

# Public Document Pack



**Committee:** Planning Committee  
**Date:** Thursday 4 August 2016  
**Time:** 2.00 pm  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

## Membership

<b>Councillor David Hughes (Chairman)</b>	<b>Councillor James Macnamara (Vice-Chairman)</b>
<b>Councillor Hannah Banfield</b>	<b>Councillor Andrew Beere</b>
<b>Councillor Colin Clarke</b>	<b>Councillor Chris Heath</b>
<b>Councillor Alastair Milne-Home</b>	<b>Councillor Mike Kerford-Byrnes</b>
<b>Councillor Alan MacKenzie-Wintle</b>	<b>Councillor Richard Mould</b>
<b>Councillor D M Pickford</b>	<b>Councillor Lynn Pratt</b>
<b>Councillor Nigel Randall</b>	<b>Councillor G A Reynolds</b>
<b>Councillor Barry Richards</b>	<b>Councillor Nigel Simpson</b>
<b>Councillor Les Sibley</b>	<b>Councillor Nicholas Turner</b>

## Substitutes

<b>Councillor Ken Atack</b>	<b>Councillor Maurice Billington</b>
<b>Councillor Hugo Brown</b>	<b>Councillor Ian Corkin</b>
<b>Councillor Nick Cotter</b>	<b>Councillor Surinder Dhesi</b>
<b>Councillor Carmen Griffiths</b>	<b>Councillor Timothy Hallchurch MBE</b>
<b>Councillor Sandra Rhodes</b>	<b>Councillor Bryn Williams</b>
<b>Councillor Barry Wood</b>	<b>Councillor Sean Woodcock</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 - 12)

To confirm as a correct record the Minutes of the meeting of the Committee held on Thursday 7 July 2016.

### 6. **Chairman's Announcements**

To receive communications from the Chairman.

## **Planning Applications**

7. **OS Parcel 7400 Adjoining And South Of Salt Way, Banbury** (Pages 16 - 89) **14/01932/OUT**
8. **OS Parcels 6741 And 5426 West Of Cricket Field North Of Wykham Lane, Bodicote, Oxfordshire** (Pages 90 - 156) **15/01326/OUT**
9. **Camping Site, Heyford Leys Farm, Heyford Leys, Upper Heyford, Bicester, OX25 5LU** (Pages 157 - 177) **15/01446/F**
10. **Co-op, 26 High St, Kidlington** (Pages 178 - 211) **15/01872/F**
11. **13 - 39 (Odds Numbers Only) Trenchard Circle, Upper Heyford** (Pages 212 - 234) **16/00196/F**
12. **Buildings 485, 488 And Land Surrounding Those Buildings (Dorchester Phase 6), Heyford Park, Camp Road, Upper Heyford** (Pages 235 - 266) **16/00263/F**
13. **Hornton Grounds Quarry, Hornton** (Pages 267 - 280) **16/00752/F**
14. **Cherwell District Council, Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA** (Pages 281 - 287) **16/00936/LB**
15. **Shenington Gliding Club, Shenington** (Pages 288 - 296) **16/00982/F**
16. **James David Smith, 19 Thorpe Place, Banbury, OX16 4XH** (Pages 297 - 303) **16/00997/F**
17. **6 Oxford Road, Adderbury, Banbury, OX17 3NF** (Pages 304 - 310) **16/01071/F**
18. **Orchard Way, Heyford Road, Somerton, OX25 6LL** (Pages 311 - 323) **16/01077/F**

19. **Orchard Way, Heyford Road, Somerton, OX25 6LL** (Pages 324 - 336) **16/01078/F**
20. **Sundown, Crowcastle Lane, Kirtlington, Kidlington, OX5 3HP**  
(Pages 337 - 343) **16/00002/F**

## **Review and Monitoring Reports**

21. **Appeals Progress Report** (Pages 344 - 349)

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 27 July 2016



## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 7 July 2016 at 4.00 pm

- Present: Councillor David Hughes (Chairman)  
Councillor James Macnamara (Vice-Chairman)
- Councillor Hannah Banfield  
Councillor Andrew Beere  
Councillor Colin Clarke  
Councillor Alastair Milne-Home  
Councillor Mike Kerford-Byrnes  
Councillor Alan MacKenzie-Wintle  
Councillor Richard Mould  
Councillor D M Pickford  
Councillor Lynn Pratt  
Councillor Nigel Randall  
Councillor G A Reynolds  
Councillor Barry Richards  
Councillor Nigel Simpson  
Councillor Les Sibley
- Substitute Members: Councillor Ken Atack (In place of Councillor Chris Heath)  
Councillor Barry Wood (In place of Councillor Nicholas Turner)
- Apologies for absence: Councillor Chris Heath  
Councillor Nicholas Turner
- Officers: Jon Westerman, Development Services Manager  
Bob Duxbury, Team Leader (Majors)  
Linda Griffiths, Principal Planning Officer  
Matt Chadwick, Planning Officer  
Stuart Howden, Senior Planning Officer  
Andrew Lewis, Principal Planning Officer  
Aaron Hetherington, Democratic and Elections Officer  
Nigel Bell, Team Leader - Planning / Deputy Monitoring Officer  
Amy Jones, Legal Assistant

## 31 **Declarations of Interest**

### **11. Oceans House, Noral 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 Hannah Banfield, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

**12. Norbar Torque Tools Ltd. Beaumont Road, Banbury.**

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

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

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

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

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

32 **Requests to Address the Meeting**

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

33 **Urgent Business**

There were no items of urgent business.

34 **Minutes**

Subject to the amendments detailed below, the Minutes of the meeting held on 9 June 2016 were agreed as a correct record and signed by the Chairman.

Minute 17 – Declarations of interest

**9. Cherwell District Council, Former Offices, Old Place Yard, Bicester.**

Councillor Colin Clarke, Declaration, as a member of the Executive and would leave the Chamber for the duration of the item.

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

Councillor Nicholas Turner, Declaration, as a member of the Executive and would leave the Chamber for the duration of the item.

**10. Banbury Academy, Ruskin Road, Banbury, OX16 9HY**

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council and a further declaration as he had been Chairman of the Standbridge House Friends Group and a number of residents are known to him and for this reason he would leave the Chamber for the duration of the item

35 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.
2. The Chairman advised that the next planning meeting in February may need to start at 2pm. The Development Services Manager would update members prior to the meeting.

36 **Camping Site, Heyford Leys Farm, Heyford Leys, Upper Heyford, Bicester, OX25 5LU**

The committee considered application 15/01446/F for the change of use for extension to mobile home park onto adjoining caravan site (Heyford Leys Camping Park).

Councillor Macnamara proposed that application 15/01446/F be deferred for a formal site visit. Councillor Clarke seconded the proposal.

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

Councillor Hughes – For  
Councillor Macnamara – For  
Councillor Banfield – Abstain  
Councillor Beere – Abstain  
Councillor Clarke – For  
Councillor Atack – Abstain  
Councillor Milne Home – For  
Councillor Kerford-Byrnes – Abstain  
Councillor MacKenzie-Wintle – For  
Councillor Mould – Abstain  
Councillor Pickford – For  
Councillor Pratt – For  
Councillor Randall – For  
Councillor Reynolds – Abstain  
Councillor Richards – Abstain

Councillor Simpson – Abstain  
Councillor Sibley – For

**Resolved**

That application 15/01446/F be deferred to allow a formal site visit.

37 **Land North of Gaveston Gardens and Rear of Manor Farm, Banbury Road, Deddington**

The committee considered application 16/00053/F for the residential development of 99 dwellings (Use Class C3), together with parking, public open space, landscaping and associated infrastructure.

David Rogers, on behalf of Deddington Parish Council, addressed the committee in objection to the application.

Kathryn Young, the agent to the applicant, addressed the committee in support to the application.

Councillor Kerford-Byrnes proposed that application 16/00053/F be refused on the grounds of detrimental harm to the landscape and design of the village. Councillor Milne Home seconded the proposal.

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

**Resolved**

That application 16/00053/F be refused for the following reasons:

- 1 The development proposed by reason of its scale, layout and design, taking into account Cherwell District's ability to demonstrate an up to date housing land supply is considered to be an overdevelopment of the site which would be out of keeping with the existing adjacent development and the character of Deddington Village as a whole, and cause harm to the rural setting and approach into the village. The proposal is therefore considered unacceptable and contrary to Policies ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and the advice within the National Planning Policy Framework.
- 2 In the absence of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, including affordable housing will be delivered. This would be contrary to INF1 of the adopted Cherwell Local Plan 2011-2031 and the advice within the National Planning Policy Framework.

**Christopher Rawlins Church of England Voluntary Aided Primary School, Aynho Road, Adderbury, OX17 3NH**

The Committee considered application 16/00601/F for an extension to foundation stage unit, extension to existing school hall, erection of two new key stage 2 classrooms, staffroom and supporting ancillary rooms. Demolition works and refurbishment to existing, internal alterations including new kitchen and external landscaping including new Multi-use games area (MUGA).

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

**Resolved**

That application 16/00601/F be approved subject to:

- a) The applicant entering into an appropriate s106 Legal Agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph 3.9 of the report.
- b) The following conditions:
  1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
  2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:
    - Application Form submitted with the application;
    - Design and Access Statement (ref: 1428/2A) by Thinking Buildings dated 30th March 2016 submitted with the application;
    - Transport Statement (ref: TR8160177/BE002) by Glanville dated March 2016 submitted with the application;
    - Drawing Numbers: 01; 05 Revision B; 06 Revision D; 10 Revision D; and 11 Revision A submitted with the application; and
    - Drawing Number 110 Revision 01 received from the applicant's agent by e-mail on 23rd June 2016.
  3. Prior to the commencement of the development hereby permitted, samples of the materials to be used in the construction of the walls and roofs of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the walls and roofs of the development shall be carried out in accordance with the samples so approved.
  4. Prior to the occupation of the development hereby permitted, full specification details (including construction, layout, surfacing and drainage) of the extended layby on Aynho Road (shown on Drawing No: 05 Rev B), along with a timetable for the implementation of the works, shall be submitted to and approved in writing by the Local

Planning Authority. Thereafter, the extended layby shall be provided and made available for use in accordance with the approved details and timetable.

5. Prior to occupation of development hereby permitted, a school Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall incorporate (i) details of the means of regulating the use of private cars for journeys to school in favour of other modes of transport and (ii) the means of implementation and methods of monitoring the Travel Plan.
6. Prior to commencement of the development hereby permitted, a plan showing the number, location and design of new cycle and scooter parking for the school shall be submitted to and approved in writing by the Local Planning Authority. The new parking shown on the approved plan shall be provided prior to first occupation of the development. Thereafter, the parking shall be permanently retained and maintained for the parking of cycles and scooters in connection with the development.
7. Prior to the commencement of the development hereby permitted, a hard landscaping scheme including details of the layout, design, surfacing, and appearance of:
  - Pavements, pedestrian areas, reduced-dig areas, crossing points and steps;
  - Gates, fences, walls or any other means of enclosure;
  - Fencing surrounding the MUGA.

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 landscape scheme.

8. Prior to the commencement of the development hereby permitted, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
9. That:
  - a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
  - b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

10. The existing hedgerow along the southern boundary of the site and the south western boundary of the staff car park (displayed on Drawing Number 05 Revision B submitted with the application) shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the MUGA it shall be replaced by a plant of the same or similar species and shall thereafter be properly maintained in accordance with this condition.

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**Manor Cottage, Netting Street, Hook Norton, Banbury, OX15 5NP**

The Committee considered application 16/00866/F for the erection of 1 no. dwelling.

Christine French, the applicant, addressed the committee in support to the application.

Councillor Kerford-Byrnes proposed that application 16/00866/F be refused as it would cause cramping form of development and would go against the Neighbourhood plan. Councillor Randall seconded the proposal.

Councillor Reynolds proposed that application 16/00866/F be approved. Councillor Clarke seconded the proposal.

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

**Resolved**

That application 16/00866/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 Drawing Numbers: FRE/16/01 A and FRE/16/02 A.
3. 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 Hornton stone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shown on the approved plans to be constructed in stone shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
4. Prior to the commencement of the development hereby approved, samples of the slate to be used in the construction of the roofs 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.

5. Prior to the commencement of the development an arboricultural survey and method statement, undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved survey recommendations and method statement.
6. Prior to the commencement of the development, full details of the doors and windows hereby approved, including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the doors and windows and their surrounds shall be installed within the building in accordance with the approved details.
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 means of enclosure along the boundaries of and within the site.

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

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. Notwithstanding the provisions of Classes A to D (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, the approved dwelling shall not be enlarged or extended without the prior express planning consent of the Local Planning Authority.
10. Prior to the first occupation of the development hereby approved, the first floor window in the east elevation of the dwelling shall be fixed shut, other than the top hung opening element, and shall be fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.

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**Oceans House, Noral Way, Banbury**

The Committee considered application 16/00927/F for the Change of use of existing buildings from Class B2 with ancillary Class B1(a) to Class B8 with ancillary Class B1(a).

Gemma Johnson, the agent for the applicant, addressed the committee in support to the application.

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

**Resolved**

That application 16/00927/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, Transport Statement and Drawing Numbers: SL-P-05 submitted with the application.
3. Prior to the first occupation of the site, a full workplace 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 approved details.
4. Other than for the purposes of collection and delivery, no goods, materials, plant or machinery shall be stored, operated or displayed in the open without the prior submission of details and approval in writing by the Local Planning Authority.

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**Norbar Torque Tools Ltd. Beaumont Road, Banbury**

The Committee considered application 16/00985/F for the proposed change of use from B2 to B1, B2 and B8.

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

**Resolved**

That application 16/00985/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 site plan
3. Prior to its installation, full details of any new external lighting to be provided in the car parking areas or on the building 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.
4. Prior to the commencement of the development hereby approved, details of the revised car parking and HGV turning provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be retained for the parking of vehicles at all times thereafter
5. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
6. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details
7. The operational use of the premises shall be restricted to the following times:-

Monday-Friday – 5.00am- 9.00pm  
Saturday – 8.30am to 1.00pm  
Sunday and Public Holidays – No time

42 **OS Parcel 0070 adjacent and north of A41 London Road, Bicester**

The Head of Development Management submitted a report to notify members of the receipt of an application relating to the strategic allocation at SE Bicester and for Members to consider whether they wish to have a Formal Site Visit prior to 4 August Committee meeting.

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

Councillor Hughes – For  
Councillor Macnamara – For  
Councillor Banfield – Abstain  
Councillor Beere – Abstain  
Councillor Clarke – For  
Councillor Atack – For  
Councillor Milne Home – Against  
Councillor Kerford-Byrnes – Abstain  
Councillor MacKenzie-Wintle – For  
Councillor Mould – Abstain  
Councillor Pickford – For  
Councillor Pratt – For  
Councillor Randall – For  
Councillor Reynolds – Abstain  
Councillor Richards – Abstain  
Councillor Simpson – Abstain  
Councillor Sibley – For  
Councillor Wood - For

**Resolved**

That members are to undertake a Formal Site Visit prior to the Planning Committee Meeting on 4 August 2016 when the application will be before Members for determination.

43 **Appeals Progress Report**

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

**Resolved**

(1) That the position statement be accepted.

The meeting ended at 6.26 pm

Chairman:

Date:

## CHERWELL DISTRICT COUNCIL

### PLANNING COMMITTEE

4 August 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**

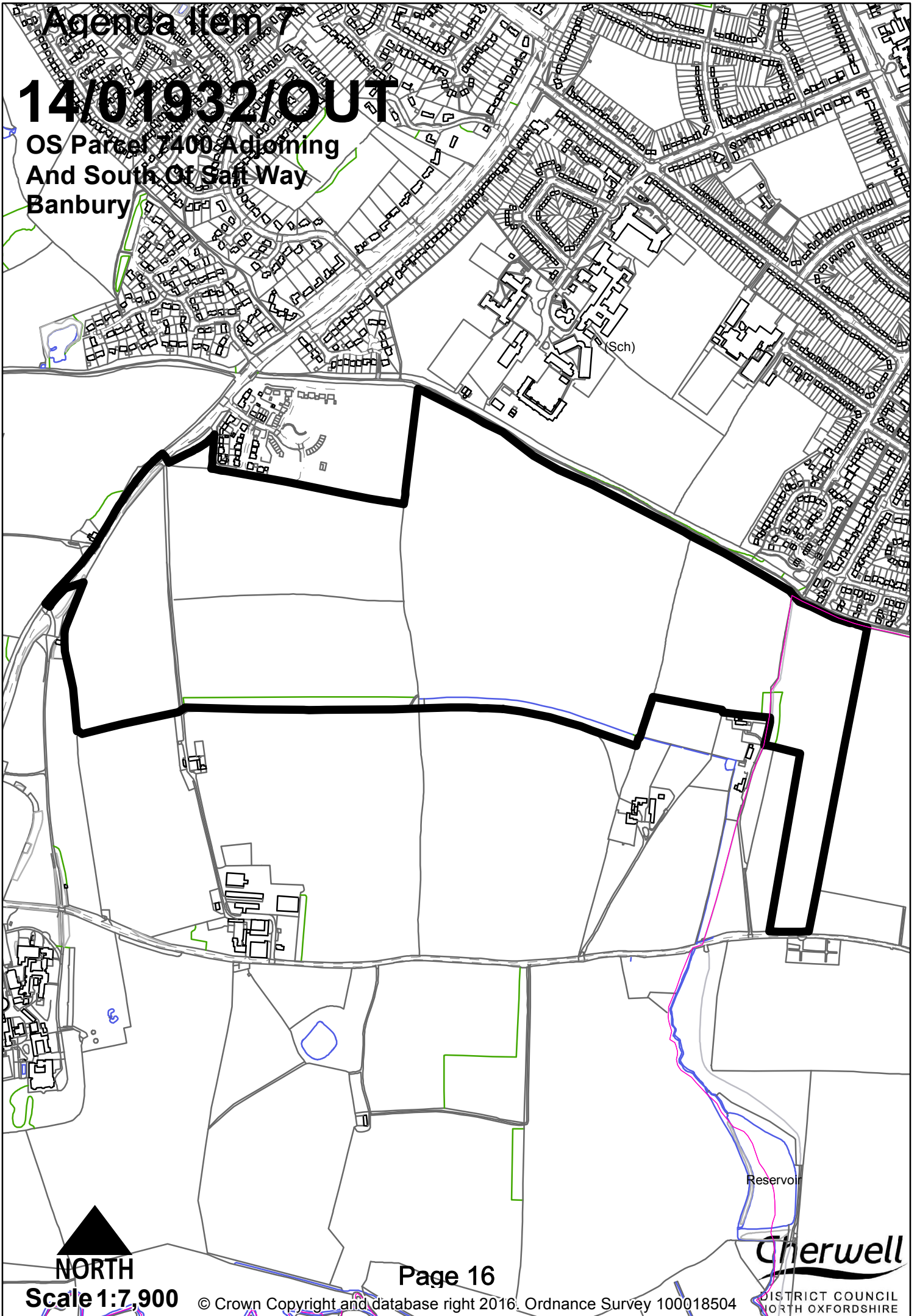
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision 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	OS Parcel 7400 Adjoining And South Of Salt Way Banbury	14/01932/OUT	Banbury Calthorpe and Easington & Adderbury, Bloxham and Bodicote	That Committee resolves to inform the SoS that the Council proposes to approve the application subject to conditions and completion of a legal agreement	Matthew Parry
8	OS Parcels 6741 And 5426 West Of Cricket Field North Of Wykham Lane, Bodicote Oxfordshire	15/01326/OUT	Adderbury, Bloxham And Bodicote	Approval	Matthew Parry
9	Camping Site Heyford Leys Farm Heyford Leys Upper Heyford Bicester OX25 5LU	15/01446/F	Fringford And Heyfords	Refusal	Andrew Lewis
10	Co-op, 26 High St, Kidlington	15/01872/F	Kidlington East	Approval	Bob Duxbury
11	13 - 39 (Odds Numbers Only) Trenchard Circle Upper Heyford	16/00196/F	Fringford And Heyfords	Approval	Andrew Lewis
12	Buildings 485, 488 And Land Surrounding Those Buildings (Dorchester Phase 6) Heyford Park Camp Road Upper Heyford	16/00263/F	Fringford And Heyfords	Approval	Andrew Lewis
13	Hornton Grounds Quarry, Hornton	16/00752/F	Cropredy, Sibfords and Wroxton	Approval	Paul Watson
14	Cherwell District Council, Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA	16/00936/LB	Adderbury, Bloxham And Bodicote	Approval	Matthew Coyne
15	Shenington Gliding Club, Shenington	16/00982/F	Cropredy, Sibfords and Wroxton	Approval	Michelle Jarvis
16	James David Smith 19 Thorpe Place, Banbury OX16 4XH	16/00997/F	Banbury Grimsbury And Hightown	Refusal	Matthew Coyne

17	6 Oxford Road, Adderbury, Banbury, OX17 3NF	16/01071/F	Adderbury, Bloxham And Bodicote	Approval	Gemma Magnuson
18	Orchard Way, Heyford Road, Somerton, OX25 6LL	16/01077/F	Deddington	Approval	Gemma Magnuson
19	Orchard Way, Heyford Road, Somerton, OX25 6LL	16/01078/F	Deddington	Approval	Gemma Magnuson
20	Sundown, Crowcastle Lane, Kirtlington, Kidlington, OX5 3HP	16/00002/F	Fringford & Heyfords	Refuse	Victoria Barrett

# 14/01932/OUT

OS Parcel 7400 Adjoining  
And South Of Saft Way  
Banbury



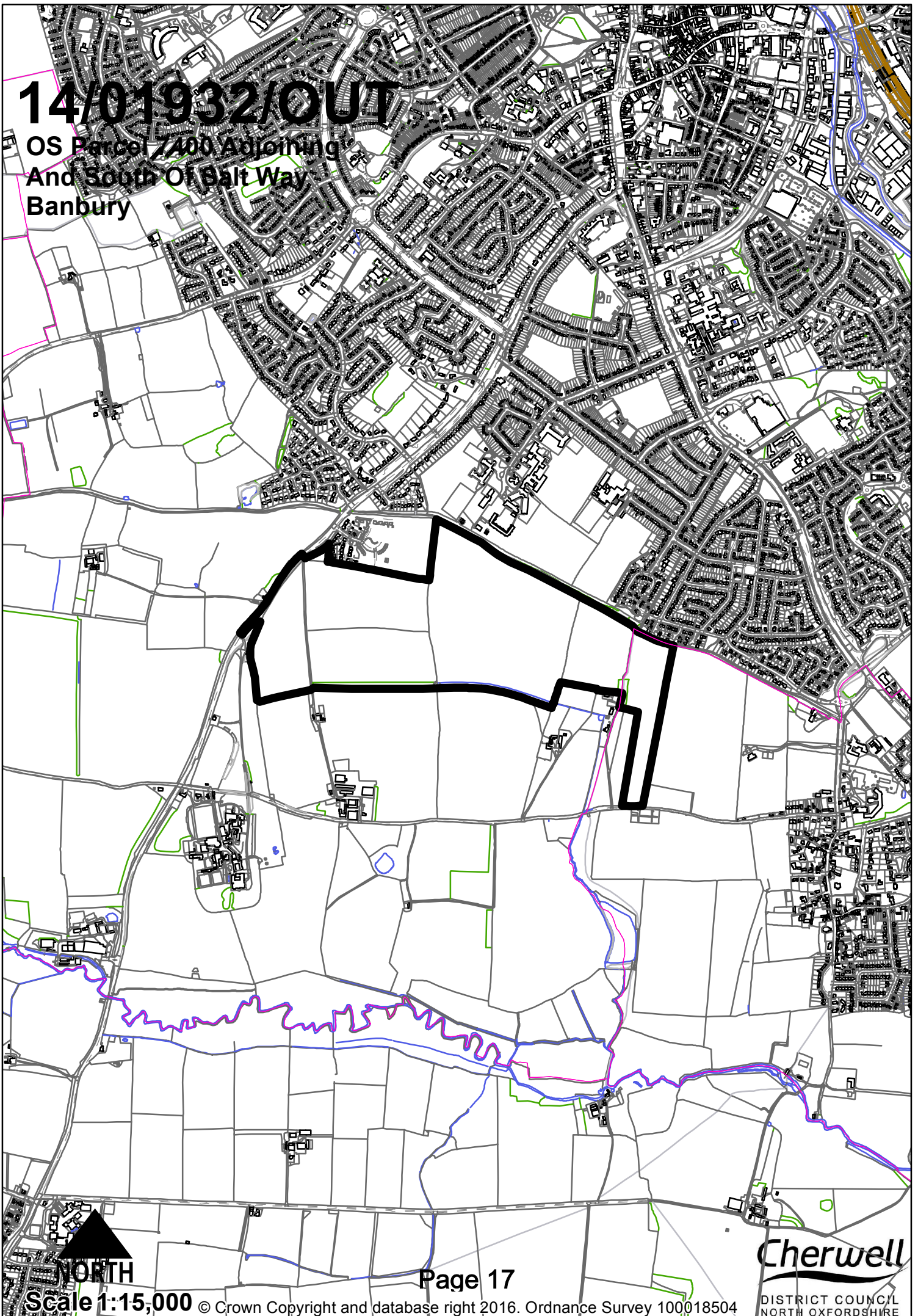
**NORTH**

Scale 1:7,900



# 14/01932/OUT

OS Parcel 7400 Adjoining  
And South Of Salt Way  
Banbury



Scale 1:15,000

**Case Officer:** Matthew Parry                      **Ward(s):** Banbury Calthorpe and Easington  
Adderbury, Bloxham and Bodicote

**Applicant:** Gallagher Estates

**Ward Member(s):** Banbury Calthorpe & Easington:

Cllr Colin Clarke  
Cllr Kieron Mallon  
Cllr Nigel Morris

Adderbury, Bloxham & Bodicote:

Cllr Mike Bishop  
Cllr Chris Heath  
Cllr Nigel Randall

**Committee Date:** 4<sup>th</sup> August 2016

**Reason for Committee Referral:** Major Development

**Recommendation:** That Committee resolves to inform the SoS that the Council proposes to approve the application subject to conditions and completion of a legal agreement

### **Introduction**

*This planning application proposes development on land allocated within the Cherwell Local Plan 2011-2031 Part 1 as Banbury 17. This application is one of two applications submitted contemporaneously on this allocated site, the other being application reference 15/01326/OUT which is also on this agenda for determination. At the 19<sup>th</sup> May 2016 Planning Committee it was resolved that both applications had to be considered by Members together as they proposed development that was inherently interlinked and a proper holistic view of the merits of the overall proposed development on the allocated site was necessary. Whilst each application is the subject of its own individual report and recommendation, officers' intend to present the schemes together in the interests of enabling informed decision making. However, whilst both applications relate to the same overall allocated site, they are nonetheless two separate applications and therefore two decisions need to be made at Committee.*

*Shortly after receipt of this application the Council was informed that the Secretary of State for Communities and Local Government (SoS) had received a request from a third party to issue a call-in direction so that he himself could determine the application under provisions contained within s77 of the Town and Country Planning Act 1990. The SoS has not yet formally exercised this power and it is not clear if he intends to do so but he has requested to be kept up to date with progress on the application. To this end, the SoS has been sent a copy of this report and its associated recommendation. The SoS has further requested that no decision be made until he is afforded the opportunity to potentially call-in the application having reviewed the Council's intended decision following consideration at Planning Committee. As a result, officers' recommendation reflects these*

*circumstances. Members should note however that the potential use of call-in powers have only been expressed in relation to this application and not application reference 15/01326/OUT on the remaining part of the allocated Banbury 17 site. The SoS can however intervene at any time on any application up until the point a decision is made.*

## **1. Application Site and Locality**

- 1.1 The application site consists of just over 52 hectares of predominantly agricultural land located to the south of Banbury. The site forms a large section of the land between the A361 (Bloxham Road) and White Post Road in Bodicote and in turn forms the majority of the land allocated as Banbury 17 in the Cherwell Local Plan 2011-2031 Part 1 for a residential-led urban extension to the south of Banbury. The majority of the northern edge of the site abuts Salt Way, a public right of way and historic trading route that is afforded status as a local heritage asset. The remainder of the site's northern boundary is formed by the under-construction Morris Homes residential development which was allowed on appeal in 2013. Further to the north lies the residential area of Easington which is an estate development dating from the 1960's and 70's where buildings are typical of the generic national vernacular of the time with a mix of detached houses, semi-detached houses and bungalows. The majority of the immediate context to the north however is dominated by the institutional buildings and playing fields associated with the secondary schools of Blessed George Napier, Banbury Academy and the Space Academy.
- 1.2 To the west of the site lies the A361, otherwise known as Bloxham Road. This is one of two arterial routes into Banbury from the south together with the A4260 (Oxford Road). Mature trees and hedgerows line Bloxham Road on the approach into Banbury. Adjacent to the site along Bloxham Road are Crouch Cottages and Wykham Park Lodge. A farm track with field gates provides access to the application site for farm vehicles from Bloxham Road at its north-western corner. Beyond the site to the south and west is predominantly open countryside primarily used for agriculture. The western context is however likely to change in the coming years with planning permission having been granted for up to 350 homes on land to the west of Bloxham Road which was, in part, allocated for residential development in the Cherwell Local Plan 2011-2031 Part 1 as Banbury 16.
- 1.3 Tudor Hall School lies to the southwest of the site though its main School buildings, including its listed buildings, located further to the south beyond Wykham Lane. Some of its formal recreation grounds and playing fields are however adjacent to the application site on land to the north of Wykham Lane from which there is also a gated vehicular access to the School.
- 1.4 The southern boundary of the application site is comprised mainly of hedgerows and occasional hedgerow trees with agricultural fields and farm buildings beyond as the land falls gently towards Wykham Lane. This includes Wykham Park Farm, its farm buildings and farm shop as well as associated residential properties. At its eastern edge the site projects southwards through a narrow rectangular spur that runs down to meet Wykham Lane. The eastern site boundary is formed by a sparse hedgerow that runs on a north-south alignment separating the site from the adjacent Bodicote allotments, Banbury Cricket Ground and further agricultural land to the east. This eastern agricultural land forms the remainder of the allocated Banbury 17 site and is the subject of a planning application (ref: 15/01326/OUT) for residential development which is also on the Committee agenda. Further to the east lies the village of Bodicote which includes a conservation area that extends up to the junction between Wykham Lane and White Post Road as well as a number of listed buildings including the Grade II listed Council offices of Bodicote House and now-converted lodge to the front of the Council premises.

- 1.5 The application site comprises gently undulating farmland countryside containing a number of large agricultural fields delineated by hedgerows and is thus traditional rural farmland in character despite the proximity to Banbury. The site contains many tree species along its boundaries with many of the individual trees mature and in good health. A small area of semi-natural mixed woodland is located in the north-western corner of the site and a narrow strip of mixed woodland is located along much of the southern boundary. A stretch of woodland also encloses a public bridleway that runs from Wykham Lane to Salt Way in a north-south alignment through part of the centre of the site. A further public footpath also passes through the centre of the site that links Wykham Lane with the Salt Way and the Blessed George Napier School recreation ground to the north. Another public footpath runs adjacent to the site's western boundary alongside Tudor Hall School and meets Bloxham Road opposite Crouch Cottages before crossing and routing through agricultural land to the west so that it finally connects up to the Salt Way.
- 1.6 Views into the site from surrounding roads are generally not significant due to the topography of the land together with screening provided by existing woodland, trees and hedgerows. The site is however easily viewed from the public footpaths and bridleway that run through and alongside the site and whilst the site forms part of a pleasant countryside context to Banbury and Bodicote it is not subject to any statutory or local landscape designations. Similarly the site does not contain any local, national or internationally protected areas of known ecological importance though the individual habitat and species impacts will need to be duly considered as part of assessing the merits of the proposals. There are no existing water features within the site and the site is considered to be at low risk from all sources of flooding based on Environment Agency modelling. A dry drainage ditch does run along the southern boundary of the site and similarly there are ditches within the vegetation either side of the public bridleway that passes through the site.
- 1.7 The application site can be seen edged in black on the site location plan appended to this report which aides in understanding the site's wider context.

## **2. Description of Proposed Development**

- 2.1 The application seeks outline planning permission for the development of up to 1000 homes, a local centre, primary school, community centre, secondary school playing fields, new bridleway and informal/formal recreation facilities on the site together with the provision of a section of spine road from the A361 through to the site's eastern boundary. The site forms part of a larger area of land allocated as Banbury 17 within the Local Plan for up to 1345 dwellings and supporting residential uses including a local centre, primary school, community centre and formal play and sports facilities. The application is in outline only with all matters reserved except for access. As a result it is the principle, type and amount of development that needs to be considered at this stage together with the means of accessing/egressing the proposed development which includes by car, public transport, on foot and by cycle. If approved, all other matters relating to the detail of the appearance, scale, layout and landscaping of the various buildings and land uses within the development would need to be submitted for subsequent approval prior to any development commencing. An illustrative masterplan has been submitted by the applicant to demonstrate how the proposed development could be accommodated on the site which also attempts to show how development across the wider Banbury 17 site would be integrated. This masterplan is indicative only and is not necessarily reflective of the detailed development that would be proposed as part of reserved matters if this application were to be approved.
- 2.2 Vehicular access to the site is proposed to be created from a new four-arm roundabout on Bloxham Road. Two of the roundabout arms would enable access to the new development whilst the other two would provide for through-traffic along Bloxham Road.

The creation of the roundabout necessitates the eastward re-alignment of a section of Bloxham Road to enable sufficient space for the creation of the roundabout and to ensure suitable entry to the roundabout from all its arms. An existing section of Bloxham Road is proposed to be retained in order to continue to provide access to Crouch Cottages and Crouch Farm though its northern exit would be restricted by bollards to ensure that it is not able to be used as a cut-through for vehicular traffic to avoid the new roundabout.

- 2.3 The development is also proposed to be accessed via a new spine road that would run through the site and link Bloxham Road with White Post Road such that, in time, vehicular access could be achieved from the west and east. In order to facilitate this the applicant proposes to construct a 6.75m wide section of spine road from the new access onto Bloxham Road through to the site's eastern boundary where it meets the site that is currently subject to planning application reference 15/01326/OUT to its enable onward connection. Planning application reference 15/01326/OUT is proposing the eastern section of the spine road from the boundary between the sites through to a new junction with White Post Road.
- 2.4 In order to understand the proposed access to the site it is necessary to have an appreciation of the wider development context for the south of Banbury. Together Policies Banbury 16 and 17 provide for a significant urban extension to the south of Banbury either side of Bloxham Road. Planning permissions have already been granted on land associated with Banbury 16 and land to the northwest of Banbury 17. Together the construction of the means of access to these two developments will in due course see a further alignment of a section of Bloxham Road together with a new four-arm roundabout created to the south of where Salt Way crosses the Bloxham Road.
- 2.5 The access arrangements now being proposed have been designed to correspond with the other approved highway works associated with the aforementioned extant planning permissions. As a result, new footways would be created to both sides of the newly aligned Bloxham Road that link together the two new roundabouts and then onwards towards the town centre. Pedestrian crossing facilities are also proposed to be coordinated as part of efforts to connect new and existing public rights of way on both sides of the Bloxham Road. The existing farm access at the northwest of the site is proposed to be retained though altered to form a restricted emergency vehicular access for use predominantly by pedestrians and cyclists.
- 2.6 Whilst the application is in outline only, the supporting documentation indicates that a mix of 1-5 bedroom dwellings are to be proposed on the site. In the main this is proposed to be 2 storey housing though in more central parts of the site and closer to the local centre this is expected to be higher – 2 ½ or perhaps 3 storey buildings. 30% of the dwellings are proposed to be of affordable tenure incorporating a mixture of rented and intermediate housing.
- 2.7 In addition to the residential development, a neighbourhood centre is proposed including a mix of uses including potentially shops, cafés and takeaways (Classes A1-A5) as well as D1 and D2 uses such as a nursery, doctors/dental surgery or small-scale leisure facilities. The precise details of the local centre, the uses proposed and the size/type of units is a matter that would be assessed and determined via an application for reserved matters approval.
- 2.8 Further associated development is also proposed within the site. Land up to 3.01ha in size for a new primary school is proposed to the east of the Morris Homes development to meet the needs of pupils generated by this proposed development as well as surrounding developments. In addition, land equivalent to 1.81ha is proposed adjacent to Blessed George Napier School for new school playing fields. A community facility is also proposed



within the local centre area. Significant areas of public open space, informal green space, equipped play areas and sports pitches are also proposed in various areas across the site. A new footpath bridleway is also proposed along the south of the site to link up with a footpath bridleway proposed on land to the east (ref: 15/01326/OUT) before connecting back up with Salt Way.

2.9 The application has been accompanied by an Environmental Statement that represents an Environmental Impact Assessment (EIA) that considers the potential significant environmental effects associated with the proposed development both individually and cumulatively with other committed/planned development. As a result, the application proposes EIA development for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and must be considered and assessed accordingly with full regard had to the submitted Environmental Statement.

### 3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
13/00321/OUT	OUTLINE - 1000 dwellings together with a local centre including retail (A1), financial services (A2), restaurants (A3-A5), up to a combined total floorspace of 1000m2, employment space (B1) up to a total floorspace of 5000m2 with the B1(a) office component limited to a maximum of 2,500m2, associated car parking, a community primary school (including space for community uses (D1) and assembly and leisure uses (D2)), green infrastructure including formal and informal open space, amenity space, retained hedgerows, structural landscaping, supporting infrastructure (including gas, electricity, sewerage, water, telecommunications), sustainable urban drainage systems, new connection to the A361 Bloxham Road, pedestrian and cycling connections to the surrounding footpath and cycle network and any necessary demolition and ground remodelling	Undetermined. Appeal lodged against non-determination then appeal withdrawn.
13/00010/SO	Screening Opinion to 13/00321/OUT - 1000 dwellings together with a local centre including retail (A1), financial services (A2), restaurants (A3-A5), up to a combined total floorspace of 1000m2, employment space (B1) up to a total floorspace of 5000m2 with the B1(a) office component limited to a maximum of 2,500m2, associated car parking, a community primary school (including space for community uses (D1) and assembly and leisure uses (D2)), green infrastructure including formal and informal open space, amenity space, retained hedgerows, structural landscaping,	EIA Required 06.03.2013

supporting infrastructure (including gas, electricity, sewerage, water, telecommunications), sustainable urban drainage systems, new connection to the A361 Bloxham Road, pedestrian and cycling connections to the surrounding footpath and cycle network and any necessary demolition and ground remodelling

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

- 4.1 As an application for EIA development that, at the time of its submission proposed development that represented a clear departure from the development plan (Cherwell Local Plan 1996), the application proposals were publicised accordingly by way of local newspaper notices, letters to occupants of surrounding properties and site notices displayed in the vicinity of the site. The Secretary of State for Communities and Local Government (SoS) was also notified of the application. During the course of the life of the application further amendments and additional/updated supporting information has been submitted and these have been publicised in a similar manner.
- 4.2 20 representations have been received from third parties, mostly in objection, and these are summarised as follows:
- It is understood that there is a need for more housing but these proposals will damage the enjoyment of Salt Way and the views over open fields;
  - The proposals will alter the experience of the ancient Salt Way forever being transformed from a peaceful recreation track to a path through a housing estate;
  - The traffic on the A361 is very heavy already and has become noticeably worse in recent years due to developments in Bloxham and beyond;
  - The current sewerage network cannot accommodate more demand and has already created problems of overflow and odour around Landsdown Crescent due to load on the system from Tudor Hall;
  - The proposed spine road will not assist in alleviating congestion as it will make traffic in Bodicote even worse especially during school run times;
  - This is further loss of greenfield land and is unsustainable;
  - The proposals will contribute towards the expansion of Banbury towards Bodicote and Bloxham reducing their separate character and identities;
  - The residents of Wykham Lane have a real concern about the inevitable increase in traffic along this dangerous road. This will be a particular risk during morning and evening peak periods when it will be an obvious cut-through for anyone coming towards Banbury from Oxford or junction 10 of the M40 and onwards to the proposed development. This will make it even more difficult to emerge from the various drives into a small lane where the speed limit is 60 miles an hour along much of its length. It will also result in substantially more traffic wanting to turn right from the end of Wykham Lane into Bloxham Road towards the proposed development. This is already an accident black spot with a recent death as a result;
  - Bodicote is already being encroached upon by Banbury sprawl;
  - There is a desperate need for affordable housing in Banbury and this development would help to resolve some of this need;
  - The integrity of the Salt Way as a heritage asset and public amenity would be destroyed. It presently provides views out over open fields and countryside as well as long distance views of Bloxham Grove and Barford St Michael. It is a quiet tranquil route that is enclosed by hedgerows in many parts and is an area of ecological interest;

- It is incredibly disappointing that an area that has for so long provided an important green buffer to Banbury would be lost;
- The proposals represent a level of development and growth that prejudices Bodicote's rural village character;
- The road infrastructure is completely unable to cope with this development without causing serious injuries and fatalities;
- The proposals would destroy the Salt Way local wildlife site;
- Far too many housing estates have been approved in recent years damaging the green and pleasant land around Banbury;
- A single access point onto Bloxham Road would see over 2000 vehicle trips per day which is excessive for such an access;
- Proposals such as this seem to tick all of the boxes at planning stage – green spaces, school, cycle ways, sports facilities etc but the reality of which gets built always seems to be different;
- The roundabout entrance to the site is a positive and a marked improvement on the delay-causing traffic lights installed on the Oxford Road / Bodicote development. However beyond this there is no consideration or improvements planned to cope with the extra cars which will flow on the connecting roads right up to the motorway and train station. Road improvements should be funded that increase flow and throughput of traffic right up to the motorway. For this site in particular the addition of two mini roundabouts at the entrances from Springs Road and Queens Rd, both subject to lengthy queues and congestion, would be hugely beneficial and help partially mitigate some of the negative impacts of the development. Beyond this traffic flow improvements are required; to the station and motorway, on the Oxford Road, ideally replacing traffic lights with roundabouts which avoid wasted switching time, a second entrance / exit to the M42 south of Banbury from the bridge just before Adderbury and a bypass to the west of Banbury connecting A361 with B4100;
- Residents have been obliged to accept the despoiling of the environment of the south-western fringe of Banbury by Government edict requiring more houses;
- The proposals have not shown the approved new roundabout to the Banbury 16 and Morris Homes site together with the proposed new roundabout for this development proposal. As a result the whole impact of this development area is not revealed in one place to assist in assessment by third parties.

#### 4.3 Easington Sports & Social Club has made the following comments on the application:

- Easington Sports owns its own site adjacent to BGN School and has a club constitution that states that we need to promote community football for the people of Banbury and so we are surprised that both Gladman Developers and now this outline planning application have made no attempts to contact the club given the allocation of sports fields. In addition to this, we have made our position very clear to Cherwell District Council that we need to relocate to achieve our development plan goals and long term, we have a well-documented problem with floodlight provision at our current site next to the residents of Addison Road and Grange Road. It seems clear that BGN school are set to benefit from this planning application and we are aware they are an oversubscribed school that needs space to expand. There is certainly potential for swapping our site for land in the Gallagher Development that might be more mutually beneficial for instance to both our club and the school.
- On closer inspection of Sport England comments the last time this outline plan was submitted (dated 22nd December 2014) it seems clear that this amendment does not address some of the concerns mentioned by Sport England at the time. We would be interested to know if this site will have changing facilities and parking provision and whether our club could make use of this site to address our pitch needs as part of a community agreement. It is not clear the quality of the surface or whether an FA Standard drainage system will be put in place and this would be of interest to the club if dual use



with the school were extended to these fields in line with our current agreements with the school. Easington Sports would like to note that the school and the football club are currently working with the IOG to improve the drainage to the existing BGN fields through the Oxfordshire Football Association. The current fields are out of action for between 2 and 3 months of each year due to failed drainage and so we would ask the planning authorities to take this into consideration and wonder whether the Gallagher Development should also be looking to install a drainage system for existing pitches as well as providing this new space. This would demonstrate a real commitment to pitch provision for both School, football club and community use.

4.4 Tudor Hall School has made the following summarised representations:

- The proposal for the south-western area of the site to be green infrastructure is welcome and helps to partly alleviate the impact of the development on the parkland estate character of Tudor Hall School however this area of green space is not extensive enough to protect the landscape setting of Tudor Hall;
- Residential development shown in the south-western parcel and its associated roundabout arm should be omitted to ensure that the rural estate landscape character around the School is adequately preserved;
- The harm caused by the insufficient area of green space at the southwest of the site is exacerbated by the proposed creation of a children's play area which is inherently urban/suburban in character as opposed to the existing rural farmland character to the east of Tudor Hall.

4.5 Banbury Ornithological Society has commented as follows:

- We acknowledge that the applicant has put considerable effort into researching the ecological value of the site. We consider this to have been an effective approach and also indicates a good insight into the ecology of this area.
- We would like to see greater consideration of how the development could deliver a net gain in biodiversity. This could be demonstrated by a commitment to create BAP priority habitat within the 18ha of GI, especially limestone grassland.
- We would also welcome some specific measures for the bird populations assessed as being of local importance. For example, provision of nesting bricks or boxes in buildings for swifts (about one for every 20 houses, possibly in new school building), clusters of nest boxes for tree sparrows (along the boundary with arable land) and allowing hedgerows to become mature for the benefit of bullfinches and wintering thrushes.
- Along the Salt Way, great care should be taken before planting new trees, we suggest exploring creating a flower-rich meadow strip here, and allowing trees and scrub to spread naturally through natural regeneration from those already established along the Salt Way.
- The transition zone from the housing areas to the adjacent agricultural area is likely to be especially good for enhancement for wildlife as many birds will use the adjacent farmed habitats for feeding – examples include yellowhammers, chaffinches, sparrows and thrushes. It is good to see this is shown as part of the “general green space” and we would encourage the applicant to develop this thinking to create a wildlife-rich fringe.
- We welcome the SUDS provision and agree it will create some useful habitat useable by a variety of wildlife. Again, working with nature, using native species, will be important.

## 5. Response to Consultation

### **Bodicote Parish Council:**

Objection. It is the intention to join the proposed spine road through to that proposed on the Gladman development site (application ref: 15/01326/OUT) to enable exit onto White Post Road, Bodicote. The amount of traffic that would be generated is a concern both in terms of the vehicles generated from this development as well as existing traffic that

would use the spine road to travel across town. The increase in traffic using Wykham Lane is a concern and measures are needed to prevent traffic using the lane as a rat-run.

The Parish Council is also concerned about the amount of noise and air pollution the additional traffic will generate given the proximity of the Bishop Loveday Primary School and its school children.

**Banbury Town Council:**

No objection.

**Cherwell District Council:**

Landscape Officers – The assessment of the visual effects of the proposed development is fair and the illustrative masterplan does respond to the conclusions of the landscape assessment which is encouraging. Recreation facilities should be grouped together and play facilities provide valuable open space with housing areas to break up built form. The current provision and strategy for LAPs, LEAPs and NEAPs needs to be revised and children must not need to cross the spine road to access them. Further work is needed on the local centre and as part of the detailed masterplan and reserved matters stages to ensure that it has more of an organic feel as a centre rather than a detached facility with a car park.

Recreation and Health – The sports pitches need to be properly joined up between this site and the neighbouring application site to create more practical and user friendly playing pitches with a better location for a pavilion. This would also have some economies for both the developers as they would then only need to provide one large pavilion serving all pitches rather than a number of smaller pavilions at locations across both developments.

The following outdoor recreation infrastructure is required on site as result of this proposed development: Sports pitch provision requirement is 1.13ha per 1000 people. 2390 people = 2.7ha of sports pitches. 1 sports pitch = 0.9ha average. Therefore 2.7 ha = 3 adult football pitches. Each site will require its own changing pavilion with adjacent car parking. A commuted sum will be required for the maintenance of both the pitches and pavilion.

Indoor Sports provision: A contribution will be require for off-site indoor sports facilities The contribution will be towards the Capital cost of extending the Spiceball Sports Centre. Contribution is: 1000 dwellings x 2.39 people x £317.43 per person = £758,658.

Waste and Recycling – Each dwelling must be served by CDC's standard bin provision. This should be secured either through s106 requirement or by condition.

Community Services – A development of this size needs to include provision for a minimum 600sq m community facility to mitigate impact on existing facilities. This could be part of the local centre. Community facility needs to be completed at an appropriate stage and transferred to CDC at nil cost. Commuted payments are also required to cover the early years of maintenance.

Environmental Protection - Submission, approval and implementation of a Construction Management Plan is required to cover matters of noise, dust and vibration (as referred to in the Environmental Statement). Noise mitigation measures must be to appropriate standards (the environmental statement refers to WHO 1999) and should be submitted for approval with regard to properties identified as being affected by noise (principally traffic).

Arboriculture - It is acknowledged that some trees will need to be removed to construct the access on to the site. This includes some B category trees. Provision should be made on site for replacement planting. It is difficult to comment on the proposals when the final master plan has not yet been finalised. As many trees and hedgerows should be retained as possible. The design should take account of the root protection zones of the trees. The utilities, where possible, should be located outside the root protection zones of the trees to be retained. The retained trees should be protected in accordance with the submitted tree protection plans. Conditions recommended including the need for arboricultural method statement and tree protection measures prior to commencement of development.

Ecologist - With regard to the above application for OS Parcel 7400 adjoining and south of Salt Way Banbury, the submitted level of ecological information is sufficient at this stage.

There are a number of ecological constraints on site for which draft mitigation is included and it is generally satisfactory. Full mitigation strategies should be included within a CEMP with on-going mitigation included in the biodiversity enhancement plan and LEMP. In order to achieve no net losses to biodiversity on site the layout will have to be carefully designed around these constraints ensuring there are sufficient buffers in place such that habitat corridors are maintained. Lighting will be particularly important in terms of maintaining the value of the hedgerows to bats.

Chapter 9 of the ES makes some suggestions for biodiversity enhancements on site but it should be ensured that some areas remain for wildlife which are not also used for recreation, access or dog walking. In addition I did not note any suggestions of biodiversity enhancements within the built environment (built in bat boxes, swift bricks, nest boxes etc.. within dwellings and public buildings) I would expect to see these included in any biodiversity enhancement scheme. Consideration should also be given to the inclusion of green roofs or walls on some of the amenity buildings.

To achieve a net gain for biodiversity overall in line with NPPF recommendations some of the biodiversity impacts stated within the ES as not mitigatable on site (loss of arable land, disturbance to bats, farmland birds and brown hare). Whilst claimed to be more minor impacts in terms of ecological value cumulatively and taking into account other local developments these represent a large local impact. This could be dealt with by contributions to a current or future project off site with these species conservation as its goal. I am happy to discuss this aspect further.

The following conditions are recommended:

**K12 Nesting Birds: No Works Between March and August Unless Agreed**

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

**K23 Use of Native Species**

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

**K21 Construction Environmental Management Plans (CEMP) for Biodiversity**

Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include mitigation and avoidance of harm measures for Great Crested Newts, Bats and Reptiles. Thereafter, the development shall be carried out in accordance with the approved CEMP.

#### K20 Landscape and Ecological Management Plan (LEMP)

Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- Description and evaluation of the features to be managed
- Ecological trends and constraints on site that may influence management
- Aims and objectives of management
- Appropriate management options for achieving aims and objectives
- Prescriptions for management actions for a 20 year period and beyond
- Preparation of a work schedule (including a 5yr project register, an annual work plan and the means by which a plan will be rolled forward annually)
- Personnel responsible for implementation of the plan
- Monitoring and remedial contingency measures triggered by monitoring.

Thereafter, the LEMP shall be carried out in accordance with the approved details.

#### K17 Biodiversity Enhancement

Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing the site and the adjacent Salt Way for 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.

#### K14 Badgers: Mitigation Strategy

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.

#### K5 Lighting and wildlife

Prior to the commencement of the development a lighting strategy outlining how lighting will be sensitively designed to minimise disturbance to wildlife, in particular bats, will be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

#### **Oxfordshire County Council:**

See Appendix 2 to this report.

#### **Other External Consultees:**

Environment Agency – No objection subject to two conditions requiring:

- Submission and approval of a surface water drainage scheme restricting rainwater discharge to pre-development levels;
- Procedures in the event of finding unexpected contamination on the site.

Highways England – No objection

Natural England – Following comments made:

1. Based on the information provided with the planning application, it appears that the proposed development comprises approximately 49.8ha of agricultural land, including 23ha classified as 'best and most versatile (BMV)' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).

2. The verification survey has addressed our initial concerns. The survey results are now in line with the post 1988 MAFF survey (3301\033\96), and provides a good indication of the amount of BMV land in the application.

3. From the information provided the amount BMV that will be irreversible lost is 23ha. It is recognised that a proportion (20ha) of the agricultural land affected by the development will remain undeveloped as public open spaces, sports fields, play space and allotments.

4. Government policy is set out in paragraph 112 of the National Planning Policy Framework which states that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

5. In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. We note that mitigation described in the addendum to Chapter 11 is suitable and we would welcome the preparation and adherence to a Soil Management Plan.

Thames Water – Following comments made:

Waste Comments - With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with

Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Water Comments - Thames Water recommend the following informative be attached to any planning permission: There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

Thames Water recommend the following informative be attached to any planning permission: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

Supplementary Comments:

Insufficient documentation containing confirmed details of the proposed drainage plan could be located on the local authority website. In order for Thames Water to determine whether the existing sewer network has sufficient spare capacity to receive the flows from the proposed development, a drainage strategy must be submitted detailing both the foul and surface water strategies. Details of any proposed connection points or alterations to the public system, including; calculated peak foul and surface water discharge rates, details of any pumped discharges (maximum pump rates), attenuation details with accompanying capacity requirement calculations and details of incorporated SuDS must be included in the drainage strategy. If initial investigations conclude that the existing sewer network is unlikely to be able to support the demand anticipated from this development, it will be necessary for the developer to fund an Impact Study. To ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing waste foul and surface water infrastructure, and, if required, recommend network upgrades. In accordance with part H of the Building Regulations Act 2002. Positive connection to a public surface water (or combined) sewer will only be consented when it can be demonstrated that the hierarchy of disposal methods have been examined and proven to be impracticable. The disposal hierarchy being ; - 1st Soakaways; 2nd Watercourses; 3rd Sewer. Thames Water's preferred option would be for all surface water to be disposed of on-site using SUDs.

Thames Valley Police – The following financial contributions are necessary to mitigate the impact of the proposed development on police infrastructure:

Assessment and Request

As you are aware TVP has undertaken an assessment of the implications of growth and the delivery of housing upon the policing of the Cherwell District Council area and in particular the major settlements in the district where new development is being directed towards. We have established that in order to maintain the current level of policing developer contributions towards the provision of infrastructure will be required. This assessment and information has been fed into the Council's Infrastructure Delivery Plan and is acknowledged by the Council as a fundamental requirement to the sound planning of the area.

The additional population generated by the development will inevitably place an additional demand upon the existing level of policing for the area. In the absence of a developer contribution towards the provision of additional infrastructure then TVP consider that the additional strain placed on our resources and therefore ability to adequately serve the development.

At present the Cherwell Local Police Area (within which Banbury lies) has a population of approximately 141,900 and 56,700 households. based on 2011 Census information

At present this population generates an annual total of 32,871 incidents that require a Police action. These are not necessarily all “crimes” but are calls to our 999 handling centre which in turn all require a Police response/action. Effectively therefore placing a demand on resources.

The proposed development of 1000 units would have a population of 2400 (at 2.4 per unit). Applying the current ratio of “incidents” to population then the development would generate an additional 558 incidents per year for TVP to deal with.

In total Cherwell area is served by; (all figures = FTE)

- 124.3 Uniformed Officers – a mixture of Patrol and Neighbourhood
- 21 PCSO's.
- 11 CID Officers.
- 9.25 Dedicated staff

Central staffing provision is provided and drawn upon when required – this ranges from support functions (HR, IT, etc) to operational functions (SOCO, Forensics, Major Crime Unit) these services are provided force wide. Again utilising the ratio of current staff/officers to the projected additional demand then the development would generate the following additional requirements.

Total Additional LPA Officers Required	2.10
Total Additional PCSO	0.35
Total Additional CID	0.18
Total Additional Support Staff (Local/Central)	0.15

In order to mitigate against the impact of growth TVP have calculated that the “cost” of policing new growth in the area equates to £143,629 to fund the future purchase of infrastructure to serve the development.

The contribution represents a pooled contribution towards the provision of new infrastructure to serve the site and surrounding area. The pooling of contributions towards infrastructure remains appropriate under the terms of the CIL Regs, up until the relevant Local Authority has adopted CIL, whereby pooling will be limited to 5 S106 Agreements (subject to other regulatory tests).

The contribution will mitigate against the additional impacts of this development because our existing infrastructures do not have the capacity to meet these and because like some other services we do not have the funding ability to respond to growth.

The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows;

#### STAFF SET UP

The basic set up costs of equipping and training of staff;

OFFICER/PCSO	
Uniform	£873
Radio	£525
Workstation/Office Equip (2:1 ratio)	£1508
<b>TOTAL</b>	<b>£2906</b>

STAFF	
Workstation/Office Equip (2:1 ratio)	£1508
<b>TOTAL</b>	<b>£1508</b>

On the basis that the development generates a requirement for 2.45 additional uniformed officers – including PCSO, and 0.33 staff/CID included the set up costs equate to £7618 (2906 x 2.45 + 1508 x 0.33).

TVP would utilise the contribution in the following manner;

- £5812 as the set up costs of 2 additional officers to work within the Banbury Neighbourhood team.
- £1308 as one of five pooled resources towards the set up costs of an additional officer to work within the Banbury Neighbourhood team.
- £498 as one of five pooled resources towards the set up costs of an additional member of staff to work within the Banbury Neighbourhood team.

#### PREMISES

At present within Cherwell Neighbourhood Policing is delivered from premises in Banbury, Bicester and Kidlington. At present TVP maintain full capacity of accommodation for staff and officers, with any additional capacity delivered via new works to provide floorspace. Each new officer/member of staff is allocated 16.88sqm of floorspace (workstation, storage, locker room etc) at a cost of £1800per sq m. This is a derived cost of adaptation/new build (TVP operate an estate policy of delivering new accommodation principally through the adaptation of existing buildings as opposed to new build at a 90:10 ratio. As this development will generate 2.78 staff/officers the cost is £84,468 (16.88 x 1800 x 2.78)

- This contribution would be utilised as one of five pooled resources towards an approved programme of building works to be undertaken at Banbury Police Station over the next 5-8 years.



## VEHICLES

The purchase of vehicles including response and neighborhood patrol cars and bicycles. The (three year lifetime) capital costs of these items are;

Patrol Vehicle – £42,300

PCSO Vehicle - £25,960

Bicycles - £800

Current fleet deployment within Cherwell administrative area (therefore serving 56,700 households) is broken down as follows;

Patrol Vehicle – 18

PCSO Vehicle - 12

Bicycles – 15

This equates to a cost of £19.13 per household. Accordingly therefore in order to maintain this level of provision the development would generate a required contribution of £19,130 (19.13 x 1000)

- The payment would be used as one of 5 pooled payments towards the purchase of a patrol vehicle for use within the Banbury Neighbourhood area.

## MOBILE IT

Provision of mobile IT capacity to enable officers to undertake tasks whilst out of the office, thus maintaining a visible presence. Cost of each item - £4250, therefore for this development (which generates 2.45 additional uniformed officers, the cost would be £10,413 (4250 x 2.45).

- This payment would represent complete cost for the purchase of 2 Mobile IT kits for officers working within the Banbury Neighbourhood team £8500
- The remainder £1913 would be used as one of upto 5 pooled payments towards the purchase of 1 additional Mobile IT kit for officers working within the Banbury Neighbourhood team

## ANPR CAMERAS

Automatic Number Plate Recognition (ANPR) Cameras – TVP has a desire to roll out ANPR Cameras throughout the area. There is a limited budget for this at present but a requirement to roll out more cameras. The number and location of cameras is driven by the scale and location of proposed development and the road network in the area. Current coverage in Cherwell is extremely limited. An assessment based on the significant planned growth within Cherwell District has been undertaken and it has been assessed that there is a requirement for additional ANPR camera coverage in the area to mitigate the impact of planned growth. Each camera costs £11,000, and requirement is assessed on the basis of the scale, location, and proximity to the road network of the proposed development. Operationally it has been determined that this development should support the contribution of £22,000 towards the provision of ANPR in the area.

This payment would represent complete costs for the purchase of 2 ANPR cameras to be located on or adjacent to the application site. The precise location will be determined with

regard to operational requirements. TVP are happy to confidentially share this information with the Council regarding the precise location in due course.

For clarification this response is solely linked to the impact of the development upon TVP's infrastructure requirements. You may receive a separate response from TVP's Secure by Design advisor relating to detailed matters of the design and layout of the proposals.

Sport England – Concern raised about the proposals for the following reasons:

1. While the precise layout of the development will be determined at the reserved matters stage, "Key layout principles are embedded within the "Development Framework Plan" (Design and Access Statement, Paragraph 5.26). The provision of outdoor sport on two single pitch sites, separated by existing vegetation and potentially the main route through the site, will be difficult to manage and maintain and is unlikely to be sustainable.
2. There is a lack of certainty whether changing facilities (and a car park) will be provided to support the use of the proposed sports pitches.
3. There is a lack of certainty whether a Multi-Use Games Area will be provided and whether it will be of a suitable size and specification to accommodate formal sport.
4. No contribution has been identified specifically towards the provision of indoor sports facilities.

## **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 Development Plan are set out below:

#### Cherwell Local Plan 2011 - 2031 Part 1 (LPP1)

Banbury 17 - South of Salt Way: East

SLE2 - Securing Dynamic Town Centres

SLE4 - Improved Transport and Connections

BSC1 - District Wide Housing distribution

BSC2 - The Effective and Efficient Use of Land

BSC3 - Affordable Housing

BSC4 - Housing Mix

BSC7 - Meeting Education Needs

BSC9 - Public Services and Utilities

BSC10 - Open Space, Outdoor Sport & Recreation Provision  
BSC11 - Local Standards of Provision - Outdoor Recreation  
ESD1 - Mitigating and Adapting to Climate Change  
ESD2 - Energy Hierarchy  
ESD3 - Sustainable Construction  
ESD4 - Decentralised Energy Systems  
ESD5 - Renewable Energy  
ESD6 - Sustainable Flood Risk Management  
ESD7 - Sustainable Drainage Systems (SuDS)  
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment  
ESD13 - Local Landscape Protection and Enhancement  
ESD15 - The Character of the Built Environment  
ESD17 - Green Infrastructure  
INF1 – Infrastructure  
Banbury 13 – Burial Site Provision in Banbury

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

ENV1 - Development likely to cause detrimental levels of pollution  
ENV12 - Development on contaminated land  
C15 - Prevention of coalescence of settlements  
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 (NPPF) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

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

## 7. Appraisal

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

- Principle of Development;
- Access and Transport Impacts;
- Landscape, Visual Impact and Settlement Character
- Impact on Historic Environment;
- Housing Mix/Affordable Housing;
- On-site Infrastructure/Facilities;
- Open Space and Outdoor Recreation;
- Biodiversity;
- Trees and Landscaping;
- Impact on Existing Neighbouring Amenity;
- Flood Risk and Drainage;
- Sustainability and Energy Efficiency;
- Off-site Infrastructure;
- Planning Obligation(s);
- Local Finance Considerations.

### Principle of Development

7.2 As described earlier in this report, the application site relates predominantly to land that is allocated for residential development in the Cherwell Local Plan 2011-2031 Part 1 (LPP1). This allocated land, known as Banbury 17, has its own site-specific planning policy in LPP1 and includes not only the application site but also land to the east (to which application reference 15/01326/OUT relates) as well as land to the northwest where new homes are already under construction having been granted planning permission separately in 2013 by the SoS. This application however relates to the vast majority of the land within the Banbury 17 allocation though does include an additional narrow tract of agricultural land adjacent to Bodicote's allotments. Broadly speaking therefore officers are satisfied that the principle of development falls to be considered primarily against the provisions contained in Policy Banbury 17 of LPP1. This policy is up-to-date with respect to national planning policy and guidance such that full weight can be attributed to it. So far as other policies contained within LPP1 and the LP 1996 relate to the proposals, these are also material but it is Policy Banbury 17 that provides the primary and overarching basis against which the merits of these application proposals should be considered. Any actual or perceived conflicts with other adopted development plan policies should therefore generally be resolved in favour of Policy Banbury 17 which is site-specific.

7.3 Policy Banbury 17 supports the development of up to 1345 dwellings on the Banbury 17 land together with associated infrastructure including new primary school and secondary school facilities, community centre, local shops, and outdoor recreation facilities together with a new spine road that passes through the site from Bloxham Road through towards Oxford Road. The 1345 dwellings provided for by the policy includes the 145 dwellings granted planning permission by the SoS and is now being built out by Morris Homes. The application proposes up to 1000 dwellings on the site together with almost all of the associated elements contained within the requirements of Policy Banbury 17. Together with development proposed concurrently under application reference 15/01326/OUT, this would equate to a total of 1415 dwellings on Banbury 17, marginally more than its allocation for 1345. However, new dwellings are proposed on the allocated site in the general locations provided for by Policy Banbury 17 and so, rather than encroach onto unallocated greenfield land or land restricted from built development by the policy, it is

simply proposed to develop at a slightly higher density which is currently expected to be about 40 dwellings/hectare. This is relatively high for an urban edge site and is similar to that proposed on parts of Longford Park. Given the generally sustainable location of the site on the edge of the District's largest settlement, officers have concluded that this minor increase in dwellings is neither explicitly harmful in sustainability terms or a material departure from the provisions of Policy Banbury 17. It is necessary however to be satisfied that the amount of development proposed on this application site can be appropriately accommodated on the site in the manner required by Policy Banbury 17 and this will be considered by officers throughout the report as part of assessing the various planning merits of the proposals.

