fairly significant reduction in the number of vehicle trips on the local network compared to the existing office use. The site is well located in the heart of Banbury with many shops and services being within walking and cycling distance. A wide choice of bus and train services is within a reasonable walk of the application site. As such the addition of two flats and two car parking spaces does not raise any transport concerns about the safe and efficient operation of the transport network in the vicinity of the development. Drawing number 2577 PL 100 rev A shows how the 2 additional parking spaces can be reasonably accommodated on the site.*

*There is little risk of overspill car parking from the development not least because on*



street car parking in the vicinity is controlled either by time limited bays or by yellow lines.

#### *Cycle parking*

*The application form states that there will be 8 parking spaces for bicycles on the site. County council standards require 20 spaces for this development – 1 for each of the 10 1 bedroom flats, 2 for each of the 2 bedroom flats and 1 for every 2 flats for visitors. Given that the centrally located nature of the site should lend itself to a higher than normal level of cycling to and from the development, every opportunity should be taken to ensure this potential is realised in line with paragraph 32 of the National Planning Policy Framework. The space for visitors is important because no car parking space is provided for visitors on site.*

*The cycle storage shown on the site plan is poorly located – it is right at the back of the site. Ideally it should be sited close to where residents cycle onto the site and be at least as close to the front doors of most of the flats as the car parking spaces. Otherwise residents may well decide that cycling on a regular basis is not worth it. A similar location to the bin store would be much better. Visitor cycle parking does not necessarily need to be covered. The best type of cycle parking solution for residents and visitors is Sheffield stands spaced a minimum of 0.85m apart. In the absence of further detail, it is difficult to see how the current cycle store could accommodate more than 6 bicycles – it is little more than 2m by 3.5m.*

*It is my view that improving the number and design/layout of the cycle parking can be addressed by means of a condition.*

#### *Travel Information Packs*

*Travel information packs will be supplied to all new residents to ensure that they are fully aware of the options available for sustainable travel to and from the development.”*

- 3.18 School Organisation Officer: *“OCC is not seeking Education contributions to mitigate the impact of this development on infrastructure.”*
- 3.19 Planning Liaison Officer: No objections subject to a condition requesting the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service.
- 3.20 County Council Councillor for the area (Cllr Cherry): Requests that there is adequate parking provision on the site and that parking for visitors should be made available.

#### **Other Consultees**

- 3.21 Thames Water: No objections in relation to sewerage infrastructure capacity and water infrastructure capacity.
- 3.22 Environment Agency: No objections.
- 3.23 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  
BSC1: District Wide Housing Distribution  
BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density  
BSC3: Affordable Housing  
BSC4: Housing Mix  
BSC11: Local Standards of Provision – Outdoor recreation  
ESD3: Sustainable Construction  
ESD6: Sustainable Drainage Systems (SuDS).  
ESD10: Protection and Enhancement of Biodiversity and the Natural Environment  
ESD15: The Character of the Built and Historic Environment  
INF1: Infrastructure

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

H21: Conversion of buildings in settlements  
C28: Layout, design and external appearance of new development  
C30: Design of new residential development  
ENV12: Potentially contaminated land

### 4.2 Other Material Policy and Guidance

#### National Planning Policy Framework (2012)

#### Planning Practice Guidance

#### Cherwell District Council: Home Extensions and Alterations Design Guide (2007)

#### Banbury Conservation Area Appraisal (2004)

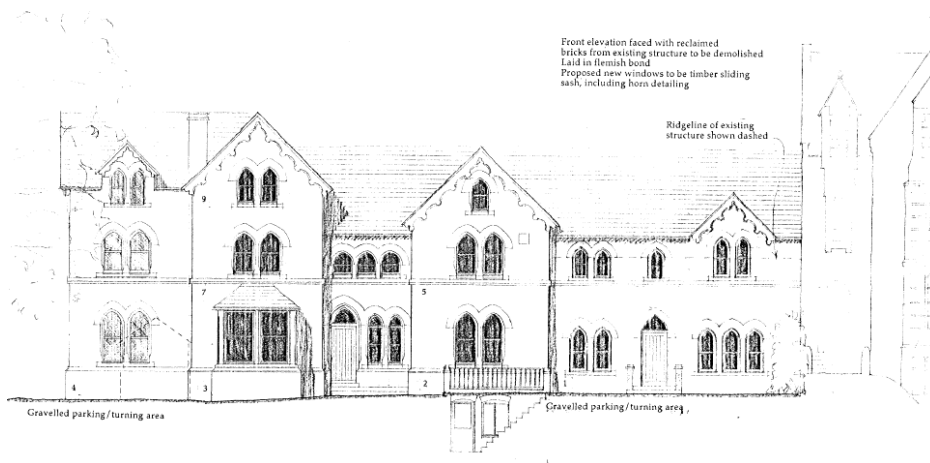
## 5. Appraisal

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

- Relevant Planning History;
- The Principle of the Development;
- Impact upon the Character and Appearance of the Area;
- Impact upon the Significance and Setting of the nearby Listed Buildings;
- Impact upon the Significance and Setting of the Locally Listed Buildings;
- Residential Amenities;
- Highways Safety;
- Ecological Impact;
- Public Health;
- Off-site infrastructure impacts.

## Relevant Planning History

- 5.2 90/00483/N granted planning permission for the demolition of the single storey element to the west and the construction of a two and three storey element in its place.
- 5.3 Further history includes works to trees under application numbers 95/01468/TCA and 04/00933/TCA
- 5.4 08/01665/F – Conversion and change of use of existing offices to create 10 no. new apartments, three storey extension, replacement of existing single storey element with two storey extension and associated landscaping and 10 car parking spaces – Approved on 15<sup>th</sup> July 2008 (not implemented). A scheme for the change of use of the building to residential has been previously approved. This application proposed a similar two and a half storey extension on the east side elevation of the building. An extension was proposed to the west side of the building and covered a relatively similar footprint to the extension proposed in this current application, but this approved extension was approved at two storey height and had no gable element proposed to the front of the extension (see image below). That said, the approved extension was a similar overall height to the extension proposed in this current application. This same eaves and ridge height has been achieved by enlarging the flat roof element.



- 5.5 The application was subject to a section 106 agreement between the applicant, the County Council and the District Council and included contributions to mitigate the impact of the development on education, libraries, social care, indoor and outdoor sports facilities, and to address the impacts in respect of refuse and recycling and energy efficiency.

## The Principle of the Development

- 5.6 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.
- 5.6 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.

- 5.7 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 therefore need to be applied in this context.
- 5.8 Policy SLE1 of the Cherwell Local Plan Part 1 states that: *“In cases where planning permission is required existing employment sites should be retained for employment use unless the following criteria are met:*
- *The applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term;*
  - *The applicant can demonstrate that there are valid reasons why the use of the site for the existing or another use is not economically viable;*
  - *The applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment....*
- Regard will be had to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in an employment use.”*
- 5.9 The proposal would result in the loss of an employment site and Policy SLE1 is considered relevant. No information has been supplied by the applicant’s agent in relation to the existing uses on the site and how the proposal meets the criteria of Policy SLE1. That said, the principle of the change of use of this building to a residential use has been accepted in the previous application at the site in 2008 (ref: 08/01665/F) which proposed 10 apartments along with extensions. In addition, Officers are of the opinion that the loss of employment space in this case is relatively minor and it is considered that it would not significantly limit the amount of employment space available either in Banbury or the district as a whole. Furthermore, if the whole of the building were to be in a B1 use, it is possible that it could be changed into a residential use under Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). There is no evidence to suggest that since the approval of the last application at the site it has now become important to retain this site in an employment use, and so on balance it is considered that the loss of this employment site could be acceptable in principle.
- 5.10 Paragraph 17 of the NPPF states 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.”*
- 5.11 Paragraph B.88 states: *“By focussing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth”.*
- 5.12 In addition, saved Policy H21 of the Cherwell Local Plan 1996 states that: *“Within settlements the conversion of suitable buildings to dwellings will be favourably considered unless conversion to a residential use would be detrimental to the special character and interest of a building of architectural and historic significance.”*
- 5.13 Being a housing scheme within the town centre of Banbury, the proposal represents a scheme with an urban focus. This goes a long way to establishing the sustainability credentials, particularly with regard to the economic and social roles. Reliance on private transport is also far reduced contributing to the environmental role but this also covers the effect on the built and historic environment, as discussed below. The principle of residential development on the site is therefore considered acceptable.