- 7.4 As stated above, the application site does extend slightly beyond the limits of the land allocated in the Local Plan and this relates to a narrow stretch of agricultural land at the east of the site adjacent to Bodicote allotments. However, no built development is proposed in this area and development would be limited to the creation of public green space, footpaths, ponds and new allotments as indicatively shown in the illustrative masterplan. Officers are satisfied that the limited amount of additional land included together with the type and nature of the development proposed in this area is not in material conflict with either Policy Banbury 17 or wider policies in the development plan that seek to protect valuable countryside. As a consequence of the above, officers consider there to be no objection to the principle of the proposed development in planning policy terms. However, more detailed consideration of the individual merits is necessary to ensure that overall the proposals accord with the full requirements of Policy Banbury 17 and, where relevant, other national and local planning policy requirements.

#### Access and Transport Impacts

- 7.5 Policy Banbury 17 requires the principal means of access to development on the Banbury 17 land to be from Bloxham Road. Furthermore, the policy also requires an east-west link road to be provided from Bloxham Road through to White Post Road to serve local traffic. The policy is clear that an integrated, coordinated and comprehensive approach is necessary between developments proposed on the two separately owned sites of Banbury 17 to ensure, inter alia, that a link road is delivered. It is therefore clear that Policy Banbury 17 requires two separate means of access to the development proposed on this application site – the principal access from Bloxham Road to the west and a further access to/from White Post Road to the east.
- 7.6 Policy Banbury 17 also requires the submission of a Transport Assessment and Travel Plan that analyses the traffic impacts associated with the proposed development and demonstrates that opportunities to encourage more suitable modes of transport and linkages with existing development have been maximised. Policy Banbury 17 also requires the provision of a suitable bus route through the site along the new link road together with a turning area within the development site during the initial construction period whilst the link road is awaiting completion.
- 7.7 Policy SLE4 of LPP1 is also material. It is reflective of national policy in the NPPF by requiring developments to facilitate use of sustainable modes of transport. Policy SLE4 goes on to state that new development will be required to mitigate significant adverse transport impacts arising from the development by providing financial contributions to the relevant local authority towards funding of infrastructure improvements. Policy SLE4 further adds that development which is not suitable for the roads that serve the development and which would have severe traffic impact will be resisted.
- 7.8 It is against the aforementioned development plan policy requirements that the application primarily needs to be assessed with respect the traffic and transport implications of the proposals. As required by Policy Banbury 17, the application proposes its main vehicular

access from Bloxham Road. To ensure the access provides for suitable traffic capacity for both the development and existing Bloxham Road traffic, this is in the form of a 4-arm roundabout. To ensure suitable access to this roundabout and space for its construction, this requires the eastward re-alignment of a small stretch of Bloxham Road. Entry and exit for Bloxham Road traffic requires suitably deflected carriageways to ensure satisfactory vision splays to meet Design Manual for Road and Bridges (DMRB) standard. Part of the existing Bloxham Road carriageway would be retained as an adopted road to enable access to Crouch Cottages and Crouch Farm albeit it would function essentially as a private road with respect to motor vehicle traffic given that egress onto Bloxham Road at its northern end would be prevented by bollards. It would however operate as part of the pedestrian/cycle way linking Bloxham with Banbury. Officers have no concerns about the suitability of this arrangement for occupants of these existing properties given that, in all probability, it would improve the quality of their living conditions due to movement of traffic away from the houses. Any inconvenience associated with having a single means of vehicular access from their houses onto the Bloxham Road is considered minor and more than outweighed by the benefits associated with being served by a quiet 'semi private' section of road. It should be noted that to date no objections to the proposals have been received from occupants of the two affected dwellings.

- 7.9 The application proposes reductions in the speed limit on Bloxham Road so that the 30mph restriction would be extended to a point south of the application site. This is necessary to ensure that the newly aligned Bloxham Road is suitable for the resulting residential area. Such changes are beyond the control of the local planning authority and need separate authorisation by Oxfordshire County Council (the Local Highway Authority [LHA]) as part of making/varying the traffic regulation order governing Bloxham Road. A similar traffic regulation order would need to be made for any new controls to be introduced over traffic using the former Bloxham Road carriageway. Financial contributions are recommended to be required from the developer through a s106 agreement (i.e. planning obligation) to cover the costs to the County Council associated with this process.
- 7.10 In order to understand and assess the merits of the proposed new access and highway arrangements it is necessary to appreciate the wider development context to the south of Banbury. Officers have been clear from the outset that any new access and changes to the highway needs to operate safely and seamlessly with work proposed and approved further to the north on Bloxham Road. Members may remember the proposals on land to the west of Bloxham Road on land allocated as Banbury 16 in LPP1 for up to 350 dwellings (planning permission ref: 14/01188/OUT). This proposed new housing site is directly opposite the land currently being developed by Morris Homes. Outline consent was subsequently granted which included a detailed scheme of access to that site involving the creation of a new four-arm roundabout with the east and west arms providing access to the new housing developments on either side. It also included a secondary priority junction further to the south. Further changes are now being sought to this approved access arrangement which includes the omission of the southern secondary junction and minor re-positioning of the roundabout together with a more extensive network of footways and pedestrian crossing points. These changes are being proposed as part of a current planning application and officers are supportive of the amended arrangement which facilitates a more cohesive approach with respect to planning for new developments and associated traffic management on Bloxham Road.
- 7.11 The current proposed access arrangements to the site from Bloxham Road have taken account of the aforementioned proposed amendments to the highway layout further to the north so that the overall approach is fully coordinated. Such highway arrangements have been designed in full consultation with the LHA which has indicated its satisfaction with the proposals in this respect. Re-aligned sections of road together with fully linked

footways, cycle lanes and pedestrian crossings are shown to be proposed in what officers' consider to be a fully cohesive approach that maximises accessibility between new and existing development in accordance with the requirements of Policy Banbury 17.

- 7.12 Highway officers at the LHA have fully considered the safety and suitability of the new roundabout and associated alterations to Bloxham Road and have concluded that they have no concerns regarding its capacity to appropriately accommodate existing traffic together with that arising from the new development. Two arms of the newly proposed roundabout are shown to facilitate vehicular access to the application site which officers consider to be essential for a development of this size in order to appropriately manage traffic flows entering and leaving the development particularly during the early stages of the development when the new spine road is yet to be completed. The detailed layout for development within the site as part of later reserved matters applications would need to include appropriate provision for ensuring there is a suitable loop for development traffic in the event that one of the arms of the roundabout is unexpectedly blocked prior to completion of the east-west spine road. An internal looping arrangement is considered important by the LHA and officers concur that this is necessary in the interests of good planning and proper traffic management.
- 7.13 Members should also note the proposed emergency vehicular access to the northwest of the site. This is actually a proposed alteration to an existing farm access rather than a wholly new means of accessing the land. It is proposed to be restricted to pedestrians and cyclists at all times except in the event of a secondary emergency access being required to the site and has been included at the specific request of the LHA. Such an emergency access is only required up until the new spine road has been completed through the site in the exceptional circumstance where access to/from the site via both arms of the roundabout are blocked due to a traffic accident or other incident. It is however proposed by the applicant that this emergency access is permanent which provides the additional benefit of securing the pedestrian/cycle linkage it affords in perpetuity.
- 7.14 Officers have recommended that a condition be imposed that requires all of the proposed new access and highway works to be carried out in advance of first occupation of any dwelling on the site and similarly recommend that a s106 agreement includes a requirement for a highway agreement to be entered into with the County Council under s278 of the Highways Act 1980 to enable the developer to carry out works on the highway authority's land to its specifications.
- 7.15 Members may well be aware that there is local concern about the wider traffic implications arising from this development. The potential for this development to have significant adverse impact on a number of existing roads and junctions was recognised by the Council as part of formulating and adopting Policy Banbury 17. As a result the policy seeks to minimise usage of the private car by requiring the development to make full provision for a bus service through the site and the maximisation of pedestrian/cycle links so that there is a high degree of integration with existing communities. As part of efforts to achieve this, the proposals make provision for a 6.75m wide spine road through the site from Bloxham Road to its eastern boundary for onward connection to White Post Road. A carriageway of this specification meets the standards expected by the LHA so that it is suitable for navigation by a bus. Development on Banbury 17 is then required through the policy to make suitable financial contributions towards pump priming a new bus service that connects the site to the town centre as well as provide bus stop infrastructure within the site for new residents. The applicant has agreed in principle to these requirements which would need to be secured through a s106 agreement before planning permission is granted. Furthermore, the spine road is proposed to feature pedestrian and cycle lanes running from the new Bloxham Road access through into land to the east so as to encourage these more sustainable transport modes. Numerous footpath links are also

proposed from the development onto the Salt Way from which several other footpaths stem that provides routes onward into the town. Other proposed footpaths and bridleways link development back to the Salt Way and across Bloxham Road to development approved on the allocated Banbury 16 land. All of these new footpaths and bridleways within the site need to be secured by condition or through s106 agreement as necessary to ensure they are appropriately maintained and available for public use in perpetuity.

- 7.16 As described previously in this report, Policy Banbury 17 includes the area of land at the northwest of the allocated site (the Morris Homes development) that was granted separate planning permission by the SoS back in 2013. Outline planning permission was granted and the detailed matters approved prior to the adopting of Policy Banbury 17. As a result, this development does not make provision for future connections through to other development and there are footpaths and estate roads that do not extend to site boundaries. Unfortunately as a result there are limited opportunities to directly integrate this neighbouring development into the proposed development. However, the illustrative masterplan does demonstrate that footpath and bridleway routes are intended to abut and run alongside this neighbouring site such that in due course connections can be formally or informally made. Officers propose to progress this further as part of the relevant reserved matters applications to ensure all attempts are made to facilitate these connections in the interests of creating good quality integrated new development.
- 7.17 In addition to maximising pedestrian and cycle connectivity and the provision of a dedicated bus service, Policy Banbury 17 is also clear that in order to appropriately manage traffic arising from development on Banbury 17 that a spine/link road is necessary that connects Bloxham Road with White Post Road. Once completed such a road would avoid vehicular traffic associated with the development having to travel along Wykham Lane, Springfield Avenue or other roads within Banbury when heading eastwards towards the Oxford Road and vice versa. It also ensures that any traffic originating from development on the eastern part of Banbury 17 (application ref: 15/01326/OUT) can avoid doing likewise to access Bloxham Road and beyond. The completion of a spine road through the site will therefore contribute towards mitigating the adverse impact of the proposed development on the existing local highway network. Officers are acutely aware of the rat running that takes place along Wykham Lane in particular and concur with the views of Highway Officers at the LHA that any significant increase in vehicle movements along this road and through its junctions with White Post Road and Bloxham Road is unacceptable. As a result of its narrow rural nature, inherent pinch points, Tudor Hall bridge and bottle-necking leading up to its junction with White Post Road, officers consider any significant increase in use of Wykham Lane would pose a safety risk to drivers and pedestrians as well as a further disturbance to occupants of homes along it. Officers have been mindful of this in considering when completion of the spine road should take place.
- 7.18 Policy Banbury 17 is clear in its requirement for the “*early delivery of the A361 to A4260 Link Road [spine road] along with its associated junctions*”. The earlier that the spine road is delivered, the lesser the impact on surrounding roads both in significance and duration. Officers have considered the conclusions of the Transport Assessment (TA) which was based on a Banbury specific traffic model supplied by the LHA. Officers have also considered the requirements for the bus service in order to ensure it is commercially viable and that existing services are not subject to unacceptable and inconvenient temporary diversions into the site. Furthermore, officers have had regard to the commercial viability implications associated with the costs to the developer of very early delivery of the spine road without significant capital receipt from house sales. In summary, and having considered these matters in the round, officers are satisfied that the spine road is required to be completed and available by the occupation of half of the total number of dwellings proposed on this site. At this point the number of traffic movements



would begin to become more substantial and the new primary school would be expected to be operational. Whilst in the interim period the vehicular movements along Wykham Lane and Springfield Avenue would increase as traffic could not pass through the wider Banbury 17 site, the amount of additional traffic up until this point is reached is thought to be tolerable given that up until approximately this stage there would not be unacceptable cumulative levels of congestion, inconvenience or highway safety risks. Moreover, it has become clear that almost 50% of the homes within the development could be within reasonable walking distance of a bus stop provided at the site entrance if the existing 488 service is temporarily diverted into the site as is proposed.

7.19 Irrespective of the clear requirement of Policy Banbury 17, the applicant contends that the spine road is not necessary to make the development acceptable based on the conclusions of traffic impact within their submitted Transport Assessment. Notwithstanding this, the applicant has however committed to providing the section of spine road within the application site from Bloxham Road to the eastern boundary. Officers are in fundamental disagreement with the applicant about the necessity of the spine road and, together with officers at the LHA, consider it an essential component of delivering acceptable development on the site. It is therefore necessary to ensure that any planning permission includes the mechanisms by which to require the spine road to be delivered at an appropriate stage. This is recommended to be through both conditions and legal agreement covenants which not only mandate the delivery of the spine road but also its full specification and a connecting point so that it properly aligns with that proposed on land to the east (application ref: 15/01326/OUT). Based on advice from the LHA and taking account of factors such as planning policy, projected traffic congestion, highway safety implications and commercial viability, officers are recommending that no more than 500 dwellings be allowed to be occupied on this application site until the spine road is completed. OCC has made clear in its consultation response that a commitment as part of this application to deliver a section of spine road to the site's eastern boundary by occupation of 500 dwellings is not necessarily sufficient as this does not guarantee that it will be serving its necessary and intended function if the connecting section of road is not provided on land to the east. This eastern part of the Banbury 17 site is outside the applicant's control and is part of land to which application reference 15/01326/OUT relates. OCC are concerned that there is a small risk that if development does not eventually take place on land to the east or there is a delay in implementation of an approved development (and that therefore the eastern section of spine road is not provided when necessary) that this entire proposed development could be served solely from Bloxham Road which they consider to be wholly unacceptable and contrary to the requirements of Policy Banbury 17. OCC is therefore recommending that planning permission should only be granted subject to: either 1) a limit in a s106 agreement on the maximum amount of development that can take place on this application site until the spine road is fully completed; or 2) Together with the developer of land to the east, the developer commits to pro rata funding towards the costs of provision of the spine road which enable OCC to have step-in rights to carry out necessary highway works. OCC has raised concern as to whether either developer is prepared to make these commitments and cautions Members accordingly. Officers agree with OCC that a completed spine road from Bloxham Road through to White Post Road is necessary for the proposed development to be acceptable in planning terms. Officers are therefore recommending that planning permission should only be granted where there is sufficient security for the Council that the spine road would be completed before a substantial proportion of development takes place on this application site in accordance with the representations made by OCC.

7.20 The means of connection of the new spine road onto White Post Road is proposed as part of application reference 15/01326/OUT which is also for consideration at this Planning Committee. Whilst the works themselves are proposed under this other application and

should be duly considered as part of the assessment of that application, the need for the spine road arises principally as a result of the amount of development proposed as part of this application. Concerns about the nature and level of usage of the spine road have been predominantly raised in response to publicity for 15/01326/OUT though are equally relevant to these proposals. This issue is mainly addressed as part of the committee report associated with 15/01326/OUT but it is also prudent to repeat some of the arguments here. Whilst the details of the alignment of the spine road within the Banbury 17 site has yet to be determined as this is proposed to a reserved matter, it has been designed to a specification suggested by the LHA so that it is sufficient to serve development traffic, accommodate a bus service and potentially provide a route for some local traffic. It is neither intended nor has it been specified as a road to serve any greater purpose than that necessary to properly integrate the overall Banbury 17 site and reduce use of Wykham Lane and Springfield Avenue for development traffic. Furthermore, it is a clear requirement of Policy Banbury 17 which was adopted by the Council following endorsement at examination by an independent Inspector on behalf of the SoS. The necessity for the spine road is therefore, in officers' view, a matter beyond debate and any concerns about increased traffic movements in and around Bodicote or its impact on urbanisation of the gap between Bodicote and Banbury have been fully considered as part of adopting Policy Banbury 17. Consideration should now be given to the individual details by which the spine road would be provided and its means of connection to Bloxham Road and White Post Road rather than its principle which is fully established. Some concern has been raised about the potential air quality implications of increased traffic passing near existing houses and Bishop Loveday Primary School and this is addressed separately later in this report.

- 7.21 Notwithstanding the provision of the spine road, it is clear that the proposals would still give rise to significant adverse impact on the functioning of a number of existing junctions within Banbury. Without improvements to these junctions the development would lead to unacceptable congestion. In particular the Bridge Street/Cherwell Street eastern corridor, the A361 Southam Road junction with Castle Street and Warwick Road as well as the Bloxham Road/Springfield Avenue junction require improvement which officers recommend are funded by the developer through financial contributions to Oxfordshire County Council (OCC). It is also recognised that in order to be able to accommodate additional projected traffic flows, signalisation of the Bloxham Road/Queensway is necessary and it is recommended by officers that the developer be required to carry out this work themselves through covenants in a s106 agreement. The LHA endorse this approach.
- 7.22 Consequently officers have considered the acceptability of the access, traffic and transport impacts of the proposed development against the requirements of relevant development plan policies (Policy Banbury 17 and SLE4 of LPP1) and have concluded the following:
1. The proposed principal means of access to the development from Bloxham Road is suitable and safe whilst also being designed so that it is cohesive with other development planned/approved immediately to the north;
  2. The proposals have been designed to accommodate provision for a bus service through the Banbury 17 site and the developer has agreed in principle to make financial contributions towards pump priming a new bus service to be secured through s106 agreement;
  3. Extensive footpath and cycle links are proposed as well as a new bridleway that ensures suitable integration with existing and proposed development including the ability for all reasonable efforts to be made to incorporate linkages to the existing Morris Home site;
  4. A completed spine road is required before more than 500 dwellings can be occupied on the site to avoid cumulative severe traffic impact on surrounding roads as well as

significant adverse safety and residential amenity impacts for users/occupants of Wykham Lane;

5. Notwithstanding the above measures, the proposals are still likely to give rise to unacceptable traffic impacts elsewhere in Banbury without mitigation. Junction improvements are required to be carried out/funded by the developer as detailed above at an early stage in the build-out of the development and secured through s106 agreement;

6. Increased traffic flows to the north of Bodicote are inevitable and were accepted by the Council as part of the adoption of Policy Banbury 17. It is the detail of the acceptability of the means of access that are now for consideration together with the specification/phasing of the spine road. However, the spine road is proposed to be designed to a specification set by the LHA to ensure that it is suitable and attractive only to local traffic. The final details of the spine road are recommended to be a matter to be approved following a grant of outline consent and would fall to be determined by the Cherwell District Council in consultation with the LHA.

- 7.23 For the reasons summarised above, officers are satisfied that subject to the safeguards recommended through conditions and s106 agreement, the proposed development would be well integrated with existing/proposed development, served by a suitable range of transport modes, have an appropriate means of vehicular access and would not have wider significant adverse transport/traffic impacts. Consequently, the proposals are considered to accord with the requirements of Policies Banbury 17 and SLE4 of LPP1 in this respect.

#### Landscape, Visual Impact and Settlement Character

- 7.24 At their heart the proposals involve the development of greenfield land that forms the existing countryside edge to Banbury. The evidence base that underpinned LPP1 and its strategic allocations included a landscape capacity assessment for Banbury to determine those areas that could accommodate large areas of new built development without giving rise to significant adverse impacts on the wider natural landscape or important areas of landscape character. In taking the decision to adopt Policy Banbury 17 as part of LPP1 the Council has accepted the principle of residential development on this site subject to the requirements and provisions set out in the policy text. In simple terms and with respect to this particular application site, Policy Banbury 17 essentially supports housing development within the northern part of the allocated land with areas of formal and informal green space to the south to soften the impact on the wider landscape and maintain openness between Banbury and Bodicote to preserve its separate village identity. The policy also requires a significant buffer to Salt Way so as to reduce the impact on its rural character and consequent historic and amenity value. It has therefore already been accepted by the Council that it is appropriate, in principle, for significant residential development to take place on the land in order to meet the housing needs of the District in the most sustainable way possible.
- 7.25 Whilst the land allocated for development was not found to be of significant landscape value, it is nonetheless recognised as gently rolling farmland that is a contributor to the intrinsic beauty of the countryside and setting to Banbury and Bodicote. Its loss, in perpetuity, will clearly be harmful to the wider views of the landscape and local landscape character. However, such a loss has been accepted in the context of the overall significant local housing need together with the mitigation measures and protections included within Policy Banbury 17 so that the overall harm to the landscape would be reduced as far as possible.
- 7.26 Officers have considered the landscape implications of the proposed development in the context of the allocation provided by Policy Banbury 17 to determine whether, in this respect, the proposals accord with the basis on which it was allocated. The applicant has

submitted a detailed landscape and visual impact assessment as well as considered the potential for significant effects on the natural landscape within the associated Environmental Statement.

- 7.27 The areas of the site proposed for new built development are in direct accordance with that provided for by Policy Banbury 17. The applicant is also proposing a traditional approach to scale and density within the built development area with the higher and denser development proposed in and around the proposed neighbourhood retail area at the centre of the site with the intensity of development decreasing to a more suburban form towards the southern and western edges. This ensures a more graded transition between the surrounding countryside and the new urban edge to Banbury which helps soften the landscape impact in accordance with the requirements of Policy Banbury 17.
- 7.28 All significant existing landscape features are proposed to be retained and generally augmented on the site. This includes the woodland at the northwest corner of the site, the thick belt of vegetation along the southern edge as well as large parts of existing hedgerows. Significant new structural planting is indicatively proposed to the southwest and around the site's entrance from Bloxham Road to ensure that this new gateway to Banbury is not unduly stark in appearance and sits more comfortably within its landscape setting. It should be noted however that to create the new roundabout a number of existing mature trees will need to be removed along Bloxham Road just to the north of the entrance to Tudor Hall School. Whilst the proposals avoid removing or materially harming the more significant Category A trees, several of the Category B trees will need to be felled which will detract from the current pleasant rural and wooded backdrop to this part of Bloxham Road on entry into Banbury. The existing mature western boundary trees along Bloxham Road together with other significant boundary vegetation and the topography of the land currently prevents any notable views of the site from surrounding public roads. As a result, despite the retention and protection of a significant amount of the tree cover along the western boundary, views of the site would be opened up by the creation of the new access which would considerably affect the rural countryside setting immediately to the south of Banbury. That being said, subject to the imposition of suitable conditions to protect existing landscape features as well as securing appropriate new strategic landscaping and buffers through a detailed masterplan and relevant reserved matters applications, officers are satisfied that the development being proposed can adequately mitigate its harm to local landscape character in accordance with the requirements of Policy Banbury 17.
- 7.29 Policy Banbury 17 also recognises the importance of the Salt Way as a historic trading route and local amenity that has an intrinsic rural character. This character is partly created by its enclosure with vegetation as well as its settlement edge location that in places affords sweeping views over the countryside to the south and through to Bloxham. It is inherently acknowledged within Policy Banbury 17 that development to the south of the Salt Way will harm its rural character and experience. To ensure however that this harm is minimised to an acceptable level, the policy requires development to be set away from the Salt Way by approximately 20m to both prevent clear views of new buildings as well as afford space for new planting in existing gaps in vegetation. In the initial years following first construction of the development the change to the visual experience from Salt Way will be highly notable from a number of viewpoints though over time new vegetation should establish that encloses the Salt Way more significantly so that it begins to feel more rural again whilst also contributing towards generating ecological habitat. The extensive views from open sections of the Salt Way will however be significantly curtailed as a result of new structural tree/hedge planting and/or new buildings. In recognition of this, Policy Banbury 17 requires a new additional bridleway to be created that runs along the entirety of the south of the Banbury 17 site and links back up to the Salt Way. This will afford views southwards over surrounding countryside with a similar experience to the

current Salt Way with housing development to the north. The applicant has committed to providing this bridleway and made provision for connection through to the remainder of allocated site to the east.

- 7.30 Within the site there are three existing public rights of way that run in a north-south alignment between Salt Way and Wykham Lane. One of these (Banbury Footpath 47) may require diversion as a result of the development and, based on the submitted illustrative comprehensive masterplan, a consequent degradation in the amenity value for its users given that it would seem to pass along new estate roads rather than through open farmland. As a result existing countryside views from the section of this public footpath within the application site would be almost completely lost. Nearby Bridleway Banbury 11 and Footpath Banbury 46 are heavily enclosed within a wooded strip of land and this is proposed to be retained with the exception of the land necessary to allow the spine road to pass through which will inevitably result in the interruption of this bridleway route and loss of a section of its associated woodland. Notwithstanding the above, officers are of the view that as Footpath Banbury 47 is in such close proximity to the other nearby public footpath and bridleway, it is of reduced value as a route and is not as well-used as its nearby alternatives. As a result, the potential change to the views and landscape character experienced by its users is of less concern to officers. Nevertheless, as part of detailed reserved matters proposals and a detailed masterplan, officers would expect to see existing public rights of way properly protected as part of the proposed development and efforts made to ensure that they are properly incorporated into the site layout rather than shoehorned onto roads in development parcels as an inconvenience. Where this is not the case, good quality alternative routes would need to be provided. Officers are however satisfied that there is suitable scope within the proposed development to properly incorporate all existing public rights of way so that they retain a similar level of amenity value that they do at present on equally commodious routes.
- 7.31 As stated previously, with respect to the areas indicated for built development and associated open/green space, the illustrative masterplan demonstrates that the site is intended to be developed in a manner that is consistent with the layout envisaged through the application of constraints imposed through Policy Banbury 17. Similarly, building heights and densities are typical for a residential development of this size and accord with that expected for development on this allocated land. The only difference to the specific provisions of the allocation within Policy Banbury 17 is the location of approximately 0.9ha of allotments alongside Wykham Lane. This amounts to both operational development and a change of use of greenfield agricultural land. However, on consideration and having regard to Policy ESD13 of LPP1 which resists development inconsistent with local landscape character, officers are satisfied that the location of these allotments is entirely logical given that it co-locates with the existing Bodicote allotments. Whilst sheds and other paraphernalia are likely to follow, officers have concluded that these are not necessarily out of keeping with the rural character of the surrounding area and any harm caused to the wider natural landscape is minimal and outweighed by the benefits associated with the clustering of these low-key community facilities.
- 7.32 Members will have noted that there has been local concern raised about the impact that development on Banbury 17 will have on Bodicote's identity as a separate village. Whilst it is probably the case that the greater impact in this respect is caused by development proposed under application reference 15/01326/OUT, these application proposals have the potential to cumulatively contribute towards that impact. However, Policy Banbury 17 specifically allocates this land for new development and so issues regarding coalescence with Bodicote have already been rehearsed as part of drafting, examining and adopting LPP1. Provided that the application proposals accord with the provisions of Policy Banbury 17, then the principle of the southwards expansion of Banbury has been established and cannot now be revisited. Whilst Policy C15 of LP 1996 is still an adopted

part of the development plan and seeks to resistant coalescence of settlements, legislation requires any conflict with Policy Banbury 17 to be resolved in favour of the newest policy and hence Policy Banbury 17 takes precedence. Officers are therefore of the view that whilst cumulatively the proposals would contribute to a perception of erosion in the gap between Banbury and Bodicote, this is a matter that has been accepted in principle by the Council through adoption of LPP1 on the proviso that an open gap is retained as part of proposals in the form of public open space and outdoor recreation areas. The application proposals are shown to accord with this requirement and so are therefore found to be acceptable in this respect.

- 7.33 In conclusion on this matter, officers are satisfied that whilst the proposals will inevitably give rise to environmental harm due to loss of irreplaceable open countryside, this has been accepted as part of the decision to allocate the site for residential development. The proposals themselves demonstrate that key areas of the site are to be restricted from built development in accordance with the requirements of Policy Banbury 17. Furthermore, officers have found that the proposals make provision for the retention of all existing landscape features of significance as well as public rights of way and provide opportunity for substantial new structural soft landscaping that will help partly mitigate its impact on the natural landscape. Subject to conditions and relevant clauses in a s106 agreement that secure significant existing landscape features and establish appropriate buffers to built development, officers are satisfied that the proposals accord with the requirements of Policy Banbury 17 and are therefore considered acceptable in this respect.

#### Impact on Historic Environment

- 7.34 National planning policy in the NPPF affords great weight to the importance of preserving the significance of designated heritage assets such as conservation areas and listed buildings as they represent an irreplaceable resource. Any harm to a designated heritage asset should be avoided and is only considered acceptable where clearly outweighed by public benefits. The NPPF also introduced the concept of non-designated heritage assets which is those identified of local significance by the Council though these are of a value less than those statutorily designated. Policy Banbury 17 recognises that development on the Banbury 17 site has the potential to impact upon the special character of the Bodicote Conservation Area, historic value of Salt Way and a buried Neolithic causewayed enclosure within the site. Officers agree that these are the main heritage assets likely to be affected by proposals.
- 7.35 Turning first to the Salt Way, the Council has recognised this as a local heritage asset due to its use as a rural trading route for many hundreds of years. In recognition of this, Policy Banbury 17 includes a requirement for development to respect the landscape setting of Salt Way which includes a buffer of approximately 20m in width so that its rural character is partly preserved. It was inherent within the decision to allocate development on Banbury 17 that proposals would be likely to have an adverse impact on its rural qualities and sense of tranquillity. However, mitigation in the form of suitable stand-off distances (a condition is recommended preventing development within 20m) as well as requirements for augmenting boundary vegetation and limiting artificial lighting helps to reduce the impact to a level that is less than significant. Furthermore, the requirement for a new bridleway helps to partly mitigate the impact by providing another alternative public route along the rural edge of the site. However, this mitigation cannot be afforded any great weight given that the Salt Way is a historic route and its significant in this respect cannot genuinely be replaced. Nevertheless, with respect to Salt Way officers are comfortable that the proposals provide for development in the manner envisaged by Policy Banbury 17 and take all reasonable opportunities to mitigate adverse impact on the heritage value of the Salt Way.

- 7.36 Bodicote Conservation Area is considered a designated heritage asset. Its significance derives from its special character and appearance and there is a statutory duty to give regard to the desirability of preserving it. These application proposals are less likely than those submitted under 15/01326/OUT to have an appreciable impact on this Conservation Area given that they will barely be visible from it. As a result there will, at the very least, be negligible impact on the special appearance of the Conservation Area. The Council's appraisal of the Bodicote Conservation Area does identify increased traffic within the historic core of the village as a threat to its rural village character and it is only in this regard that the proposals have the potential to have any material impact on the significance of the Conservation Area. However, as discussed previously, Banbury 17 is an allocated site and the principle of development has been established. As a result, the Council has already carried out a balancing exercise between the public benefits arising from the new housing and the desire to preserve the special character of the Bodicote Conservation Area and has already found the development acceptable in principle. Nevertheless, such a finding was predicated, inter alia, upon mitigating traffic impacts and avoiding built development in the southern areas of the allocated site. As already set out the proposals include provision of public open space to the south of Banbury 17 and a spine road that, once completed, should prevent any material increase in use of Wykham Lane which in turn should prevent any material increase in traffic movements through the historic core of Bodicote. Consequently, having regard to the requirements of Policy Banbury 17, officers are satisfied that the proposals would not have a significant adverse effect on the special character and appearance of Bodicote Conservation Area and that any minor harm caused would be more than outweighed by the substantial public benefits associated with the supply of much needed new housing on this land.
- 7.37 Prior archaeological investigation of the site has revealed evidence of a causewayed enclosure dating back to the Neolithic age. Policy Banbury 17 requires the physical preservation of this archaeological feature in keeping with Government guidance which is supportive of deposits of archaeological significance such as this ideally be preserved in situ rather than disturbed. The applicant is proposing to avoid any built development on the area of the site where these buried heritage assets are located and officers support this approach as does the County Council's archaeologist. Further archaeological investigation has been carried out by the applicant in advance of submitting the planning application which identifies other potential areas for archaeological deposits though nothing of obvious significance. To ensure that development on site takes place with suitable regard for any potential buried heritage assets, officers recommend that a condition be imposed requiring the development to be carried out in accordance with a watching brief that has been agreed with the County Council's archaeologist.
- 7.38 Tudor Hall School is located nearby though the main complex of school buildings is to the south of Wykham Lane and therefore set a significant distance away from the application site. 17<sup>th</sup> century grade II listed buildings, gates and walls are located within this complex and are clearly of architectural and historical special interest. These buildings are however separated from the application site by a quite significant distance and by substantial intervening belts of trees and hedgerows. As a result, officers are of the view that the proposed development would not have any material impact on the special interest of these listed buildings.
- 7.39 The Tudor Hall School site continues to the north side of Wykham Lane and this grounds used for its outdoor recreation facilities and formal parkland estate. It also includes the more historic Wykham Park Lodge building adjacent to Bloxham Road. Neither the building nor the grounds are themselves designated as heritage assets though they are clearly of some merit and create a pleasant institutional parkland character. Furthermore, due to their separation from the listed buildings by other modern school building and intervening landscaping, they are not a significant contributor to their setting. The northern

corner of the School's recreation grounds abuts the application site and its setting has the potential to be affected by the proposed development. However, any weight to be afforded to the value of these recreation grounds is relatively low given that they are neither classified as a designated or non-designated heritage asset. Whilst consideration does need to be given to the amenity experienced by neighbouring land uses, for School grounds this level of amenity is low given that it is not an area relied upon as part of genuine living conditions or a place of significant public amenity value.

7.40 Nevertheless, it is recognised that the proposals could affect the landscape setting of these School grounds by replacing surrounding rolling farmland countryside with more general residential green space which can be of a somewhat different character. The illustrative masterplan also suggests that a children's play area would be created near to the application site's boundary with Tudor Hall School and it is claimed by the School that this would further affect the School's landscape setting. Having given this matter some consideration officers have found that any harm to the School's landscape setting is likely to be very low given that there is evidently space for detailed reserved matters to propose a significant landscape buffer together with the opportunity for more formal tree planting in this area. Moreover, the distribution and layout of play areas and other recreation facilities is also not definitive at this stage given that the application is only submitted in outline and the layout can change as part of detailed reserved matters applications to take account of any potential harm caused to the setting of Tudor Hall School. Notwithstanding that, even based on the illustrative masterplan submitted, there would appear to more than sufficient opportunity for structural landscaping at the southwest of the application site to prevent any particular views of the play area in the long term from the Tudor Hall School grounds and thus adequately preserve its setting.

7.41 Due to the significant distance from the proposed development to the nearest listed buildings the proposals are unlikely to have a material effect on their setting and therefore their special interest. The only listed building in moderately close proximity to the site is Wykham Farm. This grade II farmhouse derives its special interest from, in part, its setting within agricultural surroundings which would be reduced due to the housing development proposed to the north. However, there would still be significant areas of farmland around it and views between the listed Wykham Farm house and the new development would be negligible due to substantial intervening vegetation. Officers are therefore satisfied that the significance of this grade II listed building would not be materially adversely affected and so no concerns are raised in this respect. Officers have therefore concluded that for the reasons set out above, detailed proposals would not give rise to any significant harm to nearby heritage assets and that any minor residual harm that would result would be more than outweighed by the substantial public benefits associated with the proposed development. For this reason officers have concluded that in this respect the proposals accord with the requirements of Policies Banbury 17, ESD13 and ESD15 of LPP1 as well as relevant policies of the NPPF.

#### Housing Mix/Affordable Housing

7.42 Policy Banbury 17 requires a minimum of 30% of the new dwellings provided on the site to be of affordable tenure in the interests of supporting the creation of mixed and balanced communities in accordance with both local and national planning policy objectives. Policy BSC3 of LPP1 is also material and specifies that the Council seeks at least 70% of the affordable homes to be affordable rented units with the remainder intermediate housing (such as shared ownership). The applicant has indicated a commitment to provide such affordable housing and officers recommend that this is secured via s106 agreement together with the specification for such units including the size and types as informed by the latest need on advice from the Council's housing officers. This is likely to be predominantly two bedroom dwellings together with modest proportions of 1 and 3 bedroom dwellings.



- 7.43 The design, layout and distribution of such affordable housing would be considered as part of reserved matters applications and at that stage officers would need to have particular regard to the need to create inclusive communities by ensuring such affordable housing is well distributed across the site and indistinguishable from the market housing. Furthermore, officers have had regard to the conclusions of the Oxfordshire Strategic Housing Market Assessment (SHMA) which has found that the greatest need within the District is for 3 bedroom dwellings with strong need too for 2 bedroom homes. In order to ensure the development meets the identified housing needs of the area rather than simply developer profit objectives by potentially overproviding on large detached housing, officers recommend a condition that imposes minimum proportions of 2 and 3 bedroom dwellings on the site in a manner that accords with the need identified in the SHMA.
- 7.44 Notwithstanding the above, the definition of affordable housing seems to be increasingly a fluid matter and central Government has been indicating in recent months that it intends to include starter homes within this definition and include an arbitrary national planning policy requirement for a certain proportion of starter homes as part of major residential developments. It is currently unclear what proportion this would be or when/if these changes will take effect. Officers therefore recommend that if Committee resolves to approve this application, delegated authority is given to the Head of Development Management to amend the specific tenure mixes currently being sought if necessary in order to satisfy the latest national and local planning policy position in the event that changes are introduced in the period between a committee resolution to grant planning permission and the final issuing of a decision notice.

#### On Site Infrastructure/Facilities

- 7.45 In order to create a sustainable residential urban extension to southern Banbury a number of on-site amenities and facilities are required in order to meet the needs of new residents. This is reflected within the requirements of Policy Banbury 17. Policy INF1 of LPP1 is also of relevance and requires development proposals to demonstrate that infrastructure requirements can be met including transport, education, health, social and community facilities. Outdoor recreation facilities are also relevant here too but these will be discussed further within the next section of this report.
- 7.46 Policy Banbury 17 requires the provision on site of a new primary school to serve the needs of both development on Banbury 17 as well as development approved/allocated on Banbury 16. The applicant is proposing such a primary school on the site on land to the east of the existing Morris Homes development. Oxfordshire County Council as the local education authority has been consulted on the proposals and has indicated their support for the primary school proposals including both the size/shape of land proposed as well as its location within the site. Officers are recommending that a s106 agreement includes relevant clauses that secure either the direct delivery of the new primary school by the developer or financial contributions to OCC to cover the build costs together with land transfer at an appropriately early stage in the build out of the development. As the application is proposing a larger primary school that is necessary to meet the needs of pupils expected to be generated from just this development (so that it can also serve pupils arising from development approved on Banbury 16 [planning permission 14/01188/OUT] as well as proposals relating to application reference 15/01326/OUT), it is necessary for costs to be appropriately equalised through a s106 agreement so that the infrastructure sought through s106 agreement meets the statutory tests of necessity and proportionality. This would require allowances to be made for financial contributions expected from a developer on implementation of 14/01188/OUT as well as in connection with development proposed under 15/01326/OUT if approved.

- 7.47 It is a further requirement of Policy Banbury 17 for secondary school land to be provided within the site for use as playing fields on the basis that secondary school pupils arising from development on the Banbury 17 would place additional pressure on facilities at the neighbouring schools. The application proposes 1.81ha of playing field land to the opposite side of the Salt Way from Blessed George Napier School. This land is proposed to be transferred to OCC for the intention of providing sports pitches for Blessed George Napier School to cope with the additional pupils that it is likely to receive as a result of the proposed development. OCC has confirmed that it is satisfied with the amount, layout and location of the proposed secondary school playing field land. The arrangements for its provision together with the timing of its transfer to OCC will need to be secured through s106 agreement prior to any planning permission being issued. In a situation similar to the primary school provision, the applicant is proposing a larger area of secondary school playing field land than is necessary to directly mitigate the impact of this proposed development. This is to ensure that the secondary school impacts associated with development proposed under 15/01326/OUT can be mitigated as well as resolving an existing element of town-wide deficiency. The arrangements for equalisation of these costs is a matter that will need to be addressed as part of completing the s106 agreement.
- 7.48 It is well established that a development of the size proposed gives rise to additional pressure on community facilities. To this end, Policy Banbury 17 requires a new community facility to be provided on the site as part of the development. It is therefore recommended that a s106 agreement includes requirements for the provision of a 600sq m community centre within the site together with precise specifications to ensure it meets local needs and is suitably attractive to a community group. This is a similar approach to that taken on other recent strategic residential developments at Bicester and Banbury. Financial contributions towards the initial years of its maintenance will also need to be secured as part of a s106 agreement. Once again a mechanism for offsetting part of the costs to the applicant will need to be included within a s106 agreement given that the community centre is also required to serve development proposed under application reference 15/01326/OUT.
- 7.49 A local centre is also proposed as part of the development and would potentially include a mix of local shops, cafes, takeaways and perhaps a nursery or similar. The applicant is proposing to keep the details of uses and the size of the local centre flexible except in so far as to state that up to 1000sq m of retail units are proposed. There is currently very limited information provided on the proposed local centre though officers are clear that it is an important part of delivering a sustainable residential community so that key everyday amenities are within walking distance. A clearer picture of the local centre is unlikely to emerge until the applicant submits a more detailed masterplan in advance of submission of reserved matters application as recommended by officers in the list of conditions. Following an approved masterplan, a further detailed reserved matters submission for the local centre would need to be made and within this the Council would be able to consider the merits of the individual units and uses proposed together with the overall make-up of the local centre to ensure that it is suitable. At this stage however officers are satisfied that the applicant is proposing such a facility which is indicated to be of size/nature typically expected in a residential development of this size. A s106 agreement will need to include suitable requirements relating to the general minimum specification, phasing and delivery of the local centre to ensure that it is provided on the site in an appropriate manner.
- 7.50 Policy Banbury 17 also requires the provision of public art on the site. Officers recommend that a condition be imposed requiring submission of details of the public artwork including its form and location together with a timetable for its installation. Associated requirements are necessary in a s106 agreement to ensure that suitable arrangements are in place for the long term maintenance of the public art.

7.51 Having regard to the above and the requirements of Policies Banbury 17 and INF1 of LPP1, officers are satisfied that subject to the inclusion of suitable covenants within a s106 agreement, the necessary on-site infrastructure is able to be provided to ensure that a sustainable new residential community is created on the site without having an adverse impact on existing public infrastructure.

#### Open Space and Outdoor Recreation

7.52 Policy Banbury 17 requires general green space, play areas, allotments and sports provision as part of development on Banbury 17 in accordance with the specifications and thresholds set out in Policy BSC11 of LPP1. As discussed earlier in this report, the sports facilities are proposed in areas to the south and east of the application site. Based on an assumption of average household sizes of dwellings on the application site, it is anticipated that a minimum of 2.7ha of sports provision is necessary to meet the needs of the new population. The Council's open space assessment for Banbury identifies significant under provision of football pitches and it is considered necessary for the sports provision to be in the form of football pitches. Adult pitches are the preference given that these can then easily be subdivided if necessary into junior pitches. On the basis of the maximum 1000 dwellings proposed, this equates to a requirement on site for three adult football pitches and an associated pavilion. A s106 agreement is therefore recommended to include a requirement of such facilities to be provided on the site together with transfer to the Council for management.

7.53 The illustrative masterplan indicates that the pitches would not necessarily be located directly adjacent to each other and would perhaps be to either side of the new spine road which reduces the benefits of co-location. This arrangement needs further assessment as part of a more detailed masterplan that is required to be submitted prior to any submissions of reserved matters application. However, it is recognised that there are genuine constraints on the site that may affect the ability to provide all of the football pitches directly adjacent to one another and account does need to be taken of these. First, Neolithic archaeological deposits are known to exist in the location of where the northern football pitch is indicatively shown in the illustrative masterplan. These are of heritage significance and Policy Banbury 17 requires them to be preserved in situ which prevents any built development taking place on this land making it ideal for outdoor recreation. Second, there is an important belt of woodland to either side of the existing public bridleway that runs north-south through the site adjacent to the recreation areas. It is not appropriate for reasons of biodiversity protection and visual amenity to make any significant interventions into this landscape feature except for the provision of the spine road which is essential to mitigate the impact of the overall development. Notwithstanding that, officers are mindful of the need to try to locate the sports facilities as close together as possible in the interests of convenience and usability. Officers are however satisfied that this can be achieved as part of the detailed masterplanning of the proposed development. As a consequence, subject to a s106 agreement requiring the appropriate level and specification of sports pitches and pavilion as detailed previously together with a mechanism for their transfer to CDC on their completion, officers are satisfied that the new residents would be adequately served by outdoor sports facilities in accordance with the requirements of Policies Banbury 17 and BSC11 of LPP1.

7.54 Policy Banbury 17 also requires residential developments to include sufficient play areas for children and young people. Based on the thresholds and matrix set out in Policy BSC11 of LPP1 as well as similar approaches taken elsewhere on recent surrounding residential developments, officers expect all homes to be within 5 minutes walking distance of a play area. Local Areas of Play (LAP) cater for very young children and would expect to be closer so that they are more convenient for toddlers. For a development of this size officers would expect 6 LAPs being a combination of equipped and unequipped. The Local Equipped Areas of Play (LEAP) are more significant and cater for slightly older

children from about 4-8 years of age. These still need to be conveniently accessible and should be provided on either side of the spine road to avoid unnecessary crossing of this primary estate road. Officers consider that 3 LEAPs are required on the site to meet the needs of the new residents and be within 400m of each dwelling as specified in Policy BSC11. Finally, Neighbourhood Equipped Areas of Play (NEAP) are more significant and are designed to be more suitable for older children. Walking distances to such facilities can be longer and some children can be expected to be unaccompanied by adults. Officers consider that a single NEAP is required on the site in order to mitigate the impact of the proposed development. The LAPs, LEAPs and NEAP required on the site need to be secured through s106 agreement together with an appropriate timetable for their delivery as well as minimum specifications and maintenance arrangements. The specific design detailing and location of the play facilities will be a matter for consideration as part of the detailed masterplanning and reserved matters stages and may well differ from that shown illustratively in the current masterplan.

- 7.55 Significant areas of other general green space and public open space are proposed within the development and, if approved, officers would need to give them more detailed consideration as part of the masterplanning and reserved matters stages. These green spaces not only help provide suitable buffers to surrounding land uses and the wider countryside but also help to provide relief within built development parcels. A s106 agreement will need to include suitable clauses to ensure the long term maintenance arrangements of all general amenity spaces included within the final detailed development.
- 7.56 Policy Banbury 17 also requires the provision of a new circular bridleway along the southern edge of the Banbury 17 site that links back to the Salt Way. The illustrative masterplan indicates this with a dashed orange line and the developer has committed to providing this bridleway which officers welcome. The detailed specification of the bridleway together with the timetable for its delivery and means/location for connection to the eastern parcel of Banbury 17 (application ref: 15/01326/OUT) will need to be secured through s106 agreement. Officers would expect to approve the final details of this new bridleway route as part of the detailed masterplan and reserved matters applications and it may differ slightly from that shown on the current illustrative masterplan.
- 7.57 In conclusion, having regard to the requirements of Policies Banbury 17 and BSC11 of LPP1, officers are satisfied that there is the opportunity within the site to provide suitable formal and informal outdoor recreation facilities to meet the needs of the new residents subject to these being satisfactorily secured through s106 agreement.

#### Biodiversity

- 7.58 The Council has a statutory duty under the Natural Environment and Rural Communities Act 2006 to have regard to the purpose of conserving biodiversity as part of carrying out its functions. Furthermore, through Policy ESD10 of LPP1 as well as national policy in the NPPF, net gains in biodiversity are sought as part of new development. Policy ESD10 resists net loss of biodiversity or harm to protected/priority species unless these are unavoidable and can be effectively mitigated or compensated. Policy Banbury 17 also requires the detailed consideration of the ecological impacts of proposed development on the site together with the retention and enhancement of landscape features of ecological value. Policy Banbury 17 also states that light pollution should be minimised to avoid harm to nocturnally active species.
- 7.59 The Council's ecologist has advised that the ecological report and Environmental Statement provide sufficient information at this stage to assess the likely ecological constraints and impacts. The illustrative layout indicates that sufficient buffers are to be in place and that important habitat corridors are maintained. The existing agricultural land

provides little habitat of significant ecological value except to farmland birds and brown hare and it is the connecting landscape features that form important corridors for protected species such as bats. It is essential that these are retained and augmented where necessary in order to achieve net biodiversity gains on the site.

- 7.60 The vast majority of existing trees are proposed to be retained on the site which accords with the requirements of Policy ESD10 of LPP1. Any loss is shown to be kept to a minimum and is to facilitate the creation of the new vehicular access and provision of the spine road. The public open space areas illustratively proposed to the southwest of the site and the 20m Salt Way buffer provide the opportunity to mitigate for any lost trees. In order to ensure that detailed site design takes place in a manner that takes full account of the need for biodiversity enhancement, officers recommend that pre-commencement conditions are imposed with requirements for the submission and approval of ecology and landscape management plans. Officers also recommend that the condition requiring the approval of a full masterplan prior to submission of reserved matters applications incorporates a requirement to demonstrate accordance with net gain biodiversity objectives as part of designing the site layout. Officers also expect detailed reserved matters applications to include provision for biodiversity enhancements within the relevant phase including, for example, the incorporation of bat tubes and nesting boxes as part of relevant buildings as well as suitable means by which hedgehogs can pass underneath fences between gardens.
- 7.61 Overall officers are satisfied that the impacts on protected and priority species have been appropriately assessed and can, in the main, be fully mitigated through the use of appropriate masterplanning and imposition of conditions. However, the Environmental Statement has suggested that a number of ecological impacts are not able to be mitigated (loss of arable land, disturbance to bats, farmland birds and brown hare) and dismisses these a little too readily given the large local impact as a result simply of the cumulative scale of development proposed to the south of Banbury. Having regard to the requirements of Policy ESD10 of LPP1 and national planning policy, where these impacts cannot be avoided or mitigated on site, there needs to be compensation elsewhere in order to be acceptable and to deliver the net biodiversity gains necessary. Officers therefore recommend that a financial contribution is sought through s106 agreement towards an off-site project with conservation of these species as their goal. The precise figure of this contribution is yet to be determined and is currently being discussed between the Council's ecologist and local wildlife groups.
- 7.62 All bats are European protected species through the Conservation of Habitats and Species Regulations 2010. By appropriately surveying any mature trees before felling/lopping, incorporating appropriate buffers and avoiding removal of their woodland/hedgerow habitat as is proposed, any adverse impacts are likely to be able to be avoided. A requirement to submit a construction ecological management plan through planning condition should ensure officers consider the potential implications and the ways by which harm can be avoided. Furthermore, officers are recommending a condition that requires the prior approval of all external artificial lighting so that the Salt Way in particular can be kept suitably dark in the interests of bat conservation. In any event, if despite these measures the works/activity would still cause harm to bats then a mitigation license would be required from Natural England in order for the development to proceed lawfully.
- 7.63 In conclusion on this matter of ecological impact, officers have had due regard to the importance of conserving biodiversity. The proposals indicate the vast majority of important habitat is to be retained and there are opportunities for enhancement to these through new planting and buffer areas. Suitable conditions and s106 clauses are recommended to be imposed to secure such habitat protection/enhancement and its long term maintenance. In order to ensure that net biodiversity gain is achieved across the site

as part of the development, it is likely to be necessary to compensate for harm to a handful of priority species that cannot be mitigated on site and this is recommended to be secured through s106 agreement. Subject to these safeguards and provisions, officers are satisfied that the proposals would not have an adverse impact on biodiversity and would contribute towards the objective of achieving local biodiversity gain in accordance with the requirements of Policies Banbury 17 and ESD10 of LPP1.

#### Trees and Landscaping

- 7.64 Policy Banbury 17 requires proposals on the site to retain and enhance existing hedgerows and trees including along the Salt Way. Policy ESD10 of LPP1 encourages the protection of trees with the aim of increasing the number of trees in the District. This application is in outline only with all matters reserved for later approval except for the means of accessing the site. As a result, the proposed vehicular access from Bloxham Road is in detail and is what is proposed to be constructed. As a result any impact on trees, hedgerows and landscape features arising from the construction of the vehicular access must be considered at this stage. Landscaping within the site is a matter reserved for later approval and officers would need to assess the hard and soft landscaping merits of the development proposed on each parcel of land as it comes forward in reserved matters submissions. Nevertheless, for reasons already discussed previously, officers are satisfied that overall there is sufficient ability within the site to satisfactorily accommodate the amount of development proposed whilst ensuring that the landscaping of it is appropriate.
- 7.65 With respect to the vehicular access, the proposed roundabout would be constructed predominantly within the site following re-alignment of the Bloxham Road carriageway. This will result in the removal of a small number of mature trees along the existing tree lined western boundary with Bloxham Road. The affected trees are thought to be equivalent to Category B based on applicable of the relevant British Standard for trees affected by construction (BS:5837:2012). A number of Category A trees of greater public amenity value are however proposed to be retained. Nevertheless, to create the new access it is inevitable that some trees will be lost and other trees potentially harmed due to proximity to construction works. This will have an adverse impact on the cumulative public amenity value that they trees provide to this section of Bloxham Road on the entry to Banbury. However, the principle of the creation of a new roundabout access from Bloxham Road has been established as part of allocating the site and officers are satisfied that the applicant has taken all reasonable measures as part of designing the access arrangements to avoid harm to important individual trees. Officers do however recommend that a condition be imposed requiring the submission of an arboricultural method statement prior to commencement of development to ensure the construction works are proposed and carried out in a manner that protects as many trees as possible.
- 7.66 The illustrative masterplan submitted with the application indicates a significant amount of new tree planting will take place along the newly aligned stretch of Bloxham Road to mitigate any harm caused by loss of existing trees. This is welcomed and officers would expect to see this in detail as part of the first phase of reserved matters which should, in time, help to re-create the wooded eastern edge to the Bloxham Road.
- 7.67 Within the site it is clear that the vast majority of existing soft landscape features would be retained and officers would expect to see this as part of the more detailed masterplanning stage and within the reserved matters submissions. The main impact in this respect is likely to be caused by the new spine road which would inevitably have to cut through sections of hedgerows and woodland that cross the site. This is simply a consequence of the need to properly integrate the development into the wider road network and, given its specification, is likely to result in about 13-14m of hedgerow being removed in 2-3 places across the site. It is therefore important that loss of parts of these landscape features is

adequately mitigated elsewhere on the site to ensure proper linked pathways of vegetation both in the interests of visual amenity and biodiversity.

7.68 Officers have therefore found that the proposals would adversely affect a number of mature trees along the eastern boundary of Bloxham Road and that this would have a harmful effect on the public amenity and the wooded character of this part of Bloxham Road. However, significant harm has been avoided through sensitive design of the proposed access and measures are recommended to be required through condition to protect trees proposed for retention. Together with the opportunity for significant new planting along Bloxham Road as part of reserved matters applications, the adverse public amenity impact caused by harm to the existing trees is considered acceptable. Within the site, no material loss of trees is anticipated due to the absence of them in central areas of the site. Harm is most likely to be restricted to certain sections of existing hedgerows and officers are content that this is necessary as part of completing the spine road but can be adequately mitigated elsewhere within the site. Consequently with respect to the specific impact of these proposals on trees and other soft landscape features within the site, officers have found that the proposals are in accordance with the requirements of Policies Banbury 17 and ESD10 of LPP1 and are therefore acceptable.

#### Impact on Existing Neighbouring Amenity

7.69 Policy ESD15 of LPP1 requires new development to consider the amenity of both existing and future occupants of land and buildings with respect to privacy, outlook, natural light, ventilation and indoor/outdoor space. Policy C30 of LP 1996 has similar requirements. Both reflect one of the core planning principles set out in the NPPF. Policy ENV1 of LP 1996 resists development that would cause significantly detrimental levels of noise, vibration, smells or other types of environmental pollution.

7.70 There are no existing dwellings that are sufficiently close to the development that they are likely to be directly affected by it in terms of privacy, outlook or levels of sunlight/daylight. A handful of existing residential properties lie between the site and Wykham Lane to the south. Whilst not directly affected due to their distance from proposed new built development, the views to the north from these properties over the surrounding countryside will diminish though there will still be pleasant open views in other directions. In any event, it is well established through court judgements and Government guidance that private views are not a material planning consideration. It is recognised that new residents within the proposed development could make greater use of the public rights of way that run southwards past these existing properties. However, such an increase in usage cannot reasonably be considered to amount to a material disturbance to the living conditions enjoyed by occupants of these dwellings. The new bridleway proposed within Banbury 17 should also partly mitigate this by providing an alternative route away from existing dwellings. The new houses currently being constructed on the Morris Homes development are also thought to be separated by sufficient distances albeit they are likely to be closer and more affected than any existing dwelling. It is more likely however that the surrounding residents would be affected by the noise, disruption and general nuisance associated with the construction works which are likely to take place over a period of about 10 years. This is a substantial period of time and the areas and properties affected are likely to change as the development builds out eastwards from Bloxham Road. As a result, officers are recommending that a construction management plan be submitted and approved for each phase of the development to ensure that the mitigation measures are appropriately bespoke. Construction traffic management measures would be expected to be incorporated into this same document. Controls are likely to include the hours of working on the site, compound details, noise, vibration and dust mitigation, construction traffic routing arrangements and wheel washing facilities. Officers are however clear that no construction traffic should not use Wykham Lane at any time and this is a necessary requirement of the construction management plan. When considering the construction

management plan officers may need to be mindful of development taking place elsewhere to the south of Banbury and the potential for cumulative effects as there could be as many as three different construction projects taking place simultaneously to the south of Salt Way. Development on this site however is generally separated from existing dwellings by generous distances given that they are to north of Salt Way and so direct nuisance is unlikely to be significant but it will be prolonged. Care is more likely to be necessary when considering the working arrangements in the vicinity of new homes on the Morris Homes site which is likely to be completed before this proposed development could commence. Nevertheless, officers are quite satisfied that an appropriate construction management plan secured by condition could adequately ensure that the amenity enjoyed at nearby properties is not unacceptably affected.

- 7.71 On a related matter, some concern has been raised by residents of Bodicote about the impact of this proposed development on local air quality when taken together with that proposed under 15/01326/OUT. The Council's Environmental Protection officers are however clear that any air quality impacts are likely to be minimal and would only be associated with the new vehicular traffic. As this would be almost predominantly car based, the impact of emissions would be negligible and of no risk whatsoever to human health. The EIA carried out as part of this proposed development also demonstrates that air quality impacts would be very minor. Lorries and heavier vehicles could emit more nitrogen oxide and particulate matter however this would again be minimal as these are not expected to use the new spine road given that it is to be designed to function as a route unsuitable for possible bypassing traffic due to its low speed residential nature and traffic calming features. It is however worthwhile to recognise that the Banbury 17 land has been allocated for major new residential development and so the Council has already established in principle that any minor harm associated with matters such as air quality is acceptable in the context of the overall public benefits associated with the proposed development.
- 7.72 In summary on this matter officers have concluded that the proposals would not give rise to any direct material harm to surrounding properties in terms of the privacy, light and outlook enjoyed from them. Given the scale of the proposed development and the long duration over which construction work would occur, it is inevitable that some nuisance will be caused to nearby residents. However, the principle of development has already been established and this nuisance can be adequately controlled through the use of measures secured through a phased construction management plan as is typical for developments of this size and nature. Subject to such a condition, officers are satisfied that the proposals would not have an unacceptable impact on the amenity enjoyed by surrounding residents in accordance with the requirements of Policy ESD15 and Policy ENV1 of LP 1996.

#### Flood Risk and Drainage

- 7.73 Policy ESD6 of LPP1 is reflective of national policy in the NPPF by encouraging development towards areas at lower risk of flooding and resisting development that is highly vulnerable to flooding or increases flood risk elsewhere. In short, the site is at very low risk from any sources of flooding (Flood Zone 1) and does not suffer from critical drainage problems. As a result, the Environment Agency has no objections to the proposed development.
- 7.74 Policy ESD7 of LPP1 requires all major developments to incorporate sustainable drainage systems (SuDS) for the management of surface water run-off. A site-specific flood risk assessment has been submitted that sets out the proposed methodology by which surface water is to be managed on site to ensure there is no increased discharge from the site above pre-development rates. Where possible, surface water should be managed through direct infiltration in the ground but in many cases the ground conditions do not allow for



this to work effectively and so on-site natural storage features are necessary in the form of ponds and detention basins which then control flows out to local watercourses or the public sewer. Whilst the full surface water drainage arrangements cannot be known until the detailed scheme begins to take shape, drainage engineers at Oxfordshire County Council have confirmed that they are satisfied with the proposed SuDS strategy for the site and the illustrative masterplan indicates suitable areas for discharge to ponds and basins on the assumption that infiltration itself will not be sufficient to manage all surface water. Ponds in particular are welcome as a landscape feature as these can provide wetland habitat for a number of species as well as a public amenity benefit.

- 7.75 Consequently, officers are satisfied that the proposed development would not be at material risk of flooding and neither would it increase flood risk elsewhere. Furthermore, a full SuDS strategy is proposed for the development which should prevent significant risk of on-site flooding in a storm event and ensure no increase in surface water run-off from the site onto neighbouring land or to nearby watercourses. As a result, in this respect officers are satisfied that the proposals accord with the requirements of Policies ESD6 and ESD7 of LPP1.

#### Sustainability and Energy Efficiency

- 7.76 Policy ESD5 requires all proposals for 100 dwellings or more to assess the potential for significant on site renewable energy provision and for this provision to be required where viable. An energy statement was submitted alongside the planning application which demonstrated that a combination of solar PV and solar thermal technology could be incorporated on new buildings within the development and that there could be scope for air/ground source heat pumps particularly where flats are proposed. Other more significant renewable energy sources were discounted however such as combined heat and power (CHP) and wind turbines due to site and viability constraints. Officers are recommending that a condition be imposed that all applications for reserved matters include details of the renewable energy generation measures to be incorporated into that phase of development.
- 7.77 Policy ESD4 of LPP1 requires proposals of this scale and nature to assess the potential for utilising District Heating or Combined Heat and Power. However, the lack of nearby appropriate sources and recipients of such consistent energy output means that this is not viable in this instance.
- 7.78 Policy ESD3 of LPP1 requires all new homes to be constructed to achieve zero carbon. This standard and associated allowable solutions have been cancelled by Government and the latest Ministerial Statement suggests that local planning authorities should not be requiring higher standards of energy efficiency than that set out in the Building Regulations and that Part L of the Building Regulations will be updated in due course to introduce higher energy performance standards. In the interim however, Government guidance suggests that local planning authorities may continue to apply an energy performance standard equivalent to Code 4 of the former Code for Sustainable Homes and no higher as this is the approximate level to which the forthcoming new Part L of the Building Regulations may be increased. As a result, officers are recommending that a condition be imposed that requires all new dwellings on site to be designed to this energy standard though this may need to be reviewed in the event that changes are introduced at national level in the period between a committee resolution to grant planning permission and a decision notice being issued.
- 7.79 Policy ESD3 of LPP1 is still however material and up-to-date with respect to non-residential buildings and it requires all such buildings to be designed to achieve a BREEAM 'very good' rating. A condition is therefore recommended that requires all non-

residential buildings in subsequent reserved matters proposals to be designed to meet this standard.

- 7.80 Officers therefore have no objection to the proposals with respect to energy sustainability subject to the imposition of the conditions recommended.

Off-site Infrastructure Mitigation

- 7.81 Policies Banbury 17 and INF1 require not only new infrastructure to be provided on the site to meet the needs arising from the development but off-site improvements are required too in order to ensure proper mitigation of its impacts on community services and public resources.

- 7.82 Whilst new educational facilities are required on-site to meet the needs arising from the development (in the form of a new primary school and secondary school playing fields) , off-site contributions are required too in the form of a financial contribution to fund the expansion of the nearby Blessed George Napier School. This is calculated on a per pupil basis and the final amount required to be contributed depends on the precise amount of development later proposed and the ultimate mix of housing. Such a financial contribution needs to be secured with OCC through s106 agreement. Similarly the proposals are likely to generate a need for additional special educational need provision in the local area. As a result, a financial contribution towards an expansion project at Frank Wise School is recommended to be sought through s106 agreement.

- 7.83 The proposed development is also likely to give rise to additional demand on local indoor sports facilities and to this end a financial contribution is required to mitigate this impact through an expansion and improvement of Spiceball Sports Centre in Banbury. This financial contribution is required to be secured through s106 based on a matrix approach given that the exact figure required is as yet unknown as it will depend on the final amount of new housing proposed and the mix of dwelling sizes .

- 7.84 Thames Valley Police has also made representations on the application and claimed that the increased population arising from the proposal is likely to put pressure on existing police facilities. At this stage it is unclear to what extent the contributions sought have been fully justified as genuine capital projects or, if not, if they are a type of infrastructure that has been funded five or more times within the District since April 2010. Officers are mindful of the statutory tests and limitations relating to the pooling of infrastructure through s106 agreements and before pursuing the Thames Valley Police contributions further, additional clarification will need to be sought. However, for clarity officers have at this stage listed these financial contributions among the items recommended to be secured through a planning obligation.

- 7.85 As part of the preparation of Local Plan Part 1 it became clear that both Banbury and Bicester had inadequate burial sites to manage the projected population increases arising from the planned development. As a result, Policy Banbury 13 includes a requirement for new strategic residential development proposals to make a financial contribution towards expansion of existing cemetery facilities in the town. Officers therefore recommend that a financial contribution is sought from this proposed development through a s106 agreement. Once again, the exact sum necessary would be dependent upon the amount of housing finally proposed as well as the mix of dwelling sizes.

- 7.86 OCC has also made representations requesting financial contributions towards expansion of facilities/bookstock at Banbury Library as well as additional adult health and day care provision in the local area. Officers recommend that these financial contributions are sought through s106 agreement in line with the OCC's representations.

- 7.87 Other financial contributions are also required towards mitigation of transport impacts as discussed previously in this report as well as an off-site ecological enhancement project that focuses on habitat that supports priority farmland bird species and brown hare.
- 7.88 Thames Water is the water supply and sewerage provider for the area and in response to consultation on the proposals they raised concerns about the impact of the development on the capacity of the existing network. Without on and/or site improvements to the network this could lead to sewer flooding with associated significant environmental consequences as well as inadequate supply of mains water to new/existing homes. In order to ensure this does not occur and in accordance with the recommendations of Thames Water, officers recommend that conditions are imposed that prevent any development taking place until the developer has undertaken studies to determine existing capacity and any improvements necessary. Any improvements will then need to have been made before any new demand is placed upon the water supply and sewerage network. This is an approach regularly taken with respect to major new development proposals.
- 7.89 Subject to securing mitigation of the above off-site infrastructure through s106 agreement and/or conditions as appropriate, officers are satisfied that the proposed development would not have a significant adverse impact on the overall provision of community services and public infrastructure.

#### Planning Obligation(s)

- 7.90 In order to ensure that the significant adverse impacts of the development are mitigated in addition to securing provision of suitable on-site provision of facilities and affordable housing, a s106 agreement (planning obligation) will need to be entered into with both Cherwell District Council and Oxfordshire County Council. This is preferably in the form of a single planning obligation entered into with both Councils. In order to justify requiring the developer/landowner(s) to enter into a planning obligation, the relevant covenants within the planning obligation need to meet a number of statutory tests, these being: a) necessary to make the development acceptable in planning terms; b) relevant to the development proposed; c) fairly and reasonably related in scale and kind. Furthermore, there is also a statutory restriction on seeking more than five pooled contributions towards a type of infrastructure or infrastructure project in the District since April 2010 where such infrastructure could otherwise be funded through the Community Infrastructure Levy. Officers have had regard to the requirements of relevant development plan policies and considered any associated planning obligation requirements against the above statutory provisions. Having done so officers are of the view that a significant number of items need to be secured through a planning obligation before the development can be considered acceptable and, in turn, planning permission granted. These items are as follows:

#### *Cherwell District Council:*

- Minimum 30% affordable housing;
- Provision of on-site community facility (600sq m floorspace) and maintenance contributions;
- Provision of on-site adult/junior football pitches, pavilion and maintenance arrangements;
- Provision of 0.9ha on-site allotments and management/maintenance arrangements;
- Provision of 6 x LAP, 3 x LEAP, 1 x NEAP together with maintenance arrangements;
- Financial contribution towards off-site sports facility enhancements (extension to Spiceball Sports Centres) – approximately £758,658 index linked;
- Financial contribution towards additional burial site provision in Banbury;
- Provision of public artwork on site together with maintenance arrangements;

- Maintenance arrangements for public realm features – green spaces, public open space, trees/hedgerows, drainage features, footpaths etc;
- Specification of local centre together with a programme for its provision on site;
- Provision of a new footpath/bridleway around the site, its specification, point of connection to eastern boundary together with arrangements to secure long-term maintenance and access for the public in perpetuity;
- Financial contributions to be forwarded to Thames Valley Police for the infrastructure set out in their consultation response where these have not been pooled towards more than five times from other developments in the District since April 2010;
- Financial contribution towards off-site species conservation project to compensate for adverse impact on BAP priority species (farmland birds and brown hare);

*Oxfordshire County Council:*

- Financial contribution towards pump priming new bus route to serve the development and to meet costs of temporarily increasing frequency of the 488 service during the initial years - £1000/dwelling;
- Financial contribution towards funding a temporary diversion of the 488 bus service into the site to ensure that it is credible;
- Improvements to surrounding public rights of way: £45,000 towards Bodicote bridleway 45, £25,000 towards Bodicote bridleway 11, £40,000 towards Banbury restricted bridleway 41 (Saltway), £30,000 towards Banbury footpath 40, £20,000 towards Broughton bridleway 14 and £15,000 towards Banbury footpath 37;
- Financial contribution to the Banbury Area Transport Strategy with improvements proposed to Bridge Street/Cherwell Street eastern corridor, the A361 Southam Road junction with Castle Street and Warwick Road as well as Bloxham Road/Springfield Avenue junction;
- Off-site highway works required to be carried by the developer and secured through a s278 highway agreement to deliver signalisation of Bloxham Road/Queensway;
- To ensure the developer enters into a highway agreement under s278 of the Highways Act 1980 to lay out the approved new access arrangement;
- To require the laying out of a spine road from Bloxham Road through to the site's eastern boundary at coordinates to be agreed to ensure suitable connection with the element of the spine road proposed under application reference 15/01326/OUT. Spine road specification to include: 6.75m wide carriageway, 2m footway, 3m combined footway/cycle track, bus stop infrastructure and associated grass verges. Spine road to be completed to the site's eastern boundary and available for public use by the occupation of 500 dwellings on the site;
- Financial contribution to cover the costs of making/varying Bloxham Road traffic regulation order to introduce speed limit changes and restrict vehicular access along existing section of Bloxham Road by Crouch Cottages;
- Financial contribution towards the monitoring of the Travel Plan;
- Financial contribution of approximately £6,222,734 towards part of the build costs of a new primary school on the site or suitable alternative arrangements for direct delivery of the primary school by the developer;
- 3.01ha of primary school land safeguarded as part of the development. Transfer of 2.22ha of fully serviced primary school land to OCC (1.81ha at nil cost to directly mitigate impact of the application proposals) by occupation of 150 dwellings on the site to enable construction by OCC. Alternatively, to secure arrangements for transfer of completed primary school site in the event of direct delivery by developer;
- OCC to secure option to obtain remaining 0.79ha of the 3.01ha primary school land if needed at later stage to mitigate impacts of additional pupils generated through other developments on the allocated Banbury 16 and 17 sites;
- Financial contribution of approximately £4,505,062 towards expansion of neighbouring Blessed George Napier (secondary) School;

- Provision of 1.855ha of secondary school playing field land on the site to mitigate impact of expansion at Blessed George Napier School and terms of transfer to OCC. 1.22ha provided at nil cost with the remainder required to mitigate impact of surrounding developments;
- Financial contribution of approximately £210,804 towards expansion of Special Education Needs school capacity at Frank Wise School.
- Financial contribution of approximately £229,235 towards expansion of facilities at Banbury Library and cost of bookstock;
- Financial contribution of approximately £25,830 towards local adult health and wellbeing day care facilities;
- General administration and monitoring costs.

7.91 Notwithstanding the above, it is however necessary to have regard to other off-site financial contributions expected from other approved developments where these have been towards infrastructure to be provided on this site. This includes the outline planning permission granted on land west of Bloxham Road (14/01188/OUT) and, if approved, the current application on the eastern portion of the Banbury 17 site (ref: 15/01326/OUT). Having regard to the statutory tests of planning obligations in addition to Government guidance, the Council must not 'double charge' developers by effectively seeking multiple payments (and therefore overpayment) for the same item of infrastructure. In drafting a satisfactory planning obligation, account will need to be taken of any financial contributions received (or anticipated to be received) from other developments towards the items of infrastructure listed above and appropriate allowances made to ensure that only what is necessary is included within the planning obligation associated with this proposed development.

#### Local Finance Considerations

7.92 This development has the potential to attract New Homes Bonus for the Council equivalent to approximately £7,838,352 over 6 years based on current arrangements for the Council. Business rates are also likely to be received but the amount is unclear at this stage as the amount and type of commercial units in the local centre are not yet known. These sums of money can potentially be a local finance consideration which can in turn be a material planning consideration in weighing up the merits of the proposed development. Officers however recommend that Members give this very little weight given that it is unclear how much of a direct or indirect impact that this funding would have on making this particular development acceptable in planning terms. Furthermore, it is officers' view that other matters are of significantly more importance for a local planning authority given that it should be acting in the wider public interest and it is not appropriate for any genuine concerns in this respect to be outweighed by a financial matter such as this.

#### Other Matters

7.93 The proposals would result in the loss of 23ha of best and most versatile agricultural land based on the definitions provided by Government. This loss has been accepted in principle as part of taking the decision to allocate the site for development in LPP1. No objection can therefore be raised to this now. However, based on the recommendations of Natural England, officers recommend the imposition of a condition requiring a soil management plan to be submitted, approved and implemented which ensures that the higher quality top soil is separated from poorer quality spoil so that it can be re-used either on or off-site in new planting areas and green spaces. Officers also recommend use of a condition that requires approval of a spoil management plan to ensure that large mounds of earth do not form over prolonged periods on the site during construction works and that this spoil is either properly incorporated into a landscape strategy for the site or removed from the land.

## **8. Conclusion**

- 8.1 The application site represents the vast majority of a larger site allocated for major new residential development in LPP1 through Policy Banbury 17. For the reasons set out in this report, subject to conditions and a satisfactory s106 agreement, the proposals are considered to accord with Policy Banbury 17 and satisfactorily facilitate development on the wider Banbury 17 site in the manner required by Policy Banbury 17 as well as all other relevant policies of the District's development plan. Whilst up to 80 additional dwellings are proposed on the overall allocated Banbury 17 site in comparison to that set out in Policy Banbury 17, officers have sufficient confidence that this amount of development can be acceptably accommodated on the site though it will probably require greater provision of smaller dwellings and more compact unit typologies. However, this general approach makes efficient use of land in a sustainable location which officers support in principle and assists in delivering the small to medium sized dwellings that are recognised as in greatest need in the District.
- 8.2 Legislation requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. For the reasons discussed in this report, officers consider the proposals to be in accordance with the development plan and as a result the starting point should be to resolve to grant planning permission. As Policy Banbury 17 and the other main policies of LPP1 are up-to-date and consistent with national planning policy and Government guidance, there are no conflicts with national planning and sustainability objectives. Any other concerns raised in response to the proposals are not considered to be significant and are able to be satisfactory mitigated and so do not represent cogent reasons for departing from the development plan.
- 8.3 Whilst not necessarily a determinative matter, it is also prudent for Members to have regard to the District's ongoing housing supply position and the importance of development taking place on strategic allocated sites such as this to ensure consistent delivery of housing in the District. In doing so this ensures that the housing that is delivered is on the most suitable sites rather than through poor quality, undesirable speculative applications that are more likely to be submitted when the District's supply of housing drops due to delays in delivery of housing on the larger established strategic allocations. The proposed development would make a substantial contribution towards meeting housing need in the District and in turn would help maintain at least a minimum five year supply of housing that is important to ensuring proper sustainable planning and decision making takes place within the District.
- 8.4 In coming to this conclusion, officers have had regard to the development plan, Government guidance as well as statutory and third party representations made in response to the application. In addition, the information contained within the submitted Environmental Statement has been considered as part of assessing the merits and impacts of the proposed development. Officers are satisfied for the reasons set out in this report that the adverse environmental effects of the development would not be significant subject to the mitigation measures secured through the recommended conditions and legal agreement clauses. This report should be considered as the Council's statement for the purposes of regulation 24(c) of the EIA Regulations 2011 (as amended).

## 9. Recommendation

**That Committee resolves to inform the SoS that the Council proposes to grant planning permission subject to:**

- 1. The satisfactory completion of a legal agreement with both Cherwell District Council and Oxfordshire County Council to secure the items listed in paragraph 7.90; and**
- 2. The imposition of the conditions set out below;**
- 3. Either, the imposition of a ceiling on the amount of development that can take place on Banbury 17 until the spine road is completed including through use of additional planning condition(s) and/or via planning obligation;**

**Or, securing an appropriate legal mechanism by which delivery of a completed spine road can be ensured at an appropriate stage in accordance with OCC's recommendation.**

**In the event that the application is not called-in by the SoS, to delegate authority to the Head of Development Management to issue the notice of planning permission on satisfactory completion of the legal agreement.**

**That Committee also resolves to delegate authority to the Head of Development Management to make any necessary post-Committee minor amendments to the recommended conditions and items in the legal agreement subject to the prior written agreement of the Chairman. Any such changes would be limited to the extent that they would not materially deviate from the nature of the Committee resolution and the basis on which on the SoS was informed of the Council's proposed decision.**

### Conditions

1 No development shall commence on a phase identified within an approved phasing plan (see condition 2) until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

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

2 Prior to the submission of any application for approval of reserved matters but following approval of details submitted under the requirements of condition 6, a phasing plan covering the entire application site (that indicates clear development parcels for which reserved matters applications will be submitted) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved phasing plan and reserved matters applications shall only be submitted in accordance with the approved phasing plan and refer to the phase(s) they relate to.

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

3 In the case of the reserved matters, no application for approval shall be made later than the expiration of eight years beginning with the date of this permission.

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

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

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.

5 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings

JJG043 - 033 Rev. B - Location Plan

A\_005 Rev. D Footway Linkage and Delivery Plan

but only insofar as they relate to matters not reserved for later approval.

The development shall also be carried out in general accordance with the details shown in the submitted Development Framework Plan (ref: JJG043-035 Rev. Q) except insofar as it conflicts with the masterplan and design code approved under the requirements of condition 6 of this planning permission.

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.

6 No application for reserved matters approval shall be submitted nor any submissions be made under the requirements of any other condition attached to this consent until a Design Code and Masterplan covering the entire application site has been submitted to and approved in writing by the local planning authority.

The Design Code shall include:

- a) A density plan for the site;
- b) Design influences study and character areas;
- c) The general scale, form and style of buildings within each area of the site

as well

as details of the means of enclosure to be used;



- including
- d) The street form, street frontage and hierarchy for all types of street/road details of street design and surfacing;
  - e) The approach to car and cycle parking across all areas of the site;
  - f) The materials to be used across the site;
  - g) The treatment of all on-site hedge corridors, retained trees and public rights of way
- development
- h) The means by which sustainability features will be incorporated into the development
  - i) Details of how the principles of Secured by Design will be incorporated into the development

The Masterplan shall reflect and include:

- a) An overall indicative layout plan showing the distribution of all principal land uses throughout the site including residential, the local centre, primary school, secondary school land, community facilities, public open space, play areas, sports pitches, pavilion and recreation facilities as well as locations of existing and new footpath/bridleway/cycle links,
- b) The character areas to be covered in the Design Code.
- c) The general areas for structural soft landscaping, mitigation planting and hedge and tree protection corridors
- d) The Parcels/Phases into which the development is to be divided (each parcel/phase being one that is intended to be developed as a single entity and for which a Reserved Matters application is to be submitted).
- e) The strategy for surface and land drainage for the site including approximate locations of attenuation/retention ponds, drainage ditches, swales, pumping stations etc.
- f) The appropriate alignment of the spine road and general location of bus stops/crossing points on it as well as the general alignment of principal estate roads.
- g) Locations of existing, enhanced and new footpath/bridleway/cycle links.
- h) Details of the approximate means and position of any temporary bus turning facilities.
- i) Details of the approximate location of public artwork within the development.
- j) The strategy for on-site renewable energy generation.

All subsequent applications for approval of reserved matters and other submissions in requirement of conditions imposed on this outline planning permission shall be in accordance with the approved Design Code and Masterplan.

Reason - To ensure the development proceeds in a manner that is consistent with national and local planning policy objectives to deliver high quality residential environments that integrate successfully with the surrounding area in accordance with the requirements of Policies Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

7 Prior to the submission of any applications for approval of reserved matters but following the submission of the Design Code/Masterplan (condition 6), full details of the spine road (from its access off Bloxham Road to the eastern boundary of the application site) including its alignment, specification, junctions (other than private drives), drainage, crossings, road markings, traffic calming, footways/cycle lanes, verges, on-street parking bays, street lighting, bus stop infrastructure and associated soft landscaping shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority.

Reason - To ensure that a suitably designed spine road is approved to enable proper design and consideration of reserved matters submission on the site and to facilitate appropriate timely delivery of the spine road to assist in bringing forward development on the wider Banbury 17 allocated site.

8 No development shall take place on any phase (as approved under condition 2) until full details of existing and proposed ground and floor levels within that phase have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out only in accordance with the approved levels.

Reason - In the interests of visual amenity in accordance with the requirements of Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

9 No development shall take place on any phase as approved under condition 2 until full design details of the play areas proposed within that phase (including any Local Areas of Play [LAPs], Local Equipped Areas of Play [LEAPs] and Neighbourhood Equipped Areas of Play [NEAPs]) have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place only in accordance with the approved details.

Reason - To ensure the development is served by appropriate play facilities in the interests of sustainably providing for the amenities of the new residents in accordance with the requirements of Policies Banbury 17, BSC10 and BSC11 of the Cherwell Local Plan 2011-2031 Part 1.

10 No development shall take place on any phase (as approved under condition 2) including any works associated with the creation of the approved new access arrangements until a full arboricultural survey, method statement and arboricultural implications assessment that accords with BS: 5837:2012 (or any superseding British Standard) for all existing trees and hedgerows within and around the perimeters of that phase of the site have been submitted to and approved in writing by the local planning authority. The development shall then take place only in accordance with the approved details.

Reason - To ensure the continued health of retained trees/hedges of importance in the

interests of visual amenity and biodiversity in accordance with the requirements of Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

11 Prior to the commencement of development on any phase (as approved under condition 2), including any works associated with the creation of the approved new access arrangements, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with development in that phase including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, 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 continued health of retained trees/hedges of importance in the interests of visual amenity and biodiversity in accordance with the requirements of Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

12 No development shall take place on any phase (as approved under condition 2) including works of site clearance/preparation until the site has been thoroughly checked by a suitably qualified ecologist to ensure that no statutorily protected species which could be harmed by the development have moved on to the site since the date the previous surveys supporting the application 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.

Reason - To ensure the development does not cause harm to protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

13 No development shall take place on a phase until a drainage strategy detailing any necessary on and/or off site foul and surface drainage works has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community

14 No development shall take place until impact studies on the existing water supply and have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

15 Prior to the commencement of development on any phase, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present on

land within that phase and the risks to receptors that inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

16 If contamination is found within land associated with a phase through work carried out under condition 15, prior to the commencement of the development within the phase, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place within the phase until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

17 If remedial works have been identified in condition 16, no development shall be occupied within a phase (as approved under condition 2) (other than for construction purposes) until the remedial works have been carried out for that phase in accordance with the scheme approved. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority before any occupation of development on that phase can take place.

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

18 If during development on a phase, contamination not previously identified is found to be present on land within that phase, no further development shall be carried out until full

details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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

19 Prior to the commencement of the development hereby approved, including 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 mitigation or protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

20 All applications for reserved matters approval relating to a phase shall be accompanied by a method statement demonstrating how the development in that phase would contribute towards and be consistent with the objectives for enhancement of biodiversity across the site. Thereafter, the development approved on that phase shall be carried out in accordance with the approved method statement.

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

21 Prior to the commencement of the development hereby approved, a full Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall include:

- o Description and evaluation of the features to be managed
- o Ecological trends and constraints on site that may influence management
- o Aims and objectives of management
- o Appropriate management options for achieving aims and objectives
- o Prescriptions for management actions for a 20 year period and beyond
- o Preparation of a work schedule (including a 5yr project register, an annual work plan and the means by which a plan will be rolled forward annually)
- o Personnel responsible for implementation of the plan

- o Monitoring and remedial contingency measures triggered by monitoring.

Thereafter, the LEMP shall be carried out in accordance with the approved details.

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

22 No development shall take place on a phase (as approved under the requirements of condition 2) including any works of site clearance, until a Construction Management Plan (CMP) relating to that phase has been submitted to and approved in writing by the local planning authority. The CMP shall include details relating to the following matters:

- Measures to reduce noise, environmental nuisance and disruption for nearby residents;
- Measures to avoid undue impact on ecology during construction work;
- Construction traffic management (to include a restriction on construction vehicles using Wykham Lane).

Thereafter, the development on that phase shall be carried out in accordance with the approved CMP at all times.

Reason -To avoid causing undue environmental nuisance associated with the construction of the development in accordance with the requirements of Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

23 No development shall take place within 10m of an existing or new public right of way until the affected public right of way is protected during development to accommodate a width of a minimum of 5m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority except where the affected public right of way has the prior authorisation of the local planning (or highway) authority to be diverted or extinguished. Thereafter, the public right of way shall remain protected and available for use at all times in accordance with the approved details throughout the construction of the development unless otherwise agreed in writing by the local planning authority.

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

24 All applications for reserved matters approval relating to a phase (as approved under condition 2) shall include details of the alignment and specification of any and all new and/or enhanced footpaths, bridleways and cycle tracks to be provided within/through that phase together with a timetable for their provision/completion. Thereafter the new footpaths, cycle tracks and bridleways shall be provided in accordance with the details approved as part of the grant of reserved matters approval for that phase. .

Reason - In the interests of the amenities of future residents and to maximise walkable neighbourhoods in accordance with the requirements of Policy Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

25 All applications for reserved matters approval for a phase (as approved under condition 2) proposing residential development shall be accompanied by details of the significant on site renewable energy provision to serve the dwellings within that phase. No dwelling within that phase shall thereafter be occupied until it is being served by the approved renewable energy generation measures and shall remain so thereafter.

Reason - In the interests of creating sustainable development in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

26 All applications for approval of reserved matters shall be accompanied by full details of the elements of the surface water drainage scheme to be incorporated within that approved phase together with details of how the surface water drainage arrangements within that phase are consistent with the overall drainage strategy for the site to ensure surface water run-off resulting from the whole development will not exceed pre-development greenfield run-off rates in a manner that accords with best practice for Sustainable Drainage Systems (SuDS).

Reason - To ensure that as the development progresses appropriate consideration is given to ensuring that overall the development does not increase the risk of localised flash flooding in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1.

27 Prior to the commencement of any development within an approved phase, details for the management, storage and/or disposal of spoil resulting from construction works on that phase shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only take place in accordance with the approved details.

Reason - To ensure inappropriate storage of earth material does not occur on the site leading to inappropriate and unsightly landscape features on the site both during and post construction.

28 Prior to the commencement of the development, a soil management plan shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall take place in accordance with the approved details.

Reason - To ensure the adverse environmental effects of the development as a result of lost best and most versatile agricultural land are adequately mitigated in accordance with the conclusions of the Environmental Statement.

29 No occupation of any building or dwelling on the site (other than for construction purposes) shall take place until the highway works shown in drawing no. A\_005 Rev. D have been fully completed and made available for continued public use.

Reason - To ensure the development is served by an appropriate form of access that does not have an unacceptable impact on the wider highway network in accordance with the requirements of Policies Banbury 17 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

30 No dwelling shall be occupied within any phase (as approved under condition 2) until full details of the street lighting to be provided within that phase has been submitted to and approved in writing by the local planning authority. Thereafter the street lighting shall be provided as approved prior to first occupation of any dwelling within the phase and retained as approved thereafter.

Reason - To ensure a safe and satisfactory residential environment is provided and to mitigate impact on public infrastructure in accordance with the requirements of Policy ESD15, Banbury 17 and INF1 of the Cherwell Local Plan 2011-2031 Part 1.

31 Prior to first occupation of any dwelling within a phase (as approved under condition 2), fire hydrants shall be provided for that phase in accordance with details to be first submitted to and approved in writing by the local planning authority.

Reason - To secure the provision of essential infrastructure in the interests of reducing risk of fire damage in accordance with the requirements of Policy INF1 and BSC9 of the Cherwell Local Plan 2011-2031 Part 1.

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

Prior to occupation of 50% of the dwellings approved on the site, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved updated Travel Plan shall be implemented and operated thereafter in accordance with the approved details.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policy Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

33 Prior to the first occupation of any dwelling on the site, details of a scheme of public artwork to be installed within the site (including a timetable for its provision and future maintenance arrangements) shall be submitted to and approved in writing by the local planning authority. The public artwork shall thereafter be installed in accordance with the approved details.

Reason - In the interests of creating a high quality public realm in accordance with the requirements of Policy Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

34 No dwelling shall be occupied on the site until 3 bins for the purposes of recycling, residual and garden waste have been provided for that dwelling, in accordance with the following specification:

- One 240 litre blue wheeled bin for the collection of dry recyclable material;
- One 240 litre green wheeled bin for the collection of residual waste;



- One 240 litre brown bin for the collection of garden waste material

Reason - To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policies INF1 and BSC 9 of the Cherwell Local Plan 2011 - 2031 Part 1.

35 No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

36 All dwellings on the site shall achieve an energy performance standard equivalent to at least Code Level 4 of the former Code for Sustainable Homes. No dwelling shall be occupied until it has been constructed to meet this energy performance standard unless otherwise agreed in writing by the local planning authority.

Reason - In the interests of sustainability in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

37 Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development Order) 2015 (and any Order or Statutory Instrument revoking or re-enacting that order), all new water, waste, power and communication related infrastructure serving development on the site shall be provided underground and retained as such thereafter unless otherwise with the specific prior approval in writing of the local planning authority either through a grant of reserved matters approval or separate full planning permission. Where approved in writing by the local planning authority, the relevant above ground infrastructure shall be provided only in accordance with the approved details and retained as such thereafter.

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

38 No trees or hedgerows on the site (as existing at the date of this decision) shall be lopped, felled, uprooted or wilfully damaged unless otherwise directly necessary to lay out the approved new access from Bloxham Road and provide appropriate vision splays (as granted by this outline planning permission) or is directly necessary to facilitate the carrying out of the detailed elements of the development approved by subsequent reserved matters consents and details approved pursuant to conditions attached to this consent or reserved matters approvals.

Reason - To ensure existing landscape features of significance are retained in the interests of creating a high quality development that is sympathetic to its setting and preserves/enhances biodiversity in accordance with the requirements of Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031.

39 No more than 1000 dwellings shall be accommodated on the site under the provisions of this planning permission.

Reason - To ensure that the local planning authority can consider the wider sustainability implications of a more intensive development on the site and to ensure the Environmental Statement is appropriate to the scale/impact of the development.

40 No more than 500 dwellings shall be occupied on the site until a spine road from the approved new vehicular access off the A361 (Bloxham Road) to the site's eastern boundary has been fully constructed and made available for public use in accordance with the details approved under the requirements of condition 7.

Reason - To ensure the satisfactory comprehensive development of the wider site allocated as Banbury 17 in the Cherwell Local Plan 2011-2031 Part 1, to ensure the site can be served by suitable public transport and to prevent significant adverse impact on the local highway network.

41 No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the local planning authority has confirmed in writing that such works can proceed based on the submission of a recent survey (no older than one month) that has been undertaken by a suitably qualified ecologist to assess the nesting bird activity on site together with details of measures to protect the nesting bird interest on the site.

Reason - In the interests of preventing harm to protected species in accordance with the requirements of Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

42 All non-residential buildings on the site shall be designed and constructed to achieve at least BREEAM 'Very Good' as measured against the applicable BREEAM standard for such buildings that exists at the date of this decision.

Reason - In the interests of sustainable construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

43 No part of any building on the site shall be located within 20m of any part of the Salt Way restricted byway.

Reason - To ensure the rural setting and public amenity value of this historic trade route is adequately protected in accordance with the requirements of Policy Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

44 The open market dwellings provided across the application site shall include a minimum of the following dwelling sizes:

- 25% as two bedroom dwellings;
- 45% as three bedroom dwellings.

Applications for reserved matters approval shall reflect these requirements unless with the

prior written agreement of the local planning authority.

Reason - In order to provide an appropriate mix of housing on the site to respond to the objectively assessed housing needs of the District in accordance with the requirements of Policy BSC4 of the Cherwell Local Plan 2011-2031 Part 1.

45 Applications for reserved matters approval that propose any part of a dwelling within 50m of the newly aligned A361 (Bloxham Road) shall be accompanied by details of noise mitigation measures to be incorporated into the development to ensure that the World Health Organisation's 1999 guidance on noise values for outdoor areas of 55 dB LAeq (16 hr) or less can be achieved during the time period 07:00 to 23:00 hrs for domestic gardens and that the internal noise levels in habitable rooms of the affected dwellings do not exceed the criteria specified in Table 4 of BS 8233:2014. The affected dwellings shall only be occupied once the noise mitigation measures approved as part of the relevant reserved matters approval(s) have been fully incorporated.

Reason - In the interests of the residential amenity of future occupants of dwellings on the site in accordance with the requirements of Policy ENV1 of the Cherwell Local Plan 1996.

46 Prior to the first occupation of any building or dwelling on the site (other than for construction purposes), details of measures controlling/restricting vehicular access between the application site and Wykham Park Farm to the south shall be submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be brought into effect prior to first occupation of the development and be retained/maintained as such thereafter.

Reason - To ensure inappropriate use of the existing farm track does not occur in the interests of the amenities of future residents as well as the wider highway network.

47 All applications for reserved matters approval relating to a phase (as approved under condition 2), shall be accompanied by a lighting strategy outlining how lighting will be sensitively designed within that phase to minimise disturbance to wildlife (in particular bats). Thereafter, the development within that phase as authorised through the grant of reserved matters approval shall be carried out in accordance with the approved lighting strategy.

Reason - To ensure suitably dark areas of the site and pathways are retained/created in the interests of wildlife in accordance with the requirements of Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

48 Prior to first occupation of any dwelling on the site, any and all existing vehicular accesses to the application site from Bloxham Road except those approved as part of drawing no. A\_005 Rev. D shall be permanently stopped up and there shall be no other new means of vehicular access created to the application site other than those specifically approved as part of this planning permission.

Reason - To ensure the safety and efficiency of the highway network is maintained in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part

1.

49 No works shall be undertaken that results in the temporary or permanent need to divert an existing public right of way that runs through the site until details of a satisfactory alternative route have first been submitted to and approved in writing by the local planning authority. The existing public right of way shall not be stopped up or obstructed in any way (save for any temporary arrangement that has the prior written agreement of the local planning authority), until the new diverted route has been provided in accordance with the approved details and is fully available for public use.

Reason - In the interests of public amenity in accordance with the requirements of Policy Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

50 Residential development on the site shall achieve an average minimum density of 30 dwellings/hectare across each and all residential parcels (as approved within the Design Code/Masterplan under the requirements of condition 6).

Reason - To ensure that as development progresses it takes the opportunity to make efficient use of land in the interests of sustainability contributing towards housing delivery in accordance with the requirements of Policies BSC1, BSC2 and Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

51 Prior to the commencement of development within any phase that includes a part of public bridleway Bodicote 11, details shall be submitted of measures to protect and enhance that part of the public right of way within the phase together with a timetable for such protection/enhancement measures to be implemented.

Reason - To ensure that the part of this bridleway that runs through the site is protected during and post construction and that it is enhanced in a manner that is suitable for its increased usage in accordance with the requirements of Policy Banbury 17.

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

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

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

organisation in accordance with the approved first stage Written Scheme of Investigation.

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

**Planning Notes/Informatives:**

1. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

2. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has worked positively and proactively to determine this application in an efficient manner having worked with the applicant/agent where necessary to resolve any concerns that have arisen during consideration of the application in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

3. No development shall take place across any public footpath/right of way unless and until it has been legally stopped up or diverted.

4. If the permission hereby given requires work within the public highway, the applicant is advised that he/she should not commence such work before formal consent is secured from the Highway Authority by way of either (a) a Section 184 Highways Act 1980 notice, or (b) the completion of a formal agreement between the applicant and the Highway Authority. Details of the form of both a) and b) above may be obtained direct from Oxford County Council, the Highway Authority on Tel. (01865) 844300.

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

6. The District Council, as local planning authority, in deciding to approve this proposal has taken into account the Environmental Statement submitted with the application and any relevant representations made about the likely environmental effects by the public or consultees.

7. Your attention is drawn to the need to have regard to the requirements of UK and European

legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.

8. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

**CONTACT OFFICER:** Matthew Parry

**TELEPHONE NO:** 01295 221837

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

**District:** Cherwell

**Application no:** 14/01932/OUT

**Proposal:** Outline - Development of up to 1,000 dwellings together with a mixed use local centre. [including A1 retail up to 1,000 m2, financial services (A2), restaurants, pubs and takeaways (A3, A4, A5), community uses (D1)]; primary school and safeguarded additional primary school land; secondary school playing field land; green infrastructure including formal (including playing fields) and informal open space, landscape and amenity space; changing and sports facilities (including D2); sustainable drainage systems; highway, cycle and pedestrian routes; car parking; infrastructure (including utilities); engineering works including ground remodelling; demolition, site reclamation and removal of structures. Formation of a new roundabout access from the A361 together with associated alterations to alignment of Bloxham Road and provision of a section of spine road through the site up to its eastern-most boundary

**Location:** OS Parcel 7400 Adjoining and South Of Salt Way Banbury

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## **Recommendation**

**No objection subject to agreement (to be secured within a planning obligation) of a mechanism to ensure the timely delivery of the proposed link road through whole of the Banbury 17 allocation site (between A361 & A4260).**

- The mechanism should take account of the need to facilitate the sustainable delivery and functioning of the composite Banbury 17 allocation site by means of including appropriate covenants to facilitate such timely delivery of the link road in the event of slow implementation and housing delivery by part of the allocation site.
- Appropriate pro rata funding towards the full costs of provision of the link road would be required.
- The area of this application (as part of the western portion of the allocation site) should be limited to a maximum of 500 homes served from a single access off A361 (also with an emergency access provision).

The County Council would wish to inform the planning committee that it has concerns about its ability to reach agreement with all appropriate applicants at the allocation site to deliver such a mechanism to facilitate timely delivery of the link road through the entirety of the allocation site. If the principles of an early agreement over the mechanism are not progressed within a short timeframe this could lead to delays potentially frustrating the ability to deliver sustainable planning permissions and subsequent development.

The transport response below updates that of 19<sup>th</sup> May 2016. All other points raised in OCC's responses of 19<sup>th</sup> May 2016 and 05 February 2015 still apply, other than those addressed below.

**Officer's Name:** David Flavin

**Officer's Title:** Senior Planning Officer

**Date:** 26 July 2016

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**District:** Cherwell

**Application no:** 14/01932/OUT

**Proposal:** Outline - Development of up to 1,000 dwellings together with a mixed use local centre. [including A1 retail up to 1,000 m2, financial services (A2), restaurants, pubs and takeaways (A3, A4, A5), community uses (D1)]; primary school and safeguarded additional primary school land; secondary school playing field land; green infrastructure including formal (including playing fields) and informal open space, landscape and amenity space; changing and sports facilities (including D2); sustainable drainage systems; highway, cycle and pedestrian routes; car parking; infrastructure (including utilities); engineering works including ground remodelling; demolition, site reclamation and removal of structures. Formation of a new roundabout access from the A361 together with associated alterations to alignment of Bloxham Road and provision of a section of spine road through the site up to its eastern-most boundary

**Location:** OS Parcel 7400 Adjoining and South Of Salt Way Banbury

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## **Transport**

### **Recommendation:**

**No objection subject to conditions, S106 and agreement (to be secured within a planning obligation) of a mechanism to ensure the timely delivery of the proposed link road through whole of the Banbury 17 allocation site (between A361 & A4260).**

### **Key issues:**

- The mechanism for link road delivery should take account of the need to facilitate the sustainable delivery and functioning of the composite Banbury 17 allocation site by means of including appropriate covenants to facilitate such timely delivery of the link road in the event of slow implementation and housing delivery by part of the allocation site.
- Appropriate pro rata funding towards the full costs of provision of the link road would be required.
- The area of this application (as part of the western portion of the allocation site) should be limited to a maximum of 500 homes served from a single access off A361 (also with an emergency access provision).

### **Legal agreement required to secure:**

If the LPA is minded to grant permission the following would need to be secured via S106 agreement:

- Mechanism to ensure the timely delivery of the proposed link road through whole of the Banbury 17 allocation site (between A361 & A4260). The mechanism for link road delivery should take account of the need to facilitate the sustainable delivery and functioning of the composite Banbury 17 allocation site by means of including appropriate covenants to facilitate such timely delivery of the link road in the event of slow implementation and housing delivery by part of the allocation site.
- Appropriate pro rata funding towards the full costs of provision of the link road would be required.
- The area of this application (as part of the western portion of the allocation site) should be limited to a maximum of 500 homes served from a single access off A361 (also with an emergency access provision).



- Delivery of access arrangement – roundabout junction with A361 and associated works
- Delivery of cycle route connecting the site to the town centre and footway links to existing footways on the A361
- Connecting footway along verge on Bloxham Road north of Salt Way if signalised crossing at Salt Way is not delivered by others.
- Delivery of junction improvements/signalisation Bloxham Rd/Queensway
- Strategic transport contribution towards Bridge Street/ Cherwell Street eastern corridor improvements, A361 Southam Road junction with Castle Street and Warwick Road improvements and improvements at Bloxham Road/Springfield Avenue junction.
- Contribution and onsite infrastructure to secure public transport strategy
- Delivery of pedestrian connections to the site including across Salt Way
- On site rights of way improvements (see detailed comments)
- Contribution to off-site rights of way improvements (see detailed comments) including improvements on Salt Way.
- Monitoring fees for Travel Plans
- Contribution to cover the cost of traffic regulation order in connection with access arrangements

Highway works would be subject to a S278 agreement and secured via the S106.

### **Conditions:**

If the LPA is minded to grant permission, conditions would be required as follows:

- Link road details submission and approval
- Details of access arrangements to include dedication plan, with requirement for these to be constructed prior to first occupation (we would require these to be secured via the S106)
- Design code submission and approval – prior to first reserved matters submission
- Phasing plan submission and approval – prior to first reserved matters submission
- Details of pedestrian and cycle connections (including to Salt Way) prior to commencement – to be delivered prior to occupation within relevant phase
- Details of on-site footpath and bridleway improvements – to be delivered prior to an agreed trigger in each case
- Drainage strategy
- Travel Plans

### **Detailed comments:**

#### **Link Road<sup>1</sup>**

Our previous response contained a detailed critique of the Addendum to the Transport Assessment and its conclusions. Of key concern was the developer's assertion that the link road between Bloxham Road and White Post Road is not required to make the development acceptable, yet the developer is prepared to deliver it. This was based on assumptions that bias distribution of trips in favour of Bloxham Road, rather than the link road. It was identified

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<sup>1</sup> NB the spine roads through application sites 14/01932/OUT and 15/01326/OUT will form the link road between White Post Rd and Bloxham Rd

that Wykham Lane was incorrectly coded into the transport model, as it made unrealistic assumptions regarding journey time via Wykham Lane. A sensitivity test (as set out in our previous response) was carried out. Adjustments were made to the model to better reflect the lane's rural character, and restrictions to two way movements close to either end of the lane. When the model was re-run it showed that the link road would be well used by traffic from either end of the development using it as a through route, which has reduced the development's impact and reliance on Wykham Lane and residential roads to the north, thus the link road mitigates the impact of the development on sensitive areas of the surrounding road network. Without the link road in place the impact of the development results in several junctions being over capacity. The link road enables trips arising from the site to distribute more efficiently on to the network and reduces the pressure at the following junctions:

- White Post Road/Wykham Lane
- A4260 Oxford Road/Grange Road
- A4260 Oxford Road/Farmfield Road
- A361 Bloxham Road/Springfield Road
- A361 Bloxham Road/Browning Road
- A361 Bloxham Road/ Wykham Lane
- A361 North Bar/B4100 Warwick Road/A361 Southam Road/Castle Street
- A4260 Oxford Road/Weeping Cross.

The link road is included in the Banbury 17 policy for the following reasons:

- a) To distribute traffic arising from the Banbury 17 policy area on to the network utilising both the A361 to the west and White Post Road leading to the A4260 to the east. Enabling traffic to distribute both east and west will reduce the number of trips arising from the development placing extra pressure on the already busy junction of A361 Bloxham Road/South Bar/Oxford Road, or the residential road of Springfield Avenue, or on the narrow Wykham Lane. These are sensitive parts of the existing highway network and significant increases in traffic arising from the development are not acceptable on Springfield Avenue or Wkyham Lane.
- b) To enable a full sized public service bus to route through the site, to ensure the Banbury 17 policy area is served with a high quality, frequent and attractive bus service. This is essential to provide access to public transport in order to justify the trip rate arising from the site. Much of the part of Banbury 17 policy area pertaining to 14/01932/out is more than a 400m walking distance to the A361 which is a distance routinely accepted as an attractive and acceptable walking distance to access a bus service. The Banbury 17 Policy area is on the southern edge of Banbury and routing a bus through the site is the most practical, sustainable and commercial way to serve the full development area with public transport. A looping bus would not serve the whole Banbury 17 Policy area, and may not be commercially attractive.
- c) The link road is required for internal site layout purposes to ensure that residents on the eastern portion of the site have access to the community facilities including the Primary School.
- d) It is assumed that a road linking the A361 and the A4260 would attract trips not arising from the Banbury 17 policy area. Whilst this is accepted, it is not a primary drive of the need for a link road.

It is vitally important that the link road is secured not only to the boundary of the application site but in its entirety, to connect Bloxham Road and White Post Road. If it ended up only being built to the boundary only, it would obviously not function as intended.

The area of this application (as part of the western portion of the allocation site) should be limited to a maximum of 500 homes served from a single access off A361 (also with an emergency access provision). This should be secured within a planning obligation. It should be stressed that accepting this position would represent a departure from OCC's standard approach to site mitigation and would push acceptable transport impacts to the maximum extent. The limit is required for the following reasons:

- Enable traffic arising from Banbury 17 to distribute efficiently on to the surrounding network. The County remain concerned about traffic impact and have duly considered the volume of trips proposed arising from the development before the link road is in place and the ability to distribute traffic arising from the development. At 500 occupations (without the link road) in the AM peak the Transport Assessment identifies the development will generate around 200 car trips departing the site. The County has requested off site mitigation measures to signalise Queensway/Bloxham Road and improvements at Springfield Avenue. These capacity enhancements are requested at 400 occupations, in order to help mitigate the impact of not opening the link road until 500 occupations.
- Public transport/ bus routing in order to justify the trip rate arising from the site.
- Access from dwellings to public transport within 400m. The link road is important as the key public transport route for Banbury 17. It is essential to get access for Public Transport as early as possible to give the commercial case for bus services the best opportunity for success. The County seeks new developments to provide bus stops within 400m of new dwellings. It has been agreed (as part of the masterplan) that when the development is completed a new bus service will be funded by the development to fully serve it by traversing the link road. As the site is being built out and prior to the full delivery of the link road across Banbury 17, OCC would be looking to agree for the bus service to be diverted into the site. The walking distance for residents will be measured from the proposed bus stop associated with the internal turning circle shown on the Illustrative Masterplan (JJG0043/54), approximately 150 metres from the proposed roundabout junction with the A361 Bloxham Road. The location of this turning circle and bus stop must not be moved further eastwards as this represents the maximum agreed deviation from the line of route of bus service 488. It is possible that some of the first 500 dwellings may be in excess of 400 metres from the bus stop, but this is acceptable in this situation.
- Fulfil Local Plan policy Banbury 17 requirement of "early delivery" of the link road.
- Access to education facilities.
- Safety/emergency concerns regarding the single roundabout access point on the A361. The OCC Design Guide seeks to limit the number of dwellings served by a single access road to 400 units. The County is prepared to make a departure from standard in this temporary case, if there is a loop linking the spine road and the minor site access arm from the roundabout. Also, in view of concerns expressed by the emergency services regarding the two accesses joining the same roundabout, a gated emergency access point is required – this should also provide a cycle and pedestrian access point.
- Pedestrian and Cycle Access. The County needs to be satisfied that there is a suitable all year round walking route from the site to the primary school and connecting the two parcels before the link is completed. A lit all weather path (utilising Salt Way or otherwise) would be required by the time the school is open.

## **Off-site highway mitigation (other than access arrangements along Bloxham Road)**

### **a) A361 Bloxham Road/Queensway**

The developer has proposed to implement signalisation of this junction as direct mitigation for the impact of the development. The scheme proposed (Drawing B14129 A\_002 (Appendix G of the Transport Assessment)) may require some slight design tweaks, including better provision for cyclists, to be submitted as part of the S278 application. Works to be completed in advance of the 400<sup>th</sup> occupation of the Gallagher site.

### **b) A361 Bloxham Road/Springfield Avenue**

The Springfield Avenue arm of the A361 junction is identified in the transport assessment as overcapacity in the future year without the development.

It is acknowledged that development is required to mitigate its own impact and not remedy existing issues on the network. The Springfield Avenue scheme outlined in Drawing B14129 A\_002 (Appendix G of the Transport Assessment) is shown to mitigate the impact of the development and provides betterment of the junction. The council seeks a contribution to the A361 Bloxham Road/Springfield Avenue junction as part of the Strategic Transport Contribution in order for the council to consider in more detail a proposed scheme to benefit the area.

### **c) Pedestrian/cycle improvements**

In our previous response we highlighted the lack of proposals to provide cycle facilities between the development and the town centre, considered necessary mitigation for a development of this size. I am pleased to note that considerable improvements have been made to the access arrangements drawing, to ensure that cyclists are catered for on Bloxham Road at least as far as Salt Way.

In our previous response we said *'currently no mitigation is proposed for cyclists heading towards the town centre. This is required both for safe access and to encourage sustainable travel. The developer should provide details of a scheme to connect the site with the town centre alongside the A361.'*

*'A signalised crossing of the A361 is required to facilitate this route, as well as connecting up the new public right of way to the existing one on the west of the A361.'*

In the absence of any assurance that the crossing at Salt Way will be signalised, as a result of this or any other development, we would like to secure the construction of a footway on the east side of Bloxham Road between Salt Way and Lansdown Close, in the event that the signalised crossing is not delivered by a certain date. This is because, in the absence of a signalised crossing, some groups of pedestrians/wheelchair users, are not provided with a suitable route towards the town centre.

### **d) Strategic Contribution**

Contributions towards the Banbury Transport Strategy are requested in line with Local Transport Plan Policy BAN 6 as it is recognised that all peak hour trips add to the Banbury transport network. A contribution toward the Banbury Area Transport Strategy is required to mitigate the cumulative impact of planned growth by funding transport infrastructure and

services which cannot be attributed to a single development, but which will benefit trips from this proposed development.

The Cherwell Planning Obligations Draft Supplementary Planning Document (July 2011) provides a contribution rate towards general transport and access impacts.

Once a housing mix is provided the following will be used to calculate the contribution toward the Banbury Area Transport Strategy:

The Transport Infrastructure means the formula Matrix"  
 $\pounds(Ax 442) + (B X 638) + (C X 994) + (D X 1,336)$

When

A means the number of 1 Bedroomed Units

B means the number of 2 Bedroomed Units

C means the number of 3 Bedroomed Units

D means the number of 4 Bedroomed Units

Direct mitigation schemes, including public transport, are additional to the contribution to the Banbury Area Transport Strategy. Direct mitigation is sought at A361 Bloxham Road/Queensway as described in section (a) above.

Contributions will be specified towards a specific scheme/s within the Banbury Area Strategy of Connecting Oxfordshire: Local Transport Plan 2031. It is proposed that the contributions are allocated towards the following LTP4 Banbury Area schemes as listed in Policy BAN1:

- Bridge Street/ Cherwell Street eastern corridor improvements.
- A361 Southam Road junction with Castle Street and Warwick Road improvements.

*And given comments above at (b):*

- A361 Bloxham Road/Springfield Avenue improvements.

## **Public Transport**

See Annex 1 and the end of this report for full public transport justification.

In brief, the Council seeks £1000 per dwelling from this application site towards bus services, providing a total contribution of £1m. To provide a new bus service to serve the site is estimated to cost £1.44m.

## **Rights of Way**

We maintain our justification for the public rights of way improvements contributions requested in our previous response. These routes are for leisure and contribute to healthy living, rather than just providing pedestrian links for transport purposes. They require improvement because of the intensification of use which would occur from the development.

## **Access arrangements**

Adjustments have been made to address safety concerns and better cater for pedestrians and cyclists. A drawing (W14129-A-005-RevC) has been submitted which is acceptable subject to further detail to be submitted as part of the S278 application. This involves the

realignment of part of the A361, and the closure of part of the 'bypassed' section of the A361 to vehicular traffic. This will require formal consultation in connection with the required traffic order and a contribution will be sought to cover the cost of the consultation and making of the order.

### **Drainage**

Drainage information has not been supplied. We will require a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The scheme will need to include

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations

**Officer's Name:** Joy White

**Officer's Title:** Principal Transport Planner

**Date:** 26 July 2016

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## **Annex 1 - Bus service to the Salt Way area (July 2016)**

### **The Banbury bus market**

The market for bus services in Banbury is not very robust. Bus patronage per head is much lower than in Oxford and in other larger towns and cities. This is considered to be a consequence of readily-available parking for cars in Banbury and a mis-match between the current radial bus network and the location of employment to the north and east of the town, remote from many bus routes.

Traffic congestion is especially serious in the Banbury area. This causes increasing delays to buses, especially to any service crossing the Bridge Street/Cherwell Street junction. Increased bus use would mitigate the impact of additional cars from new developments.

The Council has a strategy to increase the level of bus use in Banbury, by encouraging the provision of services which better match home-to-work flows, to increase the geographic coverage of bus services and to reduce delays to bus services. New residential developments will generate a number of new bus services which will add to the frequency of bus services and the convenience of using the bus.

There will be some reduction of bus services in late July 2016 as a consequence of the withdrawal of Council revenue support. These reductions affect a number of outlying villages and the 'inner' part of the existing town bus service. Buses serving the outer residential areas are either currently commercially viable, or have the prospect of becoming commercially viable. There is an acceptance that developers should meet the 'start-up' cost of new bus services, which will become commercially viable in due course. There is no intention of requesting developer funding for services which can never become commercially viable.

This development is part of the Strategic Housing Allocation 'BAN 17'. It is located between the Bloxham Road and the Oxford Road radial corridors. To provide an acceptable level of bus service to this development, some improvement of service is required to radial corridors, followed by the introduction of a new service to provide access for people who will live too far from the radial corridors.

### **Service 488**

Bus service 488 (Chipping Norton-Bloxham-Banbury) is currently provided along the Bloxham Road, operating broadly hourly. This service is currently operating on a 4 year contract to the County Council, which requires some financial support – until July this year from the Council's revenue budget, then from July 21<sup>st</sup> until the end of May 2017 from section 106 funds.

It is intended to enhance service 488 from May 2017 using section 106 funding to procure additional journeys on this route, to provide a 30 minute service between Bloxham and Banbury. However, there is currently insufficient section 106 funding received from developments along this route to procure this improved service. So this enhancement may be delayed.

The original public transport strategy for this site (14/01932/OUT) was described as follows:

- 1) Access to existing 488 bus service in the form of new bus stops on the existing Bloxham Road route
- 2) Funding an enhancement of the 488 to provide a credible level of service for residents living within 400 metres of bus stops on the route

- 3) Funding an additional service from Banbury Town Centre to a turning point along the link road
- 4) Extension of this service along the Link Road to White Post Road, Bankside and beyond

The cost of enhancing bus service 488 to operate twice per hour (weekday daytimes) and an evening/Sunday service is unknown, until the Council goes out to tender. However, it is generally accepted that it is less costly to enhance an existing route along a main road than to create a completely new route to serve a greenfield development. Where an additional service on an existing main-road route may take four years to reach commercial viability (so no support required in year 5), it will generally take eight years to reach commercial viability on a completely new route through a green-field site. So, the ninth year should be without financial support.

So, whilst the 'Land West of Bloxham Road' (Barwood) site will contribute to the cost of enhancing bus service 488, along with the land East of Bloxham Road (Crouch Farm) site, the actual delivery of section 106 funds may be too slow to fund the likely tender profile for an enhanced 488, as the pump-priming principle will require larger payments in the early years. It may therefore be necessary to use some of the requested £1,000,000 (from 14/01932/OUT) to secure early delivery of the improved 488 service.

### **Services B1 and B2**

The Council has secured continued operation of bus service B2 from section 106 funding provided from Longford Park. However, this funding is primarily intended to deliver a new bus service to this new development. With the planned opening of the new Spine Road in 2017, it is highly probable that the B2 service will be re-routed away from Whitepost Road.

Go-Ride CIC has arranged to provide a replacement bus service for the B1 route serving the Easington and Timms Estate area from July 2016, on a trial basis. There is no certainty that this service will continue beyond the first few months, as Stagecoach was experiencing declining patronage.

Whereas services B1 and B2 were originally timetabled to complete a round trip within 30 minutes, increasing traffic congestion has caused these routes to be rescheduled to a very unattractive 35 minute round trip and frequency.

### **New 'BAN 17' bus service B4**

A new bus service B4 is proposed, to serve the BAN 17 area, along the link road. Experience with routes B1 and B2 strongly suggests that the round-trip time for this route would be greater than 30 minutes. Indeed, the proposed future routing of this service via the rail station ('Tramway' scheme) will also add time to the schedule. Therefore it is prudent to proceed on the basis that this service B4 will require 2 vehicles and will operate a 20 minute frequency on a 40 minute round-trip schedule.

Each new vehicle introduced on a new-development route away from existing bus corridors such as this is estimated to cost £720,000 (2016) to procure, over an eight-year contract

Year 1	£160,000
Year 2	£140,000
Year 3	£120,000
Year 4	£100,000
Year 5	£80,000



Year 6	£60,000
Year 7	£40,000
Year 8	£20,000
Year 9	commercially viable.

This table reflects a theoretical model where a bus operator tenders a 'nil revenue' for year 1, and then assuming an increasing passenger income of £20,000 per annum. Actual tender submissions will differ – however, this is a professional estimate of the cost per bus, in a situation where a new development is being built out, slowly.

This £720k per bus for new developments has been widely used in the 'Science Vale' area of Oxfordshire, in negotiations for new developments in the Didcot and Wantage area.

Hence, the cost of establishing a two bus operation, to provide a 20 minute frequency service, is estimated to be £1.44 million.

The £1,000 per dwelling contribution figure has already been used for the Whitepost Road (Gladman) site, as well as for other developments in the Bodicote and Adderbury areas. So on the grounds of fairness and equity between developers, the Council is not seeking in excess of £1,000 per dwelling on this site. The deficit of £160,000 will need to be sought from other developments and/or from efficiencies in the tendering mechanism or service specification.

The new developments in north Banbury (Warwick Road, Hanwell Fields, Southam Road) have agreed to contribute £1428.57 per additional dwelling towards the delivery of new bus services on the Warwick Road and Southam Road corridors. This reflects the cost of a slow build-up of patronage on these services, which depends on the build-out rates for these sites.

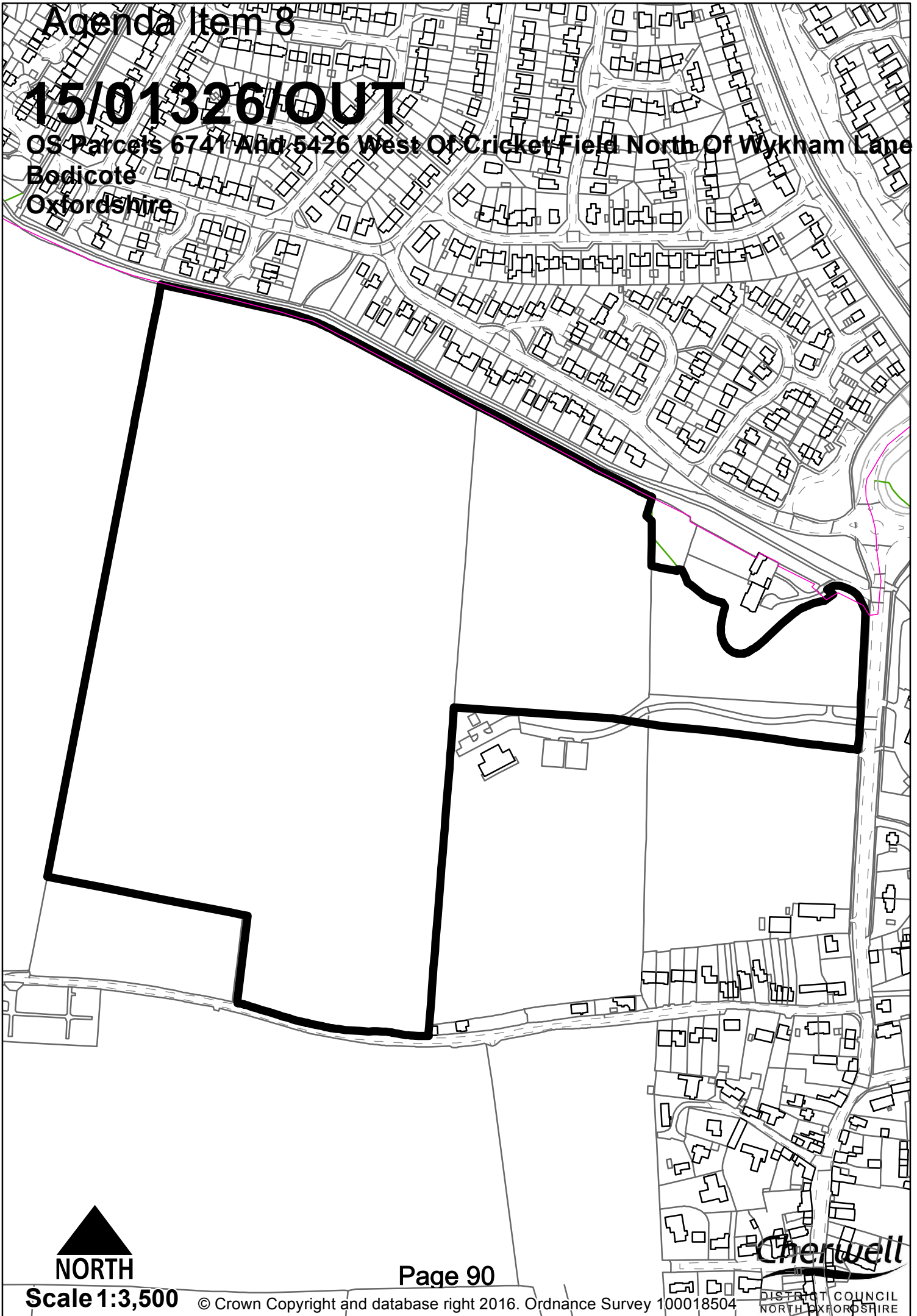
### **Conclusion**

The request for £1,000 per additional dwelling does not quite meet the estimated cost of providing a new sustainable bus service along the BAN17 link road. However, this amount is the same as the amount requested for the eastern end of BAN 17, also in the wider Bodicote and Adderbury areas.

Inevitably there is a certain amount of uncertainty of housing delivery rates on this and on other residential developments. However, the Council's Banbury Bus Strategy includes a requirement to deliver a new route 'B4' from the Bloxham Road and the Town Centre via Bankside and the Rail Station. Beyond the station, this service could well be 'cross-linked' to other services such as the new Southam Road or Wildmere services, thus providing improved home to work opportunities.

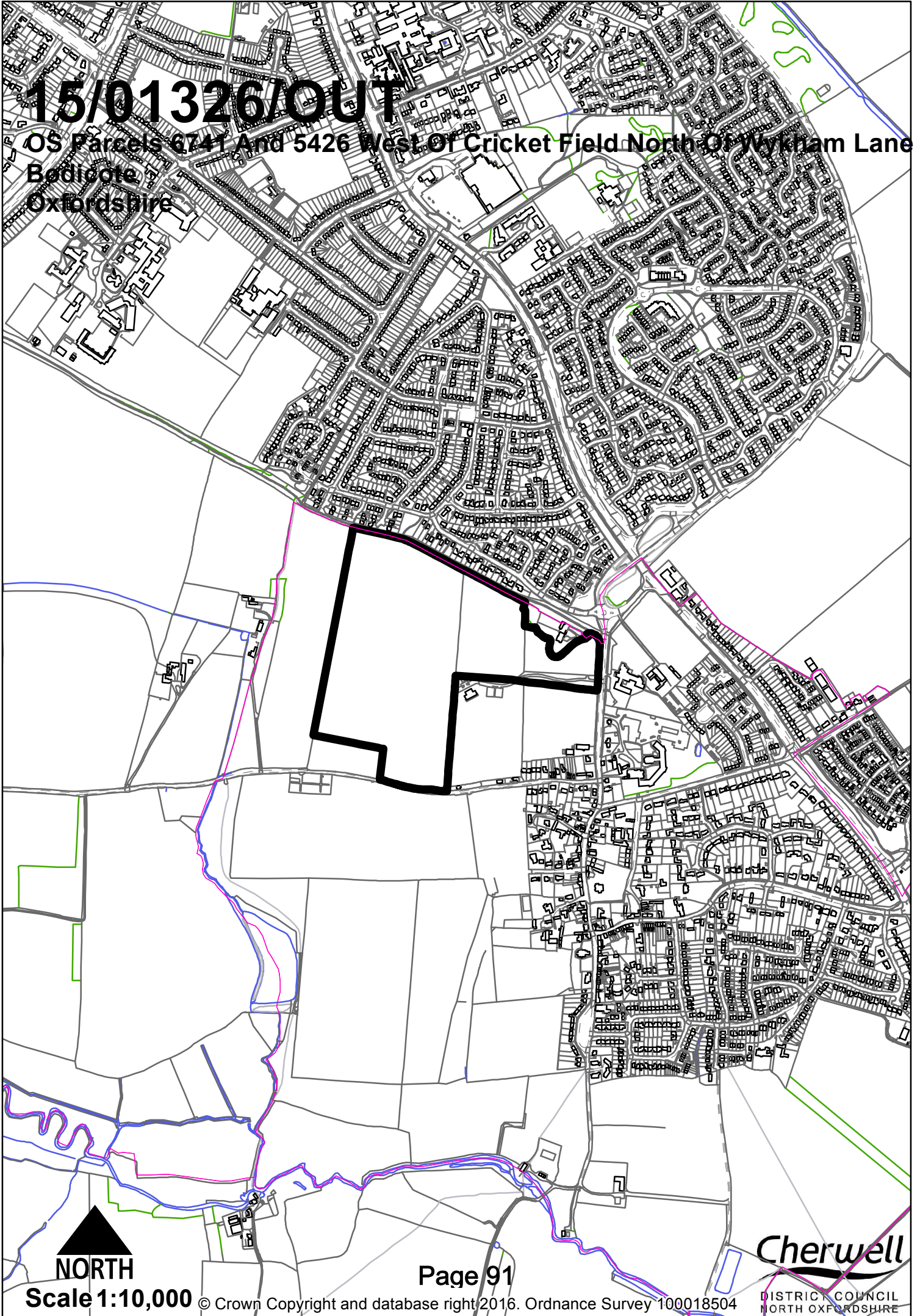
# 15/01326/OUT

OS Parcels 6741 And 5426 West Of Cricket Field North Of Wykham Lane  
Bodicote  
Oxfordshire



# 15/01326/OUT

OS Parcels 6741 And 5426 West Of Cricket Field North Of Wykham Lane  
Beddote  
Oxfordshire



Scale 1:10,000

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE



**Case Officer:** Matthew Parry                      **Ward(s):** Adderbury, Bloxham And Bodicote

**Applicant:** Gladman Developments Ltd

**Ward Member(s):** Cllr M Bishop  
Cllr C Heath  
Cllr N Randall

**Proposal:** OUTLINE - Up to 280 dwellings (including 30% affordable housing), introduction of structural planting and landscaping, formal and informal public open space and play areas, surface water flood mitigation and attenuation, new priority junction arrangements to White Post Road, creation of section of spine road to link Bloxham Road with White Post Road as well as creation of 34 space car park and other associated ancillary works. All matters reserved except for access.

**Committee Date:** 4<sup>th</sup> August 2016                      **Recommendation:** Approval subject to conditions and completion of a legal agreement

**Reason for Committee Referral:** Major Development

### **Introduction**

*This application was reported to Planning Committee on 19<sup>th</sup> May 2016. It was subsequently deferred on a revised recommendation from officers following a late representation by Oxfordshire County Council that objected to consideration of this application separately from the other live application (ref: 14/01932/OUT) on the allocated Banbury 17 site as the two schemes were considered to give rise to interrelated impacts and on-site infrastructure requirements that needed comprehensive assessment. These applications are now both on the agenda for this Planning Committee and Oxfordshire County Council has withdrawn its objection to the application subject to their detailed comments set out in Appendix 2 to this report. As stated in the report for application reference 14/01932/OUT, whilst each application is the subject of its own individual report and recommendation, officers' intend to present the schemes together in the interests of enabling informed decision making. However, ultimately they form two separate applications and therefore two decisions need to be made at Committee.*

## **1. Application Site and Locality**

- 1.1 The application site consists predominantly of an area of greenfield land to the south of the existing built-up edge of Banbury and to the northwest of Bodicote village. The site lies within the administrative area of Bodicote Parish Council. The majority of the site forms part of the countryside and is in arable use though the eastern section of the site adjacent to White Post Road has more of a parkland character with a number of mature oak and beech trees and is sometimes used for sheep grazing. The application site also includes

part of the Banbury Cricket Club site adjacent to White Post Road including the initial section of its access road and associated verges.