- 5.14 The principle of the proposed development in this case is also clearly dependent on it not causing adverse harm to the visual amenities of the locality, character and appearance of the conservation area, significance and setting of the nearby listed buildings, significance and setting of the locality listed buildings, residential amenities, highways safety, public health or ecology. These issues are discussed below.

### **Impact upon the Character and Appearance of the Area**

- 5.15 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. 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.”*
- 5.16 Paragraph 132 of the NPPF states that: *“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. 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.”*
- 5.17 Paragraph 134 of the NPPF states that: *“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.”*
- 5.18 Paragraph 137 of the NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.
- 5.19 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 5.20 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.”* Furthermore, Policy ESD15 of the Cherwell Local Plan states that new development proposals should: *“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 in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG”*
- 5.21 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 as well as compatible with existing buildings.
- 5.22 The Banbury Conservation Area Appraisal notes that the West Bar area was originally built as a residential area, but office and professional services have taken over, for the most part, along West Bar Street. The Conservation Area Appraisal refers to the building itself, and notes that it is a Gothic Villa dating from 1871. It also

mentions the 4 storey terrace (5-13 West Bar Street) to the west of the site and states these are a Gothic style similar to those found in North Oxford. The gothic villas are of red brick with polychromatic detailing with stone dressings and gabled slate roofs. The buildings on the south side of West Bar sit within spacious gardens.

- 5.23 As highlighted in the relevant planning history section of the report, a similar proposal was approved in 2008 (ref: 08/01665/F). In relation to the proposed two and a half storey western extension, this is of a similar eaves and ridge height to the approved two storey extension to the west of the building, but a gable element is now proposed to the front of the extension whilst the extension has a larger flat roof element. Roof lights are proposed in the roof of the extension too. The proposed western extension has been designed not to dominate the existing building given it is a similar height to the existing building. Whilst a flat roof is proposed to achieve this similar height to the existing building, given that this element would be situated between a protruding gable on the building and No.5 West Bar Street, it is considered that this would not be highly noticeable from the public domain. As the western extension would be positioned between the existing building and neighbouring four storey building, it is considered to sit comfortably within the street scene.
- 5.24 The two and a half storey extension to the east of the building is similar to the approved extension to the east. The extension is considered to be an acceptable addition in principle to this east elevation of the building, which is which is a secondary elevation and not of the same importance and status as the front (north) elevation. Whilst a relatively high extension, due to the fact this extension would be situated to the rear part of the east elevation, it would not read as a prominent extension in relation to the frontage of the building. Furthermore, any reduction in height of this extension would have resulted in either the eaves being situated below the existing eaves of the building or a shallower roof pitch to the extension and neither solution is considered appropriate in design terms in this instance.
- 5.25 The design, materials and detailing of the proposed extensions are such that they would not detract from the appearance of the existing building, but conditions requesting further information regarding the materials and detailing have been recommended, to ensure a satisfactory appearance.
- 5.26 The bin store is located in a similar position to the bin store of the previous application in 2008. These were positioned to the front of the site on the advice of the Local Highways Authority in this previous application so that bin areas were accessible by refuse collectors. A larger bin store is required with the current application because of the proposed increase in the number of flats. Being positioned to the front of the site, Officers are concerned that a building with a hipped roof as proposed could appear visually intrusive and detract from the frontage of the building. Therefore a condition is considered necessary requiring approval of the details of the siting, design and appearance of the bin store. Given the cycle store is located to the rear of the site, it is unlikely to cause adverse harm to the character and appearance of the locality, but further details of the design of the cycle store are also required.
- 5.27 The siting of the means of enclosure on the east and western boundaries of the site are considered to be acceptable, and could enhance the appearance of the site and the Conservation Area. However more detail in relation to the materials and height of these means of enclosure are required and this has been recommended as a condition.
- 5.28 There is a mature lime tree on site and the Conservation Area Appraisal notes that mature trees along the south side of West Bar Street make a significant contribution to the street scene. It was considered in the previous application at the site (ref: 08/01665/F) that the proposed development could be carried out without causing harm to the tree subject to conditions. Given the similarity between the applications

and the findings within the tree survey submitted with the current application it is considered that the proposal could be implemented without causing harm to the tree, but an Arboricultural Method Statement has been recommended as a condition to provide detail on how the necessary tree protection can be implemented. As such, the character of the area will be maintained by the retention of the tree.

- 5.29 Thus, officers considered that the proposal would preserve the character and appearance of the Banbury Conservation Area and would not cause adverse harm to the visual amenities of the locality subject to conditions.

#### **Impact upon the Significance and Setting of the Nearby Listed Buildings**

- 5.30 A number of Grade II listed buildings are located over 40 metres away to the east of the site and these face South Bar Street. Given that the design, scale, materials and detailing of the extensions is considered to be sympathetic to the existing building and given the distance between these listed buildings and the proposed extensions it is considered that the proposal would not unduly affect the significance and setting of these heritage assets.

#### **Impact upon the Significance and Setting of the Locally Listed Buildings**

- 5.31 Paragraph 135 of the NPPF states that: *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 5.32 No.3 West Bar is a locally listed building, whilst the neighbouring terrace block (No.5 to No.13 West Bar) to the west of the site is also locality listed. As noted previously, the design, scale, materials and detailing of the proposed extensions is such that they would not detract from the appearance of the existing building, therefore it is considered that the proposal would not adversely affect the significance and setting of these locally listed buildings. However, conditions requesting further information regarding the materials and detailing, along with further details of the means of enclosure, bin and cycle stores, have been recommended to ensure that these elements are acceptable.

#### **Residential Amenities**

- 5.33 To the west of the site and attached to the building is No.5 West Bar Street. The proposed west extension would not protrude far beyond the rear and front walls of No.5 and there are no windows in the side elevation of No.5 which face towards the site. The proposed eastern extension would be screened from No.5 by an existing protruding element of the building. It is considered that the proposal would not cause adverse harm to No.5 in terms of loss of light or the creation of an overbearing effect. Greater overlooking would take place from the first and second floors of the west extension over the rear garden of No.5, but these would still be oblique views gained over this garden that are similar to the views gained by No.7 West Bar Street. It is therefore considered that the proposal would not cause detrimental harm to No.5 in terms of loss of privacy or overlooking.
- 5.34 To the rear of the site is a veterinary practice, whilst the nearest buildings on South Bar Street to the east of the site are in commercial use (i.e No.51-55 South Bar Street). Consent has recently been granted to change the use of No.51 South Bar Street (Mercia House) into a residential use, but the proposed extensions would be over 40 metres away from this building. It is considered that the proposed extension and associated outbuildings are sited so as to prevent adverse harm to any neighbouring residential properties in terms of loss of light, loss of privacy or

overlooking, or the creation of an overbearing effect.

### **Highways Safety**

- 5.35 The Local Highways Authority have no objections to the proposal subject to conditions. The Local Highways Authority are of the opinion that the principle of 12 residential properties on this site is acceptable in transport terms and does not raise any concerns about the safe and efficient operation of the transport network in the vicinity of the development.
- 5.36 The Local Highways Authority also hold the view that the vehicular parking on site is commensurate for these 12 flats in this location and note that there is little risk of overspill car parking from the development not least because on street parking in the vicinity is controlled either by time limited parking bays or by yellow lines.
- 5.37 The Local Highways Authority have noted that the 8 spaces for bicycles proposed is inadequate given that the site is well enough located for residents and visitors to cycle and the Local Highways Authority state that County Council standards require there to be 20 spaces for this site (1 for each of the 10 1 bedroom flats, 2 for each of the 2 bedroom flats and 1 for every 2 flats for visitors). The Local Highways Authority go on to emphasise that the space for visitors is important because no car parking space is provided for visitors on site. Given the concerns raised by the Local Highways Authority and the need to balance this against protecting the historic character and significance of the area, officers consider it necessary to recommend a condition that requests further details of the siting, design and layout of the cycle parking. The Local Highways Authority note that the visitor cycle parking does not need to be covered and that the best type of cycle parking solution for residents and visitors is Sheffield stands spaced a minimum of 0.85m apart.
- 5.38 The Local Highways Authority have requested a condition that travel information packs are supplied to all new residents and these should be approved by the Local Planning Authority prior to the first occupation of the flats. To ensure that residents are aware of the options available for sustainable travel to and from the development such a condition has been recommended.
- 5.39 Given the above it is considered that the proposal would not cause adverse harm to highways safety subject to conditions.