- 1.2 The site is comparatively flat though there are modest undulations within the site and it does fall slightly from the northwest (along the Salt Way) down to the southeast adjacent to Wykham Lane. This fall is characteristic of the modest rolling agricultural countryside found immediately to the south of Banbury.
- 1.3 The site is bounded by established hedgerows along the majority of its boundaries and contains three hedgerows within the site running from its northern to southern boundaries. To the north, separated by a hedgerow of varying density, lies the historic trade route of Salt Way that is also a public right of way (a restricted byway). Beyond this lies the suburban 1970's era residential area known as the Timms' Estate. To the northeast is the Saltway House nursery with which the site has a dense landscaped boundary of hedgerows and trees. The eastern boundary is formed by a low hedgerow along White Post Road which connects Bodicote with Banbury. The access to Bishop Loveday Primary School lies directly opposite the site and the Cherwell District Council offices lie a little further to the south. The site's southern boundary is jointly comprised of the Banbury Cricket Club grounds, Wykham Lane and Bodicote allotments. Beyond Wykham Lane to the south lies further undulating agricultural countryside interspersed by belts of trees and hedgerows. To the west of the site lies farmland that continues through to Bloxham Road in addition to associated farm houses and agricultural buildings.
- 1.4 In addition to the Salt Way restricted byway that passes along the northern boundary of the site, a public footpath bisects the site in a north-south alignment connecting Wykham Lane to Salt Way.
- 1.5 The application site is part of a wider parcel of land allocated in the recently adopted Cherwell Local Plan 2011-2031 Part 1 (LPP1) to which Policy Banbury 17 relates. This policy allocates a parcel of land between Bloxham Road and White Post Road for a residential-led urban extension to the south of Banbury (for up to 1,345 dwellings) to contribute towards meeting the identified housing needs of the District over the plan period. The application site comprises the eastern part of the land allocation which amounts to approximately 25% of the overall area of the allocated land. Somewhat unusually, due to a variety of different ownership interests in this land, the proposals on Banbury 17 have not come forward as part of one application as is typically the case but over three different sets of applications.
- 1.6 Land to the northwest corner of the allocated Banbury 17 site now has the benefit of full planning permission for 145 dwellings with both outline and reserved matters applications being approved on the site. Development is currently underway on what has now been called 'Victoria Park' by the developer Morris Homes and occupations are beginning to take place. Permission was granted on this part of Banbury 17 prior to the site being formally allocated in the adopted LPP1 but is still recognised in the policy.
- 1.7 The largest part of the allocated Banbury 17 land is the subject of a current planning application submitted on behalf of Gallagher Estates for up to 1,000 homes and associated infrastructure which is the subject of the preceding report. As a consequence, whilst this site and the wider Banbury 17 land are formed of predominately hedge-lined arable countryside, they sit within a strategic residential development context, the principle of which was approved by the Council in its adoption of Part One of the Local Plan.

## 2. Description of Proposed Development

- 2.1 The application seeks outline planning permission for up to 280 dwellings on the site with matters of scale, layout, appearance and landscaping reserved for later approval. As a result, only a limited number of plans and drawings have been submitted as part of the application with most of these illustrative. Access has not been reserved for later consideration and so access to and within the development (vehicular, cycle and pedestrian) is therefore a matter of detail to be determined as part of this outline application and the drawings provided in this respect are the final detailed proposals and should be considered as such. As part of this application Members should therefore be considering the impacts of all aspects of the proposals except matters directly related to the detailed design and layout of the scheme on the site.
- 2.2 In addition to the maximum of 280 dwellings, both formal recreation and play facilities as well as informal amenity areas are proposed in addition to surface water drainage features (attenuation ponds, swales etc) and new allotments adjacent to the existing Wykham Lane allotments. An entirely new access is proposed to the site from White Post Road which sees a new spine road proposed through the centre of the site on an east-west alignment which would then connect through to the existing four-arm roundabout in place of White Post Road. In turn, White Post Road would take on a secondary form and meet the new spine road at a proposed priority junction just to the north of the existing vehicular access to Bishop Loveday Primary School.
- 2.3 The central spine road is then proposed to continue through to the western-most boundary of the site where it meets the Gallagher Estates application site. A 34 space car park is proposed close to the new junction between the spine road and White Post Road to provide a public car parking facility to replace with greater capacity the on-street parking capacity lost as a result of creating the new access arrangement.
- 2.4 A replacement vehicular access to Banbury Cricket Club is proposed off the new spine road which would then quickly align with the remaining driveway to the clubhouse. A variety of new footpaths and a bridleway are also proposed within the site, some of which would link through to the Gallagher Estates land to the west.
- 2.5 A request for the Council to adopt a screening opinion was made in advance of the submission of the application. The Council concluded that the proposed development represented EIA development due to the potential for significant environmental effects arising from the development when considered cumulatively alongside other committed developments to the south of Banbury. An Environmental Statement (ES) has been duly submitted by the applicant and needs to be considered as part of assessing the proposals.

## 3. Relevant Planning History on the Allocated Banbury 17 Land

### Land South Of Salt Way at Crouch Farm, Bloxham Road, Banbury (Victoria Park):

12/00080/OUT - OUTLINE - Residential development of up to 145 dwellings with associated access. **Refused 25.06.2012. Allowed on Appeal 23.09.2013**

14/01225/REM - Reserved matters application to Outline 12/00080/OUT - Appearance, Landscaping, Layout and Scale. **Approved 28.11.2014**

### Land adjoining and South of Salt Way, Wykham Park Farm, Banbury (Gallagher Estates site):

13/00321/OUT - OUTLINE - 1000 dwellings together with a local centre including retail (A1), financial services (A2), restaurants (A3-A5), up to a combined total floorspace of 1000m<sup>2</sup>, employment space (B1) up to a total floorspace of 5000m<sup>2</sup> with the B1(a) office component limited to a maximum of 2,500m<sup>2</sup>, associated car parking, a community primary school (including space for community uses (D1) and assembly and leisure uses (D2)), green infrastructure including formal and informal open space, amenity space, retained hedgerows, structural landscaping, supporting infrastructure (including gas, electricity, sewerage, water, telecommunications), sustainable urban drainage systems, new connection to the A361 Bloxham Road, pedestrian and cycling connections to the surrounding footpath and cycle network and any necessary demolition and ground remodelling. **Undetermined by the Council. Appeal against Non-Determination Withdrawn 21.03.2014.**

14/01932/OUT - OUTLINE - Development of up to 1,000 dwellings together with a mixed use local centre. [including A1 retail up to 1,000 m<sup>2</sup>, financial services (A2), restaurants, pubs and takeaways (A3, A4, A5), community uses (D1)]; primary school and safeguarded additional primary school land; secondary school playing field land; green infrastructure including formal (including playing fields) and informal open space, landscape and amenity space; changing and sports facilities (including D2); sustainable drainage systems; highway, cycle and pedestrian routes; car parking; infrastructure (including utilities); engineering works including ground remodelling; demolition, site reclamation and removal of structures. Formation of a new roundabout access from the A361 together with associated alterations to alignment of Bloxham Road and provision of a section of spine road through the site up to its eastern-most boundary. **Pending Decision.**

Land west Of Cricket Field and north Of Wykham Lane, Bodicote (the application site):

15/00040/SO - Screening opinion - proposed outline application with means of access to be considered for residential development of up to 250 dwellings (use class C3), access, open space and associated infrastructure. **EIA Required 01.06.2015.**

#### **4. Response to Publicity and Consultation**

##### **Third Party Comments:**

- 4.1 The application as originally submitted was publicised by way of site notices, neighbour letters and a notice in the local press. 20 third party objections were received and the concerns raised are summarised as follows:
- The proposals would destroy the local landscape and harm wildlife;
  - The proposals would have a significant negative impact on the pleasant wide open views of the countryside as experienced from neighbouring houses. There are so many homes being built in Banbury, Bodicote and Adderbury that the need for 280 more seems ludicrous;
  - The proposals will significantly increase the levels of traffic using Wykham Lane which is already dangerous for vehicles and pedestrians including children attending Bishop Loveday Primary School;
  - The proposals amount to the urban sprawl of Banbury that would destroy the character and setting of Bodicote;
  - The additional traffic through Bodicote would harm its village character;
  - The Council should not let the spine road 'wander about' at the developers' discretion – this is too important an issue and a consistent width and layout should be stipulated. This should be a 7.3m wide carriageway with 2.5m footways to either side;

- The green space associated with the recreation facilities should be provided adjacent to the Salt Way to reduce the perception of coalescence between Banbury and Bodicote;
- There is no need for this level of new housing given the amount of housing that has already been provided in Banbury, Bodicote and Adderbury;
- The access to the site is in a dangerous location opposite the school which will increase traffic movements and conflict to the detriment of child safety. There are already numerous near-misses, minor accidents and points of conflict as a result of drivers trying to progress through restrictions caused by parked cars on White Post Road;
- The spine road will inevitably become a 'rat run' for traffic trying to cross Banbury which will increase its use beyond that currently envisaged;
- Salt Way is a place of recreation and relaxation for pedestrians, joggers, dog walkers, horse riders and cyclists. The development would reduce it to little more than an alleyway and lose its rural feel due to lighting, noise and views of houses. Views from the Salt Way south over the countryside towards Bloxham would also be substantively lost. The new footpaths will not compensate for this as they would be surrounded by buildings rather than have the pleasant countryside setting/views that the Salt Way enjoys;
- The proposals would disturb badger setts and badger paths. Skylarks nest in the fields in spring. Swifts and bats are present in the area;
- There have been some instances of flooding in the fields at the south of the site adjacent to Wykham Lane;
- The spine road coming out onto an already gridlocked White Post Road makes no sense;
- The proposals are in Bodicote, not Banbury. The developer has misinformed local residents in its consultation leaflets by using an incorrect address for the site;
- Bodicote has become a dumping ground for new housing. No other village within the District seems to have to accommodate so many new homes;
- Bodicote should be protected from coalescence;
- Bodicote will not be able to retain its village status if this development goes ahead;
- No amount of hedges will disguise the new houses and the Salt Way will lose its status as a rural public right of way as well as its biodiversity interest;
- There have been numerous instances of people being injured along White Post Road in accidents between pedestrians and vehicles. This would only get worse as a result of the development.

4.2 Following receipt of amended plans and further information to support the proposals, the application was re-publicised in March 2016. In response, 404 objections were received (many of which were in the form of a signed letter template) and as such the issues raised by many of the objectors are identical. In addition to the concerns raised in response to the original consultation, the following points were made:

- The Council's procedure for consultation is predominantly electronically based. This means some residents are unable to view, access or even manage to find them and so will be unaware of the impact of the proposals;
- The proposals for the spine road would confuse the boundary between Banbury and Bodicote and further erode the distinct definition between the town and village;
- The new site access cuts through part of the land allocated in the Local Plan for new informal green space. This would reduce the green buffer between Banbury and Bodicote;
- Oxfordshire County Council's consultation response suggests that all accesses onto Wykham Lane shall be permanently stopped up – this would prevent access to the cemetery, allotments etc;
- White Post Road is subject to considerable traffic originating from Bishop Loveday Primary School and Cherwell District Council. There are numerous reports of near miss incidents from residents yet this is frequently ignored. This will only be exacerbated as a result of the intensification of traffic flows along White Post Road;



- The proposed cycle bypass has been positioned directly outside Bishop Loveday Primary School entrance/exit. This is dangerous as a cyclist could collide with a child entering/leaving the School;
  - The proposed spine road removes a section of road currently used for parking and, whilst the 34 space car park now proposed is an improvement on the 26 originally proposed, it has not been assigned to anyone and cannot be policed. This could result in those spaces being used solely by school staff and council employees displacing school traffic further along Sycamore Drive, into Bodicote or on the spine road;
  - The proposed spine road between the A361 and A4260 must not be viewed as an isolated road used just by residents who live on the new development. It is part of a much broader infrastructure plan and is included in OCC's Local Transport Plan 4 (LTP4). With other policies in LTP4 promoting use of Bankside and provision of a link road east of the M40 Junction 11, there is a real concern that existing town/motorway traffic will also be encouraged to use the spine road. Oxford Road is already very congested with no real understanding of how future developments could impact the roads in Bodicote;
  - Policy Ban 1 in LTP4 will result in heavier traffic flows entering Bodicote. The proposed spine road sits between Salt Way Nursery and Bishop Loveday Primary School and any increase in traffic would undoubtedly affect child safety and have an adverse impact on air quality levels to the detriment of children's health;
  - Increases in traffic through Bodicote will adversely affect the special character of its conservation area.
- 4.3 A further representation has been received from the landowners of a section of the Salt Way to the north of the application site. The landowners claim that they own the boundary between Salt Way and the application site which prevents new connections being created onto the Salt Way without their consent. As no such consent has been provided, it must be assumed that no new footpath/cycleway connections can be provided.
- 4.4 A letter has also been received from the Governors of Bishop Loveday Primary School. This raises a number of concerns about the proposals which are summarised as follows:
- White Post Road is exceptionally busy at school drop-off and pick-up times. Adding a further 280 houses in the vicinity will hundreds of new cars with the potential for many more to the roads in the area;
  - The new spine road will become a bypass for cars coming from the south of Banbury through to Bloxham Road increasing traffic movements past the school;
  - The school is concerned that adding the new development and the new spine will add further risks to its children, parents, staff and visitors;
  - The school has serious concerns about the safety of children from construction traffic whilst the development is being built and are seeking assurances that there would be appropriate strict controls on traffic movements at specific times;

### **Response to Consultation:**

#### Bodicote Parish Council – Objection.

- The last field of the site included in the application proposals is not included within the Banbury 17 allocation in the Local Plan. If this is included in the permission, ownership should be transferred to the Parish Council;
- White Post Road is not in Banbury but in Bodicote;
- The new spine road should not come out onto White Post Road. This would not provide a link for east-west local traffic but will become a 'rat run' for traffic coming off Oxford Road;
- It is totally inappropriate for the spine road to be access from White Post Road opposite the school. White Post Road is already gridlocked at school times and is often full of parked cars on both sides of the road;

- The spine road should connect directly to the existing roundabout rather than to White Post Road opposite the school;
- The spine road must be laid out in its entirety and not completed in a piecemeal fashion;
- The Environmental Statement concludes that the cumulative effect of the proposed development in conjunction with other committed developments will have no significant adverse impacts on the local highway network. This statement is “ridiculous”;
- The proposals would be in conflict with the Council’s planning policies that seek to enhance the beauty and diversity of the countryside;
- What is planned for the additional primary and secondary school children – this will adversely impact existing provision;
- Bodicote is a Category A settlement as defined in the Local Plan. No other developments should be approved other than minor residential and infill schemes. The entire development is proposed within Bodicote Parish;

In response to re-consultation Bodicote Parish Council has continued to raise its objection to the proposals and made the following comments:

- The future of Bodicote as a village is very bleak;
- Bodicote is at risk of becoming part of Banbury which is contrary to Policy C15 of the Local Plan 1996;
- A full air quality assessment is needed to address the impact of the additional traffic travelling both ways on the new spine road as it could impact upon the health of children;
- The developers should provide a bus service along the spine road to alleviate some of the traffic problems;
- The developers need to provide an access road to the site for the contractors and their materials. This must not cause problems for the already congested White Post Road;
- Existing footpaths should be maintained and remain accessible during the period of the construction of the development as well as afterwards;
- A safety audit and transport assessment needs to be provided showing the impact of the development on the local transport network and highway safety;
- The green space to the south of the site is in Bodicote Parish and should stay with the Parish. The Parish is keen to adopt this land together with a proper commuted sum;
- There must be no access to/from Wykham Lane for the housing. This should be enshrined in any permission;
- The cycle lane crosses the exit from the school and could present a safety risk for children;
- Concerns raised about the junction between White Post Road and the new spine road – what provision will there be to prevent vehicles waiting a long time to get onto the spine road;
- The new car park is welcomed provided it is available for school dropping off and picking up. The car park should however be widened to introduce a separate entrance/exit to avoid chaos at peak school times. However, how will this car park be maintained?
- The provision of a MUGA is something the Parish Council welcomes.

## **Cherwell District Council:**

Community Services – A new community centre is required to serve the development somewhere on Banbury 17 which should be approximately 600sq m in floorspace. Funding is also required towards a community development worker and community events/projects. A financial contribution of £150/dwelling in addition to enabling fees are required towards public artwork on the site.

## **Planning Policy**

### *Main Observations:*

-The application site forms the eastern section of strategic allocation Banbury 17 as contained in the adopted Cherwell Local Plan. The eastern and western parts of the allocation are in separate ownerships.

-Policy Banbury 17 requires an integrated, co-ordinated and comprehensive planning approach to be taken, with a link road between the sites in separate ownership, and a masterplan to be prepared in consultation with the Council, Oxfordshire County Council, the Local Nature Partnership and local communities, to ensure that this is delivered.

-An Illustrative Framework Plan has been submitted as part of the application. It is understood that this has been prepared in consultation with the adjacent site promoters, and the same framework plan also now forms part of the pending outline application on the adjacent site. However it is not clear to what extent the current Indicative Framework Plan has been the subject of wider consultation.

- The Illustrative Framework Plan indicates a spine road through the strategic allocation with the spine road connection between the two land ownerships to be made between specified coordinates.

- In terms of the framework plan as it applies to the application site, a number of elements are broadly in accordance with the requirements of Policy Banbury17.

Built development is focussed in the northern part of the site and does not intrude into the easternmost parcel indicated as public open space, the proposals include SUDs and an indicative route for a proposed bridleway along the southern boundary of the site and linking to Salt Way. The southern portion of the application site is also kept free from built development.

-The area of informal open space immediately to the north of the Bodicote Recreation Ground, intended to create a buffer between the development and Bodicote village, has been reduced by the indicative link road and junction arrangement with White Post Road and the proposed car park to serve Bishop Loveday Primary School. This will need careful consideration at the detailed stage and it should be ensured that the remaining area of open space is secured for such use. Policy Banbury 17 requires a route for an east-west link road for local traffic and it is understood that the arrangements now indicated as part of the application are the County Council's (as Highways Authority), preferred arrangements.

-The southern portion of the application site is indicated as a combination of an extension to the existing allotments, playing fields and amenity open space. This differs from Policy Banbury 17 which indicates this area as pitch provision to serve the allocation as a whole.

-It is noted that the Indicative Framework Plan indicates additional pitch provision in the western part of the allocation site outside of the application area. The spread of pitch provision may be less beneficial in operational and maintenance terms although the proposed location of playing fields in the adjoining site forming part of the allocation site are linked to the playing fields in this application by open space. The make-up of provision should be informed by the outcome of the Playing Pitch Strategy about to be undertaken.

-The framework plan alternative proposals for a combination of open space use in the southern part of the application site for the most part avoids built development in this

most sensitive part of the site in terms of landscape impact. It is important to ensure that sufficient open space and recreation space in accordance with Policy BSC11 is secured, as at this stage the Illustrative Framework Plan indicates key components only.

-It should be ensured that an adequate buffer is provided between the development and Salt Way, in accordance with the requirements of Policy Banbury 17 (which suggests the buffer should be at least 20m wide).

- In view of the impact the development is likely to have on the character and setting of Salt Way, Policy Banbury 17 requires the provision of a new footpath bridleway running from east to west along the southern boundary of the development area, incorporating links with existing footpaths to form a new circular route linking back to Salt Way. The Indicative Framework Plan includes an indicative location for a proposed bridleway in accordance with this requirement. Strategic landscaping could be provided along the route of the new bridleway as it passes along the southern boundary of the site which would help to reduce the visual impact of the development from the south.

#### *Recommendations:*

The site forms part of a strategic allocation in the adopted Cherwell Local Plan Part 1 and the indicative quantum and distribution of development, provision of an integrated spine road and new bridleway and pedestrian cycle link linking with land in separate ownership to the west of the application site, general provision of open space and the avoidance of direct coalescence with Bodicote are broadly supported, being generally in accordance with Policy Banbury 17. However the issues raised under the observations above should be taken into account as the proposals are progressed. Key components of the Illustrative Framework Plan and requirements of Policy Banbury 17 should be conditioned or secured through legal agreement as appropriate.

Ecologist - The submitted ecological appraisal for the application is fine with the appropriate aspects surveyed in appropriate depth. The field to the East bordering the road is not used for parking and recreation as stated however – it is currently used for sheep grazing, sometimes for horses and is probably more accurately described as pasture.

There are no major ecological issues on site. The most valuable features are the hedgerows, however breeding birds, badgers, reptiles and bats also need consideration.. Some of the species of open arable landscape (brown hare and farmland birds), which are also being lost adjacent, are largely dismissed as being necessarily displaced or mitigated through sub-optimal habitat provision. When considered in the context of neighbouring developments I would like to see greater effort to mitigate for the effects on these species, or where not possible, to compensate off site. Brown hares in particular are a Priority Species and as such we need to have regard for to their conservation.

In general the recommendations in the ecological report are appropriate. To retain the value of the hedgerows a wider buffer than the 2m suggested (this is anyway inconsistent with the 3m recommended later for retaining the hedgerow's value to and mitigating for reptiles). In hedgerows where there are trees a 5m buffer would be better to avoid root damage and in general more generous buffers to hedgerows would be better for wildlife. There are other indirect effects on wildlife using the hedgerows not assessed, such as an increase in domestic pets and dog walking, which a wider buffer would help ameliorate.

A scheme of biodiversity enhancements both within the proposed open space and the built environment (the ecological appraisal makes some appropriate suggestions for the built areas including green roofs and incorporation of bird and bat boxes into dwellings)

should be conditioned. It should aim to show how a net gain will be achieved on site in line with National and Local policy. A CEMP should include measures for removal of any trees with bat potential, protection of the hedgerows and The Saltway and restrictions on lighting during construction. A lighting design scheme should be submitted which is in line with the Bat Conservation Trust guidelines and shows in terms of light spill how dark corridors will be maintained.

The following conditions are recommended to be imposed on any permission:

**K12 Nesting Birds: No Works Between March and August Unless Agreed**

No removal of hedgerows, trees or shrubs, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site. Reason KR1

**K14 Badgers: Mitigation Strategy**

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 mitigation or protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. Reason KR1

**K17 Biodiversity Enhancement**

Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site which includes assessment of net gain shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details. Reason KR3

**K20 Landscape and Ecological Management Plan (LEMP)**

Prior to the commencement of the development hereby approved, a full Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details. Reason KR2

**K21 Construction Environmental Management Plans (CEMP) for Biodiversity**

Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP. Reason KR2

**K23 Use of Native Species**

All species used in the planting proposals associated with the development shall be native species of UK provenance. Reason KR3

**Lighting**

Prior to the commencement of the development hereby approved, a lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, lighting shall be installed and operated in accordance with the approved details.

Reason KR2

### Environmental Protection

#### *Land Contamination:*

The findings of the Phase 1 land contamination report are acceptable. The recommendations for further works to investigate and clarify the potential risk from land contamination are acceptable. As such, the following conditions should be applied to ensure these works are submitted to the LPA:

#### Land contamination: Intrusive Investigation

Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition. Reason JR6

#### Land Contamination: Remediation Scheme

If contamination is found by undertaking the work carried out under condition [J13], prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition. Reason JR6

#### Land Contamination: Carry out Remediation

If remedial works have been identified in condition [J14], the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition [J14]. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. Reason JR6

#### Land Contamination not Previously Found

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

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

*Air Quality:*

Conditions are recommended to be applied to ensure air quality impacts from construction are mitigated and a low emission strategy is provided. The Peter Brett air quality assessment report (reference: 29541/001, dated July 2015) refers to construction impacts being adequately mitigated through condition. These fugitive emission controls should be included in a construction management plan, which should be required by condition.

The report has concluded there is an insignificant impact from road traffic generated from the operational site. The report refers to the inherent uncertainties in this prediction and has used predicted vehicle emission factors for the operational stage of the development. These emission factors assume a level of uptake of new vehicles and the associated improvements in vehicle emission technology which significantly improve over time. This is in line with a good practise approach but it is acknowledged that predicted improvements in air quality with vehicle technology haven't been realised so far. I'd like to see a scheme proposed that identifies and facilitates opportunities to encourage the adoption of new vehicle emission technologies as part of this development and its traffic generation. This could be in the form of a low emission strategy.

Arboriculture - The arboricultural assessment has evaluated the site well and is protecting high quality species. A tree constraints plan will be required by condition to ensure that the retained trees are well protected during construction.

Landscape Services – The current indicatively shown LAP/LEAP/NEAP provision is inadequate and does not accord with the requirements/thresholds in Policy BSC11 of the Local Plan. Financial contributions will be required towards ongoing maintenance of landscape features and play areas through a legal agreement. Initial concerns were raised regarding the adequacy of the landscape assessment that supported the application. Following the receipt of further supporting information, the landscape impact of the proposals have now been appropriately assessed. The assessment states that the proposals will result in a significant change to the character of some views along the Salt Way to which I agree. There are only trees proposed to retain the feel of the Saltway and these are planted in a line. The growth rate of trees in year 1 is wildly optimistic. There will be very little screen in winter with a single line of trees. The houses should be set much further away from the Saltway to enable trees and shrubs to be planted within the development site. In addition the hedgerow which at this point is more gap than hedge should be reinforced (the montages show mostly seasonal vegetation). Even at 10 years the trees will form little in the way of a barrier in winter. The houses are much closer to the Saltway on this parcel than other parcels. There needs to be a well thought out strategy to mitigate the effects not just planting a line of trees.

**Oxfordshire County Council:**

See Appendix 2

**Other External Consultees:**

Environment Agency – No longer a statutory requirement to consult on this type of application. Consulted by the Council but no response received.

Natural England – No objection. No impact likely on any statutorily protected sites. Impact on statutorily protected species to be assessed by Council's own ecologist.

Thames Water

Waste Comments- Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application.

Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

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

Water Comments - The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

Supplementary Comments: Detailed discussions about the design and funding of the offsite drainage infrastructure to serve this development are still ongoing with the developer and Thames Water. Additional foul flows arising from this development are likely to lead to sewer flooding of properties without an off-site drainage solution being put in place. We consider that the Foul Drainage Analysis dated August 2015 submitted as part of the reserved matters application does not address this issue. The drainage report needs to include the details of the offsite drainage measures to avoid the risk of sewer flooding to existing residents caused by the additional flows from the development.

Thames Valley Police – Finacail contributions should be secured through a Planning Obligation to mitigate impact of the additional population arising from the development on police resources. The following contributions are considered necessary:

Central staffing provision is provided and drawn upon when required – this ranges from support functions (HR, IT, etc) to operational functions (SOCO, Forensics, Major Crime Unit) these services are provided force wide. Again utilising the ratio of current staff/officers to the projected additional demand then the development would generate the following additional requirements.



Total Additional LPA Officers Required	0.60
Total Additional PCSO	0.10
Total Additional CID	0.05
Total Additional Support Staff (Local/Central)	0.05

In order to mitigate against the impact of growth TVP have calculated that the “cost” of policing new growth in the area equates to £40,323 to fund the future purchase of infrastructure to serve the development.

The contribution represents a pooled contribution towards the provision of new infrastructure to serve the site and surrounding area. The pooling of contributions towards infrastructure remains appropriate under the terms of the CIL Regs, up until the relevant Local Authority has adopted CIL, whereby pooling will be limited to 5 S106 Agreements (subject to other regulatory tests).

The contribution will mitigate against the additional impacts of this development because our existing infrastructures do not have the capacity to meet these and because like some other services we do not have the funding ability to respond to growth.

The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows;

#### STAFF SET UP

The basic set up costs of equipping and training of staff;

OFFICER/PCSO	
Uniform	£873
Radio	£525
Workstation/Office Equip (2:1 ratio)	£1508
<b>TOTAL</b>	<b>£2906</b>

STAFF	
Workstation/Office Equip (2:1 ratio)	£1508
<b>TOTAL</b>	<b>£1508</b>

On the basis that the development generates a requirement for 0.70 additional uniformed officers – including PCSO, and 0.10 staff/CID included the set up costs equate to £2185 (2906 x 0.70 + 1508 x 0.10).

TVP would utilise the contribution in the following manner;

£2034 as one of five pooled resources towards the set up costs of an additional officer to work within the Banbury Neighbourhood team.

£150 as one of five pooled resources towards the set up costs of an additional member of staff to work within the Banbury Neighbourhood team.

## PREMISES

At present within Cherwell Neighbourhood Policing is delivered from premises in Banbury, Bicester and Kidlington. At present TVP maintain full capacity of accommodation for staff and officers, with any additional capacity delivered via new works to provide floorspace. Each new officer/member of staff is allocated 16.88sqm of floorspace (workstation, storage, locker room etc) at a cost of £1800per sq m. This is a derived cost of adaptation/new build (TVP operate an estate policy of delivering new accommodation principally through the adaptation of existing buildings as opposed to new build at a 90:10 ratio. As this development will generate 0.80 staff/officers the cost is £24,307 (16.88 x 1800 x 0.80)

This contribution would be utilised as one of five pooled resources towards an approved programme of building works to be undertaken at Banbury Police Station over the next 5-8 years.

## VEHICLES

The purchase of vehicles including response and neighborhood patrol cars and bicycles. The (three year lifetime) capital costs of these items are;

Patrol Vehicle – £42,300

PCSO Vehicle - £25,960

Bicycles - £800

Current fleet deployment within Cherwell administrative area (therefore serving 56,700 households) is broken down as follows;

Patrol Vehicle – 18

PCSO Vehicle - 12

Bicycles – 15

This equates to a cost of £19.13 per household. Accordingly therefore in order to maintain this level of provision the development would generate a required contribution of £5,356 (19.13 x 280)

The payment would be used as one of 5 pooled payments towards the purchase of a patrol vehicle for use within the Banbury Neighbourhood area.

## MOBILE IT

Provision of mobile IT capacity to enable officers to undertake tasks whilst out of the office, thus maintaining a visible presence. Cost of each item - £4250, therefore for this development (which generates 2.45 additional uniformed officers, the cost would be £2975 (4250 x 0.70).

This payment would be used as one of upto 5 pooled payments towards the purchase of 1 additional Mobile IT kit for officers working within the Banbury Neighbourhood team

## ANPR CAMERAS

Automatic Number Plate Recognition (ANPR) Cameras – TVP has a desire to roll out ANPR Cameras throughout the area. There is a limited budget for this at present but a requirement to roll out more cameras. The number and location of cameras is driven by the scale and location of proposed development and the road network in the area. Current coverage in Cherwell is extremely limited. An assessment based on the significant planned growth within Cherwell District has been undertaken and it has been assessed that there is a requirement for additional ANPR camera coverage in the area to mitigate the impact of planned growth. Each camera costs £11,000, and requirement is assessed on the basis of the scale, location, and proximity to the road network of the proposed development. Operationally it has been determined that this development should support the contribution of £5,500 towards the provision of ANPR in the area.

This payment would be one of 5 pooled contributions towards the purchase of one ANPR camera to serve the development. The precise location will be determined with regard to operational requirements. TVP are happy to confidentially share this information with the Council regarding the precise location in due course.

Sport England – No objection. The proposals would not materially reduce the amount of usable playing field land available and, subject to securing suitable provision of new on-site recreation facilities through a planning obligation to mitigate the impact of the new population, no objection is raised.

## **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

BSC1 – District Wide Housing Distribution  
BSC2 – Efficient and Effective Use of Land  
BSC3 – Affordable Housing  
BSC4 – Housing Mix  
BSC7 – Meeting Education Needs  
BSC9 – Public Services and Utilities  
BSC10 – Open Space, Outdoor Sport and Recreation Provision  
BSC11 – Local Standards of Provision – Outdoor Recreation  
BSC12 – Indoor Sport, Recreation and Community Facilities  
SLE4 – Improved Transport and Connections  
ESD1 – Mitigating and Adapting to Climate Change  
ESD2 – Energy Hierarchy and Allowable Solutions  
ESD3 – Sustainable Construction  
ESD4 – Decentralised Energy Systems  
ESD5 – Renewable Energy  
ESD6 – Sustainable Flood Risk Management  
ESD7 – Sustainable Drainage Systems

ESD8 – Water Resource  
ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment  
ESD13 – Local Landscape Protection and Enhancement  
ESD15 – The Character of the Built and Historic Environment  
ESD17 – Green Infrastructure  
Banbury 17 – South of Salt Way – East  
Banbury 13 – Burial Site Provision

Cherwell Local Plan 1996 (Saved Policies)

C8 – Sporadic Development in the Open Countryside  
C15 – Coalescence of Settlements  
C28 – Design of New Development  
C30 – Residential Amenity

## 5.2 Other Material Planning Considerations:

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

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

Banbury Masterplan – Development on this allocated site is included within the approved Banbury Masterplan.

Cherwell District Council's Home Extensions and Alterations Design Guide – Principally of relevance to householder applications but is material in that it sets out appropriate residential amenity standards that are applicable to new developments too.

## 6. Appraisal

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

- Principle of Development;
- Access and Transport Impacts;
- Landscape, Visual Impact and Coalescence;
- Impact on Heritage Assets;
- Housing Mix/Affordable Housing;
- Open Space and Recreation;
- Biodiversity;
- Trees and Landscaping;
- Effect on Neighbouring Properties
- Flood Risk;
- Sustainability and Energy Efficiency;
- Impact on Public/Community Infrastructure;
- Planning Obligations;
- Local Finance Considerations.

### Principle of Development

- 6.2 Planning legislation requires proposals that accord with the development plan for an area to be approved unless material considerations indicate otherwise. The development plan for Cherwell District now principally comprises the Cherwell Local Plan 2011-2031 Part 1 (LPP1). LPP1 sets out the strategy for sustainable growth within the District over the plan period in a manner consistent with Government guidance. It is therefore a development plan document that is up-to-date and sound. Furthermore, as a 5+ year supply of housing is projected to be delivered across the District to meet identified need, the housing supply policies within LPP1 can be afforded full weight.
- 6.3 In order to meet the identified housing needs of the District up to 2031, LPP1 incorporates a strategy to principally concentrate housing growth in and around the District's largest two settlements – Banbury and Bicester. These towns are considered the most sustainable to accommodate the new housing due to proximity to services, amenities, employment and public transport links. As part of this strategy, a number of significant sites have been allocated on the edge of Banbury in LPP1 of which Banbury 17 is one. Together with Banbury 16, these provide for a significant new urban extension to the south of Banbury onto existing greenfield land.
- 6.4 The site allocated as Banbury 17 is more complicated than many other allocated sites in LPP1 as it has multiple ownership interests and has come forward as part of three planning applications. The first, in the northwest corner of Banbury 17 (at the corner between Bloxham Road and the Salt Way), has been approved and development is now underway. This was a speculative submission without development plan support and was refused by this Council though ultimately allowed at appeal by the Secretary of State. The remaining part of Banbury 17 has come forward as two applications which are both pending determination and are on this Committee agenda. This application relates to the smaller eastern part of Banbury 17 adjacent to White Post Road. The site area broadly accords with the boundaries of the land allocation although an element of the new access and spine road is located within an area of land shown on the LPP1 Policies Map as informal green space. It should be noted that Policy Banbury 17 requires an integrated, coordinated and comprehensive approach between the individual Banbury 17 sites despite the fact that they are in separate ownerships. Accordingly the policy requires a comprehensive masterplan to be submitted for the whole of the allocated site. Oxfordshire County Council (OCC) had previously raised concern about the lack of the submission of a comprehensive masterplan for the site though as part of the amended/updated information a comprehensive illustrative masterplan has been submitted by both applicants of the Banbury 17 sites and officers consider this to provide a sufficient basis on which to consider the applications.
- 6.5 Officers consider Policy Banbury 17 to be material to the consideration of the proposals and the policy of primary relevance against which these proposals should be assessed. The policy provides for a total of 1,345 homes across Banbury 17 which corresponds to approximately 1,200 across the application site and the adjoining Gallagher Estates site. The provision of up to 280 dwellings on the northern half of the application site equates to a density of approximately 33 dwellings/hectare on the proposed net developable area of the site which officers are satisfied strikes an acceptable balance between efficiency of land use and ensuring that it can be comfortably delivered on the site within the parameters set out by Policy Banbury 17. The areas shown for built development on the illustrative framework plan correspond with that shown in the Policies Map for Banbury 17 and indicates that the southern half of the site will feature associated outdoor sport, recreation and amenity areas in accordance with the objectives of the policy to reduce impact on the surrounding landscape by creating a 'soft' approach to the new urban edge.

A buffer of approximately 20m to the Salt Way is also indicated in line with other requirements of Policy Banbury 17.

- 6.6 The policy includes a number of other requirements including the need to mitigate the impact of the development on public infrastructure by providing new/additional education facilities on the site including a primary school and secondary school playing field land as well as a new community centre. It is a key requirement of the policy to make timely provision for a new spine road through the site linking the A4260 with the A361 to ensure that the site can be properly served by a bus and so that traffic movements associated with new residents do not give rise to unacceptable traffic increases on surrounding roads. The indicative framework plan shows the approximate position and alignment of the spine road together with associated detailed proposals for a new vehicular access arrangement.
- 6.7 As this application site is considerably the smaller of the two current Banbury 17 application sites and is less suitably located to provide the larger infrastructure elements necessary to fulfil the policy requirements, officers consider it reasonable in principle that the primary school, secondary school land, local centre and community facility are all left to be provided on the larger Gallagher Estates site. Indeed the current Gallagher Estates application on this land commits to providing this infrastructure subject to equalisation of relevant costs between the two developers.
- 6.8 As discussed previously and as raised by a number of objectors, the proposed spine road and new vehicular access does pass through part of the Banbury 17 site that is shown in the Policies Map as being allocated as a green space. The Policies Map however makes no allowance for the need to provide a new vehicular access from White Post Road as required by Policy Banbury 17 in order to create a central spine road. As such, in this respect the Policies Map is not wholly consistent with the wording contained in Policy Banbury 17 and there is simply no alternative but for the new vehicular access to be provided on part of the green space. With this in mind, officers are satisfied that the amount, location and type of development proposed on the site is in accordance with the provisions of Policy Banbury 17 such that the principle of residential development on this part of the Banbury 17 site is acceptable and in accordance with the development plan. As a consequence, the principle of residential development on the site is established and it is now the detail of the proposals that are for consideration as part of this application.

#### Access and Transport Impacts

- 6.9 Policy Banbury 17 requires development on the allocated site to be served with the principal access created off the A361 but with provision of a route for an east-west link through the site to join White Post Road. The policy goes on to require early delivery of the link road along with associated junctions which should be designed to be suitable for the provision of a bus service through the site. In addition to matters of vehicular access, Policy Banbury 17 also requires the development to provide a linked network of cycle ways and footpaths in a layout that maximises walkable neighbourhoods and integrates successfully with existing development.
- 6.10 Policy Banbury 17 has requirements that are consistent with national planning policy set out in the NPPF given that it was found sound at examination which includes an assessment of compliance with Government guidance. The NPPF states that planning decisions should take account of whether the opportunities for sustainable transport have been incorporated within a development, whether safe and suitable access to a site can be achieved for all people and whether improvements can be undertaken to the transport network that limit the significant adverse transport impacts of the development. Policy SLE4 of LPP1 is also material in that it requires new development within the District to mitigate the transport impacts of development and facilitate the fullest possible use of public transport, walking and cycling. In reflection of national policy in the NPPF, it also

states that development proposals will not be supported where they would have severe traffic impacts that cannot be properly mitigated. It is against this national and local planning policy context that the proposals should be considered with respect to access and transport impacts. The application has been accompanied by a Transport Assessment (TA) as required by Policy Banbury 17 that addresses the transport implications of this development cumulatively with wider development on Banbury 17 and other committed/allocated sites which officers consider to be a robust approach.

- 6.11 As described previously, the proposals make provision for a significant change to the existing road network. The original proposals for the new spine road to connect direct to White Post Road via a priority junction were not supported by Oxfordshire County Council (OCC) as Local Highway Authority (LHA) on the basis that they were not the optimum means by which to ensure an appropriate balance between traffic flows on the spine road and White Post Road and, furthermore, did not deliver suitable provision for access to and from the site by cyclists and pedestrians. Through consultation with the LHA, further traffic modelling work was undertaken that considered the total projected vehicle movements arising from the whole of Banbury 17. In response, the proposals were subsequently amended so the spine road became the primary road connecting to/from the existing A4260 roundabout with White Post Road instead forming a minor arm with a priority junction onto the proposed spine road. Traffic flows along the spine road would therefore have priority with traffic on White Post Road having to enter onto it. This would require significant works to the highway by the developer, at the developer's expense, following separate technical approval of the works by OCC.
- 6.12 As already discussed, it is essential to consider these proposals against the requirements of Policy Banbury 17 as a whole and not just the impacts of these proposals alone. It is therefore fundamental to the acceptability of this application that it in no way prejudices the overall deliverability of successful development on the wider site in accordance with the allocation policy. To this end the proposed development must not only be provided with suitable access arrangements to serve itself but must also facilitate and contribute towards appropriate development coming forward in a timely manner across the whole of Banbury 17. Consequently, whilst Members should consider the individual merits of these applications proposals, in all respects including particularly transport matters, Members should be cognisant of the wider provisions of Policy Banbury 17 and its strategic importance within the development plan.
- 6.13 As a consequence of the requirements of Policy Banbury 17, a spine road is required to be provided through the site that connects, in an appropriate manner, with the remainder of the Banbury 17 land to the west. It is therefore essential that any access from the application site out towards Oxford Road is suitable to serve the whole of the development allocated by Policy Banbury 17 and not just the 280 dwellings currently proposed in this application. However, as set out in the allocation policy, the spine road is needed to serve local traffic associated with the development and immediate surroundings rather than have a more strategic function notwithstanding some of the concerns raised by third parties in response to consultation. To this end the LHA has been involved from the outset in prescribing the specification of the spine road and the timescales in which it is needed to adequately prevent significant adverse impacts on the wider local highway network.
- 6.14 It has therefore been necessary to strike an appropriate balance between creating a spine road capable of adequately serving a bus whilst being attractive only to local traffic. In discussion with LHA officers, the applicant has proposed a carriageway width of 6.75m designed for a speed limit of 30mph which officers consider to be suitable based on advice from highway officers. A combined footway/cycle lane on one side of 3m wide and a footway of 2m on the other together with grassed verges on each side of at least 1m wide give a total spine road corridor of a minimum of 13.75m wide. The proposed detailed

access arrangement is in accordance with this specification and this is then indicatively shown throughout the Banbury 17 site. The current Gallagher Estates application is similarly proposing this specification of spine road. Full details of the spine road and its alignment have not been provided at this stage and would follow as a reserved matter however officers consider it essential that the full details of this road are provided and approved before any other detailed design and layout submissions for the development are made to ensure the later details are fully consistent with the design objectives of the spine road. This relates to matters such as its alignment, junctions, crossings, traffic calming, parking bays and street lighting. Officers are also recommending that the full specification of the spine road together with precise details of its point of connection between the application site and the adjoining Gallagher Estates site are established within a legal agreement before planning permission is granted to ensure that there is no opportunity to deviate from this at a later date. Both Gladman Developments and Gallagher Estates (the two applicants) have put forward an agreed point of connection and officers will need to consider the precise suitability of this as part of completing the legal agreement process. A similar clause would be needed in a legal agreement associated with the Gallagher Estates application to ensure the two are consistent with each other.

- 6.15 Policy Banbury 17 requires early delivery of the spine road both to ensure that the site can be served by a bus at the earliest opportunity and to prevent traffic associated with the development using Wykham Lane, Sycamore Drive or roads within Banbury that in many cases are already operating above safe and/or suitable capacity to reach either the A361 or A4260. However, a balance does need to be struck between ensuring reasonable commercial viability of the development and the need to mitigate transport impacts. Officers consider the deliverability of the spine road to be fundamental to the acceptability of proposals on Banbury 17 and any suggestion from either developer that the spine road is necessary is strongly disputed. However in officers' view, based on advice from the LHA and evidence in the supporting TA, in terms of traffic flows alone on the local road network, these application proposals in themselves do not necessitate the early delivery of the spine road in order to be acceptable purely in highway terms. Indeed in officers' view the spine road to serve these proposals alone does not become necessary until later in the built-out of the proposed development and is principally required to mitigate the cumulative transport impact of development on the wider Banbury 17 site. As a consequence, officers are satisfied that appropriate triggers to complete the spine road to the western boundary of the application site are needed in order to facilitate mitigation of the full impact of cumulative development on Banbury 17 rather than specifically to mitigate the individual transport impacts of development proposed in this application alone. Officers are therefore recommending that two triggers be included in a legal agreement (as well as by condition) to ensure that the section of spine road within the application site is completed prior to whichever occurs the earliest of the following: the occupation of the 201st dwelling on the application site; 4 years from commencement of development. Taking such an approach provides further support for the early approval of the spine road detail (as discussed in the above paragraph) to ensure that in the event the Council is required to enforce the aforementioned triggers, the full laying out of the spine road could be compelled by injunction as it would have already been approved prior to any development taking place on the site. A related approach with respect to triggers is necessary on the application by Gallagher Estates (14/01932/OUT) though with alternative triggers that reflect the larger scale of that proposed development and therefore potential for greater individual and cumulative transport impacts. OCC is also raising concern about the potential implications of the unlikely scenario in which there is a failure of either of the two developers to implement their planning permissions (if granted) or that implementation on site is slow to take place. The non-implementation of one of the planning permissions would result in the triggers for that part of the site not being engaged. Officers consider the spine road to be an essential requirement for development



to take place in an acceptable form on Banbury 17 and the allocation of the eastern part of Banbury 17 by the Council (i.e. this application site) was, in part, predicated upon its ability to deliver the full spine road. Members should note that it is inherent to officers' recommendation that neither of the two current Banbury 17 planning applications be approved until there is complete security for the Council that a substantial proportion of the total proposed development cannot take place without the full spine road being in place and available for use. Therefore, in addition to the aforementioned spine road delivery triggers being included in a legal agreement, further agreements may be necessary that either limit the amount of development that can take place on the overall Banbury 17 site until the full spine is in place or, alternatively, provide pro rata funding for completion of the spine road by OCC in the event of non-implementation or non-delivery of it by one of the developers.

- 6.16 It is inevitable that the proposed development would increase the overall number of vehicular traffic movements on the highway network simply due to the additional population that it would generate. Significant local concern has been raised about the potential impact of these additional trips on the roads around Bodicote. Without mitigation in the form of improvements to the existing road network, the development is considered likely to have a significant adverse effect on the local highway network based on advice from the LHA. A financial contribution toward the Banbury Area Transport Strategy is therefore required to be secured through a legal agreement to mitigate the cumulative impact of planned growth by funding transport infrastructure and services which cannot be attributed to a single development, but which would benefit trips from this proposed development.
- 6.17 Based on the results of the TA submitted as part of the application, improvements are required to junctions within Banbury to mitigate any increased congestion that would otherwise be caused by traffic arising from the development on the local road network. It is expected that OCC would utilise funding through the Banbury Area Transport Strategy to make improvements to the A4260 Upper Windsor Street/A4260 Cherwell Street/Swan Close Road junction and the Bridge Street/Cherwell Street corridor.
- 6.18 Notwithstanding the need to make improvements to some existing junctions to prevent significant additional congestion within the road network, particular local concern has been raised about the impact of additional traffic movements along Wykham Lane and White Post Road as well as along the spine road in close proximity to the primary school. Officers agree that any material increase in traffic using Wykham Lane is highly undesirable. However, based on advice from the LHA and evidence contained within the submitted TA, officers are satisfied that traffic movements along Wykham Lane would not materially increase as a result of the proposals once the spine road is completed. Once the spine road is completed the use of Wykham Lane by new residents on the Banbury 17 site should not be desirable given that the spine road should provide a sufficiently attractive route to dissuade use of Wykham Lane given its inherent navigability issues and safety risks. The spine road could also take a small amount of the existing traffic that currently makes use of Wykham Lane though it would not be designed to be an attractive alternative. However, until the spine road has been completed and made available for public use, some increased use of Wykham Lane is inevitable by residents of the proposed new houses where access is needed to the A361. However, traffic modelling suggests that this would be a minority of the projected trips and so officers are content that for an interim period this is tolerable.
- 6.19 Similarly, the overall amount of vehicular traffic using White Post Road should not materially increase in the longer term and could potentially even decrease once the spine road is completed for reasons similar to that of Wykham Lane. The new public car park should also reduce the number of vehicular trips into White Post Road for school traffic as

it would be accessed from the new spine road directly rather than via White Post Road. Furthermore, the vast majority of new traffic originating from the Banbury 17 site would continue along the spine road to either the A361 or A4260 and would not divert into Bodicote, particularly once the local centre is operating on the site which would provide similar levels of convenience services to that available within Bodicote. It is however recognised that along the spine road itself both prior to and following its completion, there would be a significant increase in overall traffic movements to the north of Bodicote in comparison to the existing situation as a result of new traffic originating from development on the Banbury 17 site in addition to a small amount of diverted existing traffic. However, whilst this may potentially have some implications for village character, there is no suggestion that this would in any way be significantly harmful in transport terms. Some local concern has been raised about the potential for the completed spine road to attract other traffic, including that which OCC is encouraging to use Bankside as part of its Local Transport Plan 4. However, OCC reject these suggestions given that they project the vast majority of any diverted traffic on Bankside to exit onto the A4260 rather than head southwest on the A361 towards Chipping Norton. In any event, officers are clear that the spine road would not be designed or aligned in a manner that that would see it have any greater status than as a primary estate road and certainly not equivalent to a bypass that would encourage existing traffic to divert along it in any material numbers. Whilst increased traffic flows have the potential to increase accident risk and risk of conflict with other road users, officers are satisfied that this should not be the case with these proposals given the enhanced pedestrian crossing and cycle lane facilities to be provided as well as the new public car park and introduction of on-street parking controls which will be discussed later in this section of the report.

- 6.20 Turning to consideration of the specifics of the new access proposed, the LHA has indicated they are generally content with the proposals. Suitable provision is made for pedestrian crossings through both new refuge islands, a zebra crossing on the spine road and an upgraded toucan crossing on White Post Road which should improve the safety and convenience of pedestrian access to the primary school from Easington to the north and Bodicote to the south.
- 6.21 It is well recognised that at peak periods associated with the primary school operating hours, White Post Road becomes very congested with parked cars. Some of the parked cars are associated with staff at the primary school, some are visitors to the Cherwell District Council offices, and some is overspill from the village hall car park. The majority however are connected to parents/guardians of children attending Bishop Loveday Primary School who park for a short duration to either drop off children or park for a matter of minutes to accompany them to and from the school gate. The nature of the school traffic means a large number of vehicle movements condensed into a short period of time and therefore presents opportunities for a variety of conflicts between vehicular traffic and pedestrians.
- 6.22 Given the existing on-street parking congestion problems on White Post Road, officers consider that it would simply be unacceptable to add to this congestion by, amongst other things, reducing the overall level of parking capacity in the immediate area. The changes to the road layout as a result of the new access would however directly remove on-street parking capacity for approximately 22 cars. In order to ensure safe and suitable use of the new road layout a comprehensive system of on-street parking controls would be necessary to prevent on-street parking on the spine road and White Post Road in the vicinity of the new junction. Without such controls there could be a temptation for some drivers to park directly outside the school as this could be more convenient than using the new car park. A condition is recommended to be imposed that requires the parking controls (as agreed by OCC) to be in place prior to first use of the new access. A financial contribution to cover the costs to OCC of introducing these controls is recommended to be

secured by legal agreement. In order to mitigate the impact of the lost on-street parking capacity, a new public car park is proposed opposite the primary school entrance providing space for 34 cars. The proposed car park is shown only indicatively on the proposed access drawing and so its detailed layout and landscaping could be expected to change as part of a reserved matters application. Officers concur with the views of OCC in finding that the car park as indicatively shown could be awkward to access and egress given the high number of vehicle movements expected over a short duration that is typical around school opening times. Given the nature of the users of the car park it is likely that it needs to be larger than that currently shown to allow more space for manoeuvring given the intensity turnover of vehicles at certain limited times of the day with the spaces provided more suitable for parents with children.

6.23 Nevertheless there is clearly space available in the area between the spine road and Banbury Cricket Club to provide a suitably designed 34 space car park which would represent a material increase in parking capacity in comparison to the existing situation. Whilst it may be argued that the car park might be slightly less convenient for parents to use given that it is on the opposite side of White Post Road, it is likely to be more attractive to primary school staff in comparison to parking on the road given the longer duration of time over which they park. Furthermore, the overall net increase in parking capacity should outweigh any concerns about reduced convenience for parent parking particularly given that on-street parking controls would be introduced to prevent parking along the northern section of White Post Road. Concern has been raised by some local residents and governors of the primary school that the new car park is less convenient and more dangerous for children to reach the school than being dropped off along White Post Road. It is perhaps arguable that the route from the car park is a little more convoluted than being able to park directly outside the school though it should be noted that the majority of parents cannot achieve this anyway due to congestion. The proposals do however introduce a new pedestrian refuge at the spine road junction and an upgraded pedestrian crossing on White Post Road which should make crossing the road easier and safer than it is at present. Furthermore, visibility splays for pedestrians crossing the road should improve as the immediate stretch of road either side of the school entrance should be free of parked cars. With this in mind, officers are satisfied overall that the proposed increased parking provision together with the associated introduction of on-street parking controls as well as additional formal pedestrian crossings would ensure that there is no material harm caused to the functioning of White Post Road and the safety of pedestrians using it including school children.

6.24 Given that the current car park is shown only indicatively on the submitted plans, a condition has been recommended that requires detailed approval of an alternative car park layout suitable for 34 cars prior to commencement of any development. In turn, a condition has been recommended that requires the car park to be provided prior to commencement of any other development to ensure that compensatory parking provision is available from the outset in the interests of preventing increased local parking congestion. In order to ensure that the car park is available for public use without charge in perpetuity, covenants to this effect are recommended to be included in a legal agreement together with arrangements for its long term maintenance. Consideration has been given as to whether it would be more appropriate for the car park to have a separate entrance and exit to allow for better circulation of cars as suggested in a number of the third party representations. However, the LHA has advised that a vehicular entrance or exit serving the car park on White Post Road is not feasible given its proximity to the junction with the spine road which would result in awkward and potentially dangerous vehicle manoeuvres.

6.25 The proposals should also significantly improve the suitability and safety of the immediate road network for cyclists and make strong provision for encouraging use of cycles by new

residents of the development. As stated previously, a 3m wide combined pedestrian/cycle lane is proposed along the northern edge of the spine road which would extend round into White Post Road. This provision contributes towards the development taking the reasonable opportunities available to maximise promotion of sustainable transport modes and should also lead to a material benefit to existing cyclists using the northern section of White Post Road as it removes them from the carriageway and onto designated cycle lanes. The concerns of local residents with respect to potential conflict between cyclists and children outside the primary school are noted and the LHA has raised similar concerns in its consultation response. As a result, following discussions with highway officers at the LHA, officers are recommending that a condition be imposed that requires the submission, approval and implementation of measures (potentially in the form of signage, bollards, road markings and appropriate variation in surfacing of the cycle lane) to restrict cycle speeds along the proposed new bypass in the vicinity of the primary school entrance. Subject to such a condition, officers are satisfied that the proposals make appropriate provision for cyclists and pedestrian safety in accordance with the requirements of Policy Banbury 17.

6.26 Policy Banbury 17 also requires development proposals on the site to '*maximise walkable neighbourhoods*' and provide "*a linked network of cycle and footways to provide access into Banbury*". Furthermore, it requires a new bridleway to be provided that circulates the entire Banbury 17 site to partly mitigate any harm caused to the setting and enjoyment of the Salt Way. The submitted illustrative framework plan indicates the approximate route for the new bridleway for which details of its route are recommended to be sought by condition prior to commencement of development. It is recommended that its specification (width, surfacing etc) together with the position at which the bridleway connects to the Gallagher Estates site at the western boundary are secured within a legal agreement to provide certainty to the Council that it will be delivered appropriately across the wider Banbury 17 site. A public footpath bisects the site in a north-south alignment and connects to the Salt Way. This is proposed to be safeguarded as part of the proposals with the exception of its inevitable crossing by the spine road, which may require a separate footpath order to authorise it which would be subject to public consultation. Officers see no reason why this should be objectionable. Officers would be looking for a generous soft landscaped buffer to be provided either side of the retained public footpath as part of a reserved matters application to ensure existing routes are safeguarded as enjoyable links to the wider countryside beyond.

6.27 Within the application site, a number of new footpath routes are shown indicatively though final details of the linkages would be addressed at reserved matters stage. There is clearly scope for them to be provided within the site in a manner that accords with the requirements of Policy Banbury 17. Proposed links between the application site and Salt Way are shown to be relatively limited on the illustrative framework plan and in officers' view there should ideally be at least one more footpath and/or cycle track connection onto the Salt Way to encourage proper integration with the existing public rights of way network, as required by Policy Banbury 17. However, there is some uncertainty about the ownership rights to the boundary between the application site and the stretch of the Salt Way immediately to the north of the application site. The applicant has not proven willing to engage with the landowner of this section of the Salt Way and so it must be considered unlikely that further connections onto the Salt Way (other than the improvement of the one existing public footpath link) can be delivered as part of this scheme. On balance however, given the significant number of links onto the Salt Way that are likely to be provided as part of the Gallagher Estates scheme (which does not have the same ownership complications) and the level of integration between the two parts of Banbury 17 (i.e. new spine road, bridleway and other footpaths) officers are content that the overall development on Banbury 17 would adequately provide sufficient walking/cycling routes to

encourage sustainable travel and integration with Banbury in accordance with the requirements of Policy Banbury 17.

6.28 As stated previously in this report, it is essential to the acceptability of proposals on Banbury 17 that the site features a bus service to provide an alternative link to the town centre and key employment sites and thus avoids reliance on the private car. In addition to designing the spine road around this service, it is also necessary for the development to make a proportionate financial contribution towards pump priming this bus service to mitigate its impact particularly in light of OCC's recent decision to withdraw all subsidies for bus services in the County. In addition to the financial contribution towards creating the new bus service, the developer is also expected to fund new bus stop infrastructure on Oxford Road and White Post Road which new residents are likely to require. Bus stop infrastructure would also be required either side of the spine road within the site to serve the new residents and these are recommended to be required by legal agreement with details of them assessed by the Council as part of the application for the detailed layout of the spine road.

6.29 On the issue of transport impacts, officers have carefully considered the implications of the scheme having regard to the requirements of Policies Banbury 17 and SLE4 of LPP1, Government guidance in the NPPF/PPG and advice from highway officers at the LHA. In conclusion, subject to the conditions and covenants referred to above controlling the detailed design of the access and spine road, the timing of the completion of the spine road as well as financial contributions towards off-site highway improvements, officers have found the proposals to be acceptable given that the adverse transport impacts of development on this site are not significant subject to securing the necessary mitigation. Furthermore, officers are satisfied that the mechanism by which the spine road detail would be assessed is appropriate and that subject to the controls proposed, the spine road would be delivered in a suitably timely manner in the interests of successfully facilitating development across the whole of the Banbury 17 site without having unacceptable wider transport impacts. In reaching this conclusion officers have considered the public sector equality duty imposed on it by the Equalities Act 2010 as well as the UN Convention on the Rights of the Child. The proposed access arrangements are considered to maximise accessibility to, from and around the site by providing a range of safe inclusive transport options attractive to all and in doing so does not discriminate against groups with a protected characteristic and takes the opportunity to advance equality of opportunity with respect to access to services, amenities and employment. The best interests of children have been a primary consideration in the assessment of this application and in raising no objection to the proposals on transport grounds subject to conditions/covenants, officers are satisfied that the wellbeing of children would not be unduly affected by the development.

#### Landscape, Visual Impact and Coalescence

6.30 Policy Banbury 17 requires development proposals on the site to have a well-designed soft approach to the urban edge with consideration given to its landscape setting. The policy also requires the retention and enhancement of existing hedgerows and trees including those along the boundary with the Salt Way where a 20m wide green buffer is required. The policy also requires the retention of Public Rights of Way on the site.

6.31 Policy ESD13 of LPP1 is also material and requires new development to respect and enhance local landscape character. It also resists undue harm to important natural landscape features as well as significant visual intrusion into the open countryside. Policy C15 of LP 1996 is also relevant as a 'saved' adopted policy. It resists the coalescence of settlements by preventing development in areas of open land which is important in distinguishing them.

- 6.32 The site has already been allocated as part of a residential-led urban extension to the south of Banbury through Policy Banbury 17. The principle of the incursion of development into the countryside on this site has therefore been accepted by the Council as part of the adopting the Local Plan process as it was deemed necessary in order to sustainably meet the objectively assessed housing needs of the District. As an up-to-date policy this attracts full weight in decision-taking. In establishing the principle of residential development on the site, it was accepted that development proposals would inevitably lead to loss of the countryside and in turn harm to the natural landscape. In this respect the proposals are clearly harmful given that they result in the loss of open countryside; a finite resource; in perpetuity. However, landscape capacity studies undertaken as part of the preparation of LPP1 concluded that development on this site could be assimilated more easily into the landscape than other tracts of land in the surrounding area and hence was considered suitable for allocation in landscape terms.
- 6.33 Policy Banbury 17 does however reflect the harm that would be caused to the local landscape both in terms of its character and views of it from the surrounding area. The policy therefore includes requirements to limit the visual impact of the development by restricting built development to the northern half of the Banbury 17 site, requiring new and augmented soft landscaped buffers and boundaries as well as the safeguarding of the enjoyment of existing public rights of way. In recognition of the potential impact of built development on the character of Bodicote as a separate village and the setting of its conservation area, Policy Banbury 17 also provides for an area of informal open space to be located adjacent to White Post Road to act as a small green buffer between Bodicote and Banbury. Policy Banbury 17 and Policy C15 of the LP 1996 are both adopted policies but are not necessarily entirely consistent with one another given that Policy C15 includes a clear blanket restriction on new development that could give rise to coalescence. The provisions of s38(5) of the Planning and Compulsory Purchase Act 2004 are relevant here as this establishes that where a policy contained in a development plan conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted – in this case Policy Banbury 17 of LPP1. It is therefore against the requirements of this policy that the proposals should be considered with respect to coalescence.
- 6.34 Whilst new homes would appear to be set back significantly from White Post Road, views of the new houses would be apparent from the rear of existing houses on Wykham Lane as well as publicly visible from the southern section of White Post Road. This would have the effect of bringing the urban edge of Banbury visually closer to Bodicote and to this extent would reduce the perception of its identity as a separate village. However, informal green space along White Post Road as well as the existing sports fields would still provide a degree of visual separation between the two settlements. The new access and spine road would inevitably have an urbanising effect at the northern edge of Bodicote and this is recognised by officers. Whilst an area of informal green space would remain between the new spine road and Banbury it would be small and indeed smaller than that shown on the Policies Map associated with LPP1. However, as set out previously in this report, the Policies Map is not consistent with the overall requirements of Policy Banbury 17 as it makes no allowance for the space required to deliver the necessary spine road access into the site. This conflict must be resolved in favour of the actual wording of the policy itself. In reaching this conclusion officers have recognised that the need for providing the spine road in order to prevent severe harm to the local transport network outweighs any reduction in the informal green space buffer between Bodicote and Banbury. Moreover, it should be recognised that in deciding to adopt Policy Banbury 17 as part of LPP1, an impact on the setting and identity of Bodicote as a separate village was inevitable but was considered tolerable in the context of the overall sustainability benefits associated with new housing in this location. The application proposals simply reflect the provisions of the

adopted policy and, as such, there is no reason for officers to conclude that the proposals would unduly affect Bodicote's separate identity or its immediate landscape character.

6.35 The evidence base underpinning LPP1 included a landscape capacity study of areas around Banbury and Bicester. Amongst other things, this study concluded that residential development on the Banbury 17 would not have a substantial impact on wider landscape character given that the site was not characterised as unduly sensitive given its relatively flat topography, lack of notable natural landscape features and existing backdrop against the urban edge of Banbury. To this end, the site was considered suitable for allocation in landscape terms subject to the southern areas of the site being kept free from built development to help blend the development into the countryside beyond. The application proposals demonstrate a commitment to this policy requirement given that the southern half of the application site is set aside for both formal and informal recreational green space and officers have no doubt that 280 dwellings could be comfortably accommodated on the northern half of the site in such a way as to protect the southern area of the site from harmful built development.

6.36 As required by Policy Banbury 17, the application proposals were accompanied by a landscape and visual impact assessment. The implications of development on the landscape were also considered as part of the Environmental Impact Assessment. The assessments undertaken and submitted by the applicant have been reviewed by the Council's own landscape officers who generally concur with its findings that both individually and cumulatively with other development on Banbury 17 the development would not be significantly prominent in the majority of wider views from the surrounding landscape in part due to the modest height of new buildings proposed on the site (8.5m maximum height) and their distance from the southern boundary. The most significant impacts would be experienced in immediate views from the existing public footpaths during the construction phase when new strategic planting would not have had time to establish. However, the new soft landscaping proposed along the northern and southern edges of the site would mitigate some of the visual harm caused by the expansion of built development into the countryside. As this application is submitted in outline only, details of landscaping of the site will subsequently need to be submitted and approved as a reserved matter prior to any development commencing.

6.37 In summary, the proposals would result in the loss of open countryside which is inherently harmful to local landscape character does not amount to environmental sustainability given that it is a finite resource. However, the impact of the development on the wider landscape would not be significant having regard to the limited height of the proposed buildings on the site, the site's urban edge location, flat topography and the site's modest natural landscape value. Whilst the proposals would inevitably give rise to a degree of further actual and perceived coalescence between Bodicote and Banbury, this would not be significant in the context of the existing relationship between the two settlements and, in any event, the principle of it has already been accepted by the Council in allocating Banbury 17 for development. The proposals as submitted have taken the opportunities available to mitigate their impact on the local landscape in the manner required by the Policy Banbury 17 and as such officers are satisfied that the proposals are acceptable in this regard.

#### Impact on Heritage Assets

6.38 National planning policy in the NPPF emphasises the great weight that should be afforded to preserving heritage assets as they represent irreplaceable social resources. The NPPF states, inter alia, that the weight to be afforded to the impact on a heritage asset as a result of a development proposal depends upon both its significance and the level of harm that would be caused. Moreover, the NPPF adds that harm to heritage assets should only be justified where outweighed by public benefits and the greater the harm and significance

of the heritage asset, the greater the public benefits need to be. It is also necessary to have regard to statutory duties on the Council imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special consideration to be given to the desirability of preserving or enhancing conservation areas as well as the preservation of the special architectural/historical interest of listed buildings. In short, having regard to the scale of the proposals and the distances to surrounding heritage assets, officers' believe the proposals have the potential to impact mainly upon three heritage assets: the Salt Way (a non-designated heritage asset), Bodicote Conservation Area, and individual Grade II listed buildings in the immediate area including Bodicote House.

- 6.39 Policy Banbury 17 recognises the potential for impact on both the Salt Way and Bodicote Conservation Area. It is now established (as a result of the Secretary of State's recovered appeal decision to allow the Victoria Park development on land comprising the northwest of Banbury 17) that new development to the south of the Salt Way does not unacceptably harm its historic significance provided that the development retains a sensitive landscaped buffer between it. To this end, Policy Banbury 17 requires all built development on the site to be set at least 20m back from the Salt Way together with requirements for its existing boundary vegetation to be augmented to both help reinforce its rural character as a historic trade route as well as mitigate views of new housing to the south. The existing hedgerows along the section of the Salt Way to the north of the application site are sparser than that to the north of the rest of the Banbury 17 land. The proposals therefore provide an opportunity to 'gap up' the landscaping in a number of places to help create more of a sense of a green enclosure to the Salt Way. Whilst this does reduce the opportunity for views over parts of the open landscape to the south (which does contribute towards the sense of the rural setting of Salt Way), the denser hedgerows and trees are necessary to prevent the Salt Way from feeling unduly urbanised to avoid replicating and compounding its existing poor relationship with the Timms' Estate. The additional planting also provides an opportunity for biodiversity enhancements which will be discussed later in this report.
- 6.40 Notwithstanding the minimum 20m buffer and additional planting along the Salt Way boundary, it is inevitable that the presence of new housing would adversely affect its historic rural character. New planting would soften the views of the new homes but this would take time to establish and it would not be possible to eliminate the experience of them completely particularly in winter time. Conversely the additional planting would in time reduce views southerly views out over the countryside from the Salt Way which contributes towards its rural feel and character which is a feature of its heritage significance. Together with existing development on the Timms' Estate to the north, this would have a cumulatively significant effect on the integrity of the Salt Way as a historic rural trading route. However, as part of the requirements of Policy Banbury 17, a new bridleway is required to be provided along the entire southern boundary of Banbury 17 that would provide a public right of way with a southerly outlook over wider countryside beyond which would in part offset some of the harm caused to the public enjoyment of the Salt Way though of course its heritage significance cannot be replicated. However, officers recommend that a financial contribution is sought from the development towards improvements to the Salt Way stemming from its likely increased use. Such contributions could provide enhancements to surfacing, landscaping and possibly interpretative signage to help promote the history of the Salt Way.
- 6.41 In summary, Salt Way is a non-designated heritage asset and therefore any harm is regrettable but attracts less weight than harm to designated heritage assets such as listed buildings and conservation areas. Nevertheless, it is of local value and even with the aforementioned mitigation measures, its significance would be adversely affected as a result of the proposed development. However, such harm was recognised as part of allocating the site and in doing so it was inherently concluded that the overall benefits of



the proposals outweighed the harm that would be caused to the historic significance of the Salt Way. The proposals as submitted do however make provision for all of the requirements within Policy Banbury 17 to help mitigate the impact on the Salt Way such that, subject to conditions and a financial contribution via legal agreement, the proposals are considered to be in accordance with the development plan in this respect.

- 6.42 The proposals also have the potential to affect Bodicote Conservation Area albeit the new development itself is unlikely to be materially visible from any part of the public realm within it. In order to help preserve the setting of Bodicote Conservation Area which in part derives its distinctiveness from its village character, Policy Banbury 17 required the southern half of the land to be free from built development and an area of informal green space retained as a buffer between Banbury and Bodicote. As discussed previously in this report, it is however necessary for transport reasons for the new vehicular access and spine road to be provided on part of the land shown within the Policies Map as the informal green space buffer. This could in turn have a minor additional impact on the setting of the Bodicote Conservation Area given that this new highway arrangement would give rise to a further degree of urbanisation that would be visible from a small part of the Conservation Area at the junction between White Post Road and Wykham Lane. However, the separation distance in this respect is still relatively significant such that any adverse impact on the setting of the Conservation Area as a result of the development is likely to be limited and in turn consistent with the requirements of Policy Banbury 17. It should also be added that the proposals for the spine road could, once completed, ultimately have a minor beneficial effect on the Bodicote Conservation Area as the traffic modelling work undertaken indicates that it could reduce traffic flows through Bodicote village itself which is recognised in the Council's Conservation Area Appraisal as being a threat to its special character. Overall therefore, officers are satisfied that the effect on the heritage significance of the Bodicote Conservation Area would be limited as a result of the proposals and that, in this respect, the proposals are consistent with the requirements of Policy Banbury 17.
- 6.43 The proposed development would be in comparatively close proximity to a number of individual listed buildings all of which are Grade II. The closest of these is Bodicote House – home to the District Council offices. However, whilst the heritage significance of Bodicote House and other nearby listed buildings derives in part from their setting, the application site itself is not of historic relevance to the setting of these buildings and the development proposals would not detract from their setting given the separation distance involved. Furthermore, in the context of longer distance views of the existing 1970s era housing of the Timms Estate as well as other more recent intervening developments, the special interest of Bodicote House and other nearby listed buildings would not be appreciably harmed by the proposed development. Consequently officers have concluded that no adverse effect on the special interest of surrounding listed buildings would occur as a result of the development.
- 6.44 In conclusion on the issue of heritage impact, officers are of the view that the proposals would give rise to moderate harm to the historic significance of the Salt Way even with the mitigation measures proposed to be secured through conditions and legal agreement. However, the Salt Way is a non-designated heritage asset and the weight to be afforded to its preservation is not substantial and the overall benefits of providing a significant number of new homes in this location outweighs this harm as reflected in the provisions of Policy Banbury 17. The impact on the special character of the Bodicote Conservation Area would be limited and thus acceptable in the context of the significant wider public benefits stemming from the provision of much-needed new housing in this otherwise sustainable location – a fact also intrinsically recognised in the decision to allocate the Banbury 17 site. The harm caused to the setting of individual listed buildings would in officers' view be negligible and therefore of no particular concern. Consequently officers

are satisfied that subject to the recommended conditions and covenants, the proposals are acceptable in heritage terms in accordance with the requirements of Policy Banbury 17 and all other relevant local and national planning policies.

#### Housing Mix/Affordable Housing

- 6.45 Policies BSC3 and Banbury 17 of LPP1 require provision of a minimum of 30% of the new homes on the site as affordable housing. Of this 30%, a minimum of 70% is required to be affordable or social rent in tenure with the remainder intermediate housing. The proposals include a commitment to deliver this policy requirement which needs to be secured through a legal agreement as recommended by officers. It will be necessary to be mindful of likely forthcoming legislation and national planning policy changes with respect to Starter Homes as it appears likely that within the coming months they will form part of the definition of affordable housing and there may be an associated national planning policy requirement to provide a certain proportion of them on major residential development sites. In the event that Members resolve to approve the application but changes come into effect prior to a decision being issued on the application (as a result of the legal agreement pending completion), it may well be necessary to make amendments to the affordable housing covenants in the legal agreement to reflect the changes. To make allowance for such circumstances to occur, if Members resolve to approve this application it is recommended that Members delegate authority to the Head of Development Management to make any necessary changes to the legal agreement in this regard in consultation with the Committee Chairman.
- 6.46 Policy BSC4 of LPP1 requires new residential development to provide a mix of homes to meet current and expected requirements of the District in the interests of responding to housing need and creating mixed and inclusive communities. The Oxfordshire Strategic Housing Market Assessment of 2014 identified 2 and 3 bedroom homes to be in greatest need across the District over the next 15 years. To this end it is recommended that if this application is approved, a condition is imposed on the planning permission that ensures later applications for reserved matters approval come forward with new housing that responds to the identified need rather than allowing this to be driven purely by developer profit objectives. The condition requires a minimum of 40% of the market houses provided on the site to be 3 bedroom homes with a minimum of 20% as 2 bedroom dwellings. Separate housing mixes for the affordable units would be determined as part of the completion of the legal agreement based on current need but it is likely that the majority would also be 2 and 3 bedroom houses with some provision of 1 bedroom units too.
- 6.47 Policy BSC4 also includes a requirement for self-contained extra care dwellings to be provided on the site but only where a minimum of 400 dwellings are proposed on a site. The application proposals by themselves do not therefore trigger this requirement though some extra care dwellings (or equivalent) are expected on the wider Banbury 17 site through the larger Gallagher Estates scheme.
- 6.48 Consequently, subject to the imposition of the above recommended condition as well as satisfactory inclusion of relevant covenants in a legal agreement, officers find the proposals to be in accordance with the requirements of Policies BSC3, BSC4 and Banbury 17 of LPP1 with the result that they will make a strong contribution towards meeting the identified housing needs of the District.

#### Open Space and Recreation

- 6.49 Policies BSC10 and BSC11 of LPP1 require provision of suitable informal and formal recreation facilities on site to meet the needs of future residents of the development. The vast majority of the necessary sports facilities would be provided within the southern half of the site where built development is restricted by Policy Banbury 17. The Council has an identified deficit of football pitches in and around Banbury and in response to this the

provision on site of adult and junior pitches is recommended together with arrangements for continued maintenance. A new four team pavilion to serve these football pitches would also be required in order to ensure proper usability of these new pitches as well as an associated car park facility. Such facilities should be constructed by the developer before transfer to the District Council together with a commuted sum for long-term maintenance and it is recommended that a legal agreement make provision of this arrangement unless an acceptable alternative arrangement for long term maintenance/management can be agreed during completion of the legal agreement.

- 6.50 In addition to formal sports provision, Policies BSC10 and BSC11 require on-site provision of various forms of play facilities for children. This includes LAPs, LEAPs and NEAPs which serve children of a variety of ages. Due to the size of the development, all of these facilities would be required on the site which would need to be laid out by the developer and then transferred to the District Council once completed together with necessary maintenance contributions. Having regard to the approach taken at other surrounding recently approved developments, it is recommended that two LAPs are provided on the site (one either side of the spine road), one combined LAP/LEAP together with a multi-use games area. Details of the design and location of such facilities would follow as part of reserved matters applications however the arrangements for their provision and transfer to the Council as well as commuted payments for their maintenance should be secured within a legal agreement.
- 6.51 In addition to the sports facilities and play areas, other informal open space would be provided within the site. Part of this would include surface water drainage features such as attenuation ponds and swales as well as general landscaped areas. These would primarily be in the remaining undeveloped areas to the south of the site as well as in the buffers between the development and Salt Way as well as the remaining gap between Bodicote and Banbury. The landscaping proposals for these areas would be assessed in detail as part of reserved matters applications. Other informal green spaces would be provided in and around the new houses though the details of this would only become apparent as part of reserved matters applications. However, as all of these areas would ultimately form part of the public realm, their future maintenance needs to be secured. Arrangements for this are recommended to be included within a legal agreement. The proposed development is also likely to have an impact on existing indoor sport provision within the District given that new residents are likely to make use of these facilities. This impact cannot be mitigated on site and so, in accordance with Policy BSC12 of LPP1, a financial contribution will be necessary to be secured via the legal agreement towards improvement/expansion of the nearby Spiceball Sports Centre.
- 6.52 Having regard to the requirements of Policies BSC10, BSC11 and Banbury 17, officers are satisfied that subject to the inclusion of relevant covenants in a legal agreement to secure the necessary provision and maintenance of formal and informal recreation facilities, the needs of the residents of the new homes would be adequately served by the type, quality and quantity of facilities proposed and thus the development would mitigate its impact on existing recreation provision and provide a suitable quality residential environment within the site for future residents.

#### Biodiversity

- 6.53 Policies ESD10 and Banbury 17 seek net gains for biodiversity on the site in reflection of guidance contained in the NPPF. These policies are also consistent with the Council's wider statutory duty as set out in the Natural Environment and Rural Communities Act 2006 (NERC Act 2006) to have due regard to the desire to increase biodiversity as part of carrying out its functions including in its role as a planning authority.

- 6.54 An ecological appraisal has been submitted to accompany the application which the Council's ecologist is generally satisfied with in terms of its general conclusions and recommendations. In short, there are no major ecological issues on site given that the majority of the site comprises actively farmed agricultural land. The most valuable features are the hedgerows as a habitat and pathway for birds, reptiles and bats. Overall, the vast majority of existing hedgerows would be retained and augmented on the site and where some areas are lost due as part of constructing and laying out the new spine road, new planting along the Salt Way and within the southern areas of the site would more than outweigh this. Wider hedgerow buffers are however thought to be necessary than that recommended in the ecological report with a 5m buffer being more appropriate to avoid root damage and alleviate disturbance associated with domestic pets and dog walking. There are a number of badger setts on the site and where these are proposed to be disturbed by construction works, a licence will first be required from Natural England.
- 6.55 Some of the species associated with open arable landscape, particularly the brown hare, have in officers' view been dismissed a little too easily in the ecological report as being necessarily displaced. Whilst significant farmland would remain in the surrounding area, as the brown hare is a priority species as determined under the NERC Act 2006, this needs to be given more careful attention. It is unlikely that a scheme of on-site biodiversity enhancements can mitigate for the loss of agricultural land that supports the brown hare given that all land is proposed to be either for built development or in some form of public greenspace and/or formal recreation land. This impact is considered all the greater given the cumulative scale of development proposed to take place to the south of Banbury which exacerbates the local impact. As a result, and to accord with the requirements of Policy ESD10 of LPP1, where harm cannot be avoided or directly mitigated, compensation is necessary in order to ensure significant harm to this species does not occur. The Council's ecologist has therefore recommended that a financial contribution be sought from the development towards an off-site ecological enhancement project that aims to improve the conservation status of the brown hare. The details of this project and its amount have yet to be determined and officers are awaiting the outcome of discussions with local wildlife groups. The submitted ecological report recommends a number of biodiversity enhancements to be incorporated into the built environment including bird and bat boxes as part of many of the dwellings as well as some green roofs. Details of this can be addressed as part of a recommended condition as well as during consideration of the detailed design of the dwellings at reserved matters stage. It is also recommended that a Construction Environment Management Plan (CEMP) be required by condition and submitted for approval prior to commencement of development that should include measures for protecting ecology on the site during construction including restrictions on works around hedgerows, restrictions on lighting during construction as well as the need for a consultant ecological to check any trees for bat potential prior to them being lopped/removed. The Council's ecologist has suggested that a condition requiring a scheme of lighting to be submitted and approved to ensure that dark corridors are created and maintained to encourage use by bats. Whilst officers' endorse this view, such considerations are best left to considering the detailed design, layout and landscaping of the development as part of the reserved matters.
- 6.56 Consequently, officers are satisfied that subject to the imposition of the recommended conditions, the proposals have the potential to deliver net biodiversity gains on the site in accordance with the requirements of Policies ESD10 and Banbury 17 of LPP1 as well as guidance in the NPPF such that the scheme is considered to be acceptable in ecological terms.

#### Trees and Landscaping

- 6.57 As set out previously, the application proposes details of landscaping to be a reserved matter. Therefore, no landscape scheme has been submitted and neither is it required at

this stage. However, it is still necessary to consider whether the proposals would be likely to be acceptable in terms of the impact on landscape features within the site having regard to the requirements of Policies ESD10, ESD13 and Banbury 17 of LPP1 which together seek the protection of valuable existing trees on the site together with appropriate new planting. There is also a statutory requirement on the Council by virtue of s197 of the Town and Country Planning Act 1990 to have consideration to the appropriate preservation and planting of trees as part of considering planning applications.

- 6.58 The vast majority of existing trees and hedgerows would be retained as part of the proposed development given the necessary buffers imposed by requirements within Policy Banbury 17. Existing north-south hedgerows that demarcate field boundaries within the site will inevitably have some sections removed to facilitate the creation of a spine road however the majority of their extent should be retained. There is clearly significant capacity within the site to mitigate any hedgerow loss in this respect by creating new/enhanced soft landscaped areas and corridors along and between the site's edges and so officers have no concerns in this respect.
- 6.59 The proposed new access and spine road as shown on drawing no. 1361/22 Rev. E is however in detail and so the implications for existing trees and hedgerows need to be considered. All existing trees of public amenity significance are proposed to be retained as part of these works with the exception of a mature horse chestnut just to the south of the spine road that would see significant development within its root protection area and so is proposed for removal. However, it has subsequently been found that this tree is actually in poor physiological condition and so its removal and replacement is considered good arboricultural practice. A small common lime tree along the boundary with White Post Road is also proposed to be removed though this makes little contribution to public amenity and can be easily mitigate through new planting. All trees of significance are therefore proposed to be retained and officers are satisfied that they can be suitably protected during construction through the tree protection measures recommended in the submitted arboricultural report and a condition is recommended to be imposed to ensure this.
- 6.60 A significant section of the existing hedgerow along White Post Road would need to be removed as part of creating the new access though the principle of this has been accepted as part of allocating the site. The hedgerow is not of particular importance in landscape terms though does contribute positively towards the White Post Road streetscene. Whilst its loss is inevitable and established in principle, there is significant opportunity to mitigate the impact of its loss through new planting along the site's boundaries which would be considered as part of the reserved matters.
- 6.61 Consequently officers have concluded that the proposals would not have a materially adverse effect on existing landscape features of significance due to the majority being proposed for retention together with proposals offering significant opportunities for enhancement on the site. Officers are therefore satisfied that the proposals accord with the requirements of Policies ESD10, ESD13, ESD15 and Banbury 17 of LPP1 in this respect and are therefore found to be acceptable.

#### Effect on Neighbouring Properties

- 6.62 Policy C30 of the LP 1996 and Policy ESD15 of LPP1 require new development to safeguard reasonable living conditions for occupants of existing dwellings with respect to daylight/sunlight, outlook, privacy and quality of indoor/outdoor space. These policies reflect guidance in the NPPF which sets out as a core planning principle the need for the planning system to “*seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”.

- 6.63 All new buildings would be set a significant distance away from existing dwellings. The minimum 20m buffer to Salt Way ensures that even at their closest point, the new homes would be at least 25m from any existing dwelling on the Timms' Estate which comfortably exceeds the distances expected by the Council based on that set out in its Home Extensions Design Guide. This 25m separation distance would also feature significant augmented intervening soft landscaping that would further reduce the impact on outlook and privacy for occupants of existing dwellings to the north. Distances between new built development and existing dwellings on White Post Road and Wykham Lane would be substantial and so the proposals would not have any material adverse effect on the residential amenity associated with these properties.
- 6.64 The quality of amenity at the nearby nurseries and primary school could reduce slightly as a result of increased disturbance from traffic noise but this would not significantly prejudice their operations. In any event, the standard of amenity expected at these commercial/institutional premises is lower than that for a dwelling given that they are not places of permanent residence. Whilst existing residents and occupants of surrounding premises may in the interim experience disruption as a result of construction operations this could be partly mitigated through appropriate controls to be secured by condition in a construction environment management plan. This would include controls over hours of working, noise, dust, construction traffic etc. As discussed previously in this report, until the spine road is completed it is likely that some additional traffic movements may be experienced along White Post Road and Wykham Lane which could have an adverse effect on the enjoyment of established residential properties along these roads. However such an effect would be temporary and in any event not sufficient to be unacceptable, particularly in the context of the prospect of significant development on the site, having been accepted in principle by the Council in its decision to allocate the site.
- 6.65 As a result, subject to a condition requirement the submission, approval and implementation of a construction environment management plan, officers find that the proposals adequately protect established residential amenity in accordance with the standards expected by development plan policies and Government guidance.

#### Flood Risk

- 6.66 Policy ESD6 of LPP1 reflects Government guidance in the NPPF by resisting development where it would be unduly susceptible to flooding and/or increase the risk of flooding elsewhere. The site itself is not known to be at risk of either fluvial or pluvial flooding but it is nonetheless necessary for development on the site to appropriately manage surface water to ensure that it does not increase the risk of localised flash flooding in a storm event. As such, it is necessary and in accordance with both local and national planning policy for a sustainable drainage system (SuDS) to be fully incorporated into the development in a manner that mimics natural greenfield rainwater treatment so that there is no net increase in the rate of surface water discharge from the site. Full details of the SuDS on the site have not been provided at this stage given that the application is in outline but the flood risk assessment (FRA) submitted alongside the application clearly demonstrates that the ground conditions on the site and space available make SuDS viable on the site – a conclusion with which drainage officers at OCC concur. A condition is therefore recommended that requires full details of the drainage scheme to be submitted prior to commencement of development. A number of above and below ground drainage features are likely to be provided on site as part of the drainage scheme including ponds and swales which would in turn have occasional maintenance requirements such that appropriate arrangements for long term maintenance will need to be included in a legal agreement before it can be considered satisfactory. In conclusion, subject to conditions and relevant clauses in a legal agreement, officers have concluded that the proposed development would be acceptable in flood risk terms.

### Sustainability and Energy Efficiency

- 6.67 In the interests of ensuring new development contributes towards the wider objectives of achieving sustainable development, new dwellings and other buildings are expected to be constructed to accord with particular energy performance and design criteria. With respect to dwellings, much of this has now been superseded by requirements in Part L of the Building Regulations now that the former Code for Sustainable Homes (CfSH) has been cancelled by Government. Statements from Government have made it clear that in time requirements equivalent to level 4 of the former CfSH will be fully incorporated into the Building Regulations though debates continue on this at national level including through the passage of the Housing and Planning Bill. In the interim, Government guidance suggest that requirements relating to energy performance are still a matter relevant to planning though no higher than a level equivalent to the former CfSH level 4 can be sought by planning authorities. As such, officers recommend a condition requiring all dwellings on the site to accord with the energy performance standards equivalent to level 4 of the former CfSH. In addition, as Cherwell District has been identified as an area of water stress a condition is also recommended in line with the requirements of Policy ESD3 for all dwellings to be designed to be limited to a maximum usage of 110 litres/person/day.
- 6.68 With the exception of a sports pavilion, no other non-residential buildings are proposed on the application site. Policy ESD3 of LPP1 requires all non-residential buildings to be constructed to BREEAM 'very good' standard which relates to all matters associated with sustainable construction and not just energy efficiency. A condition is recommended to be imposed requiring non-residential buildings on the site to be constructed to meet the BREEAM 'very good' standard.
- 6.69 In addition to sustainable construction, Policies ESD4 and ESD5 of LPP1 are also material. Policy ESD4 requires a feasibility assessment to be carried out to determine whether there are opportunities for combined heat and power (CHP) systems to be utilised in the development. An Energy Statement submitted alongside the application however demonstrates that this is not viable given the lack of any significant 24-hour heat demand in the immediate vicinity that could make such a system commercially viable or indeed environmentally suitable. Policy ESD5 of LPP1 requires significant provision of on-site renewable energy generation as part of major new residential developments. Opportunities on the site have however been found to be limited principally to solar PV and solar thermal technologies on appropriately sited/orientated buildings as well as some opportunities for ground or air source heat pumps given that wind turbines and biomass boilers are not feasible given site circumstances. Full details of the on-site renewable energy generation measures for each new dwelling would be assessed at reserved matters stage and a condition has been recommended in this respect.

### Impact on Public/Community Infrastructure

- 6.70 Policies BSC9, INF1 and Banbury 17 are all material in this respect and require development proposals to adequately mitigate their impact on transport, education, health, social and community facilities. In the interests of achieving sustainable development, it is essential that the proposed development would not give rise to harm to existing community/public infrastructure at the expense of the services/facilities enjoyed by existing residents in the local area. Where mitigation is necessary to prevent this occurring, some of this mitigation can be provided on site and other elements cannot. This is further complicated by the fact that the overall Banbury 17 site has come forward as part of separate applications rather than as a single development proposal.
- 6.71 As stated already in this report, on-site provision can be made for outdoor sports and recreation facilities together with arrangements for long term maintenance. Similarly, arrangements can be made for long term maintenance of other landscape features

(including surface water drainage features) that would be in the public realm to ensure that this does not adversely affect public resources. A financial contribution will however be needed for improvements towards off-site indoor sport provision as this cannot be mitigated on site. Proposals for greater than 275 dwellings require new allotments to be provided on site and indeed the illustrative framework plan submitted as part of the application indicates such new allotments to be provided at the south of the site adjacent to the existing allotments. In accordance with the requirements of Policy BSC11 of LPP1, provision of a minimum of 0.2ha of allotment land is required in order to mitigate the impact of the new housing and there is clearly space for this to be provided on the site together with any associated car parking and facilities. Policy Banbury 13 identifies a shortfall in cemetery provision in the town in order to meet the needs of future development. As such, the policy seeks financial contributions towards expansion of the existing Banbury Town Council cemetery in order to mitigate the impact of the development and such contributions are duly recommended to be secured via legal agreement.

6.72 Policy Banbury 17 makes it clear that a new primary school is required on the Banbury 17 as well as land for expansion of playing fields associated with the nearby Blessed George Napier Secondary School. These facilities cannot be provided on the application site given its size and position relative to existing facilities. As such, it is necessary for land to be designated elsewhere on Banbury 17 (as part of the Gallagher Estates site) to meet the educational needs of both sites as well as the primary school needs associated with development on Banbury 16 (from which financial contributions were secured as part of granting planning permission). As a result, land for a 2.5 form entry primary school suitable to serve all of these new homes is necessary together with financial contributions towards the built costs of the new primary school. The application proposals should therefore be required to meet an equitable proportion of the build costs of the new primary school as well as provide a contribution towards land costs for OCC in order to secure the larger land area for the primary school on the Gallagher Estates part of the Banbury 17 site. Furthermore, it is anticipated that the Blessed George Napier Secondary School would need to expand in order to increase its capacity to 1,200 pupils in order to mitigate additional secondary school pupil numbers generated by development on Banbury 17. Such an expansion would need to be funded proportionately by financial contributions from the application proposals as well as proposals on the Gallagher Estates site. In order to facilitate the expansion of the secondary school onto its existing playing fields, further playing field land is required to mitigate this impact and in a situation similar to that of the primary school provision, the new playing fields need to be on the Gallagher Estates part of the Banbury 17 site so that they are adjacent to existing school playing fields. In addition to financial contributions towards the build costs of the expansion of the secondary school, contributions are also necessary towards the land costs associated with providing larger playing field land on the Gallagher Estates site. Consequently officers recommend that financial contributions are sought for both school build and land costs from this development through a legal agreement before planning permission is granted. To ensure that there is capacity to accommodate future primary school pupils arising from this development in the event that the new primary school on the Gallagher Estates part of Banbury 17 is slow to come forward, officers recommend a legal agreement includes additional covenants requiring a staged system of approval by OCC for a developer to progress beyond occupation of 100 and then 200 dwellings. This will ensure that, if necessary, further occupations can be prevented if there is found to be insufficient existing primary school place capacity in the local area unless the developer is prepared to provide additional financial contributions towards providing temporary teaching facilities.

6.73 In accordance with Policy Banbury 17, a community facility and local centre are also required to be provided on the site in order to create a sustainable urban extension to



Banbury. However, these facilities are proposed to be provided as part of the Gallagher Estates scheme given that these proposals are for a significantly larger development which would generate this level of mitigation by itself. Nevertheless the new residents of the homes proposed as part of this application would be expected to make use of the community facility and so a financial contribution is recommended towards the part-provision of a suitably sized community facility together with a commuted sum for maintenance as well as funding towards a community development worker.

- 6.74 Given the size of the proposed development and the opportunity to deliver a good quality public realm, a scheme of public artwork is considered necessary to be provided on the site either through financial contributions to the Council or being provided directly by the developer. It is necessary to make provision for the necessary arrangements for this as part of a legal agreement. A condition is also recommended requiring the submission and approval of details of the public artwork prior to first occupation of any homes on the site. In addition, given that the proposals would be likely to directly intensify use of the Salt Way, financial contributions are recommended to be sought to mitigate the impact of this additional use.
- 6.75 Further impact on public infrastructure is expected with respect to the transport implications of the proposed development. Whilst the development would partly mitigate its impact on own impact through the provision of the new spine road together with an upgraded access arrangement, further impacts would be experienced elsewhere on the local road network which necessitates a financial contribution to OCC for them to carry out relevant improvements to the A4260 Upper Windsor Street/ A4260 Cherwell Street /Swan Close Road junction. In addition, financial contributions are required from these proposals to part fund the cost of operating a dedicated bus service through the site to help connect new residents to Banbury town centre and other key employment sites thereby reducing dependence on the private car. Furthermore, new infrastructure improvements to upgrade existing off-site bus stops are also required as well as new bus stop infrastructure within the site.
- 6.76 It is apparent in consultation responses from Thames Water that there are concerns that there is a shortfall in existing capacity to provide both water supply and foul drainage services to the site and that off-site upgrades may be required. In recognition of this and in accordance with the suggestions of Thames Water, officers recommend the imposition of conditions that prevent any development taking place until the developer has carried out an investigation of existing capacity and identified if/where upgrades are required. Thames Water would be involved in assessing the conclusions of these investigations and advising on the approach to take thereafter to ensure sufficient capacity is available and thus avoid putting pressure on existing infrastructure to the detriment of the environment and amenity of existing residents.
- 6.77 To ensure the proposals do not adversely affect the Council's waste and recycling services, a condition is recommended that requires the provision of the three necessary waste bins for each new home prior to its occupation to ensure the cost of doing so does not fall on the District Council and in turn prejudice services for the existing local community.
- 6.78 In short, the proposals would have a significant and unacceptable impact on public/community infrastructure without the mitigation measures set out above being secured through conditions and/or a legal agreement as appropriate. Subject to satisfactorily securing the mitigation, the proposals are considered to be acceptable and in accordance with the requirements of Policies BSC9, INF1 and Banbury 17.

Planning Obligation(s)

6.79 In order to ensure that the development is acceptable in planning terms, a number of the impacts of the development need to be mitigated and/or controlled through covenants in a legal agreement. All covenants are subject to statutory tests and in order to be taken into account in deciding to grant planning permission they need to be: necessary to make the development acceptable in planning terms; directly related to the development; and; fairly and reasonably related in scale and kind. Furthermore, officers have had regard to the statutory restriction on being about to take into account a planning obligation where it pools funds towards more than five types/projects of infrastructure within the District since April 2010. Having regard to these statutory tests, officers consider that the following items need to be satisfactorily secured as part of a legal agreement before planning permission should be granted:

*Cherwell District Council:*

- Provision of on-site outdoor sports facilities, sports pavilion and arrangements for future maintenance;
- Provision of 2 x LAPs on site, 1 x combined LAP/LEAP and 1 x multi-use games area together with commuted sums for future maintenance by the Council;
- Maintenance arrangements for informal public amenity space, trees/hedgerows, footpaths, and other landscape features including drainage ponds whether in the form of commuted sums to the Council or a suitable management company;
- Financial contribution towards off-site indoor sport improvements at Spiceball Sports Centre;
- Provision of on-site public art in addition to arrangements for future maintenance or cash-in-lieu contribution to the Council;
- 30% affordable housing;
- Financial contribution towards the community centre on Banbury 17 as well as a proportionate commuted sum towards future maintenance;
- Financial contribution towards additional burial site provision within Banbury;
- Provision of 0.2ha of allotments and associated facilities on the site together with commuted sums for future maintenance by the Council;
- Arrangements for the provision and maintenance of the new car park adjacent to White Post Road to ensure that it functions as a free public car park in perpetuity;
- Financial contributions towards Thames Valley Policy infrastructure based on that set out in their consultation response but only that infrastructure that has not been pooled more than five times since April 2010;
- Financial contribution towards compensation through off-site project resulting from unmitigated adverse impacts on priority species (farmland birds and brown hare).

*Oxfordshire County Council:*

- Financial contributions towards the land and build costs associated with provision of a new primary school on the Gallagher Estates part of the Banbury 17 site, contribution towards expansion of Blessed George Napier Secondary School and the costs associated with the provision of secondary school playing field land on the Gallagher Estates part of Banbury 17;
- Arrangements for provision of temporary teaching accommodation facilities at existing local primary schools in the event that the provision/opening of the new primary school on the Gallagher Estates part of Banbury 17 is delayed or the actual build rates on the application site are faster than expected;
- Financial contribution towards improvements to the Salt Way and public rights of way network;
- £1,000 per dwelling towards the cost of introducing a bus service for the site;

- Financial contribution towards improvements to the A4260 Upper Windsor Street/ A4260 Cherwell Street /Swan Close Road junction based on the Banbury Area Transport Strategy;
- Financial contribution towards new bus stop infrastructure on Oxford Road;
- Financial contribution towards upgraded bus stop infrastructure on White Post Road;
- A requirement for the developer to enter into a highway agreement under s278 of the Highways Act 1980 to construct the new access from White Post Road and the spine road;
- Provision of a central spine road through the site to its western boundary to coordinates to be agreed so that it facilitates connection to the spine road proposed on the Gallagher Estates site. Legal agreement to include details of the specification of the spine road together with triggers for its completion from the new White Post Road junction to the site's western boundary based on whichever occurs earliest of: 1) First occupation of the 200<sup>th</sup> dwelling on the site; 2) Four years from commencement of development;
- Financial contribution towards making/varying traffic regulations order(s) to introduce on-street parking controls in the vicinity of Bishop Loveday Primary School;
- Provision of bus stop infrastructure within the site;
- Provision of a new bridleway through the site to an appropriate specification to meet the Gallagher Estates site at a precise point to be determined in the legal agreement at the south-western boundary. Bridleway to be secured in perpetuity as publicly available together with arrangements for maintenance.

6.80 Members should note that Cherwell District Council will receive a number of financial contributions from development on the adjacent allocated Banbury 16 site once the approved scheme is implemented. This includes a contribution towards providing sports facilities and a community centre on the Banbury 17 site. National planning policy and guidance is clear that double charging developers for elements of infrastructure is not appropriate and the contributions sought will not meet the statutory tests of necessity. To ensure double charging does not occur, during the process of completing the legal agreement officers will need to take account of any relevant contributions relating to Banbury 17 that are likely to be received following implementation of developments on other sites and any requirements associated with this development amended accordingly.

#### Local Finance Consideration(s)

6.81 This development has the potential to attract New Homes Bonus for the Council equivalent to approximately £2,183,543 over 6 years based on current arrangements from Government. This is potentially a local finance consideration which can be a material planning consideration in weighing up the merits of the proposed development. Officers however recommend that Members give this very little weight given that it is unclear how much of a direct impact that this funding would have on making this development acceptable in planning terms. Furthermore, it is officers' view that other matters are of significantly more importance for a local planning authority given that it should be acting in the wider public interest and it is not appropriate for any genuine concerns in this respect to be outweighed by a financial matter such as this.

## **7. Conclusion**

7.1 The principle of residential development on this site as part of a wider urban extension on the allocated Banbury 17 site has been established. For reasons set out in this report, the development proposed is in accordance with the basis on which the site was allocated and contributes to meeting the overall requirements of Policy Banbury 17. Furthermore, subject to conditions and covenants in a legal agreement, any significance adverse effects resulting from the proposed development can be adequately mitigated to ensure that

overall the proposals accord with the provisions of the development plan and amount to sustainable development. In addition to being found to be in general accordance with the development plan, the proposals are also considered to be consistent with Government guidance set out in the NPPF which establishes a presumption in favour of sustainable development. Officers consider there to be no other material planning considerations of significance that indicate determining the application otherwise than in accordance with the development plan. As a consequence, officers recommend that Committee resolves to grant outline planning permission. It is also prudent for Members to have regard to the District's ongoing housing supply position and the importance of development taking place on strategic allocated sites such as this to ensure consistent delivery of housing in the District. In doing so this ensures that the housing that proposed and delivered in the District is on the more suitable sites and in the most sustainable locations rather than through poor quality, undesirable speculative applications that are more likely when the District's supply of housing drops due to delays in delivery of housing on the larger established strategic allocations. The proposed development would make a substantial contribution towards meeting housing need in the District and in turn would help maintain at least a minimum five year supply of housing that is important to ensuring proper sustainable planning and decision making takes place within the District.

- 7.2 In coming to this conclusion, officers have had regard to the development plan, Government guidance as well as statutory and third party representations made in response to the application. In addition, the information contained within the submitted Environmental Statement has been considered as part of assessing the merits and impacts of the proposed development. Officers are satisfied for the reasons set out in this report that the adverse environmental effects of the development would not be significant subject to the mitigation measures secured through the recommended conditions and legal agreement clauses. This report should be considered as the Council's statement for the purposes of regulation 24(c) of the EIA Regulations 2011 (as amended).

## **8. Recommendation**

### **Approval, subject to:**

- 1. Satisfactory completion of a legal agreement to secure the items set out in paragraph 6.79;**
- 2. Imposition of the conditions set out below;**
- 3. Either, imposition of a ceiling on the amount of development that can take place on the Banbury 17 site through use of additional planning condition(s) and/or via planning obligation;  
Or, securing delivery of the completed spine road at an appropriate stage through a mechanism similar to that set out in OCC's consultation response;**
- 4. Provision for authority to be delegated to the Head of Development Management to make any necessary post-committee minor amendments to the conditions and legal agreement (with the Committee Chairman's prior approval) in the interests of satisfactory decision making having regard to the Development Plan and any changes in circumstances including updates to central Government policy/guidance.**

### Conditions

- 1 No development shall commence on a phase identified within an approved phasing

plan (see condition 2) until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

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

2 Prior to the submission of any application for approval of reserved matters but following written approval by the local planning authority of details submitted in requirement of conditions 6 and 7:

A phasing plan covering the entire application site (that indicates clear development parcels for which reserved matters applications will be submitted and the order in which they shall be submitted) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved phasing plan and reserved matters applications shall only be submitted in accordance with the approved phasing plan and refer to the phase(s) they relate to.

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

3 In the case of the reserved matters, no application for approval shall be made later than the expiration of four years beginning with the date of this permission.

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

4 The development to which this permission relates shall be begun not later than the expiration of two years from the date of the approval of the last of the reserved matters to be approved.

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.

5 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings but only insofar as they do not relate to matters reserved for later approval:

1361/22 Rev. E

The development shall also be carried out in general accordance with the details shown in the submitted Development Framework Plan (ref: JJG043-035 Rev. Q) except insofar as it conflicts with the masterplan and design code approved under the requirements of condition 6

of this planning permission.

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.

6 No application for reserved matters approval shall be submitted nor shall any submissions be made under the requirements of any other condition attached to this consent (except condition 7) until a Design Code and Masterplan covering the entire application site has been submitted to and approved in writing by the local planning authority.

The Design Code shall include:

- a) A density plan for the site;
- b) Design influences study and character areas;
- c) The general scale, form and style of buildings within each area of the site as well as details of the means of enclosure to be used;
- d) The street form, street frontage and hierarchy for all types of street/road including details of street design and surfacing;
- e) The approach to car and cycle parking across all areas of the site;
- f) The materials to be used across the site;
- g) The treatment of all on-site hedge corridors, retained trees and public rights of way.
- h) The means by which sustainability features will be incorporated into the development
- i) Details of how the principles of Secured by Design will be incorporated into the development

The Masterplan shall include:

a) An overall layout plan showing the distribution of all principal land uses throughout the site including residential (identifying any extra care/retirement homes), the local centre, primary school, secondary school land, community facilities, public open space, play areas, sports pitches and recreation facilities, locations of existing and new footpath/bridleway/cycle links, the alignment of the spine road and general location of bus stops/crossing points on it as well as the general alignment of principal estate roads.

b) The character areas to be covered in the Design Code.

c) Details of the ecological enhancement strategy to be incorporated together with associated landscape structure, mitigation planting and hedge and tree protection corridors.

d) The Parcels/Phases into which the development is to be divided (each parcel/phase being one that is intended to be developed as a single entity and for which a Reserved Matters application is to be submitted).

e) The strategy for foul, surface and land drainage from the site including surface water source control measures such as approximate locations for attenuation/retention ponds,

swales, pumping stations etc.

f) Details of the location of public artwork within the development.

g) The strategy for on-site renewable energy generation.

All subsequent applications for approval of reserved matters and submissions in requirement of all other conditions imposed on this outline planning permission shall be in accordance with the approved Design Code and Masterplan.

Reason - To ensure the development proceeds in a manner that is consistent with national and local planning policy objectives to deliver high quality residential environments that integrate successfully with the surrounding area in accordance with the requirements of Policies Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

7 Prior to the submission of any applications for approval of reserved matters or submissions under the requirements of any other condition but following submission of details to accord with the requirements of condition 6, full details of the spine road (from its new junction with White Post Road through to the western boundary of the site) including its alignment, specification, junctions (other than private drives), drainage, crossings, road markings, traffic calming, footways/cycle lanes, verges, on-street parking bays, street lighting, bus stop infrastructure and associated soft landscaping shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority. No application shall be made that submits details in compliance with the requirements of this condition until a Design Code and Masterplan document (pursuant to the requirements of condition 6) has been submitted to the local planning authority.

Reason - To ensure that a suitably designed spine road is approved to enable proper design and consideration of reserved matters submission on the site and to facilitate appropriate timely delivery of the spine road to assist in bringing forward development on the wider Banbury 17 allocated site.

8 All applications for approval of reserved matters relating to a phase shall be accompanied by full details of the elements of the surface water drainage scheme to be incorporated within that phase together with details of how the surface water drainage arrangements within that phase are consistent with the overall drainage strategy for the site to ensure surface water run-off resulting from the whole development will not exceed pre-development greenfield run-off rates in a manner that accords with best practice for Sustainable Drainage Systems (SuDS).

Reason - To ensure that as the development progresses appropriate consideration is given to ensuring that overall the development does not increase the risk of localised flash flooding in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1.

9 No development shall take place on any phase (as approved under condition 2) until full details of existing and proposed ground and floor levels within that phase have been

submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out only in accordance with the approved levels.

Reason - In the interests of visual amenity in accordance with the requirements of Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

10 No development shall take place on any phase as approved under condition 2 until full design details of the play areas proposed within that phase as determined by the Masterplan approved under condition 6 (including Local Areas of Play [LAPs], Local Equipped Areas of Play [LEAPs], Neighbourhood Equipped Areas of Play [NEAPs] and Multi-Use Games Areas [MUGAs]) have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place only in accordance with the approved details.

Reason - To ensure the development is served by appropriate play facilities in the interests of sustainably providing for the amenities of the new residents in accordance with the requirements of Policies Banbury 17, BSC10 and BSC11 of the Cherwell Local Plan 2011-2031 Part 1.

11 No development shall take place on any phase approved under condition 2 until a full arboricultural survey, method statement and arboricultural implications assessment that accords with BS: 5837:2012 (or any superseding British Standard) for all existing trees and hedgerows within and around the perimeters of that phase of the site have been submitted to and approved in writing by the local planning authority. The development shall take place within that phase only in accordance with the approved details.

Reason - To ensure the continued health of retained trees/hedges of importance in the interests of visual amenity and biodiversity in accordance with the requirements of Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

12 No development shall take place on any phase approved under condition 2 including works of site clearance/preparation until the site has been thoroughly checked by a suitably qualified ecologist to ensure that no statutorily protected species which could be harmed by the development have moved on to the site since the date the previous surveys supporting the application 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.

Reason - To ensure the development does not cause harm to protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

13 All applications for reserved matters approval relating to a phase (as approved under condition 2) shall be accompanied by a statement setting out the measures that will be incorporated into the development proposed in that phase to demonstrate how it will accord with the principles of 'Secured by Design' (SBD). The development shall thereafter be carried out in accordance with the approved details.



Reason - To ensure the development is designed in a manner that reduces risk and fear of crime in accordance with the requirements Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

14 No development shall take place until a fully detailed drainage strategy detailing any on and/or off site drainage works has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community

15 No development shall take place until impact studies of the existing water supply and have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

16 Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present on the site, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

17 If contamination is found by undertaking the work carried out under condition 16, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

18 If remedial works have been identified in condition 17, no development shall be occupied within a phase (as approved under condition 2) (other than for construction purposes) until the remedial works have been carried out for that phase in accordance with the scheme approved. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority before any occupation of development on that phase can take place.

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

19 Prior to the commencement of the development hereby approved, including 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 mitigation or protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

20 All applications for reserved matters approval relating to a phase shall be accompanied by a statement demonstrating how the development in that phase would contribute towards and be consistent with the objectives for enhancement of biodiversity across the site to achieve an overall net gain. Thereafter, the development approved on that phase shall be carried out in accordance with the approved statement.

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

21 Prior to the commencement of the development hereby approved, a full 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. The LEMP shall include:

- o Description and evaluation of the features to be managed
- o Ecological trends and constraints on site that may influence management
- o Aims and objectives of management
- o Appropriate management options for achieving aims and objectives
- o Prescriptions for management actions for a 20 year period and beyond
- o Preparation of a work schedule (including a 5yr project register, an annual work plan and the means by which a plan will be rolled forward annually)
- o Personnel responsible for implementation of the plan
- o Monitoring and remedial contingency measures triggered by monitoring.

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

22 Prior to the commencement of the development hereby approved, including 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 neighbouring residential amenity and 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 at all times.

Reason - To avoid causing undue environmental nuisance associated with the construction of the development in accordance with the requirements of Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

23 No development shall take place within 10m of an existing or new public right of way until the affected public right of way is protected during development to accommodate a width of a minimum of 5m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority except where the affected public right of way has the prior authorisation of the local planning (or highway) authority to be diverted or extinguished. Thereafter, the public right of way shall remain protected and available for use at all times in accordance with the approved details throughout the construction of the development unless otherwise agreed in writing by the local planning authority.

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

24 Details of the pedestrian connection to be provided directly between the site and Salt Way including details of improvements to the existing public footpath within the site (Bodicote Footpath 13 - No. 137/13) together with a timetable for their provision shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any dwelling on the site. The approved pedestrian connection and footpath improvements shall be provided and retained in accordance with the approved details.

Reason - To encourage sustainable walkable neighbourhoods in accordance with the requirements of Policy Banbury 17 of the Cherwell Local Plan 2011-2031.

25 All applications for reserved matters approval relating to a phase (as approved under condition 2) shall include details of the alignment and specification of any and all new and/or enhanced footpaths, bridleways and cycle tracks to be provided within/through that phase together with a timetable for their provision/completion. Thereafter the new footpaths, cycle tracks and bridleways shall be provided in accordance with the details approved as part of the reserved matters approval for that phase.

Reason - In the interests of the amenities of future residents and to maximise walkable neighbourhoods in accordance with the requirements of Policy Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

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

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

27 Prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

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

28 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 in consultation with the local highway authority. The CTMP shall include details on at least the following matters:

- Routing arrangements for construction vehicles (which shall not be via Wykham Lane);
- Delivery/collection timetable and arrival/departure times for site workers;
- Wheel washing facilities;
- Parking/turning and storage areas within the site;
- Appropriate contact details for the contractors.

Thereafter, the development shall be carried out only in accordance with the approved Construction Traffic Management Plan.

Reason - To minimise adverse impact on the road network in accordance with the requirements of Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

29 Full details of the approved new 34 space public car park adjacent to White Post Road (shown indicatively on dwg no. 1361/22 Rev. E) including a timetable for its completion shall have been provided and approved as part of an application for approval of reserved matters prior to commencement of any development on the site. The new car park shall be completed in accordance with the approved details and retained for free public use thereafter.

Reason - To ensure the development does not give rise to extreme parking stress on surrounding roads in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

30 All applications for reserved matters approval for a phase proposing residential development shall be accompanied by details of the significant on site renewable energy provision to serve the dwellings within that phase. No dwelling within that phase shall thereafter be occupied until it is being served by the approved on-site renewable energy generation measures and shall remain so thereafter.

Reason - In the interests of creating sustainable development in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

31 Prior to the commencement of the development, details of measures to mitigate car parking stress on surrounding roads during the period of the construction of the approved new access to the site from White Post Road shall be submitted to and approved in writing by the local planning authority. The approved temporary measures shall be put in place prior to the commencement of any part of the development and remain in place until the approved new access arrangement has been completed and the permanent new car park fully laid out and made available for public use as per the requirements of condition 29.

Reason - To ensure severe parking stress does not occur during the construction phase of the development to the detriment of local amenity and highway safety.

32 Prior to the commencement of the development, details for the management, storage and/or disposal of spoil resulting from construction works on the site shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only take place in accordance with the approved details.

Reason - To ensure inappropriate storage of earth material does not occur on the site leading to inappropriate and unsightly landscape features on the site both during construction and afterwards.

33 No occupation of any part of the development shall take place (except for construction purposes) until the highway works shown in drawing no. 1361/22 Rev. E have been fully completed and made available for continued public use.

Reason - To ensure the development is served by an appropriate form of access that does not have an unacceptable impact on the wider highway network in accordance with the requirements of Policies Banbury 17 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

34 No dwelling shall be occupied within any phase (as approved under condition 2) until full details of the street lighting to be provided within that phase has been submitted to and approved in writing by the local planning authority. Thereafter the street lighting shall be provided as approved prior to first occupation of any dwelling within the phase and retained as approved thereafter.

Reason - To ensure a safe and satisfactory residential environment is provided and to mitigate impact on public infrastructure in accordance with the requirements of Policy ESD15, Banbury 17 and INF1 of the Cherwell Local Plan 2011-2031 Part 1.

35 Prior to first occupation of any dwelling within a phase (as approved under condition 2), fire hydrants shall be provided or enhanced for that phase in accordance with details to be first submitted to and approved in writing by the local planning authority.

Reason - To secure the provision of essential infrastructure in the interests of reducing risk of fire damage in accordance with the requirements of Policy INF1 and BSC9 of the Cherwell Local Plan 2011-2031 Part 1.

36 Prior to the first occupation of any dwelling on the site, covered and secure cycle parking facilities shall be provided on the site in support of the community/recreation uses in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the secure cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of encouraging sustainable travel in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained in the National Planning Policy Framework.

37 Prior to the first occupation of any dwelling on the site, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented and operated in accordance with the approved details.

Prior to occupation of 50% of the dwellings approved on the site, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved updated Travel Plan shall be implemented and operated thereafter in accordance with the approved details.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policy Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

38 Prior to the first occupation of any dwelling on the site, details of a scheme of public artwork to be installed within the site (including a timetable for its provision and future maintenance arrangements) shall be submitted to and approved in writing by the local planning authority. The public artwork shall thereafter be installed in accordance with the approved details.

Reason - In the interests of creating a high quality public realm in accordance with the requirements of Policy Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

39 No dwelling shall be occupied on the site until 3 bins for the purposes of recycling, residual and garden waste have been provided for that dwelling, in accordance with the following specification:

- One 240 litre blue wheeled bin for the collection of dry recyclable material;
- One 240 litre green wheeled bin for the collection of residual waste;
- One 240 litre brown bin for the collection of garden waste material

Reason - To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policies INF1 and BSC 9 of the Cherwell Local Plan 2011 - 2031 Part 1.

40 No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

41 All dwellings on the site shall achieve an energy performance standard equivalent to at least Code Level 4 of the former Code for Sustainable Homes. No dwelling shall be occupied until it has been constructed to meet this energy performance standard unless otherwise agreed in writing by the local planning authority.

Reason - In the interests of sustainability in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

42 Prior to the commencement of any work associated with the construction of the approved new access from White Post Road (as shown in dwg no. 1361/22 Rev. E), details of safety measures to be incorporated into the cycle lanes along White Post Road to reduce risk of conflict between cyclists and pedestrians outside Bishop Loveday Primary School shall be submitted to and approved in writing by the local planning authority. The new access shall thereafter be constructed in accordance with the approved safety measures and shall not be brought into use until the cycle lanes have been constructed and made available to public use in accordance with the approved details and shall be retained as such thereafter.

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

43 No occupation of any of the approved dwellings shall take place until details of the on-street parking controls to be introduced on the spine road and White Post Road in the immediate vicinity of Bishop Loveday Primary School have been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. Occupation of dwellings shall not take place until the approved on-street parking controls have been introduced and such controls shall be retained as approved thereafter unless otherwise agreed in writing by the local planning authority.

Reason – To ensure that further indiscriminate parking of cars along sections of White Post Road and the new spine road does not occur as a result of the development which would be likely to prejudice highway safety.

44 Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development Order) 2015 (and any Order or Statutory Instrument revoking or re-enacting that order), all new water, waste, energy and communication related public infrastructure on the site shall be provided underground and retained as such thereafter unless otherwise with the specific approval in writing of the local planning authority as part of a reserved matters approval or separate grant of full planning permission. Where approved in writing by the local planning authority, the relevant above ground infrastructure shall be provided only in accordance with the approved details.

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

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

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

46 No trees or hedgerows on the site (as existing at the date of this decision) shall be lopped, felled, uprooted or wilfully damaged unless otherwise approved in writing by the local planning authority except to directly facilitate the creation and laying out of the approved vehicular and pedestrian access arrangements from White Post Road as set out in drawing no. 5773-A-04 of the submitted Arboricultural Assessment produced by FCPR and dated April 2016.

Reason - To ensure existing landscape features of significance are retained in the interests of creating a high quality development that is sympathetic to its setting and



preserves/enhances biodiversity in accordance with the requirements of Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031.

47 The hereby approved means of access from White Post Road shall be constructed only in accordance with the methodology and tree protection measures set out in the submitted Arboricultural Assessment (produced by FPCR and dated April 2016).

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 Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

48 Prior to the first use of the approved new vehicular access from White Post Road, any and all existing vehicular accesses to the site from Wykham Lane shall be permanently stopped up and shall not be used by any vehicular traffic whatsoever unless otherwise agreed in writing by the local planning authority.

Reason - To ensure that the proposals do not materially increase traffic flows along Wykham Lane to the detriment of highway safety.

49 No more than 280 dwellings shall be accommodated on the site under the provisions of this permission.

Reason - To ensure that the local planning authority can consider the wider sustainability implications of a more intensive development on the site and to ensure the Environmental Statement is appropriate to the scale/impact of the development.

50 The spine road approved under the requirements of condition 7 shall be fully completed and available for public use from its new junction with White Post Road through to the site's western boundary prior to whichever occurs earliest of the following:

- Occupation of 75% of the final number of dwellings approved on the site (as determined by reserved matters approvals);
- Four years following first commencement of any part of the development on the site.

In the event that the approved spine road has not been provided in accordance with the above requirements, no further dwellings shall be constructed or occupied on the site until the spine road has been completed in accordance with the details approved under condition 7.

Reason - To ensure the satisfactory comprehensive development of the wider site allocated as Banbury 17 in the Cherwell Local Plan 2011-2031 Part 1 and to prevent significant adverse impact on the local highway network.

51 No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the local planning authority has confirmed in writing that

such works can proceed based on the submission of a recent survey (no older than one month) that has been undertaken by a suitably qualified ecologist to assess the nesting bird activity on site together with details of measures to protect the nesting bird interest on the site.

Reason - In the interests of preventing harm to protected species in accordance with the requirements of Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

52 Any and all non-residential buildings on the site shall meet at least BREEAM 'Very Good' based on the standard applicable at the date of this decision.

Reason - In the interests of sustainable construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031.

53 No building on the site shall have a maximum height greater than 8.5m.

Reason - To ensure that the Environmental Statement robustly assessed the landscape impacts of the development.

54 Prior to first use of the approved new vehicular access arrangement (as shown on drawing no. 1361/22 Rev. E) or new public car park (condition 29), details of the means by which the existing access to Banbury Cricket Club will be stopped up to motor vehicles shall be submitted to and approved in writing by the local planning authority. Neither the approved new vehicular access nor public car park shall be brought into use until the existing access has been stopped up in accordance with the approved details and shall be retained as such thereafter.

Reason - In the interests of preventing risk of undue conflict between different users of the highway in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

55 The open market dwellings provided on the site shall include a minimum of the following dwelling sizes:

- 20% as two bedroom dwellings;
- 40% as three bedroom dwellings.

All applications for reserved matters approval shall reflect these requirements unless with the prior written agreement of the local planning authority.

Reason - In order to provide an appropriate mix of housing on the site to respond to the objectively assessed housing needs of the District in accordance with the requirements of Policy BSC4 of the Cherwell Local Plan 2011-2031 Part 1.

56 No part of any building shall be located within 20m of any part of the Salt Way restricted byway.

Reason - To ensure the rural setting and public amenity value of this historic trade route is adequately protected in accordance with the requirements of Policy Banbury 17 of the

Cherwell Local Plan 2011-2031 Part 1.

57 All applications for reserved matters approval relating to a phase (as approved under condition 2), shall be accompanied by a lighting strategy outlining how lighting will be sensitively designed within that phase to minimise disturbance to wildlife (in particular bats). Thereafter, the development approved for that phase shall be carried out in accordance with the approved lighting strategy.

Reason - To ensure suitably dark areas of the site and pathways are retained/created in the interests of wildlife in accordance with the requirements of Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

58 Residential development on the site shall achieve an average minimum density of 30 dwellings/hectare across each and all residential parcels (as approved within the Design Code/Masterplan under the requirements of condition 6).

Reason - To ensure that as development progresses it takes the opportunity to make efficient use of land in the interests of sustainability contributing towards housing delivery in accordance with the requirements of Policies BSC1, BSC2 and Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

**Planning Notes/Informatives:**

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

The District Council, as local planning authority, in deciding to approve this proposal has taken into account the Environmental Statement submitted with the application and any relevant representations made about the likely environmental effects by the public or consultees.

Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.

**Closure of Public Highway**

If the permission hereby given requires work within the public highway, the applicant is advised that he/she should not commence such work before formal consent is secured from the Highway Authority by way of either (a) a Section 184 Highways Act 1980 notice, or (b) the completion of a formal agreement between the applicant and the Highway Authority. Details of the form of both a) and b) above may be obtained direct from Oxford County Council, the Highway Authority on Tel. (01865) 844300.

No development shall take place across any public footpath/right of way unless and until it has been legally stopped up or diverted.

**STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has worked positively and proactively to determine this application in an efficient manner having worked with the applicant/agent where necessary to resolve any concerns that have arisen during consideration of the application in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

**CONTACT OFFICER:** Matthew Parry

**TELEPHONE NO:** 01295 221837

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

**District:** Cherwell

**Application no:** 15/01326/OUT

**Proposal:** OUTLINE - Up to 280 dwellings (including 30% affordable housing), introduction of structural planting and landscaping, formal and informal public open space and play areas, surface water flood mitigation and attenuation, new priority junction arrangements to White Post Road, creation of section of spine road to link Bloxham Road with White Post Road as well as creation of 34 space car park and other associated ancillary works. All matters reserved except for access

**Location:** OS Parcels 6741 And 5426 West Of Cricket Field North Of Wykham Lane Bodicote Oxfordshire

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## **Recommendation**

**No objection subject to agreement (to be secured within a planning obligation) of a mechanism to ensure the timely delivery of the proposed link road through whole of the Banbury 17 allocation site (between A361 & A4260).**

- The mechanism should take account of the need to facilitate the sustainable delivery and functioning of the composite Banbury 17 allocation site by means of including appropriate covenants to facilitate such timely delivery of the link road in the event of slow implementation and housing delivery by part of the allocation site.
- Appropriate pro rata funding towards the full costs of provision of the link road would be required.

The County Council would wish to inform the planning committee that it has concerns about its ability to reach agreement with all appropriate applicants at the allocation site to deliver such a mechanism to facilitate timely delivery of the link road through the entirety of the allocation site. If the principles of an early agreement over the mechanism are not progressed within a short timeframe this could lead to delays potentially frustrating the ability to deliver sustainable planning permissions and subsequent development.

The transport response below updates that of 22<sup>nd</sup> March 2016. All other points raised in OCC's responses of 22<sup>nd</sup> March 2016 and 4<sup>th</sup> September 2015 still apply, other than those addressed below.

**Officer's Name:** David Flavin

**Officer's Title:** Senior Planning Officer

**Date:** 26 July 2016

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**District:** Cherwell

**Application no:** 15/01326/OUT-2

**Proposal:** OUTLINE - Up to 280 dwellings (including 30% affordable housing), introduction of structural planting and landscaping, formal and informal public open space and play areas, surface water flood mitigation and attenuation, new priority junction arrangements to White Post Road, creation of section of spine road to link Bloxham Road with White Post Road as well as creation of 34 space car park and other associated ancillary works. All matters reserved except for access

**Location:** OS Parcels 6741 And 5426 West Of Cricket Field North Of Wykham Lane Bodicote Oxfordshire

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## **Transport**

### **Recommendation:**

**No objection subject to conditions, S106 and agreement (to be secured within a planning obligation) of a mechanism to ensure the timely delivery of the proposed link road through whole of the Banbury 17 allocation site (between A361 & A4260).**

### **Key issues:**

- Link Road<sup>1</sup>
- Banbury 17 Policy Area – Masterplan
- Contribution to Banbury Area Transport Strategy
- Public Transport / Access to bus stops
- Highways Specification Table
- Pedestrian connectivity
- Travel plan

### **Legal agreement required to secure:**

#### **Transport Strategy: cumulative impact of growth**

- Contribution towards Banbury Area Transport Strategy, calculated on the basis of housing mix once known, towards improvements to the A4260 Upper Windsor Street/ A4260 Cherwell Street /Swan Close Road junction.

#### **Banbury 17 Policy Infrastructure provision:**

- Provision of spine road to an agreed specification. Full spine road details to be submitted and approved prior to receipt of reserved matters application(s). Spine road to be completed to agreed point on western boundary prior to occupation of 200 dwellings or within four years of commencement of development, whichever occurs earliest.

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<sup>1</sup> NB the spine roads through application sites 14/01932/OUT and 15/01326/OUT will form the link road between White Post Rd and Bloxham Rd

- Mechanism to ensure the timely delivery of the proposed link road through whole of the Banbury 17 allocation site (between A361 & A4260). The mechanism for link road delivery should take account of the need to facilitate the sustainable delivery and functioning of the composite Banbury 17 allocation site by means of including appropriate covenants to facilitate such timely delivery of the link road in the event of slow implementation and housing delivery by part of the allocation site. Appropriate pro rata funding towards the full costs of provision of the link road would be required.
- Provision of pedestrian and cycle routes leading from the site to adjacent existing and future built up areas, including across Salt Way
- Provision of part of new footpath/bridleway around the site as set out in Banbury 17 Policy.

**Off-site highway infrastructure:** site access junction and associated pedestrian and cycle improvements in White Post Road, to be delivered prior to first occupation

**Public rights of way:**

Contribution towards improvement of Salt Way and requirement to enhance Bodicote 13 footpath through the site.

**Public Transport:**

- a) A contribution to provide for new bus stop infrastructure (shelters, flagpole, information case) on **Oxford Road** for two bus stops £20,000.
- b) A contribution to provide for upgraded bus stop infrastructure (shelters, flagpole, information case) on **White Post Road** for two bus stops £20,000.
- c) Section 106 agreement to provide financial contribution to procuring the new bus service. Contribution towards public transport services of £1000 per dwelling, in line with contributions from adjacent developments, to pump prime bus services serving the site totalling £280,000.
- d) Arrangement to provide bus stop infrastructure within the site.

**Travel Plan monitoring fee**

**Conditions:**

**Design Code**

A design code must be secured, in conjunction with a site Masterplan for Banbury 17. This will be needed to assist in assessing reserved matters for spine road and parcels. Exact wording to be agreed.

**Spine road details**

Suitable conditions are required to ensure the approval of the layout of the spine road prior to the approval of layout of adjacent development parcels, and to ensure its connection with the spine road through the rest of Banbury 17. To include bus stop positions. Wording to be agreed.

**Pedestrian connections**

Details of the pedestrian connection directly between the site and Salt Way to include improvement of a section of the existing public right of way to be submitted and approved, and thereafter delivered prior to an appropriate trigger. Wording to be agreed.

**Footpath improvements**

Details of improvements to existing Public Right of Way through the site to be approved and delivered. Wording to be agreed.

**Access: Full Details**

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

[Reason DR1](#)

**Close Existing Accesses**

A condition will be required to ensure that there are no connecting vehicular routes into the site from existing accesses on Wykham Lane

**Estate Accesses, Driveways and Turning Areas**

Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

[Reason DR2](#)

**Further detail of the proposed car park**

A suitable condition will be required because of concerns with the layout proposed on the access arrangements drawing (see below).

**Cycle Parking Provision**

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

[Reason DR4](#)

**Travel Plan**

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



Authority. The approved Travel Plan shall be implemented and operated in accordance with the approved details.

[Reason DR4](#)

Prior to the 140<sup>th</sup> occupation of the development an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved updated Travel Plan shall be implemented and operated in accordance with the approved details.

[Reason DR4 \(to take into account the analysis of survey data from households\)](#)

## **Drainage**

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

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this maybe secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing

## **Protection of Existing Public Footpaths**

Prior to the commencement of any part of the development hereby approved within 10m of the existing public footpath(s), the affected footpath(s) shall be protected and fenced to accommodate a width of a minimum of 5m in accordance with details to be firstly submitted to and approved in writing by the Local Planning Authority.

Thereafter, the footpath(s) shall remain fenced and available for use throughout the construction phase in accordance with the approved details until a time that the diverted footpath(s) is/are available for use by the public in accordance with condition unless provision has been made for temporary closure under the Highways Act 1980.