### **Ecological Impact**

- 5.40 The Ecology Officer has no objections to the proposal in principle. The Ecology Officer notes that there are records of swifts nesting in buildings around the site and it is possible that they utilise this building as well. The Ecology Officer states that it would be appropriate to request an enhancement on the new extensions for swifts. The Ecology Officer recommends that one or two swift bricks (ideally integrated) should be fitted and if it is inappropriate to fit these to the extensions (due to flight lines or direction etc...) external boxes on other parts of the building could be considered instead. In line with Paragraph 118 of the NPPF which seeks a net gain for biodiversity from developments, it considered appropriate to recommend a condition which requests a scheme for the location of swift bricks or boxes on the building.

### **Public Health**

- 5.41 The site is on potentially contaminated land but the Environmental Health Officer has raised no objections to the proposal. As such the proposal is considered acceptable in this respect.



## Off-Site Infrastructure Impacts

- 5.42 Policy BSC3 of the Cherwell Local Plan Part 1 states that: *“At Banbury and Bicester, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 30% of new housing as affordable.”* It is noted that financial contributions in lieu of on-site provision will only be acceptable in exceptional circumstances.
- 5.43 Given that 12 units are proposed, the application is subject to the above policy of 30%, which equals 4 units. However, the Affordable Housing Officer notes that due to the type of housing provision this proposal will provide, it will be unsuitable to secure the affordable housing on site. The Affordable Housing Officer states that issues of housing management present a problem for these kinds of development at this scale and arrangement and there is also the issue of an uncontrolled service charge which could impact on the affordability of the flats to any new eligible occupiers. Thus, the Affordable Housing Officer requests a commuted sum in lieu of providing affordable housing due to the management issues and service charge elements associated with the communal areas. As a result of this an off-site commuted sum is sought by the Affordable Housing Officer, which is based on 40% of the market value of the equivalent 4 flats (£224,000 on the basis that £140,000 x 4 x 40% = £224,000). No supporting information has been provided by the applicant or applicant’s agent to demonstrate that it would be unviable to seek such a contribution.
- 5.44 The Recreation and Health Officer has recommended the provision of a public artwork on site or a community arts project with new residents and noted that the contribution should be in the region of £200 per dwelling. This recommendation is based on the advice provided within the draft planning obligations supplementary planning document (SPD) (2011). Given the relatively small scale of the proposal, the limited opportunities for public art to be provided on site, and the limited weight of this draft SPD, officers do not believe such a requirement can be sufficiently justified or is necessary to make the impact of the development acceptable.
- 5.45 Oxfordshire County Council has not requested contributions toward education and community services/facilities in this case, and as such there is no basis on which to justify requesting a contribution. The impacts of the development in respect of sustainable energy and construction, and waste management, can be addressed by suitably worded conditions.

## Other Matters

- 5.46 Policy BSC11 of the Cherwell Local Plan states that: *“Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in ‘Local Standards of Provision – Outdoor Recreation’.* Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.” Policy BSC11 highlights schemes for over 10 residential units within an urban area triggers the requirement for a Local Area of Play (LAP) of a minimum size of 200 square metres to be provided. The Landscape Officer and officers are of the opinion that this can be provided on the shared garden area to the rear of the site and this has been recommended as a condition. The Landscape Officer notes that this will need to provide an area with seats, planting and space for children to play.
- 5.47 The Planning Liaison Officer notes that a condition requesting the requirement for the

provision of hydrants in accordance with the requirements of the Fire & Rescue Service should be attached. However, the provision of fire hydrants is not a material planning consideration, and is a matter more related to building regulations. However, an informative has been added noting the above.

- 5.48 Concerns were raised by the Council's Waste and Recycling Manager in relation to the size of the bin storage area for a development of this size, but the applicant's agent submitted an amended plan displaying a larger waste and recycling area which the Waste and Recycling Manager is now satisfied with. Precise details of the bin store can be secured by condition.

### **Engagement**

- 5.49 Paragraphs 186 and 187 of the NPPF places a duty on the Local Authority to be positive in its decision taking. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

### **Conclusion**

- 5.50 The principle of the development is considered to be acceptable. The proposal would not cause detrimental harm to the character and appearance of the area, the setting and significance of the locally listed buildings and Grade II listed buildings, residential amenity, ecology, public health or highways safety. The proposal is therefore compliant with the policies outlined in section 4 of this report. Overall, the proposal is considered to have no adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions and subject to a legal agreement to secure a contribution to affordable housing.

## **6. Recommendation**

**Approval**, subject to:

- a) The applicant entering into an appropriate legal agreement to the satisfaction of the District Council to secure an off-site financial contribution to affordable housing, as outlined in paragraph 5.43 of the report, to be completed no later than 8 July 2016.
- b) The following conditions:
1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

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

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents:
  - Application Form submitted with the application;
  - Design and Access Statement submitted with the application;
  - Drawing Number 2577 PL 001 submitted with the application; and
  - Drawing Numbers 2577 PL 100 B, 2577 PL 101 B and 2577 PL 102 B

received from the applicant's agent by e-mail on 2<sup>nd</sup> 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.

3. Prior to the commencement of the development hereby approved, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m<sup>2</sup> in size), shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the extensions shall be constructed in strict accordance with the approved brick sample panel.

Reason - To preserve the character and appearance of the area, to ensure the development is constructed and finished in materials which are in harmony with the building materials used in the locality and on the building, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, samples of the slate to be used in the construction of the roof of the extensions 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 preserve the character and appearance of the area, to ensure the development is constructed and finished in materials which are in harmony with the building materials used in the locality and on the building, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, full details of the design, construction, materials and finished appearance of the new doors, windows, chamfered stone sills and window lintels 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 preserve the character and appearance of the area, to ensure the development is constructed and finished in materials which are in harmony with the building materials used in the locality and on the building, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the construction of the bin store, and notwithstanding the details shown on the approved plans, revised and full details of the siting, design, construction, materials, and finished appearance of the bin store shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the bin store shall be completed and made available for use in accordance with the approved details.

Reason - To preserve the character and appearance of the area, to ensure the development is constructed and finished in materials which are in harmony with the building materials used in the locality, and to comply with

Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, and notwithstanding the details shown on the approved plans, revised and full details of the siting, design, construction, materials, and finished appearance of facilities to provide 20 bicycle parking spaces to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development, the approved bicycle parking shall be completed and made available for use in accordance with the approved details, and shall be maintained as such thereafter.

Reason - To ensure appropriate levels of cycle parking are available at all times to serve the development, to preserve the character and appearance of the area, to safeguard the significance and setting of the locally listed buildings and to comply Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the first occupation of the development hereby approved, turning areas incorporating a total of 12 car parking spaces as shown on drawing 2577 PL 100 rev B shall be provided within the curtilage of the site allowing vehicles to enter and leave in a forward gear. The turning and parking area shall be constructed, laid out, surfaced and drained in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work.

Reason - In the interests of highway safety, to ensure appropriate levels of car parking are available at all times to serve the development and to comply with Government guidance contained within the National Planning Policy Framework.

9. Prior to commencement of the development hereby approved, a Construction Travel Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety, to safeguard the residential amenities of people living in the vicinity of the development and in accordance with Government guidance contained within the National Planning Policy Framework.

10. A Travel Information Pack, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation, shall be provided to every household.

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

11. Prior to the commencement of the development hereby approved, details of a scheme for the location of swift bricks or boxes in or on the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the nesting provisions shall be installed on the site in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local

Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the commencement of the development, 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, shall be submitted to and approved in writing by the local planning authority. Thereafter, and prior to the first occupation of the development, the approved drainage scheme shall be implemented in full.

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 ESD6 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development, a Sustainability Statement detailing the measures to be used to maximise the energy efficiency and reduce the environmental impacts 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 approved details.

Reason – To ensure the sustainable design and construction of the development and to comply with Policy ESD3 and of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of the development hereby approved full details of the siting, landscaping and treatment of a Local Area of Play (LAP) to be provided within the site together with a timeframe for its provision and details of its ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority. The approved LAP shall be landscaped, laid out and completed prior to the first occupation of the development, and shall thereafter be retained and maintained at all times as open space/play space in accordance with the approved details.

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 BSC11 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

15. 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.

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

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 Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. 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 ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. The brick detailing on the existing building consisting of a course of projecting bricks and brick arches over the existing windows shall be replicated on the extensions hereby approved in terms of pattern and height.