[Reason DR10](#)

## **Informatives:**

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)

### **Detailed comments:**

**Revised site access junction arrangements:** These are considered broadly acceptable in line with the indicative drawing supplied 1361/22 Rev C. However, there are minor improvements recommended in the Safety Audit, which will need to be taken into account in the detailed design. Some small amendments to the cycle infrastructure proposals will be needed to ensure the safety of pedestrians, particularly around the school access. I have some concerns about the convenience of use of the car park and consider that further thought needs to be given to the layout, especially given that there will be a high turnover of spaces and lots of manoeuvring – I am concerned that parents dropping off children will not want to use it, and that there is a possibility of traffic backing up onto the access road as a result of drivers being unable to enter the car park.

### **Highways Specification Table**

With regard to document "24 2 16 Highways Specification Table.pdf" this document states Traffic Calming at 60m intervals – please confirm the type and style of proposed traffic calming.

The specification will need further detail added to it as part of developing the design code for the site, including radius of curvature, further detail regarding the amount and type of parking, and traffic calming. Key parameters including the carriageway width of 6.75m, as well as footway/cycle way and footway, would need to be included within the S106 agreement.

For the carriageway surfacing, OCC would require asphaltic concrete, not SMA. (This is our normal requirement).

### **Congestion on the network and contribution to Banbury Area Transport Strategy**

It is recognised that the all peak hour trips add to the Banbury transport network. I am still concerned about a significant impact in terms of the increase in queue lengths and delay at some junctions. At OCC's request the revised TA additionally includes assessment of the junction of Oxford Road/Farmfield Road, and Swan Close Road/Bankside/Hightown Road. (Concorde Ave/Cherwell Drive was also requested but the increase in traffic at the junction caused by the development has been shown to be low enough for the junction not to require assessment.)

I disagree with the TA's assertion that the proposed development does not lead to a material traffic impact at Junction 16. Although the junction is at a high Degree of Saturation in the 2025 base scenario, the addition of the development traffic takes it close to 100% saturation (98.5%) and adds 12 vehicles (almost doubling) to the queue on Oxford Road north Left/Ahead.

A contribution toward the Banbury Area Transport Strategy is required to mitigate the cumulative impact of planned growth by funding transport infrastructure and services which cannot be attributed to a single development, but which will benefit trips from this proposed development.

The Cherwell Planning Obligations Draft Supplementary Planning Document (July 2011) provides a contribution rate towards general transport and access impacts.

Once a housing mix is provided the following will be used to calculate the contribution toward the Banbury Area Transport Strategy:

The Transport Infrastructure means the formula Matrix"  
 $£(Ax 442) + (B X 638) + (C X 994) + (D X 1,336)$

When

A means the number of 1 Bedroomed Units  
B means the number of 2 Bedroomed Units  
C means the number of 3 Bedroomed Units  
D means the number of 4 Bedroomed Units

Direct mitigation schemes, including public transport, are additional to the contribution to the Banbury Area Transport Strategy.

Contributions will be specified towards a specific scheme/s within the Banbury Area Strategy of Connecting Oxfordshire: Local Transport Plan 2031.

A contribution toward the Banbury Area Transport Strategy is required to mitigate the cumulative impact of planned growth by funding transport infrastructure which cannot be attributed to a single development, but which will benefit trips from this proposed development. Using the CDC Planning Obligations matrix funds are sought towards improvements to the A4260 Upper Windsor Street/ A4260 Cherwell Street /Swan Close Road junction. This junction is shown to be worsening in the Transport Assessment provided with the application, and has been identified within LTP4 within policy BAN1 as part of the Bridge Street/ Cherwell Street eastern corridor improvements.

### **Access to bus routes – bus stops**

Over the next 10 years there will be significant changes and opportunities to the existing bus network in the area to the south of Banbury. To realise the NPPF guidance “to make the fullest possible use of public transport,” it is essential the development delivers access to the range of routes:

1. **Strategic Inter-urban route from Banbury to Oxford** runs along the Oxford Road within walking distance of the site. This is a commercially operated bus route, however there are no bus stops located close to the development site, both northbound and southbound bus stops are required for trips arising from the development site to access the bus service. A contribution is sought of £10,000 per bus stop, totalling £20,000k, towards bus stop pole and flag, shelter and a commuted sum for maintenance.

2. **Local town service.** Cuts to subsidised bus services (February 2016) will alter the existing bus services in Banbury. However, there is significant opportunity arising from the Longford Park development to serve Bodicote village and potentially White Post Road fronting the site with a local bus service. This is particularly important in the period from dwellings being occupied on site but before the Saltway link road is open. It is noted that drawing 1361/22/C “Proposed Access Arrangement” does not show any bus stop locations. It is proposed the existing bus stops on White Post Road are upgraded to include bus stop pole and flag, shelter and a commuted sum for maintenance, contribution is sought of £10,000 per bus stop, totalling £20,000k.
3. **Bus Service serving the Salt Way Link Road** – bus stops will need to be provided within the development to access the new bus route that will travel through the Saltway development site when the link road is open. Bus stops locations should be identified at the earliest opportunity and included in the reserve matters applications for the spine road. Based on the length of spine road within the development site two pairs of bus stops (and associated infrastructure) will be required.

### **Pedestrian links across Salt Way**

The applicant is now proposing a single access onto Salt Way via the adjacent public right of way, and a parallel walking route inside the development. This increases walking distances for some residents to some local facilities but is considered acceptable. It should be noted that the B1 route is unlikely to continue after July 2016 – therefore this reduces the number of stops within suitable walking distance.

A contribution will be required towards enhancing Bodicote footpath 13 and Salt Way to ensure that it is suitable for the increased pedestrian use.

### **Pedestrian connection to the school**

The primary school is to be provided by the adjacent proposed development. If the link road is not provided before the school opens, a suitable temporary pedestrian/cycle route must be provided. This must be lit, to cater for after school activities.

### **Revised Travel Plan**

A revised travel plan has been submitted but it does not seem to take into account our previous comments which included a commitment to survey and update the travel plan once the 140<sup>th</sup> dwelling had been occupied and a number of other suggestions.

**Officer's Name: Joy White**

**Officer's Title: Principal Transport Planner**

**Date: 26 July 2016**

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**15/01446/F**

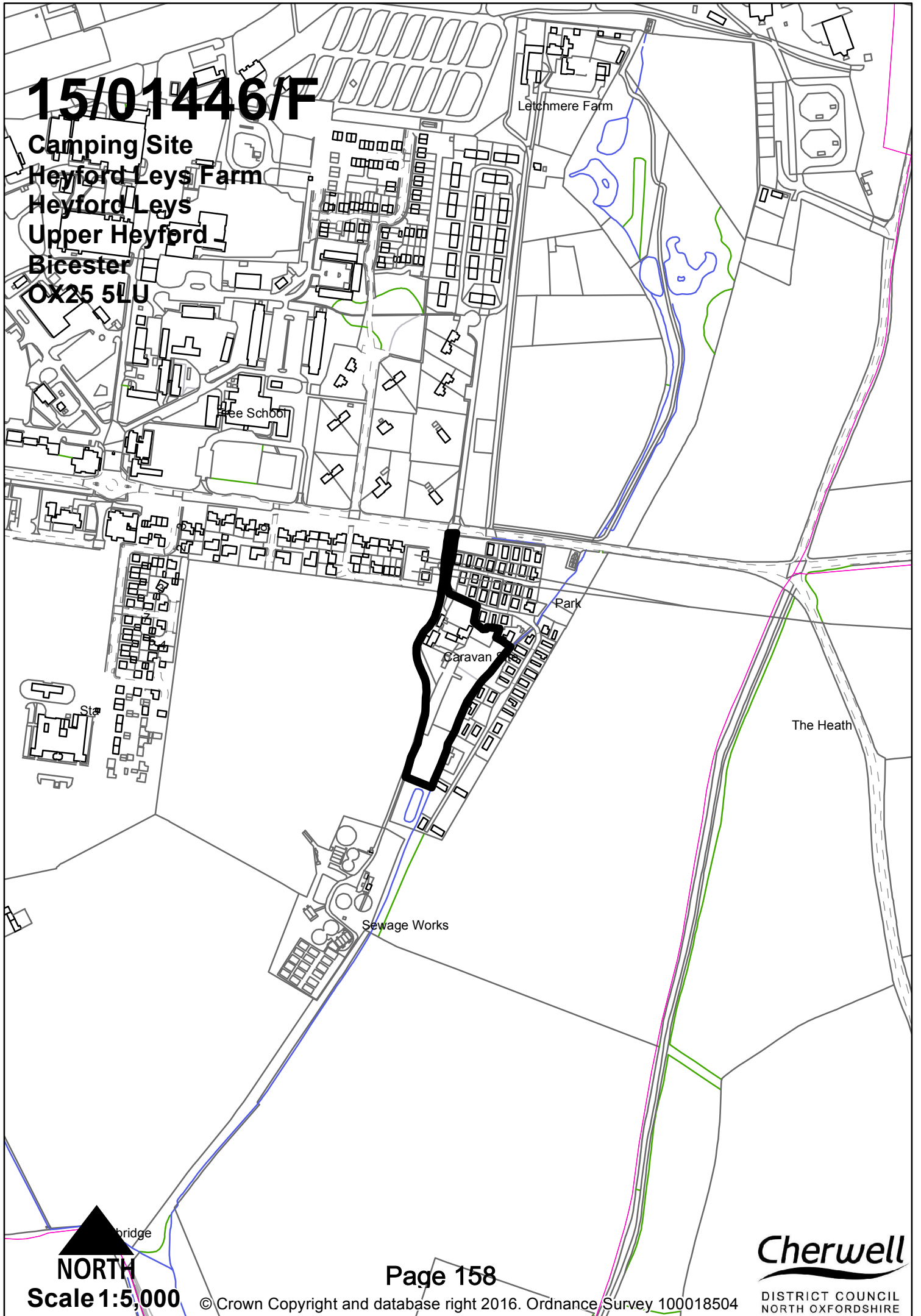
**Camping Site  
Heyford Leys Farm  
Heyford Leys  
Upper Heyford  
Bicester  
OX25 5LU**



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

# 15/01446/F

Camping Site  
Heyford Leys Farm  
Heyford Leys  
Upper Heyford  
Bicester  
OX25 5LU



**NORTH**  
Scale 1:5,000

Camping Site  
Heyford Leys Farm  
Heyford Leys  
Upper Heyford  
Bicester  
OX25 5LU

15/01446/F

**Case Officer:** Andrew Lewis                      **Ward(s):** Fringford And Heyfords

**Applicant:** Mr Liberty Durant

**Ward Member(s):** Cllr Ian Corkin , Cllr James Macnamara, Cllr Barry Wood

**Proposal:** Change of use for extension to mobile home park onto adjoining caravan site (Heyford Leys Camping Park)

**Committee Date:** 7 July 2016                      **Recommendation:** Refuse

**Referral Reason** - Major Application

## 1. Application Site and Locality

- 1.1 The site of the application measures approximately 0.1 hectares and is currently used by touring caravans and for camping. It is largely open and grassed with a number of buildings including a former stone barn (permission granted in 2014 for conversion to 2 dwellings), prefabricated concrete and rendered buildings that serve as office, shop, storage and toilets for the existing use. The site has hedging and several attractive trees.
- 1.2 It is located to the east of the former RAF Upper Heyford base on the south side of Camp Road. On its eastern boundary is the Duvall Mobile Home Park and it is the owner of this site that is seeking permission to expand. The main part of this site has a long standing use as a permanent residential park on which it is understood there were 48 homes although in 2014 its extension was approved for an additional 9 park homes on land within its curtilage but which had been used as open space by the residents.
- 1.3 To the south is the sewage treatment plant that serves the former base. Its shares access to Camp Road with the residential park and application site. Surrounding the caravan/camping/application site, mobile home park and treatment plant are open fields which give it a degree of separation from the main settlement. Approximately 650 metres to the south is a public footpath (Route code 388/4/40; route number 4) which has a clear view of the application site across open countryside.

## 2. Description of Proposed Development

- 2.1 The application site has recently been modified and its boundary now relates to that authorised for caravanning and camping. This reduces the number of homes proposed from 34 to 25. A stone building would be retained as an office but all other buildings demolished. Access would be the existing entrance to Camp Road but the new homes would be served from their own extended drive. The homes would be single storey and similar in appearance

to the latest park homes on the adjacent site. They would be sited on a concrete hardstanding with a dedicated parking space. All appear to be two bedroomed from the information provided and the intention is they are occupied by residents of 55 years of age or older. It is understood the southern end of the site would be retained as communal open space.

2.2 The application has been supported by a considerable amount of documentation including:

- Planning Statement
- Environmental assessment
- Ecological Statement
- Flooding and Drainage assessment
- Transport Statement

### 3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
CHS/665/79X	Residential caravan site for 47 caravans/mobile homes	PER
96/00094/F	Change of use from agricultural land to caravan/parking bays complete with electrical hook-up points for 22 touring caravans. Enlargement of access.	PER
95/00130/F	Extended permission for existing hardstanding area to situate 16 touring caravans for accommodation to persons working in the local area	PER
00/00176/F	Non-compliance of Condition 1 of Planning Permission 96/00094/F, to continue the use of the land for the siting of 22 touring caravans	PER
00/00177/F	Use of land for siting 12 touring caravans (as amended by Applicant's letter dated 12th July 2000 and Site Plan received 2nd May 2000)	PER
00/02332/F	Use of land for siting 12 touring caravans without compliance with condition 4 of planning permission 00/00177/F relating to provision of toilet / shower facilities	REF
01/01838/F	Non compliance with Conditions 3 and 4 of CHS.665/79X. To continue the use of the land for residential mobile homes	PER
02/02290/F	Relaxation of Condition 1 of 00/00176/F and 00/00177/F. To allow the use of the land for the siting of touring caravans to be	PER



permanent

06/00551/F	Revised site layout to achieve site license compliance, an increase in caravan numbers and enhanced landscaping (Variation of condition 5 of CHS 665/79)(as amended by plan received 05/05/06 with agents letter dated 04/05/06)	WDN
07/00083/F	Revised site layout to achieve site license compliance, an increase in caravan numbers and enhanced landscaping (Variation of condition 5 of CHS 665/79). Resubmission of 06/00551/F	REF
14/00830/F	Change of use of land for siting of mobile homes	PER
14/00372/DISC	Submission of details to comply with conditions 3, 7, 11 and 12 of planning permission 14/00830/F	PER

#### 4. Response to Publicity

- 4.1 The application was publicised by way of neighbour notification letters and a notice displayed near to the site. The comments raised by third parties are summarised as follows:

##### 45 Heyford Leys:

- My concerns are, there are already over a 1000 houses being built here and the disruption dust and noise is horrific.
- A mobile home park is meant to be a place of peace and tranquillity; we are losing this and with additional units will lose more.
- Will dogs be allowed? There are no dogs allowed currently on this old site yet dogs are allowed on Mr Durant's new projects. The walls are thin and barking dogs would be another disruption.
- How many units is Mr Durant proposing to site?
- What about the local wild life and large mature trees? We are losing more and more because of Mr Durant's extensions and the Dorchester and Bovis groups. None of this has been mentioned and we have had no information on the extent of this proposal.

##### Duvall Park Resident

- The landlord has a number of unresolved planning issues. This includes failing to address known flooding problems from the installation of the park homes adjacent to the main car park at the site entrance. This is known by the council to be a breach of his site license.
- The landlord has made little attempt to discharge condition 3 of planning application 14/00372 even though he has completed the building works and is currently trying to fill the vacant plots.
- Whilst the area does not fall within a floodplain, it is known by the residents to suffer from flooding problems. This is probably aggravated by the site owners' refusal to provide adequate drainage for surface water as required by section

27 of his site license. I would suggest as a minimum the council should insist that the above issues are resolved as a condition of any future planning application (including this one if it is granted).

- In my view for planning application 14/00372 the council did not give enough consideration to the differences between siting park homes and houses. Park homes are built on a concrete base, whilst steel jacks, support a steel frame. This makes them far more susceptible to damage (corrosion to the support frame) than a standard brick built building. The gap between the bottom of the park home and the base is normally enclosed within a brick built frame, which could easily retain water increasing the likelihood of corrosion. Even minor flooding on a frequent basis could result in substantive structural damage to a park home within a few years.
- I understand that several of the existing tenants suffer flooding problems in heavy storms. Building the concrete bases for this application as well as the bases for planning application 14/00372 would reduce drainage and consequentially raise this flooding level. This would affect any new tenants, existing tenants and adjacent land identified for “potential for additional development identified under policy villages 5”, unless suitable additional drainage is provided. Failing to give careful consideration to these problems, could leave the council facing a litigation case for damages if any of these problems are realised.
- The new proposal does not provide enough additional visitors car parking space, especially to the south westerly end of the proposed plans.
- There is no provision within the application for compliance with the 10% recreational area. I would presume that the suggestion of using the land to the north east of the site as recreational land would negate this requirement. However, this is private land owned by the Dorchester Group. I understand from their site office that whilst they have no immediate plans for this land, they have confirmed that it will not be used for recreational land open to the public. Since there is no suitable recreational facilities available provide for the public, then the plan should be amended to provide a 10% recreational area in accordance with section 30 of the site license.
- The land in question does not fall within development land as defined by the councils “local plan”.
- There is already an extensive area assigned within the “local Plan” for development. Given the scale and complexity of the development, the council will face considerable opposition in implementing these plans. Concerns include the impact on transport, infrastructure and the rural nature of surrounding villages, will be raised. Additional substantive development adjacent to a major development site will only antagonise the situation even further. This development could easily give any opposition grounds to challenge, amend or delay the implementation of the “local Plan” for the area.
- The application is based on the premise of providing low cost housing primarily for the elderly. In view of this, if the council wish to consider this application, it should be tailored to suit this requirement. I would suggest that the council should give consideration to the following:
  - The application should be predominantly, or limited to, 2 bedroom properties. Most retirement properties are for one or two people only.
  - The selling price should be limited to a suitable price band to reflect the low cost housing requirement this application is aim at providing.
  - The site rent should be in line with the current site rental charges that are currently being charged for the rest of the site.

Solicitor on behalf of adjacent landowner: objects to lack of notification (by applicant)

Dorchester Group (Owners of former RAF Upper Heyford) Object:

- Development of greenfield land
- Outside the allocated development site (Policy Villages 5)
- If it was appropriate for development the site would be allocated (in Policy Villages 5) so it is unacceptable in principle.
- Council has 5 year housing land supply-this development is not necessary and should not be considered on its own merits (reference policy H18 of the CLP)
- Adjacent to proposed development site but outside the defined limits of Upper Heyford
- Development relies on extant policies being considered out of date.
- Policy Village 5 requires a comprehensive integrated approach to development. A masterplan is under consideration. Development of this site would conflict with that sustainable approach to development and would not support appropriate infrastructure.
- The masterplan led approach would be undermined by this development
- The proposal does not consider the risks to wider environmental improvement strategies and future access arrangements.
- There are some errors with the submission. The accompanying Environmental Statement fails to acknowledge the adjacent waste treatment plant. Notice has not been served on Dorchester who have an interest in the access road and other land within the red line application site boundary

## **5. Response to Consultation**

5.1 Parish/ Town Council: The Upper Heyford Parish Council strongly objects to the change of use for this site. A holiday camping and caravan site is an ideal use for this site, particularly as the community grows and the Heritage Centre and associated programmes are fully implemented. The addition of high density mobile homes is not needed and will further exacerbate the potential traffic problems on Camp Road. The plans for the site also encroach on a right of way road not owned by the applicants and restricts both agricultural access and access to sewage works to the south of the site.

### 5.2 Cherwell District Council:

- Waste/Recycling Officer: Happy with proposals
- Public Protection: If this planning permission is granted the site owner will need to apply to the Public Protection team for an amendment to his current caravan site licence. The licence will be subject to compliance with licence conditions which are in line with those that apply to the existing site.
- Landscape Architect: I have no objection in principle of the COU but am concerned about the retention of adequate tree and hedge screening to the mobile homes in respect of Heyford Park residencies to the to the northwest and west of the site. The sites western boundary structural vegetation is to be retained for this reason. However western (curvilinear) boundary near the substation requires a hedgerows and trees to ensure sufficient visual impact mitigation is achieved.  
It is important for the applicant to provide a comprehensive tree and hedgerow survey in accordance with BS5837. Trees and hedgerows within an influencing distance of the development i.e. the position of mobile homes on the south eastern boundary are too close to the hedgerow and trees, resulting in physical damage to canopy and root systems. Furthermore light reduction to windows and garden space along with shade

problems, and physical encroachment of branches will cause residents to complain, resulting in the removal of sections of hedgerow and trees. The layout of the mobile homes should be revised to rectify this issue, and perhaps the number of units should be reduced to achieve this. A similar problem occurs on the western boundary; the units should be pulled back from hedgerow and trees. Root protection areas and the extent of the protective fencing is to be indicated.

For the conditions hard and soft landscape proposals are required, along with hedgerow retention and minimum maintenance height restrictions (3m for the western hedgerow and 2 m for the interior hedgerow/eastern boundary).

- Ecology Officer: The ecological report for the application is fine and I concur with its conclusions. There are no major ecological constraints and the proposed mitigation and enhancements may well result in a net gain for biodiversity on site in the long term when the new hedgerow is mature.

I would suggest conditioning the method statement within the report (however please note the figures they refer to are incorrect (should refer to figures 7 & 8 not 6 & 7) which includes a repeat bat survey if the works do not proceed by May 2016. Lighting on site should be as minimal as possible and directed away from all boundary vegetation to ensure the value of the installed bat boxes is maintained. There needs to be some idea of how the landscaping on site will be managed to maximise biodiversity benefit, maybe in a LEMS or this could be combined in any landscaping condition.

- If permission is granted I would recommend the following conditions:
  - K19 Ecology: Compliance with submitted details
  - K11 Nesting Birds: No works between March and August
- Tree Officer: No objections
- Strategic Planning and the Economy:
  - Saved Policy H18 (Adopted Local Plan, 1996) restricts development beyond the built up limits of settlements save for agricultural purposes and rural exception sites. The policy intention is to ensure countryside is protected from sporadic development. Policy Villages 2 on the new Local Plan does not provide for development in this location. Policy Villages 5 provides for a new settlement at Former RAF Upper Heyford within defined limits. A comprehensive integrated approach is required. The application site lies outside the defined area. Whilst there are existing and planned services and facilities at Heyford which could serve the proposed development, the proposal would effectively extend the allocated site and result in a more permanent form of development in an area of countryside.
  - Key aims of the Local Plan include meeting housing needs of all sections of Cherwell's communities, improving the affordability of housing and improving availability of housing to newly forming households in rural areas. This proposal would assist in achieving these aims, providing housing opportunities for new and existing residents.
  - The applicant's supporting statement indicates that there is a limited supply of park homes in the area and a high demand for this type of accommodation illustrated by many of the plots in the recently approved extension to the Park (14/00830/F) been already sold. The applicant also notes the potential contribution of park homes towards meeting local housing need in Cherwell given that park homes sell at a 'substantial' lower cost than similar 'bricks and mortar' properties in the same housing market area.
  - However, there is no pressing need for additional housing land to be brought forward at this time. The five year land supply was comprehensively reviewed for the 2014 Annual Monitoring Report which was published on 31 March 2015. The AMR concluded that the district has a 5.1 year supply of deliverable sites for the five year period 2015-2020 (commencing on 1 April 2015). The five year land supply which includes a 5% buffer has been confirmed by a recent appeal

decision at Kirtlington (Appeal ref: APP/C3105/W/14/3001612). The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

- Neither the NPPF nor PPG presently include low cost market housing within the definition of affordable housing. However, the proposal should be considered in the context of its potential to contribute to aims of Local Plan Policy BSC4 subject to other policies in the Development Plan.
- It is noted that the site is already used as a caravan site. The detailed impact of the proposed development including the impact on the Conservation Area and on the on-going preparation of a Masterplan for the RAF Upper Heyford site will need to be considered.
- However, from a planning policy perspective, there is no current, pressing need to release additional land for a permanent form of housing contrary to Development Plan policy and resulting in the loss of an area of countryside. The extent of any harm, in this location, would nevertheless require detailed examination.
- Objection on policy grounds
- Business Support Unit Manager  
Neutral. It is estimated that this development has the potential to attract New Homes Bonus of approximately £136,160.64 over 6 years under current arrangements for the Council, with an additional sum payable per affordable home.

### 5.3 Oxfordshire County Council:

#### **Key issues**

- The development proposal is unlikely to have a significant impact on the capacity of the immediately surrounding road network.
- Contributions will be required towards the improvement of bus services and infrastructure.
- A Travel Plan Statement will be required.
- The road layout requires improvement and clarification.

#### **Transport Strategy**

The development site is outside of the Upper Heyford allocation in the Local Plan, and is not therefore constrained by the need to await the impending masterplan for that allocation.

#### **Transport Development Control**

The planning application is accompanied by a Transport Statement (TS). The TS refers to traffic impact thresholds in the Department for Transport Guidance on Transport Assessment in asserting that a Transport Assessment is not required. It should be noted that this guidance no longer prevails and has been replaced by Travel plans, transport assessments and statements in decision-taking as set out on the DfT website.

The TS refers to a traffic survey that was carried out at the development, although no details of survey location or methodology are presented. The trip generation estimates for the development presented are very low, but do accord with those that would result if the national standard TRICS database category of "Retirement Flats" were to be used.

However, if the TRICS database category of "Houses Privately Owned" then estimated trip generation increases to 18 vehicles in the AM peak hour and 19 vehicles in the PM peak hour. This is considered to be a worst case scenario which makes no adjustment for trip generation from the existing camp site use. Should this level of trip making prevail it would still be unlikely to have a significant impact on the capacity of the immediately surrounding road network.

### **Public Transport**

Residents will require access to bus services to Oxford and to Bicester, to access various services (including employment, education, retail, medical and social) in these centres. Bus service 25A currently operates approximately once per hour between Bicester, Upper Heyford and Oxford.

Bus service 25A is currently supported financially by the County Council, and is at risk of termination of contract in 2016. This route is currently listed as under threat by the current Council consultation into the potential withdrawal of operating subsidies. The contract for this service is currently linked to other local routes in the Bicester area, so it's difficult to disaggregate the economics of the 25A service from the overall contract value.

However, a Section 106 agreement was agreed between the Heyford Park developer, Dorchester Group, and the County Council to sustain and make improvements to bus services from Upper Heyford. Arrangements will therefore be made to ensure continuation of bus services from Upper Heyford. The Council will endeavour to procure as good a service that can be obtained with the finance available.

Developers along the 25A route, between Upper Heyford and Bicester and between Upper Heyford and Oxford, are required to make proportionate Section 106 payments on the basis of fairness and transparency between developers, also to add to the available Section 106 funding, and so secure the future bus service for additional years of future operation. The ultimate aim is that the bus service should operate in a fully commercial manner, without subsidy. However, it is expected that pump-priming payments to the operator will be required for a number of years.

The nearby bus stops on Camp Road are not officially recognised since they do not appear in the national databases. It appears that two information cases have been affixed to a lamp post and a fence respectively. The developer will be required to rectify this situation by funding a pair of pole/flag/information case units.

### **Travel Plans**

The development is of a size that will require a Travel Plan Statement to be submitted. This will need to be prepared using the Oxfordshire County Council Travel Plan Statement template.

### **Road Agreements**

The proposal does not show appropriate turning heads at the ends of the main access roads. These need to be provided and tracked for safe manoeuvring for larger bin lorries. The runnable carriageway section within the square layout next to the office reception block needs to be clearly demarcated with a kerb line to avoid unauthorised parking obstructions. It is not clear whether the main access road is shared or segregated. This needs to be clarified.

### **Drainage**

The Flooding and Drainage assessment states they may use Detection Basins if soak-aways aren't viable. It is suspected that this is a typing error and should read "detention basins".

OCC will need to see the results of any site soil infiltration investigations and the method of surface water drainage being utilised as a result of those investigations.

Until such time the surface water strategy cannot be confirmed so therefore must be conditioned.

### **Recommendation**

No objection subject to conditions

### **Legal agreement required to secure**

Section 106 contribution of £1,000 per additional residential dwelling unit towards the cost of procuring improved bus services between Upper Heyford and Bicester and between Upper Heyford and Oxford.

Section 106 contribution of £2,000 towards the cost of establishing approved bus stops on Camp Road, in the vicinity of Heyford Leys Farm, to include the installation of two bus stop pole/flag/information units.

**Conditions**

D10 Estate Accesses, Driveways and Turning Areas

D15 Parking and Manoeuvring Areas Retained

D16 Details of Turning for Service Vehicles

D19 Cycle Parking Provision

The developer to initiate the process for establishing the approved bus stops on Camp Road through arranging a Site Meeting with interested representatives.

A Travel Plan Statement will be required in support of this application. This will need to be submitted for approval by the Travel Plan Team at Oxfordshire County Council before first occupation.

A Travel Information Pack for all new residencies will also be required. This will be sent to the Travel Plan Team at Oxfordshire County Council for approval before first occupation

Archaeology

**Key issues:**

The site is located in an area of archaeological potential 300m west of the prehistoric Aves Ditch and in an area where Anglo Saxon burials and Iron Age settlement has been recorded. A programme of archaeological investigation will need to be undertaken ahead of any development on the site.

**Detailed comments:**

The site is located in an area of archaeological potential 300m west of the line of Aves Ditch, a prehistoric tribal boundary. A number of Iron Age banjo enclosures have been recorded along the line of this boundary. Two further banjo enclosures have been recorded to the south of this proposed site. Other Prehistoric features have been identified from aerial photographs in the immediate vicinity.

A Romano-British settlement site has been recorded to the north of this proposal and a series of cropmarks identified as a possible Iron Age or Roman settlement complex have been recorded to the east of the site. A number of burials have been recorded in the vicinity and a possible Anglo Saxon cemetery has been recorded within the area of the site.

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

**Recommendation:**

No objection subject to conditions

**Conditions (if approved):**

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012).

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of

archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

**Informatives:**

If the applicant makes contact with us at the above address, we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

**Education**

OCC would not seek s106 contribution towards additional school places provided any permission granted is subject to a condition that all occupants of any dwelling, including mobile homes, must be 55 years old or above. OCC reserves the right to seek a contribution if the condition is removed or amended.

If this condition is removed, the following contributions would be required:

- £135,046 Section 106 developer contributions towards the expansion of Heyford Park Free School, by a total of 11.66 pupil places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.
- £141,477 Section 106 developer contributions towards the expansion of Heyford Park Free School by a total of 8.04 pupil places (including 1.02 sixth form places). This is based on Department for Education (DfE) advice for secondary school extension weighted for Oxfordshire and including an allowance for ICT and sprinklers at £17,455 per pupil place and £18,571 per Sixth Form pupil place. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index.

**Property**

Recommendation: No objection subject to conditions

Key issues:

The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.

Legal Agreement required to secure: Library book stock £850.00

Conditions:

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



Informatives:

Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems

### **Social & Health Care - Day Care Facilities**

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

Contributions are based upon a new Day Care centre offering 40 places per day (optimum) and open 5 days per week; leading to an equivalent costing of £12,607 per place at 4th Quarter 2014 price base (this in non-revenue). Based on current and predicted usage figures we estimate that

1% of the over 65 population use day care facilities. Therefore the cost per person aged 65 years or older is £126.

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

**£126 x 42.5 (the forecast number of new residents aged 65+) = £5,355.00**

### Minerals & Waste

#### **Recommendation:**

No objection

#### **Key issues:**

The proposed development would sterilise deposits of limestone within the application site and could affect deposits in adjoining land. It therefore needs to be considered against Oxfordshire Minerals and Waste Local Plan policy SD10. In view of the location of the site and the constraints on and uncertainty relating to the possible working of these mineral deposits, any additional mineral sterilisation that would result from the proposed development is not considered to be sufficiently significant to justify safeguarding the limestone deposits within the site against built development.

#### 5.4 Other External Consultees:

- Environment Agency: We have assessed this application as having a low environmental risk and we have no comments to make on the above proposal.

- Thames water Utilities:

##### Water Comments

- The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

##### Supplementary Comments

- Based on the understanding the sewage from this site will drain to the private Sewage Treatment Works, Thames Water have no concerns. However, if at any point this development will require connection to the public sewer we request further consultation is sought.

## 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 law requires that applications for planning permission must be determined in accordance with the Development Plan unless material 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

PSD1	Sustainable development
ESD15	The Character of the Built and Historic Environment
ESD 13	Local Landscape Protection and Enhancement
VIL1	Village Categorisation
VIL2	Distributing Growth Across the Rural Areas
VIL5	Former RAF Upper Heyford
BSC 3	District wide Housing distribution
BSC4	Housing Mix

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

H18	New dwellings in the countryside
TR7	Development attracting traffic on minor roads
ENV1	Development likely to cause detrimental levels of pollution
C8	Sporadic development in open countryside
C28	Layout, design and external appearance of new development
C30	Design of new residential development
C31	Compatibility of proposals in residential areas
C33	Maintain gaps to preserve character

### **Other Material Planning Considerations**

#### National Planning Policy Framework (The Framework) (NPPF)

The NPPF at paragraph 14 states ‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking’....For decision taking this means:

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

#### Planning Practice Guidance (NPPG)

## 7. Appraisal

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

- Planning Policy and the Principle of Development
- Five Year Housing Land Supply
- Design, layout and Visual Impact
- Ecology
- Flooding and Drainage
- Traffic and Transport
- Heritage matters
- Planning Obligation

### Planning Policy and Principle of Development

- 7.1 The Development Plan for Cherwell District comprises the recently adopted Cherwell Local Plan 2011-2031 and the saved policies in the Adopted Cherwell local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 The site in question is not allocated for development in any part of the development plan, and it falls outside of the built up area of Upper Heyford being clearly separated from the settlement by a field. Development at Heyford is covered by Policy Villages 5 and this site was not considered to be suitable for development. (The adjacent field comes within the land allocated for development by Policy Villages 5 and is currently subject to a masterplan exercise that is being undertaken for the whole of that policy area.) Quite clearly this proposal fails to comply with the Local Plan policy as the site does not lie within the built up limits of the settlement and in doing so conflicts with Policy ESD13 of the Local Plan that seeks to protect and enhance local landscapes.
- 7.3 The applicant has argued strongly that this proposal meets the criteria set out in the NPPF and the Local Plan to meet the housing needs of the elderly and low cost accommodation. They point out the elderly are the main occupants of Park Homes particularly as they enable residents to downsize and the accommodation is "affordable". There is a limited supply of park homes in the area and a high demand for this type of accommodation is illustrated by many of the plots in the recently approved extension to the Park (14/00830/F) being already sold. The applicant also notes the potential contribution of park homes towards meeting local housing need in Cherwell given that park homes sell at a 'substantial' lower cost than similar 'bricks and mortar' properties in the same housing market area. Those Park Homes recently erected on the authorised site to the site were sold quickly and at low cost. It is a key aim of the Local Plan to meet housing needs of all sections of Cherwell's communities, improving the affordability of housing and improving availability of housing to newly forming households in rural areas. It is accepted to some degree this proposal would assist in achieving these aims, providing housing opportunities for new and existing residents but neither the NPPF nor PPG

presently include low cost market housing within the definition of affordable housing. However, the proposal should be considered in the context of its potential to contribute to aims of Local Plan Policy BSC4 subject to other policies in the Development Plan.

### **Five year land supply**

- 7.4 The latest housing figures for Cherwell District Council have shown it has exceeded its five year land supply and can robustly defend against speculative development. The annual monitoring report for 2014/ 2015 undertook a comprehensive review of housing land supply as at December 2015. The figures showed that over three consecutive years Cherwell has continued to exceed its five year land supply due to an increase in housing construction and can now demonstrate a 5.1 year supply for 2014-2019; a 5.3 year supply for 2015-2020 and a 5.6 year supply for 2016-2021.
- 7.5 The Cherwell Local Plan outlines the preferred sites for 22,840 homes and 200 hectares of employment land between 2011-2031. Figures from the annual monitoring report showed 2,052 homes had been completed between 2011 and 2015, of which 946 were built during the 2014/2015. Of those completed over the past financial year, 44 per cent were built on previously developed land and 191 were marketed as affordable, including 22 self-build homes. It is expected that between 2015 and 2020, 9,034 new homes will be built and by 31 March 2021, 12,824 homes will have been built across the district over a ten year period. This equates to an approximate average of 1,282 homes per annum which exceeds the annual requirement of the adopted Local Plan 2011-2031 of 1,142 per annum.
- 7.6 Heyford is seen as a strategic development site by the Local Plan and was envisioned as a point of growth when the policy was drawn up. 1600 dwellings and 1500 jobs are proposed there under Policy Villages 5. This site is not allocated for development in the relevant policy nor is it seen as suitable for development being outside the built up area. By having the five year land supply means we can continue to protect villages and rural areas from overdevelopment by concentrating housing projects on the edge of existing towns and urban areas. Allowing this development would detract from this edge of countryside site and undermine the overall strategy of the Local Plan to direct housing to the most sustainable locations in the district.
- 7.7 Paragraph 14 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.

## **Design, Layout and Visual Impact**

- 7.8 The application proposes a regular, formal layout of park homes either side of a new access road on its own plot each with a dedicated parking space. As mentioned above the applicant has volunteered to reduce the size of the application site retaining the southern part as open space and reducing the number of homes proposed from 34 to 25. The homes are obviously prefabricated structures and will be brought to the site and fitted on to a concrete base. There appear to be two main designs of the homes. Internally they are similar and provide 2 bedroomed accommodation. Externally they are single storied with a shallow pitched tiled roof and rendered appearance.
- 7.9 The site has a current use for touring caravans and camping. The applicant argues this makes the site brownfield and has submitted an appeal decision in support of this view. Obviously no two applications are the same and the appeal decision does not appear to be of a similar form and scale of development and it is in a different type of location so of little relevance. Although accepting the land could be used in a way different from what is normally construed to be “greenfield” Officers do not consider the site’s operation makes it “previously developed” as described in the NPPF to justify its use for residential purposes.
- 7.10 The site is seen as part of the open countryside and contributes to the rural character, quality and amenity of the area. Its open character and extensive views over surrounding countryside also contributes to the amenity value and enjoyment of the public rights of way passing in close proximity to the site.
- 7.11 Saved Policy C7 of the Local Plan states that: Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape. Similarly Policy C33 states that: the Council will seek to retain any undeveloped gap of land which is important in preserving a view or feature of recognised amenity or historical value. Policy ESD13 of the Local Plan 2011-2013 states that: development will be expected to respect and enhance local landscape character, and Policy ESD15 states that new development should: Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.
- 7.12 The Council’s Landscape Officer has considered the visual Impact of the application on the landscape character and amenity of the site and surrounding area, and concludes that: the proposals will result in harm to the landscape character and visual environment. on the grounds it would have a major adverse impact on the amenity value of the landscape and the enjoyment of the public rights of way network. The Parish Council have also raised objections on the grounds of landscape and visual impact. To overcome these objections substantial planting would be required. Whilst requesting more planting, the landscape officer also advises to do so would then result in conflict with the amenities of occupiers of the dwellings as they find themselves overshadowed and their look restricted.
- 7.13 Officers are of the opinion that the proposals would have a major adverse impact on the character, quality and amenity of the area. The development would effectively infill a gap between the waste treatment plant and mobile homes fronting Camp Road detracting from its rural setting, and attractive views across the countryside from the public rights of way to the south. Therefore the proposal would detract from the rural character and setting of Heyford and the area as experienced by local residents, visitors and users of the public rights of way. Officers consider this to be a significant and demonstrable harm to be taken into account in the planning balance.

## **Ecology**

- 7.14 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 7.15 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and: ‘local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a ‘competent authority’ in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places’.
- 7.16 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-
1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
  2. there is a satisfactory alternative
  3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 7.17 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 7.18 The application is accompanied by an Ecological Survey. Although newts exist in the vicinity of the site none were found upon it. No bats were found in the latest survey in 2015 although in 2012 a single brown long eared bat was evident. If permission was granted further survey work would be required. The Council’s ecologist accepts the report’s findings and welcomes the mitigation package submitted as part of the application that would see provision of bird and bat boxes through the site.

## **Flooding and Drainage**

- 7.19 It is noted that the Council have in the past received complaints from residents about flooding and drainage on the existing Mobile Home Park. However, the site lies within Flood Zone 1 (low risk). A Flood risk assessment has nevertheless been undertaken by the applicants. As the site is in Zone 1 redevelopment of the site for residential development is not precluded. Surface water discharge from the site can be discharged to a new drainage system that can be suds compliant. OCC, the local flood risk authority, will need to see the results of any site soil infiltration investigations and the method of surface water drainage being utilised as a result of further investigations which would need to be conditioned. A separate foul drainage system is understood to be proposed if agreement cannot be agreed

with the public utilities. Neither the Environment Agency nor TWU have any in principle objections.

### **Traffic and Transport**

- 7.20 The highway authority has no objection to the use of the existing access or to the level of parking proposed. They are concerned that some of the internal layout maybe inadequate for service vehicles and require a condition be imposed to test the tracking for such vehicles. A travel plan is also requested by condition, if permission is granted.
- 7.21 However, the site's isolated rural location and the level of traffic likely to be generated are of concern. A Transport assessment has been produced but the Highway Authority are aware from studies previously carried out to test development impact from implementation of Policy Villages 5 it is clear the capacity of the surrounding network will be impacted adversely by further residential development. Mitigation is required to improve capacity of nearby junctions and the highway infrastructure. Improvements are also required to the public transport network. It is felt mitigation can be achieved but contributions will be required towards the improvement of bus services and infrastructure. Details are highlighted in the County Council response and the applicant has been informed. He has agreed in principle to make the required contributions.

### **Heritage Issues**

- 7.22 The site is in close proximity to the RAF Upper Heyford Conservation Area but sufficient distance not to have a significant impact upon it. There are no above ground heritage assets. However, the site is located in an area of archaeological potential 300m west of the prehistoric Aves Ditch and in an area where Anglo Saxon burials and Iron Age settlement have been recorded. A programme of archaeological investigation will need to be undertaken ahead of any development on the site and if permission were granted a condition is recommended.

### **Planning Obligations**

- 7.23 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation to enable the development to proceed. The draft Supplementary Planning Document (SPD) relating to the requirements was considered by the Council's Executive in May 2011 and was approved as interim guidance for development control purposes.
- 7.24. New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/services. Obligations are the mechanism used to secure these measures.
- 7.25 In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:
- necessary to make development acceptable in planning terms
  - directly related to the development; and
  - fairly and reasonably related in kind and scale to the development
- 7.26 Having regard to the above, the Heads of Terms relating to the additional development would include contributions towards infrastructure improvements and for bus service

support/ bus stop, and improvement to social services and library provision. Significant education contributions were sought by the County Council but these would not be required if the applicant as part of any legal agreement restricted occupation of the dwellings to residents not less than 55years of age.

## **Engagement**

- 7.27 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application. It does need to be recorded that the applicant has followed our normal procedures and protocols and engaged in pre-application discussions. Unfortunately at that time CDC could not demonstrate a 5 year housing land supply. Since the receipt of the application, circumstances have changed and as set out above, the 5 year housing supply can now be demonstrated and the need for further dwellings or this form of Park Home scheme are no longer required. Furthermore, it would also seem that whilst the applicant submitted this application, the adjacent land to the west has now been allocated for residential development under Policy Villages 5. The application is also willing to meet, in principle, the financial contributions sought by the County Council and to agree to restrict occupation of residents to the age of 55 or older.

## **8 Conclusion**

- 8.1 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development: which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions should not be considered in isolation, but should be considered jointly and simultaneously, taking local circumstances into account. In practice this means that a planning balance exercise should be undertaken to determine if, taken as a whole, the adverse impacts of the proposal identified above are outweighed by the benefits such that it could still be considered sustainable development.
- 8.2 The proposed development would undoubtedly deliver social benefits in terms of meeting housing need, including the provision of on-site low cost housing for the elderly. There would be economic benefits arising from the contribution of future residents to the local economy, and environmental benefits arising from the proposed enhancements to biodiversity. Nevertheless, it is clear that there would also be a number of significant and demonstrable adverse social, environmental impacts resulting from the development. In summary these are an expansion of new housing to Upper Heyford causing harm to the rural character and quality of the new settlement, erection of dwellings outside of the settlement confines, undermining a more balanced distribution of housing growth across the rural areas, and the effect on the countryside setting and harm to the rural landscape character of the area. Also, there is no signed completed legal agreement that would be acceptable to secure the necessary planning obligations to mitigate the anticipated infrastructure impacts of the development, and the provision of affordable housing.
- 8.3 In the context of the Council being able to demonstrate an up-to-date 5 year housing land supply there is a not an overriding need for additional sites (such as the application site) to be released for housing now. Therefore the weight to be afforded to the benefits of delivering housing is reduced. In conclusion, when considering the economic, social and environmental impacts of the development as a whole, officers consider the limited benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts such that planning permission should be refused for the reasons set out below.



## 9. Recommendation

Refuse, for the following reasons:

- 1 The proposed development would be outside the built up limits of RAF Upper Heyford, a designated strategic site for development in the Cherwell Local Plan 2011-2031, and within the open countryside. Taking into account the amount of new housing development already planned to take place at Upper Heyford and the Council's ability to demonstrate that it has a current 5 year housing land supply, the development is considered to be unnecessary, undesirable and unsustainable new housing development that would harm the rural character and setting of Upper Heyford and would prejudice a more balanced distribution of the rural housing growth planned for in the Cherwell Submission Local Plan. Therefore the proposal is considered unacceptable in principle and conflicts with Policy Villages 5 of the Cherwell Local Plan Part 1, and Saved Policies H18 of the Cherwell Local Plan (1996), the NPPF in particular paragraphs 7, 8, 9, 10, 14 and 17 and the PPG.
  
- 2 The proposed development by virtue of its intrusion into the open countryside, loss of open land, backland position, and the setting of the village and the enjoyment of views from the nearby rights of way. the proposed development is considered to cause considerable, unnecessary and unjustified harm to the setting of Upper Heyford and to the surrounding countryside.. There are no public benefits which would outweigh this harm. The proposed development would therefore be contrary to Policy Villages 5, Policy ESD13 and ESD15 of the Cherwell Local Plan Part 1, Saved Policy C28, C30 and C33 of the Cherwell Local Plan (1996) and advice in the NPPF in particularly particular paragraphs 7, 17, 75, chapter 7 and chapter 12.
  
- 3 By reason of the lack of a satisfactory completed s106 legal agreement to secure contributions to the community services and infrastructure that would be directly affected by the development, the Local Planning Authority cannot be satisfied that the impacts of the development in these respects can be made acceptable. Therefore the proposal conflicts with Policies BSC3 and INF1 of the Cherwell Submission Local Plan, the NPPF in particular paragraphs 17, 203 and 204 and section 6 'Delivering a wide choice of high quality homes', and the PPG.

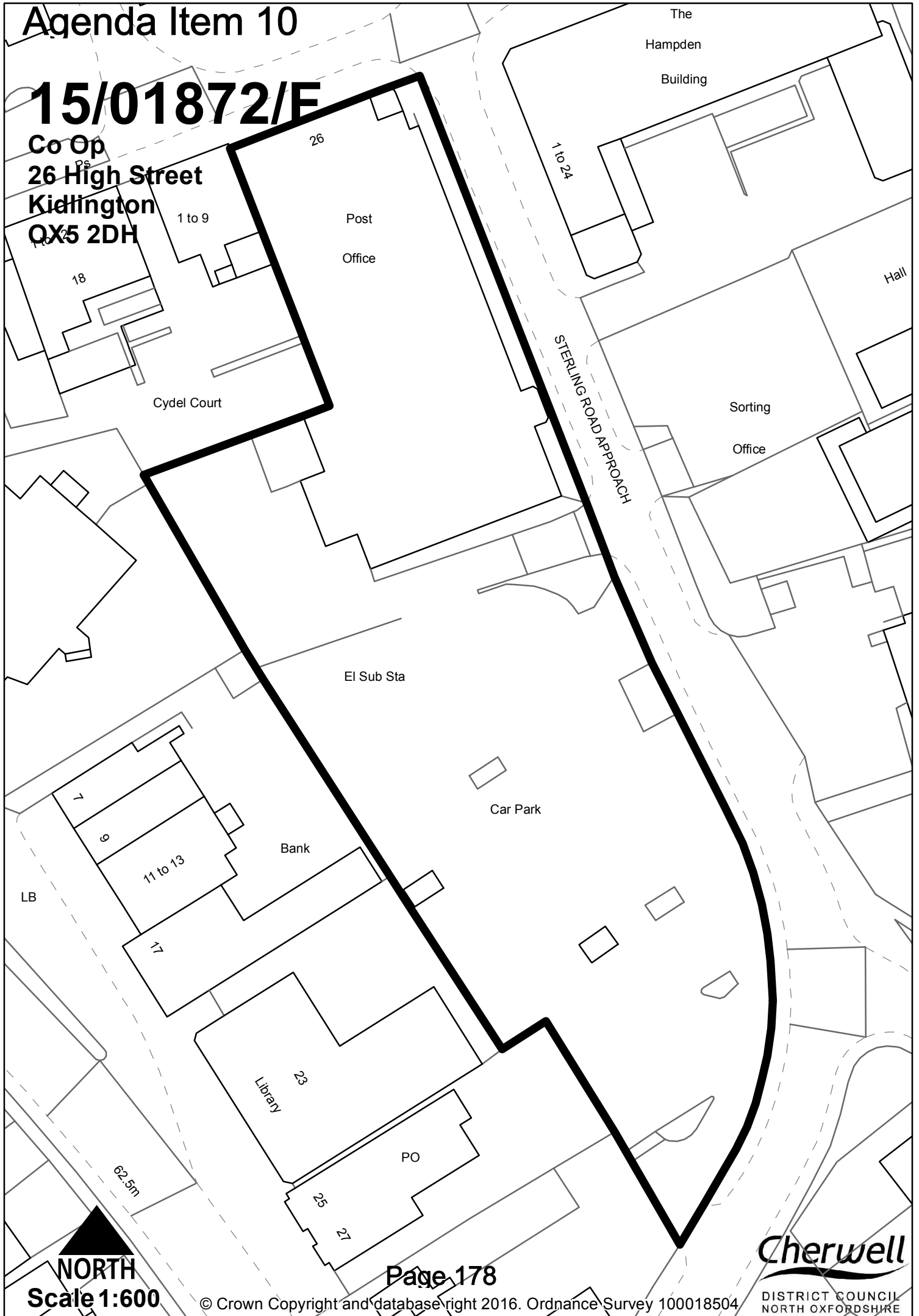
**CONTACT OFFICER:** Andrew Lewis

**TELEPHONE NO:** 01295 221813

# Agenda Item 10

## 15/01872/E

Co Op  
26 High Street  
Kidlington  
OX5 2DH

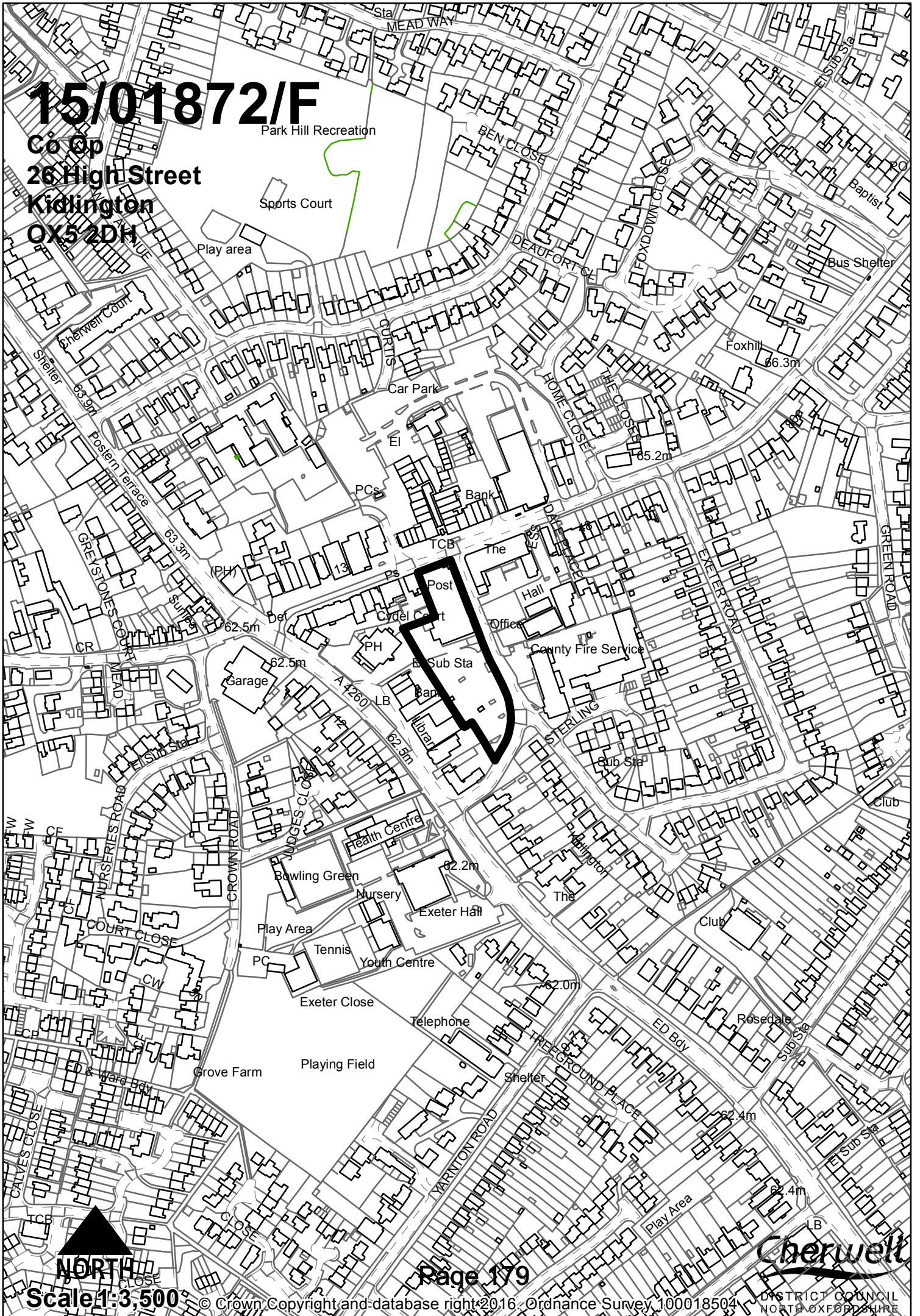


  
NORTH

Scale 1:600

# 15/01872/F

Co Op  
26 High Street  
Kidlington  
OX5 2DH



**NORTH**

Scale 1:3,500

Page 179

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# Co-op, 26 High St, Kidlington

15/01872/F

**Ward:** Kidlington East  
Prestidge

**District Councillor:** Cllrs Billington, Griffiths and

**Case Officer:** Bob Duxbury

**Recommendation:** Approval

**Applicant:** Midcounties Cooperative Society and Cantay Estates Ltd

**Application Description:** Erection of new buildings off Sterling Road Approach to contain 44 x 2 bedroom flats, conversion of offices above existing retail store to form 8 x 2 bedroom flats, and alterations to existing retail store. Construction of new accesses, car parking, service and turning areas and landscaping

**Committee Referral:** Major

**Committee Date:** 4 August 2016

## 1. Site Description and Proposed Development

- 1.1 The application site consists of the site of the existing Co-operative store facing onto High Street and the car park to the rear that has a long frontage to Sterling Road Approach to its east and south. The site is bounded by 3 and 4 storey housing to the east (Hampden building) the PO sorting office (single storey) and OCC Fire Service HQ (3 storey) along the eastern side of Sterling Rd Approach. A residential sits to the south (32 Sterling Road), whilst to the west are located 2 and 3 storey buildings containing a public house shops with flats over, library with offices over, a house and dentists practise. The site amounts to 1.34 acres (0.54 hectares).
- 1.2 The existing car park is privately owned and controlled and is used by customers and tenants. It is accessed at its southern end and egress is adjacent to the store. This access point also accesses a large service yard
- 1.3 The proposals are to
  - Retain a convenience store, post office and travel shop in reduced floorspace (493 sq.metres);
  - Convert space above the store to create 8 flats with own stair access, bin store and cycle store
  - New service and customer access off Sterling Road to 21 customer car parking spaces and service yard
  - New block containing 44 2- bedroom apartments with private balconies and roof level terrace for communal use
  - Reconfigured southern access to dedicated car parking area for residents and visitors
- 1.4 The retained part of the Cooperative building will be remodelled to update the structure and improve its appearance from High Street and from the side. It will be less dominant in Sterling Road Approach as it will be shorter in length

- 1.5 The main building will be designed as four linked blocks. The buildings will be predominately 4 storeys in height but with the southern-most block reducing to three storeys to reduce the impact upon the Sterling Road house and the adjacent bungalow fronting onto Oxford Road. The building has been redesigned during the life of the application to reduce the impact upon the street scene in Sterling Road Approach, by setting the buildings back from the road edge, introducing more variation in the building line and setting back top floor flats to result in an apparent variation in building height when viewed from street level. The buildings will be constructed in brick with render and cladding panels to have a strong contemporary appearance.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letters, site notices and press notice. The final date for comment was 16 May 2016.

48 letters have been received from residents of Kidlington

Material planning comments

- Four storey development out of keeping with the character of the area, will dwarf adjoining development and whole area will feel squeezed in by high buildings
- Area should be used to expand the shopping floorspace of the centre and not used for residential development
- Loss of car parking would be harmful to shops in the High St and market
- Car parking for new reduced Coop would be inadequate and cause parking congestion in other car parks and on-street
- To offset loss of parking contributions should be sought towards bus service improvements
- Loss of through route for pedestrians to Oxford Rd. Opportunity should be taken to insist upon this
- Social housing lacking in proposal
- Additional housing will place too much load on existing infrastructure-traffic, schools, and parking
- Flats should have more than 1 space each
- Too dense and overdevelopment
- Imposing design- obtrusive and incongruous contrary to Policy ESD 16
- Site better suited for older persons accommodation
- Will further diminish the vibrancy of Kidlington centre
- Reduction in retail floorspace puts in question the viability of the centre and the local village plan. Contrary to Policy Kidlington 2. No market appraisal of demand for retail floorspace
- Can the waste facilities be served adequately?
- Suggested repositioning of the bus stop from Tesco to this road frontage. Also suggested improved cycle routes
- Dangerous/awkward position for access/egress
- Concern about possible loss of PO
- Criticism of access and parking arrangements



- An enclosed space created when an opportunity for an attractive open public area could have been formed in conjunction with affordable housing
- Kidlington masterplan needed to provide context for considering applications of this nature
- Seeking mellower materials
- Lack of green space and play space should be addressed through contributions

Non material comments:

- Difficulty of accessing information and making comment
- Poor on site notification

- 2.2 A petition signed by 26 persons objects to the scheme for being of unreasonable height; inappropriately positioned; traffic problems and dangerous access; lack of affordable housing; parking problems and loss of parking; loss of shopping choice ; subdivision of the shopping by lack of through route
- 2.3 In re-consultation following the receipt of amended plans 42 further letters were received maintaining objections on many of the above grounds
- 2.4 A letter from Cllr Griffiths is attached as appendix 1. It will be seen that she raises concerns about loss of retail floorspace, the apparent lack of affordable housing, overdevelopment and height, connectivity, and access concerns In addition Cllr Griffiths seeks developer contributions towards outdoor play, re-routing a cycle route and on-going controls on sale/letting boards and restrictions on the use of balconies. A letter raising similar objections has also been received from Cllrs Billington and Prestidge.

With respect to the amended plans Cllr Griffiths has written to emphasise that her objections remain and that she is disappointed that there have been minimal changes despite the opposition raised. Cllr Griffiths says that the site is an important one which presents the best opportunity for some time to improve the centre of Kidlington. She considers that it is essential that any scheme is the best possible in terms of the mix of uses, its contribution to the economic viability , usability and attractiveness of the centre, and its promotion of a sense of place , as well as its physical appearance.

- 2.5 A letter has also been received from the Woodstock Action Group, who says their members use Kidlington for shopping. They object to the proposal as being contrary to underlying plans to enhance Kidlington centre and would be contrary to Policy KID2 as there is a loss of town centre uses. They also consider that the proposal is contrary to Policy ESD15 due to its design and lack of connectivity. They consider the proposal is premature to Part Two of the Local Plan and the Kidlington Masterplan. They are also concerned that no affordable housing is planned. The full text of this letter from Mr.McGurrin (dated 10/12/15) is available on the web-site

### **3. Consultations**

- 3.1 Kidlington Parish Council:

Whilst supporting the principal of appropriate mixed use residential and retail development on this site, which it sees as a sustainable location, they object to the proposal on the grounds of

- Loss of retail space
- Connectivity
- Lack of affordable housing
- Overdevelopment and height
- Insufficient shopper car parking
- Service/access arrangements
- Seeking contributions for offsite play equipment for children and adults
- Amendments to cycle routes
- Restrictive on-going controls on sales/letting boards
- Raising issues about cycle parking and outside drying areas
- Seeking a revised bus stop location
- 

The wording adopted is similar to that in Cllr Griffiths letter at Appendix 1

3.2 In respect of the re-consultation on the amended plans the Parish Council comment that their original objection remains in place and they additionally comment that their previous comments with regards to cycle and bus issues have not been addressed. They consider that the reduction in height of Block A is mere tokenism. They point out that there is no precedent for 4 storey development away from the High St. Finally they comment that the materials should be consistent with the development on the former market site.

3.3 Gosford and Water Eaton PC object to the proposal on the grounds that

- It does not accord with the Cherwell Local Plan by reducing the Coop store in size when it is advocated to promote rather than being detrimental to maintaining a thriving shopping centre
- Too tall and out of keeping with the street scene and the character of the area
- The car park has been used as a sustainable amenity for over 30 years and it should be retained as a precedence against creating parking problems which would otherwise be caused from this development
- Concerned about foul and surface water systems becoming overloaded

### **Cherwell District Council Consultees**

#### **3.4 Planning Policy Comments**

- Policy Kidlington 2 states that shopping, leisure and other 'main town centres uses' (which includes retail and office uses) will be supported within the boundary of Kidlington Village Centre. It also states that residential development will be supported in appropriate locations in the village centre except where it will lead to a loss of retail or other main town centre uses.
- The policy states that the change of use of sites used for main town

centre uses in the village centre for residential development will normally be permitted if proposals contribute significantly to the regeneration of the village centre. Mixed use schemes will be encouraged.

- Paragraph C.232 of the Local Plan explains that it is important that Kidlington Centre is supported and strengthened to help meet the aspirations of Kidlington and to ensure that the everyday shopping needs of residents are met, avoiding the need for unnecessary journeys to Oxford, Bicester and other destinations.
- The proposed development would result in the loss of retail (180 square metres) and office (523 square metres) space within the village centre contrary to policy Kidlington 2. The loss of retail space would equate approximately to that of a small convenience store.
- The key policy test is whether there would be 'significant regeneration'. A material benefit would arise from mixed use development
- Redevelopment of the retail and office space could bring about regeneration benefits should it result in a significant improvement to the appearance of the built environment. The NPPF recognises that residential development can play an important role in ensuring the vitality of centres. The comments of the Design and Conservation Team should be sought in examining the extent to which there would be improvements to the built environment. The proposed development would not produce additional mixed use development.
- The extent to which the built environment would be improved should be considered alongside the proposed loss of retail and office space. It is noted that the proposed development would retain some retail use on the ground floor (including retention of a post office and travel agent, helping to maintain a continuous shopping frontage.
- Policy Villages 1 of the Local Plan allows for minor residential development within the built-up limits of Category A settlements (which includes Kidlington). Paragraph C.261 states that there is a need for Cherwell's villages to sustainably contribute towards meeting the housing requirements in the Local Plan.
- Redevelopment of the retail and office space could bring about regeneration benefits should it result in a significant improvement to the appearance of the built environment. The NPPF recognises that residential development can play an important role in ensuring the vitality of centres. The comments of the Design and Conservation Team should be sought in examining the extent to which there would be improvements to the built environment. The proposed development would not produce additional mixed use development.
- The extent to which the built environment would be improved should



be considered alongside the proposed loss of retail and office space. It is noted that the proposed development would retain some retail use on the ground floor (including retention of a post office and travel agent, helping to maintain a continuous shopping frontage.

- Policy Villages 1 of the Local Plan allows for minor residential development within the built-up limits of Category A settlements (which includes Kidlington). Paragraph C.261 states that there is a need for Cherwell's villages to sustainably contribute towards meeting the housing requirements in the Local Plan.
- Paragraph C.261 states that the appropriate form of development will vary depending upon the character of the village and development in the immediate locality. Paragraph C.262 sets out criteria for assessing whether proposals constitute acceptable minor development and paragraph C.263 specifically refers to Kidlington, stating that in considering the scope of new residential within the built-up limits of Kidlington consideration will be given to its role as a larger service centre, its urban character, the functions that existing gaps and spaces perform and the quality of the built environment. The proposal is in accordance with Policy Villages 1. There would be benefits from the provision of new housing. Affordable housing would need to be provided to meet the requirements of Policy BSC3 (35% provision on site).
- The Council currently has a five year land supply as shown in the Council's latest Annual Monitoring Report (2015). The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context. There is not a current pressing need for additional land to be released for housing
- There would be a loss of car parking as a result of the proposal. The views of the County Council as Highway Authority should be taken into account in considering any potential impact on the effective operation and vitality of the village centre resulting from the loss of parking.
- The proposed development would use previously developed land in a sustainable location and are consistent with policy BSC2.
- A high quality, appropriate design, with consideration of sustainable construction, should be sought in line with the requirements of policy ESD15 and the NPPF.
- A Kidlington Masterplan is under preparation. A draft is expected to be published for consultation in the coming spring

## Conclusion

The proposed development needs to contribute significantly to the regeneration of the village centre to comply with policy Kidlington 2. To help determine whether this would be achieved, the advice of the Design and Conservation Team should be taken, as should the advice of the County Council as Highway Authority on the loss of car parking. High quality design that significantly improves the quality of the built environment, thereby assisting the vitality of the town centre, would be supported from a policy perspective. Without a significant contribution to regeneration of the village centre, the proposal would be contrary to policy Kidlington 2.

### 3.5 Design and Conservation Officer:

#### ***Comments with respect to the originally submitted proposals***

The development proposals are formed on a key corner of Kidlington's Centre, on the junction of the High Street and Forward Sterling Road. The site is currently composed of retail units, office accommodation and a car-park associated with the retail area.

The High Street has a varied character, made up of 20<sup>th</sup> century buildings of a range of forms. It is predominantly low rise at two storeys, through steps up to three and four storeys in places. The area around Sterling Road Approach is highly varied in character. This area interfaces with the residential development on Sterling Road, the mix of one and two storey residential / commercial on Oxford Road. Immediately opposite the site is the single storey Royal Mail distribution centre, the fire station and Oxfordshire County Council offices which are three storeys. While this area is very varied in its character, it clearly has a 'backland' relationship to the Village Centre and it is important that the hierarchy between these areas is maintained as part of the development process.

The applicants have pursued pre application advice for this site, where the principle of development in this area was accepted. Questions about the amount and scale of development were however raised and it is my view that these issues require further refinement to develop an acceptable scheme.

As a critique of the original submission the following comments were made:-

#### Remodelling of the existing Cooperative Building

The redevelopment of the Cooperative building offers the opportunity to improve the quality of the High Street. This is an important junction in the Village Centre and it is important that development takes the opportunity to improve the character of this area.

- The building is proposed to undergo significant remodelling, reducing its ground floor length by half and reconfiguring the massing of the upper floors to provide apartment accommodation.

- The proposals show three storeys of development and significant remodelling of the building. The building is set back from High Street which helps break down the scale. We would recommend that a similar approach is taken to the upper storeys of development along Sterling Road Approach as well.
- The Council is looking for active frontages along the High Street and Sterling Road Approach and we are currently uncomfortable about how this is coordinated. I would recommend that there is a reconsideration of the ground floor uses. The location of the supermarket on the corner could be swapped with the travel agent. This would provide a more inviting, lighter space for the travel agent and help mitigate the issue of providing active frontage with a food store.
- The layout of apartments could be improved to give better light, aspect and amenity space.
- The rear of this building is currently poorly resolved and has a low quality design. The stair in particular is a clumsy addition. It is important that there is an attractive entrance to the building which is light and enticing. The cycle storage should be separated from this area, and greater thought given to how the stair well could become a feature that is well integrated with the public realm.

#### New Apartment Buildings

The new apartment block could bring new uses to and extend the Town Centre. While we accept the principle of development of this area, it is important that development enhances the character and fits well with adjacent areas. It is recommended that substantial changes are made to the design for this to be achieved.

- The scale and length of the apartment block is just short of 80m and runs the majority of the length of Sterling Road Approach. The length and scale of this building are monumental and it risks overwhelming the character of the route.
- We would recommend that the building is broken down into two parts to help break down the form of the building. This should be combined with a reconsideration of the height of development.
- The development proposals are for a four storey building. This feels completely out of context with the surrounding area, which includes single storey buildings, and should be reconsidered.
- It is important that the scale of development in this area is less than the majority of development found on the High Street. This is important in order to retain the hierarchy between the spaces and the legibility of the village centre.
- I would recommend that the height is reduced to three storeys and the third storey is set back from the principal building line to reduce the impact.
- The layout of this building appears to reflect the geometry of the rear boundary and have little interaction with the geometry / character of Sterling Road Approach. While this approach allows car-parking and the public realm to the rear of the building to be lined up, it leads to an odd geometry along Sterling Road Approach, combined with a series of triangular spaces which provides the interface between the building and the street.

### Parking and Public Realm

It is expected that a development of this scale in the Village Centre would contribute to positive uplift of the public realm, alongside appropriate open amenity spaces for residents. The intensity of development on this site has led to a site configuration where there is little opportunity for positive landscape and public realm.

- The majority of the space left over from the building has been given over to car parking. This leaves little space for residents amenity space and parking is tight on the building. A reduction in the scale of the building and reduction in the number of units would help ease this issue.

- The space between the two buildings should be designed as an attractive area of public realm. This area is poorly organised, with access, parking, bin storage and service access, which combined with the massing and design issues associated with the rear of the Cooperative building further undermines the quality of development.

### Architectural Design

There are some fundamental issues which need to be addressed in this scheme, before an acceptable approach can be delivered. My comments have therefore not focused on the architectural detail of this scheme. The architectural design takes a polite modern approach which I feel is appropriate, given the range of styles found in the adjacent area and the development brief.

### Conclusions

It is my view that the proposed development is too dense for the site. This has led to significant concerns around the scale and massing of development alongside public realm issues. The scale of development along Sterling Road Approach will confuse the relationship between this area and the High Street.

While the Council is comfortable with the principle of residential apartment development in this area, a substantial reduction in the number of units is required alongside significant changes to the design and massing of the building for the proposals to be acceptable.

- 3.6 **Landscape Officer:** Comments as follows:  
Provided all green features and arboricultural assets are retained and adequately protected during the build I have no objections providing a full tree survey that details tree protection is received and approved prior to consent
- 3.7 **Waste and Recycling Officer** Has confirmed that the applicant's intentions are acceptable
- 3.8 **Recreation, Health and Communities**  
The following comments have been received
1. There will be a requirement for public art which can be required by condition

2. Seeking a contribution per dwelling to enhance existing community facilities to accommodate increased usage (equates to £7.7k)
3. Seeking a contribution of £22,988 towards community events and projects such as information events, newsletters and welcome packs to support new residents to integrate into the community
4. Draws attention to an identified need for improvements to play/recreation/open space in Exeter Close which has been the subject of a study and report approved by Kidlington PC members. Under normal circumstances it is pointed out that a 50 dwelling development would be expected to contribute to off site play, off site sports and off site open space and this would total approx. £286k. The identified scheme for an outdoor gym facility at Exeter Close would be £69k installation and £107K maintenance.

### 3.9 Housing Investment and Growth Officer

*Initial comments received in Dec 2015*

Because there has been very little, if any, development on a scale to necessitate affordable housing in this parish, with nothing in the current pipeline, the Council require the Midcounties Cooperative Society to provide on-site affordable housing as part of its development.

The affordable housing policy position in Kidlington is that any development over 10 units provides 35% of its units as affordable housing. A development of 54 units therefore has a requirement to provide 19 units of affordable housing.

The Council is mindful of the fact that, due to those being nominated to social housing being generally on lower than average incomes, it is unlikely that they would be able to afford the level of service charges likely to be levied at this development if the affordable units were to be pepper potted around. There would also be management issues to consider.

For these reasons, the Council suggests that Block B be brought forward as affordable housing, providing 15 units of a total requirement of 19. This would leave the equivalent of four units to be provided as a commuted sum

*Following the completion of viability negotiations these comments have been received*

After careful consideration and reviewing the information provided to, and considered by, our externally appointed consultant, with regards to the financial viability of the scheme, and discussing this with yourself, I can only reluctantly come to one conclusion.

It appears the applicant cannot provide the policy compliant affordable housing provision for this application, which should be 35% of 52 units equalling 18 flats.

The applicant has provided evidence and given a 'without prejudice' offer to provide 8 discounted private rented flats at 75% market rental value, while providing the opportunity for the Council to make nominations to these properties from the Housing Register. I would class this tenure as

'Intermediate' under the NPPF definition and therefore I find the principle acceptable within policy terms.

This will provide only 15% affordable housing on this site. Despite this, if Committee is minded to approve this application then I would support the tenure proposed given the viability situation of the proposed scheme. One note I would make, in terms of this tenure is that we must ensure that the 75% open market rent for these units should not breach the Local Housing Allowance rate for the area to ensure that whom ever we nominate to these properties (should it be awarded permission) will be affordable to them. I would also suggest that we could prioritise those applicants on the housing register who have a local connection to Kidlington.

Given the evidence provided it would seem that this is best position we can hope for in terms of securing any affordable housing on this development.

### 3.10 **Environmental Protection Officer**

- Recommends full land contamination conditions
- Seeks an air quality assessment

### 3.11 **Oxfordshire County Council Consultees**

#### **Transport**

No objection subject to conditions

#### **Key issues:**

- Low level of residential and visitor parking is of concern
- Loss of publicly available parking is of concern
- Parking layout and cycle parking is of concern but detail can be conditioned

#### **Legal agreement required to secure:**

- Contribution towards improving bus service to Langford Lane employment area (amount to be agreed)
- Access junctions via S278 agreement, to include pedestrian improvements at the accesses

#### **Detailed comments:**

A Transport Statement is provided, which shows that there would be reduction in two way peak time trips associated with the development. The proposed development is in a sustainable location, and is well connected to Oxford by frequent bus services and cycle routes. However, links to the key employment area at Langford Lane could be improved.

This is a very traffic sensitive area as it is close to a major traffic signalised junction where traffic queues past the site entrance, and opposite a main fire station. It is also on a strategic bus route with 4 buses per hour in each direction. Sterling Approach is used by frequent buses on Premium Route bus service 2/2A (four per hour in each direction). There are also other local bus services using this road (local Kidlington services K1, K2, local Woodstock via Shipton service W10 and a route to Bicester, service 25. Any blockage to

Sterling Road approach through displaced parking or inappropriate loading would impact on all of these bus routes, causing delays and making these services unreliable. There are 'no waiting' restrictions on Sterling Approach but no restrictions on loading.

Provision should be made for all deliveries – to residential and retail, including vans - within the site rather than from Sterling Road Approach. The proposals include bollards between the retail and residential car parking, and states that the bollards would be lowered to allow refuse vehicles to the through route, and large lorries to use part of the residential car park for manoeuvring. There is no indication of how deliveries to individual flats would be managed – it is unlikely (and probably undesirable) that drivers or residents will be able to lower the bollards to allow delivery lorries to use the through route. Tracking is not provided to show that delivery vans can definitely enter and leave the residential car park without needing to use the through route. However, the detailed design of the car park layout can be conditioned.

There is also a risk of overspill parking obstructing bus services onto nearby residential streets, although due to parking restrictions in the immediate vicinity this is considered to be more of a risk to residential amenity and not a highway safety matter. Parking provision is considerably lower than standards for Cherwell urban areas, although it is recognised that one allocated parking space per 2-bedroom flat is appropriate for such a sustainable location. I am, though, concerned about the low level of visitor parking – only five visitor spaces for the residential element. There are council car parks nearby, but limited availability of long-stay weekday parking. However, on balance I do not consider this sufficient reason to sustain an objection to the development on highways grounds.

Additionally there is no disabled parking provided for the residential element, and the spaces meet minimum standards, with no additional space around them where they are adjacent to a wall.

#### **Vehicle access to the site**

The residential (southern) access to the site can be provided with visibility splays that meet Manual for Streets guidance based on 85th percentile wet weather speeds. Speed survey data has been supplied to demonstrate these. There is no significant accident history at the site. It will be necessary to ensure that the existing wall on the site boundary is demolished and the new wall set back behind the visibility splay, and that the land in the visibility splay is dedicated as highway. In principle, subject to technical approval, I am satisfied with the general arrangement shown in drawing 1337/029 as shown in the Transport Statement.

Visibility splays are not shown for the northern access, although the Transport Statement states that the access meets Manual for Streets guidance, and having visited the site I am satisfied that suitable visibility can be achieved.

Raised crossings across both vehicle accesses are indicated, and this is welcomed as an improvement to pedestrian routes. Features like this have been implemented successfully in many locations in Oxford and elsewhere.

#### **Public transport provision**

The residents of the new dwellings will benefit from the high frequency bus service into Oxford. However, bus links are poor with the Airport and Langford Lane employment area, which is a considerable walking distance away. The service operates only occasionally between peak hours, and not at all in the evenings. A contribution would be required from this development towards

procuring an additional bus-vehicle to add to the commercial bus network, on a pump-priming basis over 5 years, to improve the frequency and hours of operation to bus services towards Langford Lane.

#### **Cycle parking**

It is difficult to see how the cycle parking shown provides one space per bedroom. Further details are required, but can be conditioned. Cycle parking must be easy to use and if necessary further stands across the site will be required.

#### **Public parking loss**

The loss of existing car parking available to shoppers and users of facilities in Kidlington is of concern, but as the car park is private, this is not considered grounds for a highways objection

#### **Other infrastructure**

From an education point of view off-site contributions are sought for primary education - £106,323

For secondary education it is explained that existing capacity is sufficient

Library book stock contributions of £2,000 are sought

Other requirements amounting to £25,199 are not requested as they cannot meet the requirements of REG 123 of the CIL Regs

### **Other Consultees**

#### **3.12 Thames Water:**

##### **Waste Comments**

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

“Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed”. Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

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



groundwater.. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

#### Water Comments

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

#### Supplementary Comments

Insufficient documentation containing confirmed details of the proposed drainage plan could be located on the local authority website. In order for Thames Water to determine whether the existing sewer network has sufficient spare capacity to receive the flows from the proposed development, a drainage strategy must be submitted detailing both the foul and surface water strategies. Details of any proposed connection points or alterations to the public system, including; calculated peak foul and surface water discharge rates for both the pre and post development site, details of any pumped discharges (maximum pump rates), attenuation details with accompanying capacity requirement calculations and details of incorporated SuDS must be included in the drainage strategy. If initial investigations conclude that the existing sewer network is unlikely to be able to support the demand anticipated from this development, it will be necessary for the developer to fund an Impact Study. To ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing waste foul and surface water infrastructure, and, if required, recommend network upgrades. In accordance with part H of the Building Regulations Act 2002. Positive connection to a public surface water (or combined) sewer will only be consented when it can be demonstrated that the hierarchy of disposal methods have been examined and proven to be impracticable. The disposal hierarchy being :- 1st Soakaways; 2nd Watercourses; 3rd Sewer. Thames Water's preferred option would be for all surface water to be disposed of on-site using SUDs .

**3.11 Environment Agency:** No comments received

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

### **4.1 Development Plan Policy**

Cherwell Local Plan 2011 -2031

The Submission Cherwell Local Plan (February 2015) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The examination was suspended by the Inspector, shortly after commencing in June 2014 to allow further work to be undertaken by the Council.

Modifications were required to meet the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA). The proposed modifications were subject to public consultation, from 22nd August to 3rd October 2014. The examination reconvened in December 2014 and the Inspector's report was published in June 2015, and was formally adopted by the Council on 22<sup>nd</sup> July 2015. Relevant policies are

- Policy BSC1 District wide Housing distribution
- Policy BSC 2 The effective and efficient use of land
- Policy BSC3 Affordable Housing
- Policy BSC4 Housing mix Policy
- Policy SLE 4: Improved Transport and Connections
- Policy ESD 1: Mitigating and Adapting to Climate Change
- Policy ESD 2: Energy Hierarchy and Allowable Solutions
- Policy ESD 3: Sustainable Construction
- Policy ESD 6: Sustainable Flood Risk Management
- Policy ESD 7: Sustainable Drainage Systems (SuDs)
- Policy ESD 15: The Character of the Built and Historic Environment
- Policy Kidlington 2: Strengthening Kidlington Village Centre
- Policy Villages 1: Village Categorisation

Adopted Cherwell Local Plan (Saved Policies)

C28: Layout, design and external appearance of new development  
C30: Design of new residential development  
ENV12: Contaminated land

## **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

Planning Practice Guidance

Kidlington Framework Masterplan SPD – this document has been the subject of public consultation in March 2016 and is due to be reported to the Council's Executive in September. At the moment only limited weight can be attached to it

## **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Planning History
  - The Principle of development including loss of retail floorspace
  - Scale and Design
  - Neighbour Impact

- Highway Safety and Loss of Parking
- Affordable housing and Planning Obligations

### **Planning History**

- 5.2 In 2007 outline planning permission was granted for 20 residential units over the car park with a new site access. That scheme did not affect the existing Cooperative building and was for a three storey building with the ground floor retained as private and public car parking and two floors of flats above. A legal agreement provided four shared ownership flats. No reserved matters application was ever made and therefore that permission lapsed in October 2010.

### **Principle of Development and Loss of retail floorspace**

- 5.3 The application site lies in central Kidlington within the area covered by Policy Kidlington 2 which states that

*Shopping, leisure and other 'Main Town Centre Uses' will be supported within the boundary of Kidlington Village Centre. Residential development will be supported in appropriate locations in the village centre except where it will lead to a loss of retail or other main town centre uses.*

*The change of use of sites used for main town centre uses in the Village centre for residential development will normally be permitted if proposals contribute significantly to the regeneration of the Village centre. Mixed use schemes will be encouraged.*

*Proposals should be considered against Policies SLE 2, ESD 10 and ESD 15.*

And has the following supporting paragraphs explaining the policy

*C.232 It is important that Kidlington centre is supported and strengthened to help meet the aspirations of Kidlington and to ensure that the everyday shopping needs of residents are met, avoiding the need for unnecessary journeys to Oxford, Bicester and other destinations*

*C.233 Kidlington Village Centre performs a particular function in the hierarchy and network of town centres in the District. Smaller than Banbury and Bicester centres, Kidlington is however larger, in terms of the number and range of retail units than the local centres present in the larger villages in the District.*

*C.234 Many improvements to the village centre have been implemented in recent years in a partnership between the District Council, Kidlington Parish Council and the Kidlington Village Centre Management Board, including most recently the pedestrianisation of the core retail area throughout the day.*

*C.235 The 2012 Retail Study showed that significant new development should not be directed to Kidlington but that the centre needed some further environmental improvements and the evening economy should be encouraged. It is proposed to expand the geographical area defined as Kidlington Village Centre to include land on the western side of the Oxford Road and other small areas of commercial uses. The exact boundary will be determined in Part 2 of the Local Plan. The aim of the extension s to:*

- *Support the viability and vitality of the existing village centre*
- *Encourage economic activity*
- *Assist with the connectivity between the existing village centre and the civic, community and green open space at the Exeter Hall area*
- *Contribute to and maximise the benefits and improvements to the character and appearance of the village centre and the public realm*

- 5.3 It will be noted that the policy states that residential development will be supported in appropriate locations except where it will lead to a loss of retail and other main town centre uses. This proposal is predominantly located on a car park, the loss of which is commented upon below. The proposal does of course impact upon the existing Co-op building which has retail use at ground floor and office use above. The proposal reduces the size of the building resulting in a reduction in retail floorspace from 1,106 sq. metres to 463 sq. metres ( a reduction of 643 sq.metres) and all the office use (523 sq. metres) will be lost to the creation of 8 flats. The Co-op and its travel agent would continue to operate from the retained ground floor albeit in the reduced floorspace.
- 5.4 In a letter supporting the application The Midlands Co-operative Ltd. indicate that they need to respond to the dynamically changing retail food market and are seeking to re-size their Kidlington operation. They explicitly say they are committed to remaining in Kidlington High St and to the provision of both the travel centre and the Post Office. Therefore whilst a reduced quantum of retail floorspace is proposed to be removed the operational entities will remain. In such circumstances your officers believe that it would be difficult to resist this development on the grounds of loss of retail and other town centre uses.
- 5.5 Of course it is also necessary to consider the loss of the potential for the redevelopment of the site more comprehensively for other retail or other town centre uses. The emerging Kidlington Framework Masterplan in Section 13 (Strengthening Kidlington village centre) seeks to identify opportunities to expand the village centre and suggests the development of a village centre masterplan. The Co-op car park is identified as one of the sites that could be assessed and commented upon as follows

*Co-op car park (0.3ha). The site presents an opportunity for residential, small scale retail or office above and around a car park. A new pedestrian link from the rear Co-op entrance through to the Red Lion pub could be created, strengthening the retail 'loop' between the High Street and Oxford Road. A deck above the car park could provide residential amenity space or additional parking.*

In plans in the draft document the site is shown as adding to the retail offer of the centre and having community uses, secondary retail and residential

development, and also has a potential longer term opportunity for a pedestrian connection between Sterling Road Approach and Oxford Road through this site and the Red Lion PH car park.

- 5.6 As noted at 4.2 above only limited weight can currently be attached to the aspirations outlined in the draft masterplan. There must be doubt whether there are developers wanting to undertake the form of development described above and whether it is viable. The connectivity aspired to is undoubtedly a worthwhile goal but is not in the hands of this applicant to deliver as it would need to involve third parties who may not be willing to allow their land to be used. The development therefore has to be assessed against adopted Policy Kidlington 2. The policy says that the change of use of town centre sites for residential re-development will normally be permitted if the proposals contribute to the regeneration of the town centre. The town scape of Sterling Road Approach is currently poor and detracts from the character of the village centre. Its redevelopment in the manner proposed will fundamentally change and improve this area. The reduction in the operational floorspace will enable the Co-op to continue to trade successfully in the High Street and retain this retail facility and the Post Office which is currently co-located in the premises.
- 5.7 In housing policy terms the Council has a five year land supply as shown in the most recently published AMR, and therefore it may be said that there is no pressing need for additional land to be released for housing. However it is known that our land supply situation may be fragile in the future and opportunities for sustainable development that causes no or limited harm should be carefully considered.
- 5.8 Overall in policy terms it is considered that the site is acceptable

### **Scale and Design**

- 5.9 High standards of design are expected in development across the District. This approach is set out in Local and National Policy Guidance. The Cherwell Local Plan, saved Policies, National Planning Policy Framework and Planning Practice Guidance emphasise the importance of good design and provide detailed guidance as to how good design should be assessed. Good design is a key principle of the NPPF. Chapter 7 of the NPPF provides specific guidance on design and places great importance on the design of the built environment. This has been supplemented by the recently published Planning Practice Guidance (2014) and best practice guidance such as By Design: Urban Design in the Planning System (2000) and Better Places to Live by Design (2001). These documents provide guidance on the central urban design principles that underpin good design; including layout, form, materials and detailing.
- 5.10 The policy requirements set out ESD 16 of the Local Plan, provides clear guidance on the importance of high quality design which responds to the character of a place *“New development will be expected to complement and enhance the character of its setting through sensitive siting, layout and high quality design”*. *“New development proposals should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*

*Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages*

- 5.11 The remodelling of the Co-op building offers the opportunity to improve the quality of the High St and of Sterling Road Approach, in particular by addressing the unfortunate effect of the predominantly blank long flank wall to the latter street. The building is proposed to undergo significant remodelling reducing its length by half and reconfiguring the upper floors. The scheme has been amended during the life of the application. Whilst the suggestion of swapping the position of the ground floor uses, placing the travel centre on the corner, thereby allowing flank wall display windows, has not been taken up, other revisions, particularly to the rear of the building, are significant improvements and is now considered satisfactory
- 5.12 As noted in the Design and Conservation Officers comments at 3.5 above the scale and length of the apartment building when originally submitted was considered to risk overwhelming the character of the street. The amended proposals have been altered to increase the set back from the road, introduce considerable articulation of the building line relative to the road, and change the effective roofline when viewed from road level.
- 5.13 As submitted the four storey building had a consistent roof line. The changes have the effect of re-enforcing the apparent nature of the building to look like linked blocks rather than one large monumental block. Around the centre of the block roof gardens result in the setting back of flats from the Sterling road frontage giving the appearance that this central portion of the building is three storey when viewed from ground level, although there are flats at a fourth storey that are set well back from this elevation and therefore difficult if not impossible to see. The southern end of the block is now 3 storeys with a set-back roof garden replacing two flats. The proposed use of brick and render will also break up the bulk of the building with the fourth floor level being done in a light coloured material to further assist in reducing the apparent scale of the building.
- 5.14 Some objectors have expressed concern at the principle of introducing four storey development onto this site. It should be pointed out that there are other four storey buildings in High St and therefore this is not a new feature in the vicinity. It is of course necessary to assess the impact of such a tall building however. Sterling Road Approach has a somewhat strange and weak character with a mix of structures on its eastern side including the single storey PO sorting office and the three storey Fire Service HQ., both being set back from the road frontage. In this context the large building proposed will not over-dominate the street to an unreasonable amount, and indeed will establish a new and fundamentally different character, but one that is not considered to be objectionable
- 5.15 In conclusion on design matters, obviously this is a subjective assessment. But your officers are now content that with the revisions negotiated the building will be an improvement over the existing streetscene and will not cause harm to the character or appearance of the village centre. It will offer a new and distinctive

built form that will be a good addition to the character and appearance of the street and this part of the village centre

### **Neighbour impact**

- 5.16 Attention must be paid to the residential amenity of surrounding properties. The properties most likely to have been affected by the submitted scheme were those to the south of the building, namely 32 Sterling Road and 37a Oxford Road. The proposals have now been altered to reduce the height of this end of the block proposed from 4 storeys to 3 storeys. This will significantly reduce the prospect of overlooking and loss of privacy that may otherwise have been an issue. Whilst the flats on the top floor at this end of the block have been replaced by a roof garden, this garden itself has been set back from the line of the building so that overlooking is restricted from the garden. These arrangements are now considered satisfactory. The DSM is also content that these properties will not be over-dominated by the proposed scheme.
- 5.17 There are flats above many of the buildings along the section of Oxford Road that backs onto the existing car park. These are considered to be set sufficiently far from the proposed building to not have issues of overlooking. Loss of privacy or over-domination
- 5.18 The remodelling and reducing in size of the existing co-op building should be an improvement to the amenity of those flats in the Hampden Building (on the corner of High St. and Sterling Road Approach

### **Highway Safety and Loss of Parking**

- 5.19 The scheme proposes two points of access to Sterling Road approach, one being at the southern end of the site, close to the existing ingress to the existing car park, and the other opposite the Sorting office in Sterling Road Approach, about 15 metres north of the current egress from the car park and ingress/egress to the existing service yard.
- 5.20 The southern access will serve 44 allocated spaces for the new apartment block, and 8 allocated spaces for the flats above the Co-op store together with 5 visitor spaces. This will also allow access to the waste facilities for the blocks. The northern access will serve 21 car parking spaces meeting the needs of the shop – both staff and customer parking. It has also been designed to provide access to the service yard arrangements for the shop. The County Council has confirmed that both accesses are acceptable.
- 5.21 With regards to servicing provision should be made for all deliveries – to residential and retail, including vans - within the site rather than from Sterling Road Approach. The proposals include bollards between the retail and residential car parking, and state that the bollards would be lowered to allow refuse vehicles to the through route, and large lorries to use part of the residential car park for manoeuvring. There is no indication of how deliveries to individual flats would be managed – it is unlikely (and probably undesirable)

that drivers or residents will be able to lower the bollards to allow delivery Lorries to use the through route. Tracking is not provided to show that delivery vans can definitely enter and leave the residential car park without needing to use the through route. However, the detailed design of the car park layout can be conditioned.

- 5.22 The loss of the existing car park, which is currently effectively available to shoppers not only using Co-op but other shops and services in the village centre, is significant. However the car park is privately owned and its use by others, or indeed its use at all, could be withdrawn unilaterally by the owners. Adequate parking to serve the needs of the development, both for the flats and the retained shopping floorspace is proposed. The highway authority accepts this position; refusal of planning permission for loss of car parking could not be sustained on appeal.

### **Affordable housing and Planning Contributions**

- 5.23 Section 3.9 above sets out the initial and final advice from the Strategic Housing Officer on the position with regards to affordable housing. From a point early in the assessment of the application it became obvious that the applicant was claiming that the development would not be viable if asked to provide 35% affordable housing as required by Policy BSC3 of the adopted Local Plan. As noted in Policy BSC3 in such circumstances an open book financial assessment of the proposal is required that the Council can then interrogate. The Council employed an outside independent expert (Bruton Knowles) to critique the applicants' submission and assist in subsequent negotiations.

- 5.24 The outcome of this assessment was that Bruton Knowles advised that the development was indeed unable to fund the normal requirement for affordable housing. Negotiations between the applicants and your planning and housing officers have concluded with an offer of 8 discount rented units – those over the retained shop. These are offered at 75% of market rent with full nomination rights to the Council. This arrangement would endure for 25 years. They will be offered for lease to the Council, a registered provider, or retained by the developer and managed by them but with us nominating tenants. In the circumstances of this case this is considered acceptable, and furthermore is the best arrangement that can be reached

- 5.25 The above arrangement for affordable housing, which was seen by officers as the highest priority in seeking a Section 106 agreement, was predicated on the basis that a maximum of £200k could also be provided for all other off-site contributions. Other requests for contributions set out elsewhere in the report can be summarised as

From OCC	
- Primary school contribution of	£106,323
- Bus subsidy aimed at improving the service to Langford Lane	£52,000
- Library stock	£2,000
From CDC	
- Outdoor gym facility	£69,371



- Maintenance for above(commuted sum)	£106,776
- Community development	£22,988
- Community facility improvement	£7,700
- Public Art	can be sought by condition

5.26 Clearly this comes to in excess of the £200k on offer. Again your officers are content, with Bruton Knowles concurrence, to advise that this overall figure is the maximum that the viability of the scheme allows and can only be improved upon at the cost of reducing the affordable housing offer. The applicant does seek to influence how that £200k is allocated.

5.27 In July 2011 the Council produced a draft supplementary document (SPD) ON Planning Obligations, which is still in use (pending the publication of a new document for consultation later this year) for the starting point for negotiations by your officers. That document has the following advice for matters of this type

*As a result of viability issues the LPA may, in some cases, need to prioritise obligations so as to manage the most significant impacts of development.*

**3.17** *The relative priority to be given to competing requirements will be always be specifically assessed with regard to the Development Plan policies, the needs of the locality and the particular characteristics of the site and its setting. The order of priority may change depending upon local identified needs in relation to the development of a particular site.*

**3.18** *However, the LPA's general approach to priorities is set out in Table 2 'Planning Requirement Priorities' below. In the first instance, the LPA expects to address and secure requirements with a high priority. These are generally the items relating to the provision of facilities on the development site. They will be needed as a direct result of the impact which a development scheme places on its site and surroundings.*

**3.19** *The medium priority items are generally those required to deal with the wider transport, accessibility, social, and recreation impacts arising from development within the area.*

**3.20** *The low priority items are those where the development will place new demands on general public services and capital projects. In these instances the providing bodies may, as a result of development viability issues, need to consider securing funding from sources other than developer contributions.*

And a table of priorities was attached

## **Table 2 Planning Requirement Priorities**

### **High Priority**

Affordable Housing  
Local Open Space, Play Space and Landscaping  
Sustainable Urban Drainage Systems  
Sustainable Transport and Travel Plans, Footpath/Cycleway Provision and Access Improvements

**Medium Priority**

Transport and Accessibility  
Education – Nursery, Primary and Secondary  
Strategic Open Space/ Sport and Recreation  
Strategic and Local Community Facilities  
Strategic Flood Defence  
Nature Conservation and  
Biodiversity

**Low Priority**

Health  
Police  
Public art  
Community development funding  
Libraries  
Children’s Centres and Nursery  
Provision

- 5.28 Using this prioritisation the DSM considers that the primary school contribution and the outdoor gym provision should be fully funded as requested, and that the remaining £24,300 should be offered to Kidlington PC for the future maintenance of the facility.(The Parish Council’s view on this less than full commuted payment contribution has been sought. Shortly before finalising the report the Parish Council indicated that it was not content with this position. Further discussions will be held with them before Committee). Clearly if such an apportionment was accepted then no money would be forthcoming for the bus subsidy, library stock, community development or improved community facilities. Obviously Members may decide that the available money should be re-allocated in some other way.
  
- 5.29 Alternatively Members may conclude that without the full normal requirements of affordable housing and/or the infrastructure requirements set out at 5.25 above that they do not want to approve the proposals. It should be noted however that on the basis of the viability assessment submitted and the Bruton Knowles conclusions thereon this may not be an easily defensible reason for refusal.

**Consultation with applicant**

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

**Conclusion**

- 7.1 Based on the assessment above and subject a satisfactory S106, this application for extra care housing is recommended for approval

<p><b>6. Recommendation</b></p> <p><b>Approval</b> subject to</p> <ul style="list-style-type: none"><li>(i) The applicants first entering into a legal agreement to secure off-site infrastructure as set out at para. 5.28 of the report and to secure affordable</li></ul>
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- (ii) housing and nomination rights as set out at para.5.24 above , and  
The following conditions
1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.  
[Reason AR2](#)
  2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:  
Application forms **Design** and Access Statement and drawings
  3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.  
[Reason BR1](#)
  4. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.  
[Reason BR1](#)
  5. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.  
[Reason BR1](#)
  6. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.  
[Reason BR5](#)
  7. Prior to the commencement of the development full details of the enclosures along all boundaries of the site (including fencing and/or hedging to Sterling Road Approach) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of any of the units.  
[Reason BR7](#)
  8. Prior to the commencement of the development hereby approved, a

landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

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

[Reason CR1](#)

9. 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 CR1](#)

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

11. 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, 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 CR2](#)

12. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including two vehicular accesses and any proposed pedestrian accesses; details to include position, layout, construction, drainage and vision splays which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and

retained in accordance with the approved details.

Reason DR1

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

[Reason DR3](#)

14. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

[Reason ER1](#)

15. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

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

[Reason JR7](#)

17. Prior to the first occupation of the development hereby approved, a Travel Plan Statement, prepared in accordance with the county council's Guidance on Transport Assessments and Travel Plans shall be submitted to and approved in writing by the Local Planning Authority. This shall

include a requirement to provide all new residents with travel information packs, which must be first approved in writing by the county council's Travel Plans team. Thereafter, the approved Travel Plan Statement shall be implemented and operated in accordance with the approved details.  
Reason DR4

18. Prior to commencement a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.  
Reason DR7
19. Prior to commencement a Car Park Management, Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Car Park Management, Delivery and Servicing Plan shall be implemented and operated in accordance with the approved details.  
Reason DR10
20. The new apartment building hereby approved shall not be occupied until details have been submitted to and agreed in writing for a work of public art to be placed on site. The details shall including the size, design and siting of the work of art and the design process for it. The development shall be undertaken in accordance with the details so approved and provided on site prior to the first occupation of the building.  
Reason: To comply with the Council's policy on the provision of public art and to enhance the setting and environment of the Proposed Extra Care Home in accordance with policy C28 of the adopted Cherwell Local Plan.
21. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development  
Reason DR 3
22. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.  
[Reason DR4](#)
22. 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 dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for

the storage of refuse bins.

[Reason BR1](#)

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

[Reason JR6](#)

24. If a potential risk from contamination is identified as a result of the work carried out under condition 23 prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

[Reason JR6](#)

25. If contamination is found by undertaking the work carried out under condition 24, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

[Reason JR6](#)

26. If remedial works have been identified in condition 25 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 25]. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority

[Reason JR6](#)

### **Planning Notes**

#### **Thames Water Note – Surface Water**

The applicant is advised that in respect of Surface Water, Thames Water

have recommended that it should be ensured that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where 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 ground water. 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 0845 850 2777.

**Thames Water Note – Water Pressure**

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.

**Informative from OCC:**

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)

**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.



**From:** Councillor Carmen Griffiths  
**Sent:** 17 December 2015 09:08  
**To:** Bob Duxbury  
**Cc:** Planning  
**Subject:** Planning Application 15/01872/F Co Op

Dear Bob

I hope this email finds you well.

**Planning Application: 15/01872/F**

I wish to object to the above planning application. Whilst I would rather the site remain a car park for the use of the residents of Kidlington, I do understand that this is a private site and support the principal of appropriate mixed use residential and retail development on this site which I see as a sustainable location.

**Reasons for Objection**

**Loss of retail space** This application is contrary to **Policy Kidlington 2** which states that *“Residential development will be supported in appropriate locations in the village centre **except where it will lead to a loss of retail** or other main town centre uses..... **Mixed use schemes will be encouraged.**”*

Almost 1/3 of essential retail space will be lost on this site. This is retail space that will never materialise again in our High St and there is no capacity to add more space to our High St in the future. The loss of retail space is be detrimental to the vibrancy of our village and the Kidlington centre. We are by the very nature of this application and others, a growing village and we need more in our High St and not less.

During public consultations the developer has said that keeping the existing retail space is not commercially viable. It may not be for the CoOp, but this space needs to be sub let allowing more retailers the opportunity to enter our High St.

**Affordable Housing** There is no provision within the application for on site affordable housing which is against the Local Plan policy for Kidlington that any development over 10 units provides 35% of its

units as affordable housing. I believe that this provision is essential. The developer claims that social housing in a mixed ownership property would not work, however the building can every easily be split into 3 where approximately 1/3 would be allocated solely to Social Housing making the management of it perfectly viable

**Overdevelopment and height.** I have concerns and strongly object to the four storey height of the proposal. At present we have no 4 storey residential sites in Kidlington and we don't want to see them now!. 4 Storey residential is out of keeping with our Village and whilst we are aware that it is Coleman Hicks vision for Kidlington to have 4 storey dwellings, it is not the vision of our residents more importantly! Where 4 storey blocks do that exist is on the High Street, this is a one off vicinity where taller buildings might be expected, however, this is still only 3 storey residential over commercial. 4 Storey in Sterling Road Approach is out of keeping with the rest of Kidlington and the number of units created by the four stories contributes to an overdevelopment of the site.

**Connectivity.** **Policy ESD 15** of the Cherwell adopted local plan *“respects routes and integrates with the existing streets”* . **Policy ESD 15** also promotes *“permeable , accessible and easily understandable places by creating spaces that connect with each other”*. I believe that the submitted application contravenes both **Policy ESD 15 and Policy C235** of the Cherwell Local Plan which aims to *“assist with the connectivity between the existing village centre and the civic, community and green open space of the Exeter Hall area”*.

This development halts connectivity, provides no access to other areas of public interest/access such as the health centre, library, chemist, bank and so on.

**Coop car parking area.** I questions the access to the Coop car parking and service area. With restricted vision and the bend being only metres away I beleive there is danger that vehicles will back up in Sterling Road Approach and large lorries will not have the capacity to turn in and out of the space. While the opening will be larger the width of the road is not and as it stands delivery trucks have to reverse into the car park. Trucks need a completely different access area in my view

Whilst this is not the concern of the developer, I believe that there is insufficient shopper parking remaining on the site. This will have a detrimental effect on the vitality of Kidlington centre and is therefore contrary to **Policy Kid 2** of the Local Plan.

**Developer contributions.**

**Outdoor play and recreation** As part of the development on this site I would like to see developer contributions towards play and outdoor recreation facilities. The development site is in very close proximity to the Exeter Close recreation site which will be used by the residents of the site and others.

**Cycle routes** This is as an opportunity to reroute the national cycle route 51 that passes down the partially pedestrianised High Street.

**Other matters.**

Since this is going to be such a large site and will be viewed by all of residents who visit this part of Kidlington it is vital that restrictions are placed on the leases pertaining to these properties via their managing agents.

I would like to see the condition placed whereby no "For Sale, Sold, To Let or Let sign are permitted on site. Already in the High St there are restrictions which is essential if our High is to retain some decorum! On smaller developments where the use of signs is permitted we already receive complaints of how unsightly it is and we must not have this 10 fold! In addition residents must have restrictions imposed forbidding washing on lines, washing over balconies and bicycle on balconies etc. To this end I also wish to see adequate and appropriate cycle storage and outside drying areas.

- In view of the sustainability of the location and expected use of buses a bus layby within the complex should be considered and would be beneficial and would also remove the danger of the stop currently located outside Tescos which is hazardous due to visibility for motorists.

These are my objections and I intend to speak at the Council meeting to represent them to council.  
Thank you  
Best wishes  
Carmen

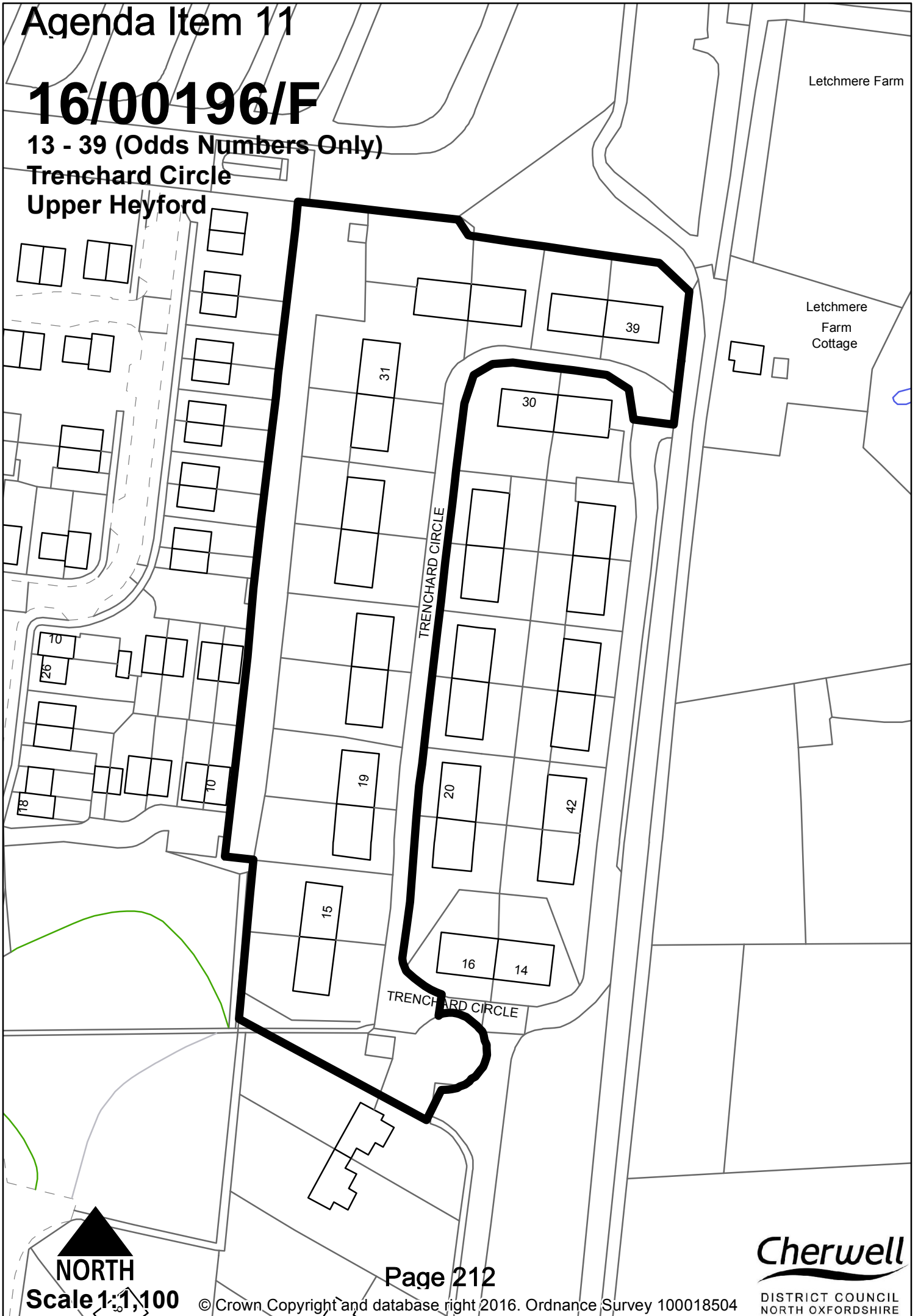
# Agenda Item 11

## 16/00196/F

13 - 39 (Odds Numbers Only)

Trenchard Circle

Upper Heyford



Letchmere Farm

Letchmere  
Farm  
Cottage

TRENCHARD CIRCLE

TRENCHARD CIRCLE

**Cherwell**

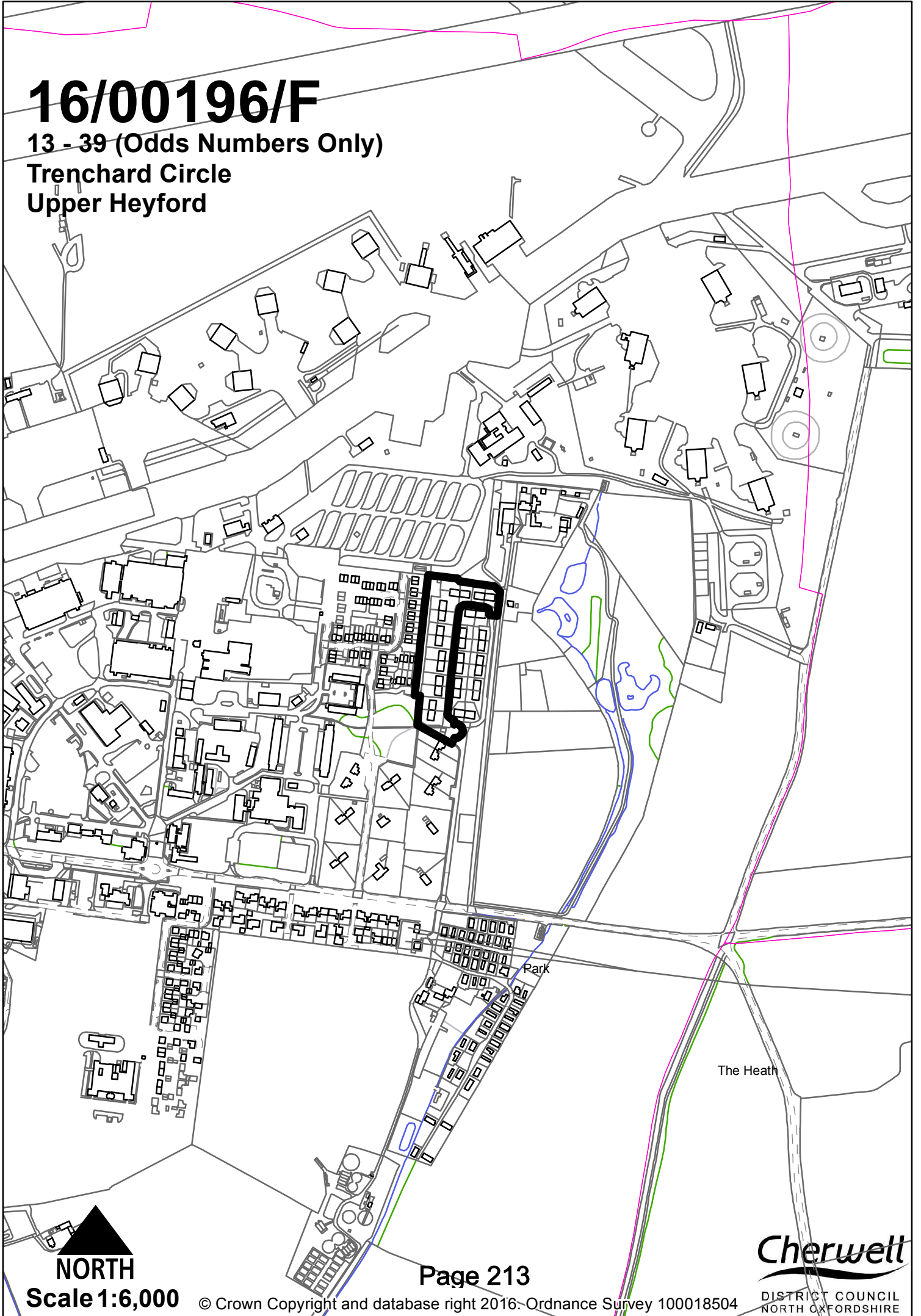
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# 16/00196/F

13 - 39 (Odds Numbers Only)

Trenchard Circle

Upper Heyford



**NORTH**

**Scale 1:6,000**

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Case Officer:** Andrew Lewis                      **Ward(s):** Fringford And Heyfords

**Applicant:** Heyford Residential Ltd

**Ward Member(s):** Cllr Ian Corkin  
Cllr James Macnamara  
Cllr Barry Wood

**Proposal:** Demolition of existing bungalows and erection of 13 dwellings with associated car parking and landscaping

**Committee Date:** 4<sup>th</sup> August 2016                      **Recommendation:** Approve

## 1. Application Site and Locality

- 1.1 The application site for this proposal is part of the former RAF/USAF Upper Heyford base. Located to the north side of Camp Road and accessed via Larsen Road, an area of housing set in a verdant landscape, Trenchard Circle consists of a group of 30 bungalows plus a pumping station. 16 are on an island and to be retained of which several have recently been refurbished and sold. 14 on the west and north side are proposed for demolition. The application site has been modified during the processing of the application and two of the bungalows on the island previously proposed for demolition have now been omitted and are shown retained. In total the site area now measures some 1.05 hectares.
- 1.2 To the west of the site is a recently constructed parcel of 71 houses (ref 14/01366/REM), to the north is the flying field and in particular the tanker area (identified in the Cherwell Local Plan 2011-2031 as potential for additional development under Policy Villages 5 (see policy below)), to the north east is Letchmere Farm, and to the east, beyond the bungalows are green fields.
- 1.3 The base was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. The nature of the site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the Cold War landscape are preserved. This application is within the Residential Zone-10C-Airmen's Housing and Bungalow as defined within the Conservation Appraisal.
- 1.4 In the appraisal, the character of the Area is described as:

“To the east of the Parade Ground is Carswell Circle (datestone 1925) short terraces of garden city style rendered buildings located originally in an open setting. The later southern second circle is a marriage of an open setting with the prevailing house design styles of the 1940s-50s. Red brick, estate house, smaller cousins to the officers' housing built on Larsen

Road. There are a number of areas covered in the prefabricated bungalows; south of Camp Road and north of Larsen Road. There is a perfunctory attempt at landscaping, but the monotony of repeated structures is unrelenting. The bungalows themselves are functional but have no architectural merit.”

- 1.5 Larsen Road to the south of Trenchard Circle is part of the residential character area 10A: Original RAF Officers’ Residential Section and is described:

“The area is characterised by the 1920s red brick buildings, in a ‘leafy suburb’ setting of grass and organised tree planting. The low-density setting of the original buildings is perpetuated in the buildings built adjacent in the 1950s.”
- 1.6 In terms of the uses on site, the military use ceased in 1994. Since 1998 Heyford has accommodated a number of uses in existing buildings, first under temporary planning permissions latterly under a permanent permission granted on appeal and subsequent applications.
- 1.7 Over the last 10 years numerous applications have been made seeking permission to either develop the whole site or large parts of it and numerous of them have gone to appeal. The most significant was application ref 08/00716/OUT. Following a major public inquiry that commenced in September 2008 the Council received the appeal decision in January 2010 that allowed “A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).” This permission included the flying field and the uses and development permitted upon it at the appeal have been implemented under that permission.
- 1.8 The development of the settlement and technical areas was delayed as a new masterplan was refined. The main reason for a fresh application arose from the desire of the applicant to retain more buildings on site. Apart from that, the most significant changes were a new area of open space centred on the parade ground, the retention of a large number of dwellings including 253 bungalows, and more of the heritage buildings, the demolition of which was previously consented. The retention of these buildings at their existing low density has meant the masterplan has expanded the development area west on to the sports field.
- 1.9 As a result, a new masterplan was drawn up which, whilst similar to the one considered at appeal, has been modified. The revised masterplan was submitted as part of the outline application for “Proposed new settlement for 1075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure” and was granted permission on 22nd December 2011 (ref 10/01642/OUT).
- 1.10 The bungalows in Trenchard Circle (and the houses in Soden and Larsen Road) have a slightly different planning history in so far as they were all granted certificates of lawful use in 2008 on the basis they had been separated from the rest of the Heyford military estate and used for residential purposes for a period in excess of 10 years. The approved masterplan effectively showed this area as one where the residential use was to be carried on.

## 2. Description of Proposed Development

- 2.1 The application proposes the retention of the pumping station in the north east corner of the site with an improved area of hard surfacing for service vehicles and landscaping. The remainder of the bungalows on the west and north side of Trenchard Circle are demolished and replaced by substantial 5 bedroom houses each with garaging and designated off street parking for up to 4 cars. There are three house types of which 9 will be constructed in red brick and the other four rendered. They are all 2 storied with rooms in the roof space. The highway will be remodelled and a tree lined verge created.
- 2.2 During processing of the application the application has been modified, the most significant change being the removal of three houses proposed on the northern part of the island site. The two existing bungalows are now shown retained. In addition there have been changes to the design of the houses, to approve their appearance and to aid natural surveillance,
- 2.3 The application has been supported by a considerable amount of documentation including:
- Planning, Heritage and Design Statement
  - Aborigicultural Impact assessment and Protection Plan
  - Construction Specification
  - Parking Matrix
  - Habitat and Bat Survey
  - Flooding Risk and Drainage Assessment

## 3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
08/00716/OUT	OUTLINE application for new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).	UNDET Appeal permitted
08/01076/CLUE to	Certificate of Lawful Use Existing - Residential dwelling formerly RAF and US Air Force accommodation	PER
08/01103/CLUE	13-44 Trenchard Circle	
10/01642/OUT	Outline - Proposed new settlement of 1075 dwellings including the retention and change of use of 267 existing military dwellings to residential use Class C3 and the change of use of other specified buildings, together	PER



with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure

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

4.1 The application was publicised by way of neighbour notification letters and notices displayed on and near to the site. Comments were received from 5 local residents (on the application as originally submitted and first revision) and are summarised as follows:

- We were assured by the developer's representatives at Dorchester Living at the time we purchased our bungalow (No 34 Trenchard Circle) that all the bungalows on the inner circle would remain and be refurbished, although it was proposed that the outer circle of bungalows would be demolished and replaced with houses.
- Confusion over the description and address for the development
- If Nos. 30 and 32 are to be demolished they should be replaced with identical bungalows to maintain the historical integrity and aesthetics of the site.
- If bungalows 30 and 32 are demolished and replaced, as rumoured, with large detached houses, it will destroy our privacy and that of all the bungalows in the oval as the proposed dwellings will overlook all the rear gardens. Ours will be the most affected, also No 28, as we are directly adjacent to bungalows 30 and 32. We will also lose our light if large detached houses are built there.
- We were assured by 3 different agents of Heyford Residential Ltd trading as Dorchester Living, that all the bungalows in the oval would remain as bungalows and be refurbished.
- We bought a bungalow at Trenchard Circle having been assured by Dorchester that their "Contemporary Collection" would be a unique quaint little estate of 30 bungalows with gardens not being overlooked on. We now hear that Dorchester is planning to build 2 and 2.5 storeys townhouses on the uneven numbers side of the road as well as on the 2 end bungalows (now plot 356, 357 and 358). This is in total contradiction with their selling arguments and knowing this, we might not have purchased the property. We are prepared to accept the building of 2 storey houses on the uneven numbers side of the road but certainly not on bungalows number 30 and 32 which would be very unpleasant for the already built bungalow (no 34) who's garden would be overlooked on. This will totally denature the neighbourhood and we therefore strongly disagree with the idea.
- Trying to change the building permit without even consulting the 5 present owners does not speak in Dorchester's favour.
- The proposed properties will tower over the existing Bungalows and look ridiculously out of place, in complete juxtaposition to the existing houses.

- At no point in our sale were we made aware that there was a possibility the inner circle would not be preserved.
- The size of the new houses means that the privacy of all the existing bungalows will be destroyed. We also believe a shadow fall analysis diagram should be provided to residents living at the bottom of Trenchard Circle (34). The results of 2.5 storey housing making up part of the inner circle will result in us feeling a great sense of enclosure. We therefore strongly object to the application.

N.B. These comments have been received with regard to the initial submissions. As mentioned in the report, the plans have changed again and the two bungalows, 30 and 32 Trenchard Circle, are no longer proposed for demolition. Residents have been re-consulted and Committee will be updated if any further comments are received.

## 5. Response to Consultation

Parish/Town Council: The Upper Heyford Parish Council has no objection to this application.

Heyford Park Residents and Community Development Association: we object to the demolition of the 2 bungalows at the northern end of Trenchard Circle numbers 30 and 32 (inner circle). If bungalows 30 & 32 are demolished and replaced with x3 houses (356, 357 & 358 as per the plan) it will destroy the privacy of all the bungalows in the oval as the proposed dwellings will overlook all the rear gardens. The Residents Association also supports the Objection from the owners of number 34 Trenchard Circle as theirs will be the most affected, due to being adjacent to the proposed demolition and rebuild. If the 2 bungalows (30 & 32) are demolished they should be replaced with identical bungalows to maintain the historical integrity and aesthetics of the site. The Residents Association also questions the impact on the character of the area with such large houses overlooking the bungalows and questions the density replacement being exactly the same as what is being demolished. We believe the address listed in the application is also an error as 34 Trenchard Circle is already purchased. In addition a number of Residents are concerned that this will set a precedent for bungalow demolition. In the subject application it lists the requirement to retain 267 bungalows as a condition. Therefore we would like to ensure this application must not breach that limit.

Cherwell District Council:

The Planning Policy Team (on the original submission)

The former RAF Upper Heyford site is identified as a strategic site in the Adopted Cherwell Local Plan under Policy Villages 5.

Policy Villages 5 provides that the site will provide for approximately 1,600 dwellings (in addition to the 761 (net) already permitted).

Delivery of the dwellings allocated in the Local Plan Part 1 and detailed in the Local Plan housing trajectory at the former RAF Upper Heyford site is integral to the delivery of the strategy of the plan as a whole and meeting identified housing needs.

The Council has jointly commissioned, with site owners the Dorchester Group, a Development Framework Plan prepared by LDA Consultants to demonstrate how the level of growth identified within Policy Villages 5 could be delivered. This has not yet been published.

The application does not propose a net increase in the number of dwellings at the application site; 16 dwellings are to be demolished and 16 constructed.

The application site lies within the 'settlement area' encompassed by the site boundary of approved planning application 10/01642/OUT. The proposal is for redevelopment. Policy BSC 2 of the Adopted Cherwell Local Plan sets out that the Council will encourage the re-use of previously developed land.

The application site, the Trenchard Circle area, also forms part of the Former RAF Upper Heyford Conservation Area, Character Area 10c, which consists of former airmen's housing and bungalows. It is understood that the value of this area in terms of heritage assets and architectural merit is lower relative to other parts of the site and the conservation area. There are no listed buildings within the application site. Nonetheless it is important to ensure that the overall character and appearance of the Conservation Area can be preserved or enhanced.

Policy Villages 5 sets out that proposals must demonstrate that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements will be achieved across the whole of the site. New development should reflect high quality design that responds to the established character of the distinct character areas. Retained features should be integrated into a high quality place that creates a satisfactory living environment. The scale and massing of new buildings should respect their context. Areas for development adjacent to the flying field will need special consideration to respect the historic significance and character.

Policy Villages 5 sets out that development should be designed to encourage walking, cycling and use of public transport rather than travel by private car, with the provision of footpaths and cycleways that link to existing networks. Improved access to public transport will be required. Layouts should enable a high degree of integration with development areas within the overall Local Plan allocation, with connectivity between new and existing communities.

Policy Villages 5 and Policy ESD 10 require a net gain in biodiversity.

Policy Villages 5 and Policy ESD 7 require the provision of sustainable drainage including SuDS.

The replacement of the bungalows on a 'one-for-one' basis results in 16 dwellings on a site of 1.18ha, a proposed building density of 14 dwellings per hectare. Policy BSC 2 of the Adopted Cherwell Local Plan states that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development. It should therefore be considered whether the character and appearance of this part of the site provides sufficient justification for a low density to be retained having regard to overall housing requirements.

The application proposes 2No. 4 bed houses and 14No. 5 bed houses (drawing 0521-TR-102). Policy BSC 4 of the Adopted Cherwell Local Plan seeks to secure a mix of housing that reflects the needs of an ageing population, a growth in smaller households and which meets the requirements for family housing. Paragraph B.123 states that the Strategic Housing Market Assessment for Oxfordshire advises that there is a greater need for 3 bed properties in Cherwell and that the overall mix identified is focused more towards smaller properties. The mix of housing proposed does not meet the objectives of policy BSC4.

The proposal comprises solely market dwellings with no affordable housing provided. Paragraph 8.3 of the submitted Planning, Heritage and Design Statement explains that this is a result of there being no restriction on the occupancy of the existing dwellings and no net increase in the numbers of dwellings as a result of the proposal. Policy BSC 3 requires affordable housing provision onsite (35% affordable housing on sites suitable for 11 dwellings or more (gross) outside of Banbury and Bicester) with offsite contributions only acceptable in exceptional circumstances. The proposal is not compliant with policy BSC3, or Policy Villages 5 which requires at least 30% affordable housing at this strategic site.

Policy Villages 5 requires that all development proposals will be expected to contribute as necessary towards the delivery of infrastructure provision through onsite provision or an appropriate off-site financial contribution to education, health, open space, community, transport and utilities infrastructure.

The submitted Construction Specification document states that the dwellings will achieve a water usage limit of 125 litres per person per day. Policy ESD 3 of the Adopted Cherwell Local Plan requires all new dwellings to achieve a limit of 110 litres per person per day (a higher standard of water efficiency, given that Cherwell District is in an area of water stress).

The proposed dwellings will be constructed to energy efficiency standards required by the Building Regulations. Policy ESD 3 of the Adopted Cherwell Local Plan states that the strategic sites are expected to provide contributions to carbon emissions reductions and to wider sustainability and the applicants are encouraged to consider energy efficiency performance above the Building Regulations. Policy Villages 5 requires that development at the Former RAF Upper Heyford site provides an exemplary demonstration of compliance with the requirements of Policies ESD1-5. This is particularly important in the context of this particular proposal which involves demolition. Policy ESD 3 encourages development proposals to make use of the embodied energy within buildings and re-use demolition materials wherever possible. This is also a requirement of policy Villages 5.

(No further comments were made with regard to the amended plans)

**Urban Design** (a summary based on the various amendments):

Provided that the loss of the bungalows and replacement with houses has been accepted in principle then these proposals are generally satisfactory.

Layout and Connections: The existing site is at the head of an existing long cul-de-sac accessed from Camp Road. Ideally there should be a street connection with the development parcel to the west of the site to achieve a better-connected and integrated development although this need was not identified in the Heyford Park masterplan.

House Types and Surveillance is now satisfactory

Street Trees: The separation distance and proposed street trees will help mediate the scale difference between the proposed houses and the bungalows. The requested tree adjacent to the side rear boundary of plot 355 has been added and additional street trees are shown as requested

Sub-Station

The sub-station at the southern end of Trenchard Circle is in a very prominent position at the termination of the view down the street. I do not agree with the applicant that this is a 'minor issue' Can this be located in a less obtrusive location? I note the addition of close-boarded fencing enclosure to the sub-station. Close-boarded fencing should not be used in such a prominent location. The additional planting will partially screen the enclosure from the north and west, the south and east elevations remain exposed. A brick walled enclosure to the sub-station would be preferable although a better quality fence may be acceptable subject to submission of details of materials and construction.

Enclosure

Enclosing plot frontages with hedges and gates helps to clearly differentiate between public and private space. Frontage boundary treatments are now shown enclosing plot divisions as requested. Pedestrian rear garden gates are now match-boarded as requested.

Although not enhancing surveillance the proposal to enhance the security of the rear garden boundaries of plots 343-345 with 2025mm high boundary walls is an improvement over the previously proposed close-boarded fence.

Pumping Station: Access to the hidden rear and sides of the pumping station are now shown enclosed and secured with close-boarded fencing as part of a fenced enclosure of the pumping station. Whilst most of the close-boarded fencing will not be visible it would be preferable if the pumping station was enclosed with brick walls and match-boarded gates.

Visitor Parking: The location of the visitor parking has been satisfactorily adjusted so that it doesn't now terminate the view down the street.

**Tree Officer:** Minimal tree loss and only of reasonably low quality.

**Landscape Officer** (on the original submission): With consideration of the landscape proposals, in reference to drawings: Detailed Planting Proposals 1 of 2 and 2 of 2 (dwg nos. 1619 A4 01C and 02C), we provide the following response.

**Proposed Trees**

1. The propensity to plant Tilia 'Greenspire' should be overcome with a mixture of tree species for the sake of enhanced amenity to the street for the benefit of residents, and better biosecurity (reduced risk of the spread of disease amongst trees). Recommended tree species: Corylus colurna, Acer Campestre, Ginko biloba, Betula pendula 'Fastigiata'.
  2. The estimated eventual size of the tree canopies for each species is to be indicated on the landscape drawings to ensure that this important design constraint has been considered.
  3. Increase the number of trees:
  4. Delete the B. p 'Fastigiata' tree south of the pumping station to reduce risk a damage to paving.
  5. Tree soil volume is to be a minimum of 15 m<sup>3</sup> to ensure that there is enough growing media to provide a successfully established healthy tree – this is to be confirmed for each tree.
  6. With constructor's soil compaction (historic and current) tree soil amelioration strategy along with a tree soil specification is crucial to ensure the successful establishment of trees on this site. The on-site soils are supposed to be-lime rich.
  7. The most current utility layout is to be considered in respect of the tree planting positions, and should be used as a base layer to the detailed planting proposals.
- The shrub planting proposals are acceptable.

**Investment and Growth Team Leader**

Ordinarily there would be an affordable housing requirement of 30% in this location and should this application be taken in isolation this would be case. However after carefully considering the context of this application within the wider Heyford Park redevelopment we have come to the conclusion that in this instance there will be no requirement for additional affordable housing requirement, due to the original 16 residential units being included in the wider masterplanning of the area. This decision is based on exceptional circumstances within a wider masterplanning framework and should in no way detract from the Council's planning policy requirement for affordable housing provision on applications for gross residential development.