Reason - To preserve the character and appearance of the area, to ensure the development is constructed and finished in materials which are in harmony with the building materials used in the locality and on the building, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. Except to allow for the means of access and vision splays, the existing hedgerow along the northern (front) boundary of the site shall be retained and properly maintained at a height of not less than 1.5 metres, and any hedgerow plant which dies within five years from the completion of the development shall be replaced with a plant of the same or similar species and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

19. The rainwater goods to be installed on to the building shall be constructed from wrought iron or profiled aluminium coloured black.

Reason - To preserve the character and appearance of the area, to ensure the development is constructed and finished in materials which are in harmony with the building materials used in the locality and on the building, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. The fascia boards on the existing building shall be replicated on the

extensions hereby approved in terms of materials, pattern and paint finish.

Reason - To preserve the character and appearance of the area, to ensure the development is constructed and finished in materials which are in harmony with the building materials used in the locality and on the building, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

21. Prior to the first occupation of the development hereby approved full details of the design, height, construction, materials and finished appearance of all means of enclosure along and within the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure along the boundaries of the site shall be erected prior to the first occupation of the development, in accordance with the approved details.

Reason - In the interests of the visual amenities of the area and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

22. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **PLANNING NOTES**

1. In relation to condition 11, the applicant is advised to contact the swift project coordinator for Cherwell to discuss the most suitable aspect and position.
2. In relation to condition 12, the drainage scheme should include the following:
  - Discharge Rates
  - Discharge Volumes
  - Maintenance and management of SUDS features
  - 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
3. In relation to condition 13, it is advised that you refer to Policy BSC3 of the

Cherwell Local Plan Part 1 for further information and guidance as to what information should be contained in the Sustainability Statement.

4. 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.
5. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)
6. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
7. 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](mailto:roadagreements@oxfordshire.gov.uk)
8. 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.
9. Bats are a highly mobile species which move between a number of roosts throughout the year including those in buildings. 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.



10. 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. You are advised to provide hydrants in accordance with the requirements of the Fire & Rescue Service.

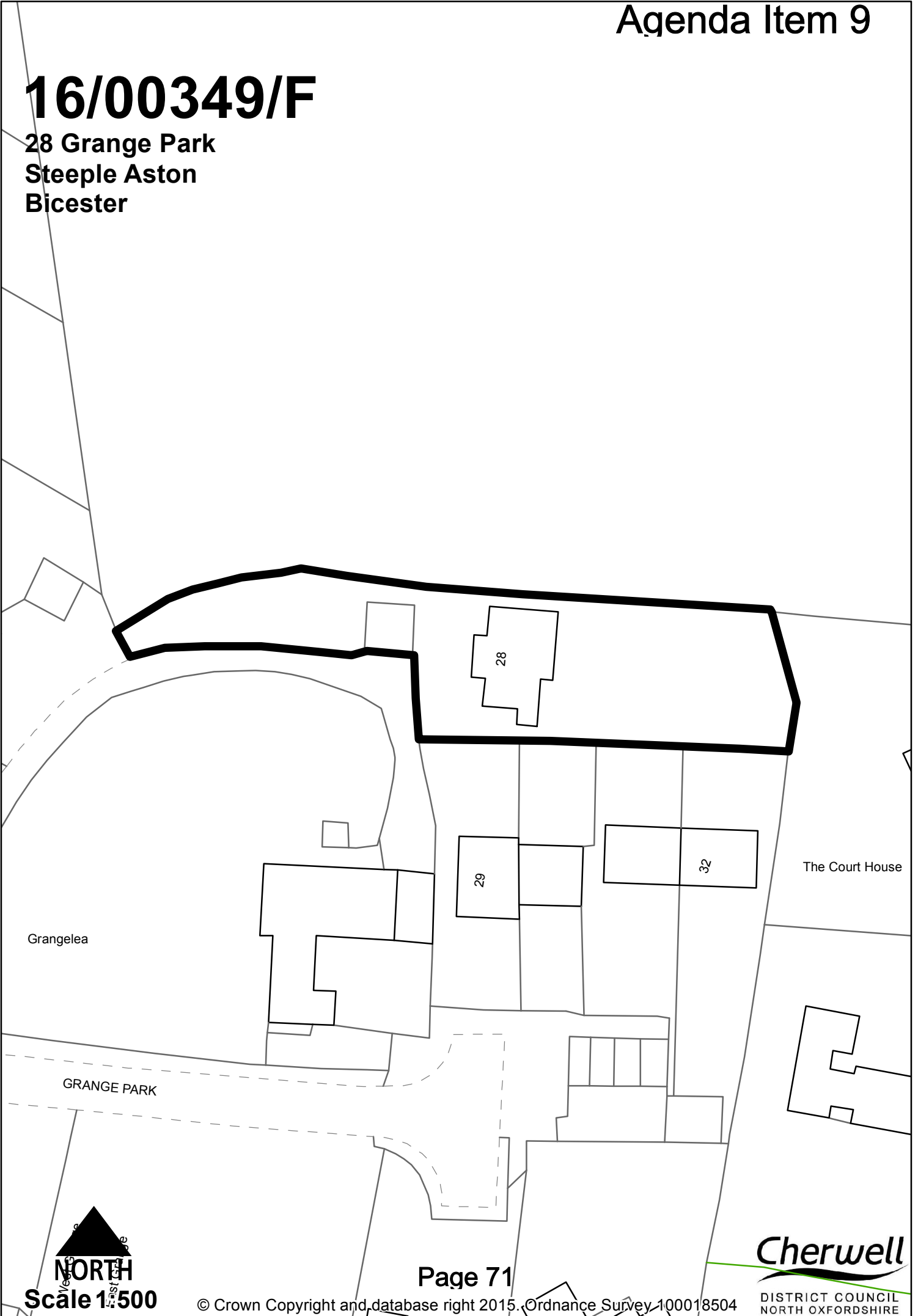
11. The Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems. This should be addressed at the building regulations approval stage.

#### **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.

# 16/00349/F

28 Grange Park  
Steeple Aston  
Bicester



Grangelea

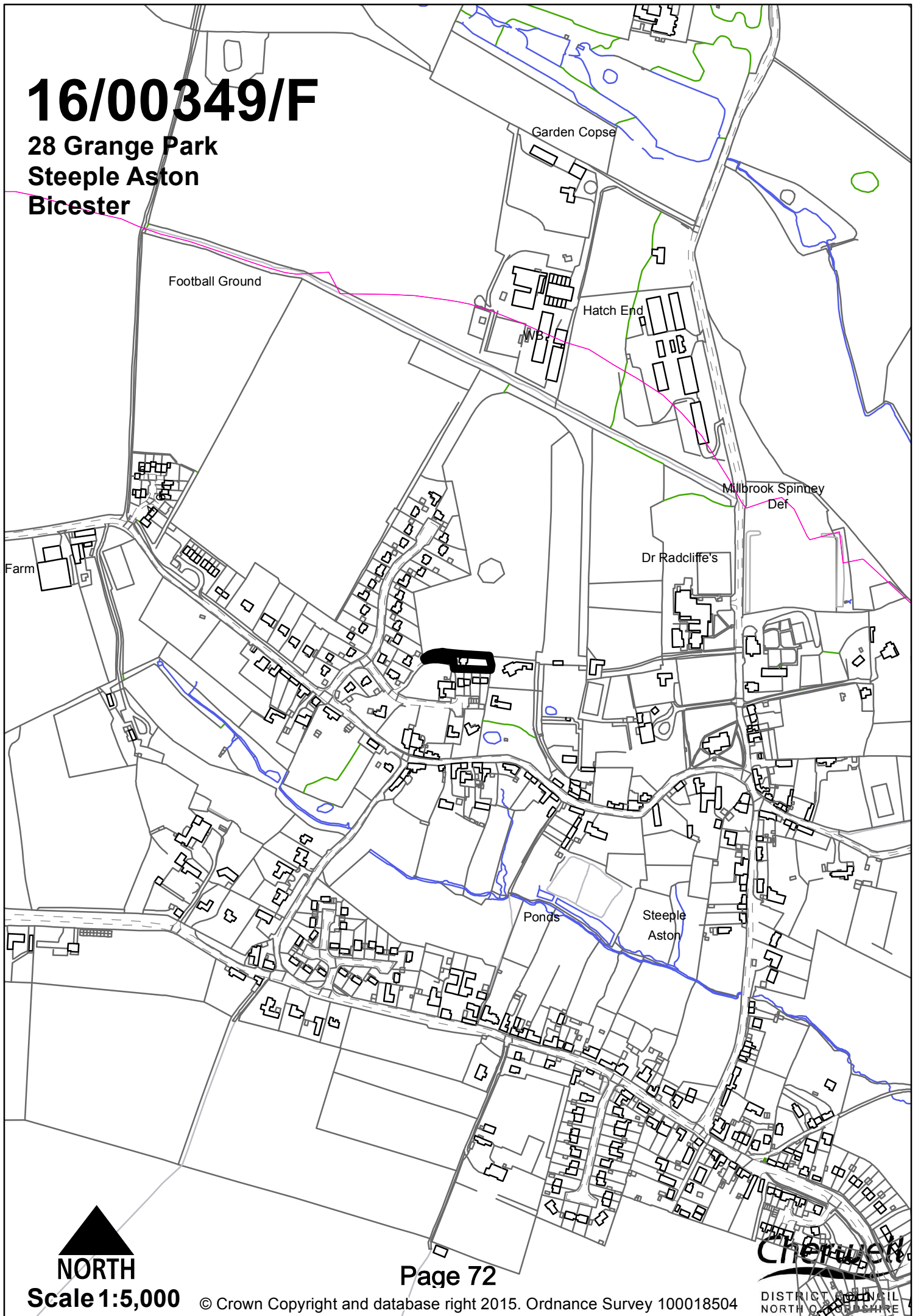
GRANGE PARK

The Court House



# 16/00349/F

28 Grange Park  
Steeple Aston  
Bicester



Scale 1:5,000

**Case Officer:** Victoria Barrett                      **Ward(s):** The Astons and Heyfords

**Applicant:** Mr & Mrs Smith

**Ward Member(s):** Councillor Mike Kerford – Byrnes  
Councillor James Mcnamara

**Proposal:** Erection of rear part single and part two storey extensions (revised scheme of 15/01958/F)

**Committee Date:** 14.04.16                      **Recommendation:** Approve

**Called into Committee by the Ward Councillor**  
**Cllr Kerford-Byrnes**

## 1. Application Site and Locality

- 1.1 The application property is a two storey, detached, brick and tile dwelling, located within Grange Park in the west of Steeple Aston. The dwelling is sited in a different alignment to the properties within the immediate vicinity, with an east west plot as opposed to the north south plots of the neighbours. The site is bounded by five dwellings to the south (four that back on to the site's boundary fence) and a privately owned field to the north; it lies in an elevated position above these plots.
- 1.2 There is a group TPO covering many of the trees in Grange Park; two of these were located within the application site. These are not considered to be site constraints as they are no longer on the site, and whilst there is an enforcement investigation on the matter, this has no bearing on the consideration of the current application. The site lies outside of the Steeple Aston Conservation Area. Thus there are not any relevant site constraints to the application.

## 2. Description of Proposed Development

- 2.1 The application seeks planning permission for the erection of a rear part single and part two storey extensions. The dimensions proposed are:
- 2.2 This proposal is a re-submission of 15/01958/F which was refused on the following grounds:

*The proposed development, by virtue of the size and position of the two storey element, would result in significant and demonstrable harm to the living conditions currently enjoyed by 30 Grange Park through a loss of outlook and an imposing and overbearing form of development. The application would therefore be contrary to Government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan Part 1 (2011-2031) and saved Policy C30 of the Cherwell Local Plan 1996 and the Home Extensions and Alterations design guide (March 2007).*

- 2.3 The main differences between the previously refused scheme and the current proposal are:
- Two storey extension set back by 2m from the south
  - Ridge height of two storey extension set down by 0.6m
  - Enlarged by 1m to the north

## 3. Relevant Planning History

14/01976/TPO                      Crown raise to 8m above this property and PER

provide 2m clearance from the property.  
Remove all epicormic growth, as close to the  
main stem.

15/01958/F

Single and two storey extension to rear

REF

#### 4. Response to Publicity

The application was advertised by way of neighbour notification letters (x7) and a notice display near to the site. The final date for comment was 25.03.16; 11 comments were received and are summarised below. It is noted that the extension would only be visible to nos. 29 – 32 Grange Park. Three of the objectors live within the aforementioned properties; none of those writing in support live within close proximity of the site.

##### Objections (x5)

- 28 already dominates over 30 and the proposal would take this to an unacceptable level
- The proposal would not be possible with the protected trees intact
- Former owners could not even get a single storey extension considered
- It would overshadow and dominate neighbours
- No significant changes between the previous refusal and the current application
- Out of scale and character with other Grange Park properties
- Would restrict light to no 30, would be viewed from every window and would box it in

##### Supporters (x6)

- Other houses in Grange Park have similar extensions
- The removed trees are not relevant
- It would improve appearance and is well designed

#### 5. Response to Consultation

**Steeple Aston Parish Council** – Objection. The proposed two storey extension is overbearing in relation to the neighbouring properties, and in particular to 30 Grange Park. We also objected last time on grounds of overlooking, which we now accept has been eliminated. However, we consider that the ‘outlook’ for 30 Grange Park would still be severely compromised by the revised scheme, which only offers a marginal improvement over the previous one.

**Ecology** – no comments received.

#### 6. Relevant National and Local Planning Policy and Guidance

## 6.1 Development Plan Policies:

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

### Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

### Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

## 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. In particular paragraphs 9-17 (presumption), 18-20 and 22 (economy), 29-36 (transport), 56-67 (design), 93-104 (climate change and flooding), 109-125 (natural environment) and 186-206 (decision taking)

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:

Impact on visual amenity

Impact on residential amenity

### **Impact on visual amenity**

7.2 The overall design of the proposal is considered to be compatible with the dwelling, and given its siting away from the main roads of the estate this would not have a significant effect on the vicinity. Also, the majority of the proposed development would be constructed with materials to match the existing dwelling. The exception to this is the timber cladding, which would replace

the white cladding that is a prominent feature of Grange Park. Nevertheless, it is considered that the timber cladding would help modernise the dwelling and is of a more attractive design than the white cladding, not to mention that a dwelling in a more prominent position towards the entrance of the estate has recently undergone such a change.

- 7.3 Officers consider that the proposed extension would create a peculiarly shaped dwelling with a particularly ill-designed northern elevation. However, as mentioned, due to its secluded siting this would not be visible to the public. It is therefore considered that the proposal would accord with Policy C28 of the Cherwell Local Plan 1996 and the relevant policies of the Framework.

### **Impact on residential amenity**

- 7.4 Having regard to its scale and siting, it is considered that the re-submitted proposal has overcome the significant harm that would have been experienced by no.30 Grange Park through the previous scheme. The current proposal has set the two storey element back by a further 2m from the southern boundary and reduced its height by 0.6m. The current proposal also would extend 1m to the north for one ground floor room and two bedrooms on the first floor to account for the space lost through the amended separation gap.
- 7.5 Although the proposed extensions would remain to be highly visible to no's 30-32 Grange Park, it is considered that the only property that could be significantly affected by the proposal would be no. 30 and the increased separation gap of over 20m would be adequate to retain the current standard of living in the dwelling, well exceeding the Council's recommended 14m. It is recognised that the outlook of no.30 would be different to what is currently enjoyed, yet the separation gap and subservient extension would prevent the development from creating an overbearing presence over the neighbour's site. Additionally, the subservience and increased separation gap is considered to mitigate the effect of the difference in levels between the site and no. 30.
- 7.6 As before, the single storey extension is considered to be acceptable, as the difference in scale between the proposed scheme and what would be possible under the property's permitted development rights is not significant (i.e. a similar level of impact would result). The flat roof of this element (under 3m in height) and the set-in corner would reduce the impact of this extension to be non-obtrusive to no. 30.
- 7.7 With regard to concerns raised about the impact on sunlight amenity, given the relationship between no. 28 and the surrounding neighbours sunlight would not be restricted by the eastern extension. Additionally, the privacy of neighbours would not be materially affected as there are not any windows proposed on the southern elevation. A condition could be imposed to ensure no new windows are inserted in the development.
- 7.8 Officers recognise that the proposed scheme would undoubtedly affect the views from and outlook of no. 30, through the construction of a featureless brick wall that would extend across the majority of the width of the site. However, it is recognised that this proposal would well exceed the Council's guidance in terms of separation and it would not cause significant or demonstrable harm either through loss of privacy or sunlight and would not be unduly overbearing to neighbours. The amended plans are considered to mitigate the harm that would have resulted from the original proposal, and it thus considered that a refusal of the current proposal would not be defensible at appeal. Additionally, the relationship between no.

28 and no. 30 would be similar, if less harmful, to that between no. 28 and no. 29. With this in mind, the development would comply with CLP 1996 Policy C30, and core principles of the Framework.

## 8. Conclusion

It is considered that the current proposal would result in a visually acceptable form of development, and would not cause such harm to the neighbouring properties through loss of light or its scale and siting as to warrant a refusal. The proposal would therefore 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.

### **Recommendation - Approval**, subject to the following conditions:

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

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

- 2 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, drawings '15/733-03 rev.B, 15/733-04 rev.B' 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.

**CONTACT OFFICER:** Victoria Barrett

**TELEPHONE NO:** 01295 221824



# Agenda Item 10

## 16/00526/F

The Gables  
4 Westbourne Court  
Bloxham

Yell Elm

Coppice End

120.9m

Bridge Ho

WESTBOURNE

COURT

GP

123.2m

EI Sub Sta

**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

  
NORTH

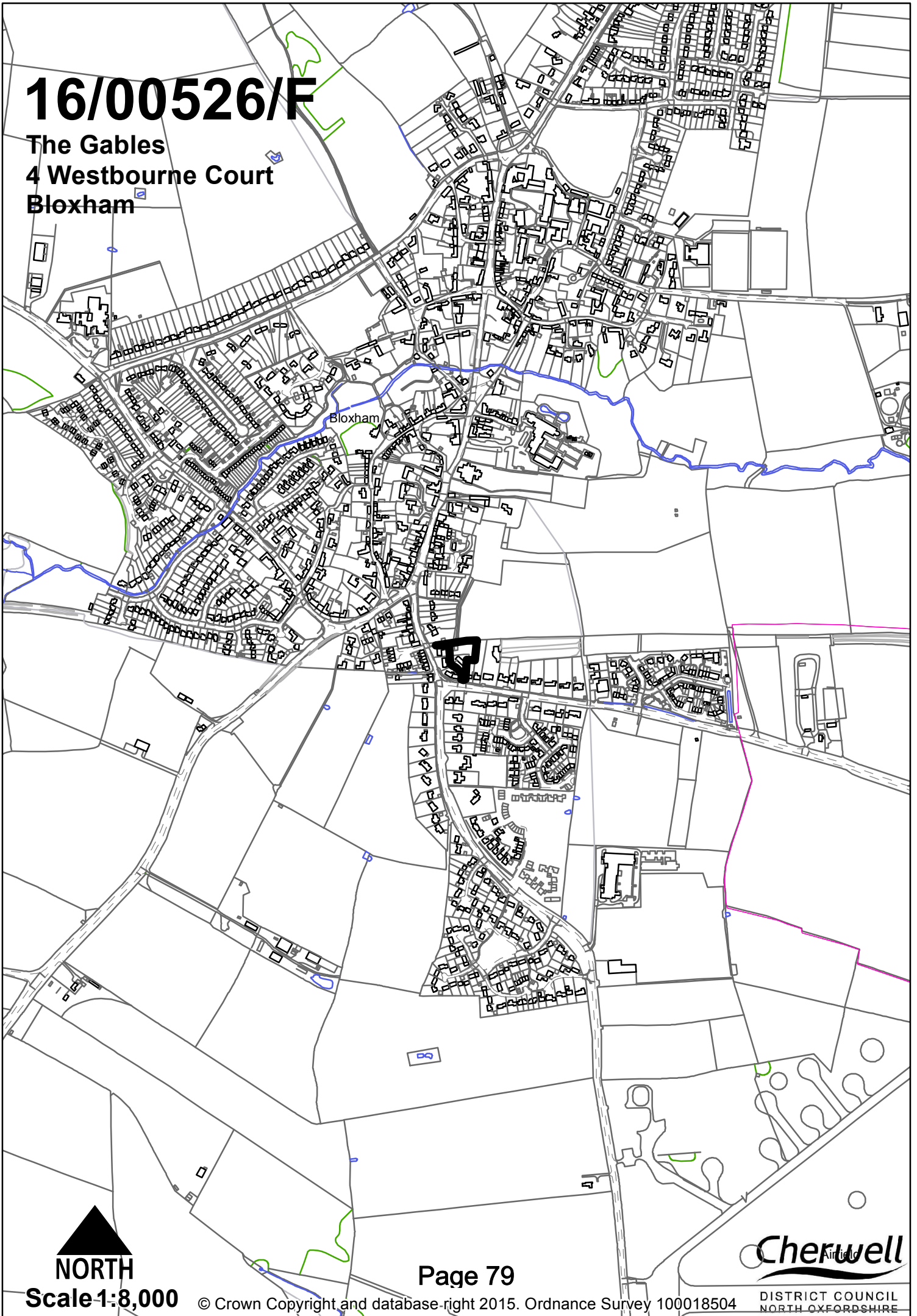
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Page 78

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# 16/00526/F

The Gables  
4 Westbourne Court  
Bloxham



**NORTH**  
**Scale 1:8,000**

**Page 79**

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**Cherwell**  
Airedale

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Case Officer:** Victoria Barrett                      **Ward(s):** Bloxham And Bodicote

**Applicant:** Mr & Mrs J Tibbetts

**Ward Member(s):** Cllr C Heath  
Cllr L Thirzie Smart

**Proposal:** Erection of single and two storey extension to outbuilding to provide garage and store (revised scheme of 15/01513/F)

**Committee Date:** 14.04.2016                      **Recommendation:** Refuse

**Committee Referral**                      Applicant is a close relative of an officer in the planning department

## 1. Application Site and Locality

- 1.1 The application property is a detached, two storey dwellinghouse facing broadly south-west onto Westbourne Court, a cul de sac home to five properties and accessed via the Milton Road, within the built form of Bloxham. The property also benefits from a large outbuilding to its north with a comparable footprint to the main dwelling. The outbuilding, part single storey and part two-storey, features double garage, swimming pool and changing room, plus gym at first floor level above the garage. It is this outbuilding which is the subject of the current application. The majority of the outbuilding was granted planning permission in 2004 (see planning history below). The site is close to the Bloxham Railway Cutting, but outside any designated Conservation Area and there are no other relevant designations. The site is bounded to the north by a field, with the site's northern boundary delineated by hedgerow.
- 1.2 It is noted that at the time of the 2004 application the site's eastern boundary was linear, on a broadly north south axis, as borne out by available aerial mapping, but that the current application site includes land which appears to have been acquired from the eastern neighbour, 3 Milton Road.

## 2. Description of Proposed Development

- 2.1 The current application is for the erection of a part two storey, part single storey extension to the north side of the outbuilding to provide a garage and storage area, with a storage area on the first floor (no floor plans have been submitted of the first floor level). The two-storey element would have a width of 5.5m, depth of 5.8m, eaves height of 4.2m and overall height of 6m, north south ridge and gable end facing north. The single storey part, set in slightly from the former element, would be flat roofed, with a height of 2.9m, width of 5.2m and length of 14.8m. A brick arch header over the garage door is proposed on the front elevation, two rooflights on the rear (eastern) elevation and two false windows on the northern elevation.
- 2.2 This application is a re-submission of the previously refused 15/01513/F, which was refused on the following grounds:

*By reason of its scale, form and massing, the proposal would result in a building of excessive scale that would not be subservient to the main dwelling, which would be visually incongruous displaying poor design, and would result in a cramped form of overdevelopment that would adversely affect the character and appearance of the street scene and that of the local area. The proposal therefore fails to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Policies C28 and C30 of the Cherwell Local Plan 1996 and paragraphs 17, 58 and 64 of the National Planning Policy Framework.*

The main differences between the previous scheme and the current proposal are:

- The footprint of the two-storey element has been reduced slightly (from 5.8m x 6.1m to 5.5m x 5.8m); its eaves and ridge heights have not been changed
- The footprint of the single storey element has been reduced slightly, i.e. length reduced from c.16.2m to c.14.8m and width from c.6.6m to 5.2m); in particular it has been set in from the site's northern boundary, to allow for some planting
- The height of the single storey element has been increased from c.2.33m to 2.9m
- The rooflight on the front elevation has been omitted
- Two false windows have been added on the north elevation (facing the field)

This application is reported to Planning Committee because the applicant is a close relative of a member of staff working in the planning department.

### **3. Relevant Planning History**

15/01513/F – Erection of single and two storey extensions to outbuilding to provide garage and store – refused by Planning Committee, October 2015

11/01819/F – Front porch extension – granted

05/02306/F – Insertion of roof light to side elevation – granted

05/02207/F – Dormer to the front – granted

05/00830/F – Two storey extensions to side and rear and two dormer windows to rear – granted

04/02770/F – Erection of outbuilding to provide garaging, gym and swimming pool. Erection of 2.4 metre boundary wall (in accordance with plan no's 1215/34b and 1215/38a received 02/03/05) – granted

02/02338/OUT – Erection of 2 No. dwellings including construction of new access to highway (as additional plans received on 07.01.03) – withdrawn

00/00089/F – Erection of single storey garage extension with pitched roof to side of existing garage (as amended by plans received on 15.11.00) – granted

96/01337/F – Two storey side extension to dwelling – granted

### **4. Response to Publicity**

Neighbours (x6) notified; site notice posted; press notice published; consultation expiry date is 28<sup>th</sup> April.

### **5. Response to Consultation**

No responses to report at the time of writing.

## **6. Relevant National and Local Planning Policy and Guidance**

### **6.1 Development Plan Policies:**

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

#### Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

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

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

### **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. In particular paragraphs 9-17 (presumption), 18-20 and 22 (economy), 29-36 (transport), 56-67 (design), 93-104 (climate change and flooding), 109-125 (natural environment) and 186-206 (decision taking)

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:

- Impact on residential amenity
- Impact on highway safety
- Impact on the street scene
- Impact on the character and appearance of the area

#### **Impact on residential amenity**

7.2 By reason of its siting relative to neighbouring properties, the proposed building would not detrimentally affect the living conditions of neighbouring residents. It would be sited at approx.

30 metres from the dwelling at Copper's End to the north-west, and approx. 18 metres from Bridge House to the west, separated from the latter by that neighbour's garage.

#### **Impact on highway safety**

- 7.3 There is sufficient turning space between the application site and Bridge House, such that the proposal would not significantly affect local highway safety.

#### **Impact on the street scene**

- 7.4 However, the proposal would result in a building which could not be described as subservient to the main dwelling. Indeed the footprint of the resultant building, at approx. 20.5m by 5.2m would appear to be similar in scale to that of the main dwelling. The effect of the building in this regard is emphasised by the height, form and massing of the two storey element of the current proposal, resulting in a building fronting the highway of approx. 13.5m width with eaves exceeding 4 metres and ridge height of 6m or more for the duration of that width. For these reasons, it is considered that the proposal would result in a building of excessive scale that would not be subservient to the main dwelling, and which would have a detrimental effect on the visual amenity and character of the building and its immediate setting.
- 7.5 In addition, the western front elevation of the proposal, with elevated eaves and no windows, would result in a building which is visually incongruous and unattractive displaying poor design and exacerbating a negative attribute of the existing outbuilding, to the detriment of the visual amenity of the locality.
- 7.6 The amendments made are considered to be minor in comparison to the scale of the development, and do not address the significant and demonstrable harm caused by the original scheme.

#### **Impact on the character and appearance of the area**

- 7.7 The existing outbuilding is set some 6.0 – 6.5 metres off the site's northern boundary and, although the site is adjacent to countryside to the north and visible from footpaths across those fields, this degree of set off, combined with the presence of a hedge to the boundary has helped to minimise the visual impact of the existing outbuilding on its surroundings.
- 7.8 As with the original proposal, the current scheme would require the removal of the established tree/hedge planting that currently exists. Although this amended proposal would provide for replacement planting alongside the proposed extension, it is considered that this would not provide the same screening or contribution to visual amenity made by the existing planting and would not mitigate the harm caused by the proposed building. The increased proximity of the building to the natural environment would serve to urbanise its surroundings and adversely affect the rural, undeveloped character and appearance of the area.
- 7.9 The single storey extension was highlighted to have been harmful in the previous application 15/01513/F, and it is therefore unfortunate that the revised scheme has increased the height of this element. It remains that the effect of the flat-roofed element in this regard is exacerbated by its attachment to the two-storey element and its proximity to the field. And, by reason of its design, scale and siting, the proposed two-storey element is considered to detrimentally affect the character and appearance in its own right.

- 7.10 Further, through its attachment to, and visual association with the existing outbuilding, and most critically its proximity to the northern boundary, the current proposal would serve to significantly increase the visual impact of the existing outbuilding on the character and appearance of the area.
- 7.11 The re-submitted scheme would result in the same harm as the previous submission, as the proposal remains to be fundamentally the same. The amendments that have been undertaken are not of a significant nature and do not address or overcome the harm caused by the proposal.
- 7.12 For the reasons set out above, the re-submitted proposal would result in a building of excessive scale that would not be subservient to the main dwelling, a visually incongruous form of development displaying poor design, and would result in a cramped form of overdevelopment that would adversely affect the character and appearance of the area. The proposal therefore fails to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Policies C28 and C30 of the Cherwell Local Plan 1996.
- 7.13 Paragraph 17(3) of the Framework seeks “to secure high quality design”, paragraph 58 states that planning decisions should aim to ensure that development is “visually attractive as a result of good architecture and appropriate landscaping” and paragraph 64 states that, “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.” Paragraph 56 states that the government “attaches great importance to the design of the built environment”. For the reasons set out above, the proposal would fail to accord with these paragraphs of the Framework.

## **8. Conclusion**

The proposal would not adversely affect local highway safety or the living conditions of neighbouring residents. However, for the reasons set out in this report, the proposal would adversely affect the visual amenity of the street scene and the character and appearance of the area, and would therefore fail to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Policies C28 and C30 of the Cherwell Local Plan 1996, and paragraphs 17, 58 and 64 of the National Planning Policy Framework.

## **9. Recommendation**

Refuse, subject to no additional representations received by 28th April that raise new issues having a significant bearing on the Local Planning Authority's assessment of the application.

By reason of its scale, form and massing, the proposal would result in a building of excessive scale that would not be subservient to the main dwelling, which would be visually incongruous displaying poor design, and would result in a cramped form of overdevelopment that would adversely affect the character and appearance of the street scene and that of the local area. The proposal therefore fails to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Policies C28 and C30 of the Cherwell Local Plan 1996 and paragraphs 17, 58 and

64 of the National Planning Policy Framework and the Home Extensions and Alterations design guide (March 2007).

**CONTACT OFFICER:** Victoria Barrett

**TELEPHONE NO:** 01295 221824



# Agenda Item 11

## Cherwell District Council

### Planning Committee

14 April 2016

<b>Appeals Progress Report</b>
--------------------------------

### 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 **15/01384/OUT - Land South Of Little Shotover And East Of Cherry Tree Cottage, Horn Hill Road, Adderbury.** Appeal by Mr William Aylward against the refusal of outline planning permission for the erection of 5 residential dwellings.

**15/02269/F – 34 Bretch Hill, Banbury, OX16 0NP.** Appeal by Mrs Susan Gull against the refusal of planning permission for two storey side and rear extension with additional porch.

- 2.2 **Forthcoming Public Inquires and Hearings between and April 14<sup>th</sup> and May 19<sup>th</sup> 2016**

None.

#### 2.3 Results

Inspectors appointed by the Secretary of State have:

- 1) **Dismissed the appeal by Mr Matthew Grimes against the refusal of planning permission for the erection of a two storey building which would**

**contain 1 No one bedroom flat, two single garages, bicycle and bin store and associated parking. - Land To Rear Of 181 And 183, The Moors, Kidlington. – 15/01403/F – (Delegated)**

The appeal proposal sought to replace an approved garage and store with a two garage unit, with bin and bike storage, with a 1 bedroom flat above. This included the addition of two projecting dormers/gables. The approved garage is part of a development to the rear of The Moors, Kidlington.

The Inspector considered the main issues to be the impact on the character and appearance of the area, and the effect on the living conditions of the future residents of neighbouring dwellings. On the first issue, the Inspector agreed with the Council that “The dormers would be very conspicuous...overwhelming the ground floor and would look ungainly and disproportionate to the overall unit both from the south and from the sides”. On the second issue however, the Inspector concluded that the dormer windows “would be set at a reasonable distance from the opposite dwellings, stated by the appellant to be some 17.85m, and this relationship would not be noticeably different to the distances between the other dwellings in the approved cul de sac”. As such the Inspector concluded the proposal would be acceptable in this respect.

**2) Dismissed the appeal by Mr C Rankin against the refusal of planning permission for the change of use from B1 to B2 - Re-submission of 14/01280/F. The Hey Cabin, Blacklocks Hill, Nethercote, Banbury. – 15/00211/F. – (Delegated)**

The application sought permission for the change the use of the site from B1 to B2 general industrial use, in connection with the appellant’s business of specialist car preparation and repair.

The Inspector considered the main issues were:

- The effect of the proposal on the character and appearance of the surrounding area;
- The effect of the proposal upon the living conditions of nearby residents, with reference to noise and disturbance.

The Inspector noted the context of the site, considering it primarily agricultural landscape, notwithstanding sporadic housing within the area. He considered that outside storage of materials and cars would be contrary to the nature of the surrounding area. Although the applicant had stated that the proposed use would be fairly low key, and contained within the site screened by a compound and landscaping, the Inspector considered that he did not have enough information to convince him that the use would not become more intensive over time and that a business of the nature described would not require external storage that could be injurious to the character and appearance and appear out of place in the surrounding rural area; concluding that the proposals would be contrary to ESD 13 of the Cherwell Local Plan 2011-2031 Part 1 through the harm caused by undue visual intrusion into the countryside and inconsistency with the local character.

With regard to the impact on living conditions of nearby residential properties, the Inspector noted that an unrestricted B2 use could result in the appeal site being used for a wide range of potentially noisy activities, but that some noises

would not be detectable above the background noise of the nearby M40. He considered that the application was sufficiently detailed that conditions limiting working hours and types of process to be carried out could sufficiently control the types of activities being carried out, and thus control the noise likely from the site; concluding that with such conditions, the proposal would comply with Policy ENV1 of the Cherwell Local Plan 1996 and guidance within the NPPF relating to seeking a good standard of amenity for all existing occupants of land and buildings. Notwithstanding the lack of harm in this respect, the Inspector concluded that the proposal's impact on the character and appearance of the surrounding area was such that the appeal should be dismissed.

**3) Allowed the appeal by Ms Clari Worth against the refusal of planning for a two storey side extension and part two storey rear extension. – 15/01782/F. 10 Marlborough Avenue, Kidlington, OX5 2AN – (Delegated)**

The appeal proposal, relating to 15/01782/F and a revised scheme of 15/00981/F which had also been refused, was a double storey side extension and part double storey rear extension. The appeal was allowed.

The main issues:

- a. The character and appearance of the surrounding area and living conditions of No 8 in terms of loss of outlook and loss of light.
- b. Would the proposed extension create a terracing effect and result in an impact to the character and appearance of the area?

The Inspector considered a terracing effect to apply only when buildings (and any extensions) essentially follow a common building line resulting in a continuous mass of buildings. The Inspector adjudged in this instance that the first floor set-back and resultant drop in the roof height did not result in a terracing effect and that therefore the proposal did not harm the character and appearance of the surrounding area and thus complied with Policies C28 and C30 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and the NPPF, despite the extension being sited close to the boundary.

The effect of the extension on the closest neighbour's living conditions was considered acceptable with regard to the effects on the daylight and sunlight to the neighbour's side facing windows serving the carport and bathroom/en-suite openings, given that they were obscurely glazed and did not serve any habitable rooms. However, the Inspector did not appear to have considered the impact of the rearward side projection on the neighbour.

**4) Dismissed the appeal by Mr J Brewer against the refusal of planning and listed building consent for alteration and extension of Model Farm House to incorporate the change of use of existing farm buildings into ancillary residential use. Landscaping and relocation of modern agricultural building. – 14/01711/F + 14/01712/LB. Model Farm, 19 Bletchingdon Road, Hampton Poyle, Kidlington, OX5 2QG – (Delegated).**

The Inspector concluded that the main issues in this case were:

- whether the proposal would be inappropriate development in the Green Belt; and
- whether the proposal would preserve the special architectural and historical interest of the Grade II listed buildings, and preserve or enhance the character or appearance of Hampton Poyle Conservation Area.

When considering the principle of the extensions against Green Belt policy, the Inspector noted that: “The size of the Heart of the Home extension (linking the farmhouse to two curtilage listed farm buildings) would be a relatively low slung single storey flat roof structure and would in pure space terms effectively infill a gap between the farmhouse and the existing structures...The garden link would cover a small area between the farmhouse and Cart Shed and the porch would be relatively insubstantial.” Taken together the Inspector concluded that these extensions would not be disproportionate additions to the original dwelling.

Turning to the impact on the heritage assets, the Inspector stated that whilst the ‘heart of the home’ extension would cover a ‘fairly large area’ and went on to state that “The construction of the single storey flat roof structure in the middle of the open space that links the north and east farmyards together would have an adverse effect on the coherence as a whole of the historic farmstead and would not enhance the current plan form and context of the farm.” Furthermore, the Inspector observed that this structure would not be “subordinate to the host dwelling” and that the proposal would not integrate successfully with the existing buildings.

The Inspector was also critical of the ‘garden link’, a proposed structure joining the dwellinghouse to a nearby cart shed. The Inspector argued that it would draw attention to itself, detracting from the design and details of the main farmhouse and the simplicity of the cart shed. The Inspector also questioned the acceptability of the proposed pond and swimming pool arguing that these would have the potential to adversely affect the context and form of the farm yard plan.

When summing up the proposal, the Inspector found that the development would cause less than substantial harm to the significance and the setting of the Grade II listed buildings and that in so doing it would also fail to preserve the historic character and appearance of the Hampton Poyle Conservation Area. Whilst concluding that the harm would be less than substantial, the Inspector nonetheless went on to state that “there would be real and serious harm requiring clear and convincing justification”. Both of the appeals were dismissed.

**5) Dismissed the appeal by Mr J Brewer against the refusal of planning and listed building consent for alteration and extension of Model Farm House and alterations to existing farm buildings to facilitate conversion to ancillary residential use, landscaping and relocation of modern agricultural building – re-submission of 14/01711/F + 14/01712/LB. – 15/00949/F + 15/00950/LB. Model Farm, 19 Bletchingdon Road, Hampton Poyle, Kidlington, OX5 2QG. (Delegated).**

The appeals at the site relate to a second round of applications at Model Farm which were also dismissed. The scheme made some alterations to the previous scheme which was dismissed earlier in the year, most notably a reduction in the width of the Heart of the Home extension.

The Inspector concluded that the main issues in this case were:

- whether the proposal would be inappropriate development in the Green Belt; and
- whether the proposal would preserve the special architectural and historical interest of the Grade II listed buildings, and preserve or enhance the character or appearance of Hampton Poyle Conservation Area.

When considering the principle of the extensions against Green Belt policy, the Inspector noted that: *“The Heart of the Home extension would be a relatively low slung single storey flat roof structure and would in pure space terms effectively infill a gap between the farmhouse and the existing structures of the Stone Barn and Granary & Dairy. The garden link would cover a small area between the farmhouse and the Cart Shed and the porch would be relatively insubstantial. Taken together I do not consider that these additions would be disproportionate over and above the size of the original building.”* The Inspector therefore concluded, as with the previous appeal proposals, that the proposal would not constitute inappropriate development in the Green Belt.

Turning to the impact on the designated heritage assets, the Inspector stated the construction of the Heart of the Home extension in the middle of the open space that links the north and east farmyards together would have an adverse effect on the coherence as a whole of the historic farmstead and would not enhance the current plan form and context of the farm. The Inspector went on to note that the enclosure by the proposed Heart of the Home extension would adversely affect this functional relationship and the setting of the listed buildings. The Inspector also questioned the acceptability of the proposed pond and swimming pool arguing that these would have the potential to adversely affect the context and form of the farm yard plan.

When summing up the proposal, the Inspector found that the development would cause less than substantial harm to the significance and the setting of the Grade II listed buildings and that in so doing it would also fail to preserve the historic character and appearance of the Hampton Poyle Conservation Area. Whilst concluding that the harm would be less than substantial, and whilst appearing to conclude that the harm would be less than would have resulted from the previous appeal proposals, the Inspector nonetheless went on to state that there would be *“real harm which requires clear and convincing justification”*. The Inspector did not consider there were public benefits that had been adequately demonstrated to outweigh the harm. As such both of the appeals were 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](mailto: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](mailto:nigel.bell@cherwellandsouthnorthants.gov.uk)

### **Risk Management**

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

Comments checked by:

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

## **6.0 Decision Information**

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

A district of opportunity

### **Lead Councillor**

None

## Document Information

<b>Appendix No</b>	<b>Title</b>
None	
<b>Background Papers</b>	
None	
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