Oxfordshire County Council (as Highway Authority)(on original submission):

Recommendation: No objection subject to conditions

Key issues

The development is unlikely to have a significant impact on the transport network.

Vehicle tracking analysis will be required for service and emergency vehicles.

A residential Travel Information Pack will be required.

Larsen Road would need to be brought up to adoptable standard before OCC would adopt Trenchard Circle.

Further drainage information will be required.

Detailed comments

The planning application is for the replacement of 16 bungalows with 16 larger houses, and therefore represents a slight intensification of transport activity at the development site.

Section 4.1.2 of the Design and Access Statement presents a trip generation analysis comparing the existing 16 bungalows to the proposed 16 houses. No trip generation data is supplied to support the analysis; however the order of magnitude of trip generation presented appears credible. Based on this analysis the development is unlikely to have a significant impact on the transport network.

Proposed parking provision meets the standards set out in the Heyford Park Design Code. Garage dimensions meet the standards set out in the design code.

Vehicle Tracking has been provided but the refuse vehicle shown on the plan is only 9.010m in length. A 10.5m vehicle should be used, and will need to be provided in discharge of condition.

A residential travel information pack should be produced prior to occupation. This document should then be given to all first residents at the point of occupation to make them aware of the travel choices available to them from the outset.

Trenchard Circle will need to connect to the existing highway if it is to be offered for adoption. Therefore Larsen Road will need to be brought up to an adoptable standard before OCC would adopt Trenchard Circle.

Larsen Road is likely to require full depth reconstruction to bring the carriageway and footways up to an adoptable standard. OCC may accept a single footway. This reconstruction is likely to come into conflict with existing tree roots and planting.

Similarly localised areas of no-dig, due to tree roots may make sections of carriageway and footway unadoptable.

If the trees did prevent the adoption of the whole circle, then turning heads will be required.

Refuse vehicle tracking will be required to prove adoptability.

If a road has a footway, then the carriageway cannot be described, or used as a shared surface.

If the Eastern section of Trenchard Circle is to be offered for adoption then ideally it would have at least one footway. However if it is to remain a shared surface, then entrance and exit features will be required for clarity and safety.

Where there is only one footway proposed, Pedestrians exiting plots directly on to the carriageway should be provided with a direct crossing route and access on to the footway opposite. This will require additional dropped kerbs and hardstanding verge crossings.

OCC will require a 800mm adoptable maintenance strip around adoptable carriageway where there is no footway. This can be verge or hardstanding, but should not include for example the planting or gates shown around plots 356-358.

OCC will not adopt perpendicular visitor parking bays like those shown outside plot 343.

The locations of some of the proposed build outs on Trenchard Circle may encourage on-street parking directly opposite driveways.

New and existing trees within the proposed highway will attract commuted sums for future maintenance.

Tree root barriers will be required.

Street lighting will be required.

It is not clear whether the existing footpath links are to be offered for adoption and whether they will be reconstructed and lit.

**Drainage:**

The flood risk assessment has been updated as part of the amended documents. The drainage condition contained in this response has been updated to reflect this.

There are some questions remaining, for example about the proposed extent of the permeable paving. This is shown on the submitted drawing as largely confined to the North West corner of the site. It is unclear why this needs to be so and potentially the permeable paving could cover the entire site. This needs to be clarified or amended.

A SUDS Management Plan will be required.

Other External Consultees:

Historic England: The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Environment Agency: No objection subject to the inclusion of a condition on contamination

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

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

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

Cherwell Local Plan 2011 - 2031 Part 1 (CLP)

VIL5 - Former RAF Upper Heyford

ESD15 - The Character of the Built and Historic Environment

ENV10 - Development proposals likely to damage or be at risk from hazardous installations

ESD7 - Sustainable Drainage Systems (SuDS)

ESD6 - Sustainable Flood Risk Management

ESD3 - Sustainable Construction

ESD2 - Energy Hierarchy

ESD1 - Mitigating and Adapting to Climate Change

PSD1 - Presumption in Favour of Sustainable Development

BSC1 - District Wide Housing distribution

BSC3 - Affordable Housing

BSC4 - Housing Mix

BSC8 - Securing Health and Well Being

BSC9 - Public Services and Utilities

BSC10 - Open Space, Outdoor Sport & Recreation Provision

BSC11 - Local Standards of Provision - Outdoor Recreation

BSC12 - Indoor Sport, Recreation and Community Facilities

INF1 - Infrastructure

Cherwell Local Plan 1996 (Saved Policies) (CLP96)

C23 - Retention of features contributing to character or appearance of a conservation area

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

## 6.2 Other Material Planning Considerations:

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

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

RAF Upper Heyford Conservation Appraisal 2006 (UHCA)

Although this site was not specifically identified for redevelopment under application 10/01642/OUT, a design code was approved in October 2013 in order to comply with Condition 8 of planning permission of 10/010642/F. This was required to “to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality design as set out in the Environmental Statement, the Revised Comprehensive Planning Brief for the site, and Policies UH4 of the Non Statutory Cherwell Local Plan, H2 of the Oxfordshire Structure Plan 2016 and comply with Policies CC6, CC7 and H5 of the South East Plan 2009.” So although the design code does not strictly apply to this site it has been used by the architect as a template by which to design the proposed houses and layout.



## **7. Appraisal**

### **Relevant Background**

- 7.1 An outline application that proposed: “A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).” was granted in 2010 following a major public inquiry (ref 08/00716/OUT).
- 7.2 The permission with regard to the flying field was implemented but a subsequent second application was submitted for the settlement area. That permission for a new settlement was granted in December 2011 (ref 10/01642/OUT). The permission was in outline so details of layout, scale, appearance, landscaping and access (the reserved matters) have to be submitted within a period of six years. This site is slightly different in so far as although it was shown on the approved parameter plan for residential use, it was envisaged the existing properties would be refurbished and retained. As mentioned above, 16 of the 2 and 3 bed roomed bungalows are being retained but it has been decided to demolish the other 14 and replace them with larger houses. Because of this change in process and the need for demolition of the bungalows to be approved, the applicant has submitted the details as a full application.
- 7.3 The appeal and subsequent planning decisions have already been taken into account by the Council as part of its Local Plan and the development of former RAF Upper Heyford is seen as the major single location for growth in the District away from Banbury and Bicester. This seems a feasible proposition as the outline permission is now in place. Furthermore, in the CLP, additional sites have been allocated for development in and around Heyford including south and east of the application site.
- 7.4 Extensive pre application discussions have been had on this site about the architectural form and detail of this area. As the site is located within the RAF Upper Heyford Conservation Area it is critical that the development reinforces and enhances the character of this area. Many of the residential buildings across the site were built in the early 20<sup>th</sup> century and have a character that can be best described as a simple / pared back Arts and Crafts character. Greater detail on this can be found in the Design Code although this document technically applies only to the new build development sites on the former base. However, it has been used on this site as a guide to the form and layout of the proposed housing namely to secure a more open form of development in line with the principles for the rural edge set out in the code.
- 7.5 Turning to the detail of the application, Officers’ consider the following matters to be relevant to the determination of this application:
- Planning Policy and Principle of Development;
  - Five Year Land Supply
  - Visual Impact, Heritage and the Conservation Area
  - Density, Affordable Housing and Housing Mix
  - Landscape Impact;
  - Accessibility, Highway Safety and Parking;
  - Effect on Neighbouring Amenity;
  - Ecology
  - Flood Risk and Drainage;

### **Planning Policy and Principle of the Development**

- 7.6 Paragraph 14 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.
- 7.7 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan in so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.
- 7.8 Policy Villages 5 of the CLP identifies the former military base as a strategic site in the rural area for a new settlement. The land subject of this application is identified within that policy as part of a potential development area. The policy seeks to achieve a settlement of approximately 1600 dwellings in addition to those already approved. The policy also goes on to lay down specific design and place making principles including avoiding development on more sensitive and historically significant sites, retain features that are important for the character and appearance of the site, encourage biodiversity enhancement, environmentally improve areas, integrate the new and existing communities and remove structures that do not make a positive contribution to the site's special character.
- 7.9 The plans and supporting documentation demonstrate its conformity with the development plan. The significant elements are:
- The removal of buildings that do not make a positive contribution to the special character of the site
  - The environmental improvement of the locality
  - A commitment to high quality design and finishes reflective of the approved Heyford design code
  - Scale and massing of new buildings to reflect their context
  - And commitment to a scheme that will conserve the setting of the conservation area

The main issues will be discussed in more detail below but in principle the application is seen to conform with Policy Villages 5.

### **Five year land supply**

- 7.10 The latest housing figures for Cherwell District Council have shown it has exceeded its five year land supply and can robustly defend against speculative development. The annual monitoring report for 2014/ 2015 undertook a comprehensive review of housing land supply as at December 2015. The figures showed that over three consecutive years Cherwell has continued to exceed its five year land supply due to an increase in housing construction and can now demonstrate a 5.1 year supply for 2014-2019; a 5.3 year supply for 2015-2020 and a 5.6 year supply for 2016-2021.
- 7.11 The Cherwell Local Plan outlines the preferred sites for 22,840 homes and 200 hectares of employment land between 2011-2031. Figures from the annual monitoring report showed 2,052 homes had been completed between 2011 and 2015, of which 946 were built during the 2014/2015. Of those completed over the past financial year, 44 per cent were built on previously developed land and 191 were marketed as affordable, including 22 self-build homes. It is expected that between 2015 and 2020, 9,034 new homes will be built and by 31 March 2021, 12,824 homes will have been built across the district over a ten year period. This equates to an approximate average of 1,282 homes per annum which exceeds the annual requirement of the adopted Local Plan 2011-2031 of 1,142 per annum.
- 7.12 Heyford is seen as a strategic development site by the Local Plan and was envisioned as a point of growth when the policy was drawn up. 1600 dwellings and 1500 jobs are proposed there under Policy Villages 5. This site is part of the land allocated for development in the relevant policy. In the last year 166 dwellings were constructed at Heyford making it one of the three main delivery sites for Cherwell. The Council have signed a statement of common ground with the developer and applicant committing to the expeditious implementation of the policy.

#### **Visual Impact, Heritage and the Conservation Area**

- 7.13 This application seeks approval for another phase of development for Dorchester Homes In this case it aims to achieve this by demolition of a group of bungalows most of which are in poor condition and unlike those on the island site have not been included in the refurbishment programme The Conservation Appraisal regards them as having fairly low significance in the Conservation Area. They were a later addition to the residential stock of the base built to American specification and are described as being of a “unrelenting design appearing as a remorseless sea of facades and roofs. The layout of the buildings does not provide for vistas or views and therefore the area appears cluttered, in contrast to the more relaxed British Military style of buildings.” The ones proposed for demolition are described as having “a perfunctory attempt at landscaping, but the monotony of repeated structures is unrelenting. The bungalows themselves are functional but have no architectural merit.” Their loss in this location is not seen as harmful to the Conservation Area but more as an environmental improvement.
- 7.14 Extensive work and discussions have been had with the developer to establish a layout and architectural vocabulary for the site which will reinforce and enhance its heritage value. In terms of house design, the Council’s Design Consultant has secured substantial revisions in the architectural styles proposed here. The architect’s use of the Design Code to employ the rural edge style reflects that already approved on phases 1, 2 and 5 south of Camp Road. The added benefit here is the type of house proposed, reflects very closely the scale, form and appearance of the Officer’s housing to the south in Larsen Road which are “characterised by the 1920s red brick buildings, in a ‘leafy suburb’ setting of grass and organised tree planting. The low-density setting of the original buildings is perpetuated in the buildings built adjacent in the 1950s.”
- 7.15 The proposed layout creates a strong frontage development to Trenchard Circle. The houses themselves reflect the arts and crafts style we have sought to achieve elsewhere at Heyford in

reflection of the nearby Larsen Road houses. They have been used elsewhere on earlier development phases where, in terms of house design, the Council's Design Officer secured an almost wholesale revision in the architectural styles proposed. Detailed negotiations took place even to the detail of barge boarding, eaves details and canopy design. As a result we now have a style whereby the housing both reinforces and enhances the character of this part of the RAF Upper Heyford Conservation area. Many of the residential buildings across the wider site were built in the early 20<sup>th</sup> century and have a character that can be best described as a simple / paired back Arts and Crafts character and this scheme suitably reflects that character as well as establishing an identity as found in the Design Code. There is a wealth of detailing in terms of chimneys, balanced fenestration, bays, gables, porticos and canopies. In line with the code materials are good quality bricks with some render as used elsewhere at Heyford. Roofs are slated. The result is semi-formal and taken together forms a harmonious blend.

- 7.16 The one point of concern to Officers from a design perspective is the proposed substation at the southern end of Trenchard Circle. Our concern is that it is quite a prominent feature in a prominent location. During the course of processing the application, the applicants have agreed to screen it and soften its appearance with landscaping. Relocating it does not seem practical having heard where the services are located in this part of Heyford. So on balance, taking into account the requirement for a substation in this general location, it is felt any harm will be limited now and is outweighed by the public benefit it provides.
- 7.17 The Officers conclude that what is proposed conforms to CLP policies Villages 5 and ESD 15 and CLP96 policies C28 and C30.

#### **Density, Affordable Housing and Housing Mix**

- 7.18 The proposed development could be seen to conflict with three policies of the adopted plan, namely BSC2 on density, BSC3 Affordable Housing and BSC4 housing mix. Taking them together but sequentially.
- 7.19 Policy BSC2 requires re-use of previously developed land with which this proposal clearly complies. But it expects development to be at a density of 30 dwellings per hectare unless there are justifiable reasons for a lower density. Taking the site area as a whole the density is indeed low about 13 dwellings per hectare. Part of the statistical reason for this is the site includes the pumping station, a substation and a disproportionate amount of highway within the red line application site.
- 7.20 The site is within a conservation area and special attention has to be paid to "the desirability of new development making a positive contribution to local character and distinctiveness." (NPPF-para 131) In this case the character of the area is set by the low density, high quality Officer's housing of Larsen Road. The proposed development is therefore reflecting that character and by not building, in this location, at a high density avoiding harm. It is therefore, in this case, compliant with the NPPF and the design and conservation policies of the Council
- 7.21 Policy BSC 3 sets out the requirement for Affordable Housing. However, Heyford has its own requirement under Policy Villages 5, 30%, which is to be secured on a site wide basis. The Council have secured through an earlier s106 agreement a strategy for the provision of Affordable Housing. Furthermore, a further agreement is being negotiated under terms being drawn up for the provision of the 1600 dwellings required under Policy Villages 5. This part of the site was not envisaged to provide affordable accommodation. The adjacent site, to the rear has 71 units of which 19 are in shared ownership and 7 affordable rented, so affordable housing is being provided in the immediate locale.

7.22 Policy BSC4 sets out the suggested mix of homes based on requirements of the Strategic Market Housing Assessment for Oxfordshire (SHMA 2014). Again, this site is one more phase of development of a much bigger development site. The Council are securing a much greater proportion of smaller units elsewhere on Heyford. Indeed, the adjacent retained bungalows are 2 or 3 bedroomed and the development site to the rear provides 71 units all of which are 2 or 3 bedroomed so overall there is an acceptable balance and mix in the wider but surrounding area.

### **Landscape Impact**

7.23 The landscape setting is an important part of the existing character of the area. Larsen Road is lined with verges and mature trees. This character was not extended into Trenchard Circle by the base architects and there are a limited amount of existing trees and shrubs. The intention is to create a tree lined verge and plant small groups of trees in strategic positions. Hedging is also proposed as part of the landscaping scheme to help define plots. The applicant has set up a management company responsible for maintenance of the landscaping at Heyford Park. This keeps control of some of the hedging and trees in the public domain. It is concluded that what is provided is therefore an environmental enhancement in compliance with Policy Villages 5.

### **Traffic, Access and Parking**

7.24 The existing access to Camp Road via Larsen Road from Trenchard Circle is maintained. Indeed the existing road layout is maintained. The Highway Authority have raised concerns if the applicant wishes the road network to be adopted but confirms that the level of traffic generated will not adversely affect the highway network or highway safety.

7.25 The layout and level of parking has been revised. Provision now reflects the standard set out in the Design Code. The larger houses have double garages and 2 parking spaces. Visitor parking is available on street and at the junction with Larsen Road.

7.26 The nature of this part of the base means it is not possible to create connectivity required by Policy Villages 5 for vehicular traffic. There are however, routes through Larsen Road that can be used by pedestrians and cyclists

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

7.27 Prior to the scheme being amended the Officers were concerned that some of the bungalows, 28 and 34 in particular, would suffer overlooking and loss of privacy from the rear outlook of three houses on the north end of the island. The change of the development site area and the omission of the 3 houses mean this is no longer the case.

7.28 The distance between the front elevation of the houses and bungalows is never less than 20 metres and the back to back distances between the proposed houses and those under construction to the rear is never less than 30 metres. This degree of separation is above the normal guidelines in addition to which landscaping is proposed to further reduce the physical impact of the new buildings.

7.29 There is no adverse impact cause by overshadowing or loss of light because of orientation of the new buildings, their juxtaposition to surrounding dwellings and the degree of separation.

### **Ecology**

- 7.30 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 7.31 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and: ‘local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a ‘competent authority’ in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places’.
- 7.32 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-
1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
  2. there is a satisfactory alternative
  3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 7.33 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 7.34 The application is accompanied by an Ecological Survey. Although newts exist in the vicinity of the site none were found upon it. No bats were found in the latest survey. If permission was granted further survey work would be required. The Council’s ecologist accepts the report’s findings and welcomes the mitigation package submitted as part of the application that would see provision of bird and bat boxes through the site and hedgehog fencing holes. Further survey work is suggested as other measures to enhance wildlife.

### **Flooding and Drainage**

- 7.35 The site lies within Flood Zone 1 (low risk). A Flood risk assessment has nevertheless been undertaken by the applicants. As the site is in Zone 1 redevelopment of the site for residential development is not precluded. Surface water discharge from the site can be discharged to a new drainage system that can be suds compliant. OCC, the local flood risk authority, will need to see the results of any site soil infiltration investigations and the method of surface water drainage being utilised as a result of further investigations which would need to be conditioned. A separate foul drainage system is proposed Neither the Environment Agency nor TWU have any in principle objections. The EA suggests a condition is imposed on contamination.

### **Engagement**

7.36 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application and the pre-application engagement that preceded it. It does need to be recorded that the applicant has followed our normal procedures and protocols and engaged in pre-application discussions.

## 8. Conclusion

8.1 It is considered this scheme will now form an area of a distinct character reflecting the design and density of the adjacent site. The houses have a variety of designs reflecting the arts and crafts style and military style seen elsewhere and reflecting the character of Heyford. Taken together they form an appropriate form of development. They provide a decent standard of amenity inside and outside the property. It is recommended that planning permission is granted

## 9. Recommendation

### Approval, subject to the following conditions:

1 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following documents: Application forms, Planning, Heritage and Design Statement, Arboricultural Impact assessment and Protection Plan, Construction Specification, Parking Matrix, Habitat and Bat Survey and Flooding Risk and Drainage Assessment, and drawings numbered:

Location Plan 0521 TR 101  
External Works Layout 0521 TR 104-Rev G  
Planning Layout 0521 TR Rev H  
Adoption Plan 0521 TR 107 Rev G  
Tracking Layout 1 of 2 0521 TR 105 Rev F  
Tracking Layout 2 of 2 0521 TR 105 Rev B  
Materials Layout 0521 TR 108 Rev H  
Refuse Plan 0521 TR 111 Ref F  
Detailed Planting Proposals 1 of 2 1619 A4 13  
Detailed Planting Proposals 2 of 2 1619 A4 21  
Housetype booklet 0521 TR HTB Issue 8

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

2 The 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.

3 No materials other than those as shown on plan No. 0521 TR 108 Rev H are to be used in the new development. There shall be no variation of these materials without the prior written consent of the Local Planning Authority. The development shall be carried out in accordance

with the approved schedule.

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

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

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

- 5 That all enclosures along all boundaries of the site shall be as shown on the approved plans and such means of enclosure shall be erected prior to the occupation of any dwelling.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan.

- 6 Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads, footpaths (except for the final surfacing thereof) and parking shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

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

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

- 8 Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of refuse, fire tender and pantehnicon turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

- 9 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Version 4. Woods Hardwick, April 2016), and the following mitigation measures detailed within the FRA.



- o Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed the run-off from the developed site and not increase the risk of flooding off-site.
  - o Permeable Paving extent to be approved by LPA (para 2.5 of FRA).
  - o The attenuation tanks and filter drains as shown on drawing No.HEYF-5-903 D.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. The drainage scheme shall also include for the maintenance and management of SUDS features to be presented in the form of a Site SUDS Management Plan.

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

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

Reason National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

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

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

**PLANNING NOTES**

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

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

- 2 In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National

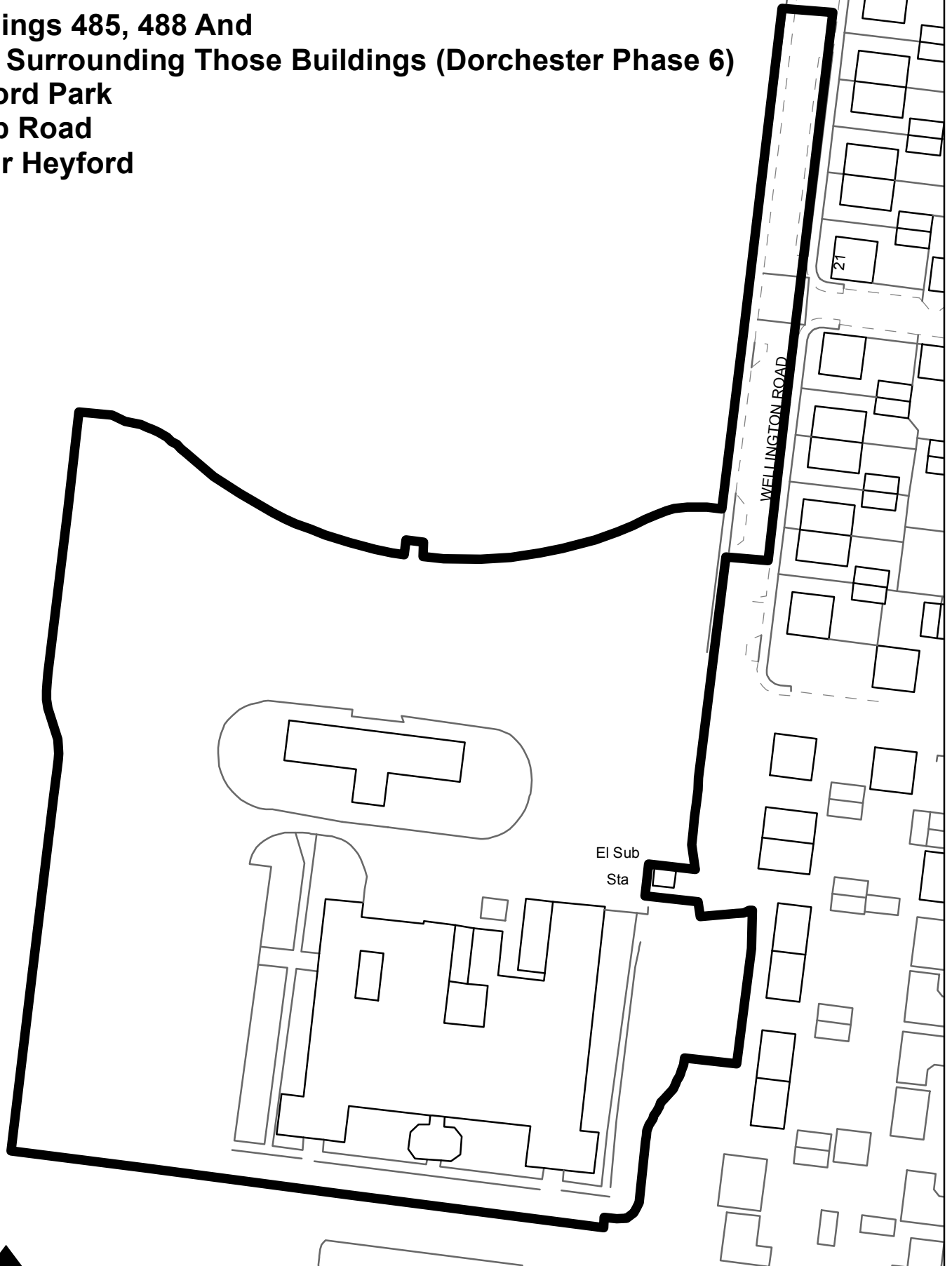
Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report. Since submission the details have been revised several times as part of a positive engagement between applicant and Local Planning Authority. Layouts have been modified to reflect character, comply with the design code and to create space for more trees and to create an opportunity for more street planting on the main tertiary road. The layout and design closely follows the Design Codes and advice has been given on the plans and house types following formal written pre application advice. On the back of these comments the design has evolved and a number of changes have been made.

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# 16/00263/F

**Buildings 485, 488 And  
Land Surrounding Those Buildings (Dorchester Phase 6)  
Heyford Park  
Camp Road  
Upper Heyford**

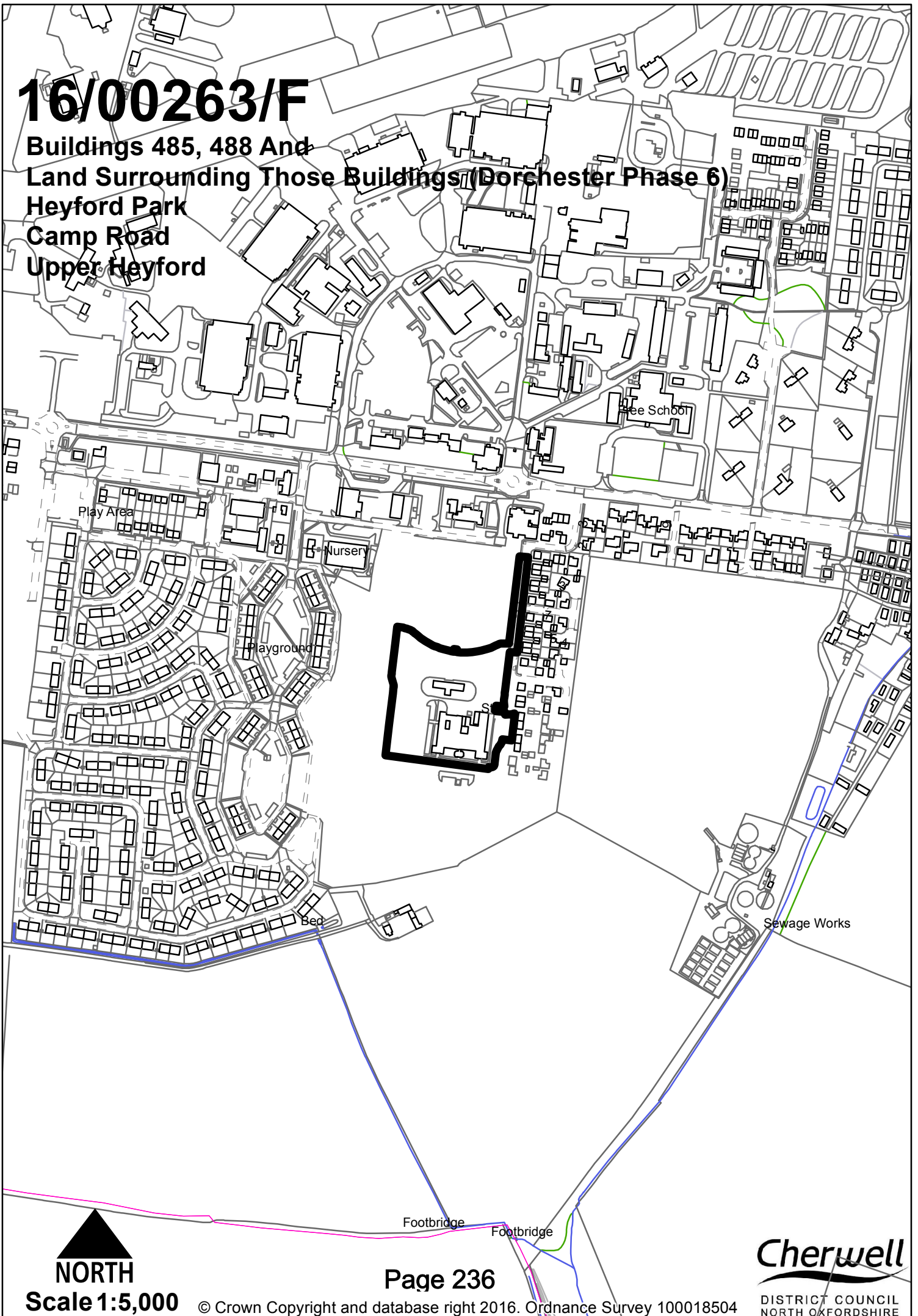


**NORTH**

**Scale 1:1,000**

# 16/00263/F

Buildings 485, 488 And  
Land Surrounding Those Buildings (Dorchester Phase 6)  
Heyford Park  
Camp Road  
Upper Heyford



Scale 1:5,000

Buildings 485, 488 And Land Surrounding Those  
Buildings (Dorchester Phase 6)  
Heyford Park  
Camp Road  
Upper Heyford

16/00263/F

**Case Officer:** Andrew Lewis                      **Ward(s):** Fringford And Heyfords

**Applicant:** Dorchester Group

**Ward Member(s):** Cllr Ian Corkin  
Cllr James Macnamara  
Cllr Barry Wood

**Proposal:** Demolition of Buildings 485 and 488 and the erection of 43 dwellings with associated parking, infrastructure, landscaping and public open space

**Committee Date:** 04.08.2016                      **Recommendation:** Approve

## 1. Application Site and Locality

- 1.1 The application site for this proposal is part of the former RAF/USAF Upper Heyford base. Located to the south side of Camp Road almost at the heart of the former settlement area, the site consists of an area formerly occupied by residential buildings and, with the exception of Buildings 485 and 488, now mostly demolished.
- 1.2 The base was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. The nature of the site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the Cold War landscape are preserved. This application is within the Residential Zone-10B- RAF Domestic and Residential Section as defined within the Conservation appraisal.
- 1.3 In the appraisal, the character of the Area is described as:

*10B RAF Domestic and Residential Section: The 1920s, red brick, RAF buildings to the south of Camp Road are laid out around and orientated towards the parade ground. The style of the buildings within the area is again British Military and because of their grid-like orientation the area has a strong 'campus' character distinct from the Technical Site to the north on the other side of the road. The area immediately south of the parade ground was developed during the period of RAF expansion in the 1930s. The area is dominated by the Institute (488) and H blocks (489, 498 and 500) set around it. This area has a coherent character distinct from the 1920s buildings. The general 'military architect' character of the area has been diluted by post-war alterations*

- 1.4 No buildings on the site or in proximity are either scheduled ancient monuments or statutorily listed buildings. Buildings 485 and 488 are not statutorily listed but are defined in the Conservation Area Appraisal as structures making a positive contribution to the special character of the Conservation Area. Both are 'Non Listed Buildings of Local Significance'. In the Conservation Area Appraisal, the importance of Building 485 was attributed to its 'group value of 1920s domestic buildings surrounding the parade ground' whilst Building 488 had individual features of merit in terms of internal and external design.
- 1.5 In terms of the uses on site, the military use ceased in 1994. Since 1998 the site has accommodated a number of uses in existing buildings, first under temporary planning permissions latterly under a permanent permission granted on appeal and subsequent applications.
- 1.6 Over the last 10 years numerous applications have been made seeking permission to either develop the whole site or large parts of it and numerous of them have gone to appeal. The most significant was application ref 08/00716/OUT. Following a major public inquiry that commenced in September 2008 the Council received the appeal decision in January 2010 that allowed "A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08)." This permission included the flying field and the uses and development permitted upon it at the appeal have been implemented under the appeal permission. Included within this decision were a number of applications for conservation consent including demolition of Building 485 and 488 and all were granted consent. As these consents have been implemented there is a view that they remain extant.
- 1.7 The development of the settlement and technical areas has been delayed as the site was acquired by new owners and the current applicants who decided to refine the approved scheme. As a result, a new masterplan was drawn up which, whilst similar to the one considered at appeal, has been modified. The main reason for a fresh application arose from the desire of the applicant to retain more buildings on site. Apart from that, the most significant changes are a new area of open space centred on the parade ground (the northern boundary to this site), the retention of a large number of dwellings including 253 bungalows, and more of the heritage buildings (including 485 and 488), the demolition of which was previously consented. The retention of these buildings at their existing low density has meant the masterplan has expanded the development area west on to the sports field.
- 1.8 The revised masterplan was submitted as part of the outline application for "Proposed new settlement for 1075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure" and was granted permission on 22nd December 2011 (ref 10/01642/OUT). The planning permission included a number of plans with which compliance was required including a masterplan, a retained buildings plans and other plans showing layouts all of which included the retention of Buildings 485 and 488, the latter being proposed for a commercial use to add a bit of mix and variation in an area otherwise entirely residential in use and appearance.

1.9 A number of reserved matters have been submitted, approved and implemented for permission 10/01642/OUT. As a result this part of the site is starting to take shape. To the north of the application site is the former parade ground which is being retained as open space and will become the “village green”. To the east a new road, Wellington Road, has been constructed with access to Camp Road and which forms the eastern boundary to the village green and the application site. It provides access to Phase 3 of the housing development to the east of Wellington Road, a scheme for 50 houses (ref 14/01500/REM) that both frames the village green and forms the rural edge, as well as access to the application site. To the south approval has been given to Phase 4 and the land cleared ready to implement the consent for 86 dwellings approved under reference 15/01612/REM. This scheme will build up to the rural edge of the site’s southern boundary. A further phase of development of 60 dwellings has recently been approved to the west of the site (ref: 16/00627/REM). In conclusion, although the new settlement is taking shape a large area has been cleared of buildings, with the exception of 485 and 488, and has the appearance a development site.

## **2. Description of Proposed Development**

- 2.1 The application site area measures some 1.7 hectares. It is proposed to demolish the two existing buildings on the site, 485 and 488, and erect 43 dwellings with an area of open space 0.106 hectare in size containing a Local Area of Play (LAP) together with associated infrastructure. Of the 43 dwellings it is proposed 30 units will be market housing (3x1 bed, 15x4 and 14 x5), 9 affordable rented (2x1 bed, 5 x 2 and 2 x 3) and 4 intermediate (2 x 2 bed, 2 x 3 bed). They are mainly 2 storied although some have rooms in the roof space and some with outlook to the village green are three storied. The latter continue the theme of the set piece grand villa already undertaken on the eastern edge of the village green with this application having a line of dwellings curved to reflect the southern arc of the village green. The other houses have a wide range of styles but follow the theme of pared down arts and crafts reflective of the earlier phases of development and based upon the houses built at Heyford in the inter war period.
- 2.2 Considerable pre application discussion took place before the application was submitted and several compromises have had to be made as a consequence of development being modified outside the application site, for example the size of the village green increasing in size. One point on which the Officer’s and applicant could not agree was on retaining Buildings 485 and 488. As can be seen, the applicants have decided to follow a course of demolition rather than conversion and refurbishment. Documents submitted with the application “demonstrate that it is not viable to retain and convert either Building 485 and 488 for residential use or 488 for the permitted office use”. Because of these changes to the scheme granted outline planning permission, this application has to be for full planning permission.
- 2.3 By removing the two buildings the layout is varied from that set out in the outline masterplan and approved design code. The site is bounded by a main primary vehicular route to its western boundary, primary as it is an internal bus route, and by a tertiary street to its eastern boundary. A new road, a community street with a shared surface, has been incorporated through the middle of the site thus allowing for a more traditional form of street pattern. There is some variation in the layout however caused, in particular by the desire to retain some important trees.

- 2.4 During processing of the application the scheme has been modified in a number of ways as part of a positive engagement between applicant and Local Planning Authority including changes to the design of the houses, to improve their appearance and to aid natural surveillance, improvements to boundary treatment, layouts have been modified, more parking created and to retain and add further trees. Further information has been provided to support, justify and reinforce the applicant's case as to why this development should be permitted.
- 2.5 The application has been supported by a considerable amount of documentation including:
- Planning, Heritage and Design Statement (and later addendum)
  - A Design and Access Statement
  - Aboricultural Impact Assessment and Protection Plan (and addendum)
  - Construction Specification
  - Bat Survey
  - Affordable Housing Statement
  - And a Draft heads of Terms for a s106 Agreement

### 3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
07/02350/CAC	Demolition of existing structures as part of lasting arrangement of Heyford Park	REF Permitted at appeal
08/00716/OUT	OUTLINE application for new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).	UNDE Permitted at appeal
10/01642/OUT	Outline - Proposed new settlement of 1075 dwellings including the retention and change of use of 267 existing military dwellings to residential use Class C3 and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure	PER

In addition to the above site specific permissions, the following outline permission and reserved matters have been approved that are also of relevance:

13/01811/OUT OUTLINE - Up to 60 dwellings and public open space with associated works on land to the west of the application site.



- 16/00627/REM Reserved Matters to 13/01811/OUT - Erection of 60 dwellings and public open space with associated works
- 15/01612/REM Reserved Matters to 10/01642/OUT - Erection of 86 dwellings with associated car parking, infrastructure, associated works and public open space on land south of the application site
- 14/01500/REM Reserved Matters to Outline application (10/01642/OUT) - Erection of 50 dwellings with associated car parking, infrastructure and associated works on land to the east of the site
- 15/00153/REM Reserved Matters to Outline application 10/01642/OUT - Village green including sports provision on land to the north of the site.

#### 4. Response to Publicity

The application was publicised by way of neighbour notification letters and notices displayed on and near to the site. Comments have been received from 1 local resident and are summarised as follows:

- The RAF Upper Heyford Conservation Area Appraisal Section 8 Paragraph 8.2.3 identified a number of buildings of Local Significance, 10 of which are/were located around, or in the vicinity of, the Parade Ground. Of the 10 six have already been demolished,
- Two buildings (455 and 457) are being retained, albeit with modifications, for future use. Of the remaining structures of the 10, 485 - 1920s Barrack Block is being put forward for demolition, as is 488 - the Art Deco Dining Room and Airmens Institute. The loss of these last two icons of a former era seemingly goes against the aims and wishes of Cherwell District Councils own conservation plans and wishes for the former RAF station, whilst possibly conflicting with the mission statement of Dorchester Group.
- Several residents of the redeveloped base say they would not wish to lose both of the buildings but more specifically building 485. The logic behind and case for removing 488 seems to be the stronger, due to its state of disrepair and the number of new dwellings that could be built in its stead. The same cannot be said for 485 as its base area is significantly less. I strongly urge you to consider Building 485 to be a valued feature which should be retained, either for community use or converted to apartments. This building would perfectly frame the central feature of the development; it would help to preserve the history of the base whilst providing for either several flats/accommodation or as an asset for future generations.
- The Residents Association letter may contain a few inaccuracies regarding how the buildings will be viewed a part of the new development, the historic significance of the last of the barrack blocks (the sites history clearly defines the high quality of the original build and the prestige status that was awarded to RAF Upper Heyford), the views of the residents (both old and new), and what will be lost from their demolition.

#### 5. Response to Consultation

Parish/Town Council: The Upper Heyford Parish Council has no objection to this application.

Cherwell District Council:

## Head of Strategic Planning and the Economy

### The Planning Policy Team's main observations are:

No planning objection in principle to residential use subject to a satisfactory resolution of the detailed matters raised in this response:

- The former RAF Upper Heyford site is identified as a strategic site in the Adopted Cherwell Local Plan under Policy Villages 5.
- Policy Villages 5 provides that the site will provide for approximately 1,600 dwellings (in addition to the 761 (net) already permitted).
- Delivery of the dwellings allocated in the Local Plan Part 1 and detailed in the Local Plan housing trajectory at the former RAF Upper Heyford site is integral to the delivery of the strategy of the plan as a whole and meeting identified housing needs.
- The Council has jointly commissioned, with site owners the Dorchester Group, a Development Framework Plan prepared by LDA Consultants to demonstrate how the level of growth identified within Policy Villages 5 could be delivered. This has not yet been published.
- The application proposes the demolition of two building and the construction of 43 dwellings, market and affordable.
- The application site lies within the 'settlement area' encompassed by the site boundary of approved planning application 10/01642/OUT. Application 10/01642/OUT proposed the retention of building 485 and partial retention of building 488. Both buildings were proposed for demolition under earlier application 08/00716/OUT, allowed following an Inquiry. The principle of residential use at the application site has been established in these previous permissions.
- The application site forms part of the Former RAF Upper Heyford Conservation Area, specifically Character Area 10B, within the RAF domestic and residential section. Buildings 485 and 488 are not statutorily listed but are defined in the Conservation Area Appraisal as structures making a positive contribution to the special character of the Conservation Area, both are 'Non Listed Buildings of Local Significance'. In the Conservation Area Appraisal, the importance of Building 485 was attributed to its 'group value of 1920s domestic buildings surrounding the parade ground' whilst Building 488 had individual features of merit in terms of internal and external design. Specialist advice should be sought on the continued significance of these individual buildings. It is important to ensure that the overall character and appearance of the Conservation Area can be preserved or enhanced. Policy ESD 15 states that "New development proposals should conserve, sustain and enhance designated and non-designated heritage assets...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".
- Policy C23 of the Adopted Local Plan 1996 sets out a presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area.
- Policy Villages 5 sets out that proposals must demonstrate that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements will be achieved across the whole of the site. New development should reflect high quality design that responds to the established character of the distinct character areas. Retained features should be integrated into a high quality place that creates a satisfactory living environment. The scale and massing

of new buildings should respect their context. Building materials should reflect the locally distinctive colour palette.

- Policy Villages 5 sets out that development should be designed to encourage walking, cycling and use of public transport rather than travel by private car, with the provision of footpaths and cycleways that link to existing networks. Improved access to public transport will be required. Layouts should enable a high degree of integration with development areas within the overall Local Plan allocation, with connectivity between new and existing communities.
- Policy Villages 5 and Policy ESD 10 require a net gain in biodiversity.
- Policy Villages 5 and Policy ESD 7 require the provision of sustainable drainage including SuDS.
- The proposal is for 43 dwellings on a site of 1.7ha, a proposed (gross) density of 25 dwellings per hectare. Policy BSC 2 of the Adopted Cherwell Local Plan states that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development. It should therefore be considered whether the character and appearance of this part of the site provides sufficient justification for a lower density having regard to overall housing requirements.
- In terms of housing mix, for market housing the application proposes 1No. 3 bed house, 15No. 4 bed houses and 14No. 5 bed houses. Policy BSC 4 of the Adopted Cherwell Local Plan seeks to secure a mix of housing that reflects the needs of an ageing population, a growth in smaller households and which meets the requirements for family housing. Paragraph B.123 states that the Strategic Housing Market Assessment for Oxfordshire advises that there is a greater need for 3 bed properties in Cherwell and that the overall mix identified is focused more towards smaller properties. Policy BSC 4 states that the mix of housing will be negotiated having regard to the Council's most up to date evidence on housing need and available evidence from developers on local market conditions. The mix of housing as proposed does not meet the objectives of policy BSC4.
- The proposal comprises 30 market houses and 13 affordable houses, which accords with Policy Villages 5 which requires at least 30% affordable housing at the Former RAF Upper Heyford site. The tenure split of the affordable dwellings accords with the requirements of Policy BSC 3 (70% affordable rented, 30% intermediate affordable homes) although, as with the market dwellings, the housing mix in terms of size does not meet the objectives of policy BSC 4.
- Policy Villages 5 requires that all development proposals will be expected to contribute as necessary towards the delivery of infrastructure provision through onsite provision or an appropriate off-site financial contribution to education, health, open space, community, transport and utilities infrastructure.
- The proposal includes the provision of a Local Area of Play of approximately 1000sqm. The quantitative level of provision accords with
- Policy BSC 11 also contains accessibility and qualitative standards, for example that a LAP should be within 5 minutes' walk, and that the LAP should be in a safe and secure location with good access to the site. It should be ensured that the qualitative and accessibility standards are met.
- The submitted Construction Specification document states that the dwellings will achieve a water usage limit of 125 litres per person per day. Policy ESD 3 of the

Adopted Cherwell Local Plan requires all new dwellings to achieve a limit of 110 litres per person per day (a higher standard of water efficiency, given that Cherwell District is in an area of water stress).

- According to the Design and Access Statement, the proposed dwellings will be constructed to energy efficiency standards required by the Building Regulations. Policy ESD 3 of the Adopted Cherwell Local Plan states that the strategic sites are expected to provide contributions to carbon emissions reductions and to wider sustainability and the applicants are encouraged to consider energy efficiency performance above the Building Regulations. Policy Villages 5 requires that development at the Former RAF Upper Heyford site provides an exemplary demonstration of compliance with the requirements of Policies ESD1 – 5.

#### Conservation Officer:

This proposal is for the demolition of Buildings 485 and 488, which are identified within the conservation area appraisal document as make a positive contribution to the residential and parade ground area within the Conservation Area at former RAF Upper Heyford.

The planning history for this part of the Upper Heyford Airbase is complex. The buildings were identified within the Revised Comprehensive Planning Brief (2007) as structures which made a contribution to the significance of the conservation area and should be retained. However, permission, following a public enquiry (08/00716/OUT), was granted for their demolition. A subsequent approved application (10/01642/OUT) included a revised scheme which includes the retention of both Building 485 and 488 together with restoration of the parade ground.

The planning history aside it remains the case that Building 485 and 488 both continue to make a positive contribution to the character of the airbase and its significance. The loss of these buildings would clearly harm the significance of the Conservation Area.

The significance of the former Upper Heyford military base is derived from being both one of the earlier model RAF airfields upon which other airfields of its type were based during the interwar period expansion period, as well as being one of a limited number of bases that at the end of WWII were selected for transformation into a purpose-built airbase to house aircraft of the United States Air Force (USAF) and Strategic Air Command (SAC). This therefore gives both the RAF buildings and the later USAF-related buildings an intrinsic significance both in terms of their architecture and their role in military history.

Buildings 485 and 488 are located on the domestic part of the Upper Heyford site.

Building 485 is a type B barrack block constructed as part of the first phase of development on the site following re-occupation by the RAF in 1924. Building 488 - the Airman's Dining Room and Institute - which stands behind Bld 485, was built as part of the expansion of the RAF station in the 1930s in contemporary Art Deco architectural style. Both buildings are good examples of their type and the cohesion of materials and style within this group of buildings ensure they both individually and collectively makes a positive contribution to the character of the residential area. This contribution is identified within the Conservation Area Appraisal (2006).

Both buildings are of a domestic scale and eminently capable of conversion as proved at former RAF Bicester where the domestic section of the former military airfield has been converted wholesale to residential accommodation. A case in point is Building 20 at former RAF Bicester. Conversion of existing buildings can both preserve and enhance and enhance the existing unique character of Heyford Park which is essence is military at heart (and not country village or urban extension). The conversion of existing buildings will provide units at a greater density than that of the proposed rebuild scheme. The impact of their removal is therefore two fold: a) the loss of a significant structures which makes a strong contribution to the Conservation Area, b) the reduction in development intensity on this area of the site has a knock on effect to other areas of the Conservation Area, with development potentially extending to other, more sensitive areas to meet the Local Plan housing allocation.

The character and layout of the proposed replacement housing is without any unique properties, at best it can only be described as bland and pedestrian. The proposal could be a housing estate located anywhere within Britain. It cannot be argued that the proposal contributes significantly to the unique character of the domestic area within the conservation area. The very opposite can be said of Buildings 485 and 488 which have become landmark buildings within the site.

I do not consider that a sound case has been made which demonstrates that these buildings cannot be retained as is set out in the consented masterplan. Further insufficient justification is provided to show that the level of harm is outweighed by the benefit of the replacement buildings.

Recommend refusal.

Contrary to Policy:

NPPF

126 – the proposal fails to preserve, sustain or enhance the significance of the heritage asset.

131 – the buildings concerned in this application are capable of conversion and being put into viable use; the new development erodes rather than contributes to the local character and distinctiveness.

133 – the harm to the heritage asset does not outweigh any perceived benefit.

Cherwell Local Plan

ESD15 – erosion of local distinctiveness; failure to contribute positively to the character and identity of the conservation area; and failure to respect the layout, form, scale of the site.

Urban Design Consultant (on original submission):

Proposed Demolition

The proposed demolition of buildings 485 and 488 is regrettable particularly as a building similar to building 488 has been converted so apparently successfully at the Garden Quarter in Bicester. These survivors of the historic use of the site should be seen as assets that contribute to historic context and sense of place and aid legibility. Irrespective of their heritage significance retention of one or both buildings is desirable to provide interest and help differentiate and add interest to a fairly homogeneous form of development beyond the

distinctive character of the buildings around the green. I would urge the applicant to reconsider refurbishment of these building and if not both then 488 in particular.

#### Distinction and Legibility

If loss of buildings 485 and 488 is approved then the applicant should be asked to consider compensatory introduction of a one or two distinctive 'rogue' buildings as incidents to relieve the homogeneity of much of the development and to aid legibility. Such buildings should be distinctive one-off designs.

#### House Types

House type SP1-V2 has poor proportions with a tall roof and too much unbroken space between the first floor window heads and the eaves. All traditional form houses should have chimneys or flues punctuating their roofline. The affordable housing in particular should not be distinguishable by lack of chimneys.

#### Street Scenes

Not all streets scenes are covered by the submitted plans.

#### Sub-Station

Although the sub-station is not part of this application its prominence in the street needs to be considered in relation to whether there needs to be any mitigation of its visual impact within this development.

#### Parking

Although tandem parking has been approved elsewhere on the Heyford Park development it is inconvenient for users and tends to lead to more parking on the carriageway or half-on half-off footways. I note that only two on street visitor parking bays have been designed into the layout. The 'Space to Park' - URBED / University of Edinburgh / Design for Homes 2013 study recommended that 'The number of unallocated spaces should at least be 20% in addition to the allocated spaces'.

On-plot parking between some buildings does not appear to be well overlooked from the adjacent houses e.g. plots 338-340.

Parking bays for plots 329 & 330 have fairly poor surveillance which should be improved.

#### Trees

A few of the proposed new trees appear to be located in impractical locations i.e. fronting plots 301, 304 & 307.

There appears to be room for some additional street trees:

- Adjacent to the side wall of the rear garden of plot 317.
- In front of plot 341
- In front of plot 313
- Adjacent to parking bay 310
- Adjacent to the visitor parking spaces

There also appears to be scope for light foliaged trees e.g. birch (e.g. *Betula jacquemontii*) in rear gardens. Some of these would also benefit the street e.g. close to the side rear garden wall of plot 307. Some could be located to interrupt back-to-back views and aid privacy.

#### Boundary Treatments

Some of the close-board fenced rear garden boundaries adjacent to on-plot parking will be very visible from the street. It would be better for them to be replaced with continuation of the side rear boundary brick walls in the following locations:

Rear boundaries of plot 318 & 336

The close-boarded fencing behind tandem parking for plots 323, 325 & 326 and behind parking for plots 327 & 328 should also be 1.8m high brick walls.

Rear garden gates should be match-boarded, not close-boarded.

#### Regeneration and Housing

As this is a new application outside the red line permission for the wider site the current affordable housing policy position of 30% is applicable.

In general the location of the affordable housing is acceptable. I would suggest that the parking for plots 323-330 needs improvement, and also to avoid making it a private drive area, given that this will leverage an additional service charge on what is meant to be affordable housing tenants/purchasers.

The units will need to meet the HCA's Design and Quality Standards as well as 50% of the rented to meet Building Regulations requirement M4(2) Category 2: Accessible and Adaptable Dwellings.

#### Recreation and Leisure Services:

Indoor community space will be required. Community facility plans have already been submitted and are under discussion and review with Dorchester group. The addition of the 43 dwellings as part of this application and the implication on community facilities will be assessed as part of the overall community facility discussions.

There will be an obligation to provide artist led public art activity or artworks on site in conjunction with the Public Art Statement for Heyford (March 2016) detailing the phased approach.

#### Landscape and Tree Officer:

The original scheme raised concerns about, inter alia, the location of the LAP, the type of trees and shrubs being proposed, loss of some trees, and space left for planting. However, following the submission of revised plans the objection has now been withdrawn.

#### Oxfordshire County Council:

## Transport

No objection subject to conditions

Key issues:

The change of use will lead to a small net reduction in trip generation.

Parking provisions are acceptable.

A Travel Information Pack will be required.

Improvements will be required to the road design under the Section 38 or Section 278 agreement.

Further information regarding drainage proposals is required.

Detailed comments:

Transport Strategy:

Clause 14 in the legal agreement for 10/01642/OUT dated 22/12/11 sets a ceiling of 1075 dwellings (or 1,035 as varied by the agreement for 13/01811/OUT). Any development over and above this ceiling will be expected to contribute to a transport mitigation package for allocation covered by Policy Villages 5. Moreover, a comprehensive masterplan that sets out the transport mitigation package required to mitigate the additional growth should be in place prior to the determination of applications that will exceed the ceiling.

Transport Development Control

It is noted that this is a Full planning application rather than a Reserved Matters application under 10/01642/OUT. In this respect the Design and Access Statement notes that:

*“Section 2 of this report...explains that due to a change in use from residential, commercial and village green to residential, the decision was made to submit a full planning application.”*

Section 3 of the Planning, Heritage and Design Statement Addendum quantifies the change of use as 20 additional residential units with the removal of 1,500m<sup>2</sup> of B1 employment. Reference to the TRICS trip generation database indicates that this change would lead to small a net reduction in trip generation. The change of use is therefore acceptable.

Car parking provisions are acceptable. The provision of sheds for cycle parking at dwellings with no garage is welcomed.

Travel Plans

This is a small part of the much larger Heyford Park development that already has a travel plan which will act as the guiding master document for the site. This development should form a small part of the master travel plan and be guided by the aims of that travel plan.

A Travel Information Pack will be required.

Road Agreements

The basic layout of the roads is acceptable, although more detail will need to be submitted to the Road Agreements team under the Section 38 or Section 278 agreement. In this respect it should be noted that the Vehicle Tracking Layout suggests that a car might have difficulty passing a large vehicle in the adoptable shared surface road. As a result cars might be forced to reverse, or overrun the verge. OCC would expect a slightly wider road or the provision of a safe waiting/passing area in an adoptable road. If such provisions are not made then OCC might choose not to adopt the road. These matters could be resolved through the Section 38 or Section 278 process.

Drainage

Additional information with respect to drainage is provided within the document Planning, Heritage and Design Statement Addendum (24th May 2016).

Maintenance

The maintenance schedule provided within Appendix 1 of the Statement should form part of a more comprehensive 'SUDS Site Management and Maintenance Plan' for the development. The scope of this document should be based on the advice given in 'The SUDS Manual' (Ref:



Ciria 753) Chapter 32 - Operation and Maintenance. ( and deal with any health and safety issues)

It is proposed that the production of a more comprehensive SUDS Maintenance and Management Plan should form part of a planning condition for the development.

Detailed design of the outfall structure at the Gallos brook including section showing levels are not included in the planning application documents. However, it is understood that the outfalls are already constructed and drawings can be provided if required. Page 5 of 7

Flood Route:

The flood route on the development and storage areas is not included in the planning application documents. However, material received subsequent to the planning application shows the proposed exceedance flood route. This is shown on Drawing No. HEYF /5/148/C. Surface Water Drainage Overview – Residual Flooding, which is included with this response.

Further work to update the drawing to reflect more recent microsimulation modelling result, storage area changes, and any existing as-built changes, but that the substantial body of work required for approval has been undertaken already. It is therefore proposed that work to update Drawing No.HEYF /5/148/C and associated will form a condition to the approval.

Education & Property: No objection

Key issues:

This application represents a net increase of 20 residential units over and above that originally envisaged for the application site but will no longer include any employment uses.

Whilst it is the County Council's view that a comprehensive masterplan that sets out the mitigation package required to mitigate the additional growth should be in place prior to the determination of applications that will exceed the ceiling, from an education and property perspective due the limited amount of additional dwellings proposed the approach suggested by the applicant in the heads of terms document dated 24th May of taking a similar approach to the Dow Street S106 (13/01811/OUT) would be acceptable in principle.

However, it is noted that Para. 2.7 of the S106 Heads of Terms proposes increasing the ceiling to 1,178 dwellings. This does not take into consideration that 23 of the proposed dwellings are already included within the existing ceiling; the increase in the ceiling should only be for the 20 additional dwellings over and above those covered by the existing permission. The new ceiling should therefore be 1,155 dwellings.

Other External Consultees:

Historic England:

This application involves the demolition of buildings which make a positive contribution to the Conservation Area but have a complex planning history. Permission has previously been granted for their demolition but a subsequent application and masterplan involved their retention. We do not consider that a sound case has been made which demonstrates that they cannot be retained as is set out in the consented masterplan.

Historic England Advice:

This application includes the demolition of Buildings 485 and 488 on the domestic part of the Upper Heyford site. Building 485 is a type B barrack block constructed in 1837 as part of the first phase of development on the site following re-occupation by the RAF in 1924. It stands at the south end of the parade ground and was identified in the Conservation Area Appraisal (2006) as making a positive contribution to the character of the area due to its value as part of a coherent group of 1920s buildings in the British Military style surrounding the parade ground. The appraisal recognised the strong building lines and campus quality of the parade ground area. This set of buildings are also of historical interest as Upper Heyford was the first of the interwar RAF airfields to be constructed and the buildings and layout served as a model for those that came later.

Building 488, the Airman's Dining Room and Institute, is slightly later and forms part of the expansion of the RAF base in the 1930s. This is also identified as a positive contributor in the Conservation Area Appraisal which notes its Art Deco styling and its coherent character with the H-blocks (buildings 489, 498 and 500), though this has been diluted by post-war alterations and additional buildings. We concur with the conclusions of the Appraisal and regard these buildings as good examples of their type which help tell the earlier history of the base, form a coherent group and thus contribute to the significance of the conservation area.

The value of these buildings was also recognised in the revised comprehensive planning brief for the site, issued in 2007, which identified them as to be retained. The subsequent application to redevelop the site 08/00716/OUT, which received planning permission following a public enquiry, recognised their significance (Pegasus Planning Ground drawing N.0111\_18-1d of 2008) but included their demolition. Subsequently a revised scheme (10/01642/OUT) was submitted and received planning permission. This included the retention of both buildings 485 and 488 along with the restoration of the parade ground. However, it also involved the demolition of building 459, which again is a 1920s building identified as making a positive contribution to the Conservation Area which was to have been retained in application 08/00716/OUT. On balance we concluded that that the masterplan set out in 10/01642/OUT represented a better outcome for the heritage of the base as Buildings 485 and 488 are of high architectural quality, better illustrate the function of this part of the base in the 1920s and allow a sense of the parade ground bounded by buildings to be retained.

The loss of these buildings would clearly harm the significance of the Conservation Area. While the defining characteristic of the Conservation Area is as a Cold-War airbase its early occupation by the RAF is an interesting aspect of its history. The buildings in question are among the more interesting and better preserved of the survivors from this phase on the site and therefore we conclude that their loss would entail a high, but not substantial, level of harm. In our view the Planning and Heritage Statement submitted in support of this application underplays the interest of these buildings and overplays the impact of alteration that have been made to them, leading to an underassessment of their significance. According to paragraph 132 of the NPPF *any* harm to a designated heritage asset (which includes Conservation Areas) requires a clear and convincing justification whilst paragraph 134 of the Framework requires harm to be balanced against the public benefits of the application. Furthermore, section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

We are aware that during the 2008 appeal the Inspector concluded that the demolition of these buildings were justified on the basis that the costs of conversion would not be justified by the quality of the result and that it would be difficult to integrate the new development within a new development of high quality design. At the time we accepted that these buildings could be demolished. However, the 2010 application demonstrated that they could be incorporated into such a scheme and the fact that the applicant submitted such a scheme suggested that they considered it feasible in economic terms. The Planning and Heritage Statement submitted in support of this application gives no justification for the harm beyond quoting the Inspector's views on the 2008 scheme. Given the presence of the 2010 scheme for the retention of these buildings in our view a more robust justification and explanation of the public benefits should be required if the Council is to accept the level of harm involved.

#### Recommendation

English Heritage recommend that this application is refused on the basis that a robust justification for the harm to the Character of the Conservation Area that the proposals entail has not been provided. The Council should only accept this level of harm if a clear case is made that implementing the masterplan set out in the permitted application 10/01642/OUT is not practical.

The Heyford Park Residents Association: was in support of the proposals put forward, and as we had no objections we declined to comment. We subsequently understand, post standard consultation date expiry, that there are concerns with knocking down buildings 485 and 488 to make way for this phase of development.

The Heyford Park Residents and Community Development Association is concerned that if these two buildings remain they will not be in keeping with the rest of the development and the scale and mass of these buildings looking down on other new build houses will be significant. The plans outlined in the application are much more in keeping with the development and we are pleased that buildings 455 and 457 north of the village green have been retained and are being put to good use.

We as a community in the main remain firm that the heritage aspect of the former airbase has already changed beyond recognition and importantly the key heritage assets are being retained.

We continue to raise our concern that we are preserving buildings for preservations sake, when there are other good examples locally, and we welcome a sensible planning approach ensuring appropriate housing density is planned on Brownfield land first before any Greenfield development.

#### Thames Water:

##### Waste Comments

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

##### Water Comments

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

##### Supplementary Comments:

Based on the understanding the sewage from this site will drain to the private Sewage Treatment Works, Thames Water have no concerns. However, if at any point this development will require connection to the public sewer we request further consultation is sought.

#### Environment Agency:

We have no objection to the proposal as submitted provided a condition on contamination is included.

## **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

VIL5 - Former RAF Upper Heyford

PSD1 - Presumption in Favour of Sustainable Development

BSC1 - District Wide Housing distribution

BSC2 - The Effective and Efficient Use of Land

BSC3 - Affordable Housing

BSC4 - Housing Mix

BSC7 - Meeting Education Needs

BSC8 - Securing Health and Well Being

BSC9 - Public Services and Utilities

BSC10 - Open Space, Outdoor Sport & Recreation Provision

BSC11 - Local Standards of Provision - Outdoor Recreation

BSC12 - Indoor Sport, Recreation and Community Facilities

ESD1 - Mitigating and Adapting to Climate Change

ESD2 - Energy Hierarchy

ESD3 - Sustainable Construction

ESD6 - Sustainable Flood Risk Management

ESD7 - Sustainable Drainage Systems (SuDS)

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

## Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development

C23 - Retention of features contributing to character or appearance of a conservation area

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.

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

RAF Upper Heyford Conservation Appraisal 2006 (UHCA)

In addition a design code was approved in October 2013 in order to comply with Condition 8 of planning permission 10/010642/F. This was required to “to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality design as set out in the Environmental Statement, the Revised Comprehensive Planning Brief for the site, and Policies UH4 of the Non Statutory Cherwell Local Plan, H2 of the Oxfordshire Structure Plan 2016 and comply with Policies CC6, CC7 and H5 of the South East Plan 2009.” Although this application is a full one the contents of the code are still an important guide for the developer and Planning Authority.

Application 08/0716/OUT- Appeal decision; both the Secretary of State's decision letter and the Inspector's report are of significance to this application

## 7. **Appraisal**

### **Relevant Background**

- 7.1 An outline application that proposed: “A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).” was granted in 2010 following a major public inquiry (ref 08/00716/OUT).
- 7.2 The permission with regard to the flying field was implemented but a subsequent second application was submitted for the settlement area. That permission for a new settlement was granted in December 2011 (ref 10/01642/OUT). The permission was in outline so details of layout, scale, appearance, landscaping and access (the reserved matters) have to be submitted within a period of six years. This site is slightly different in so far as although it was shown on the approved parameter plan for residential use, it was envisaged Buildings 485 and 488 would be retained and the latter reused for commercial purposes in order to provide some local employment and to break up the dominant residential use and character. Because

of this change in process and to the approved masterplan, and the need for demolition of the two buildings to be approved, the applicant has submitted the details as a full application.

- 7.3 The appeal and subsequent planning decisions have already been taken into account by the Council as part of its Local Plan and the development of former RAF Upper Heyford is seen as the major single location for growth in the District away from Banbury and Bicester. This seems a feasible proposition as the outline permission is now in place. Furthermore, in the CLP, additional sites have been allocated for development in and around Heyford including south and east of the application site.
- 7.4 Extensive pre application discussions have been had on this site firstly about seeking to retain Buildings 485 and 488 and secondly, about the architectural form and detail of this area. Although not statutorily listed they are of local interest and as the site is located within the RAF Upper Heyford Conservation Area it is critical that the development reinforces and enhances the character of this area.
- 7.5 As many of the residential buildings across the site were built in the early 20th century and have a character that can be best described as a simple / pared back Arts and Crafts style, it has formed the inspiration for the new housing development. Greater detail on this can be found in the Design Code which has been used on this site as a guide to the form and layout of the proposed housing namely to secure a mix of formal and informal streets with dwellings creating a strong frontage presence to them.
- 7.6 Turning to the detail of the application, Officers' consider the following matters to be relevant to the determination of this application:
- Planning Policy and Principle of Development;
  - Five Year Land Supply
  - Impact on Heritage Assets
  - Affordable Housing
  - Density and Housing Mix
  - Landscape Impact;
  - Accessibility, Highway Safety and Parking;
  - Ecology
  - Flood Risk and Drainage;
  - Heads of Terms

### **Planning Policy and Principle of the Development**

- 7.7 Paragraph 14 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.
- 7.8 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for

planning permission the local planning authority shall have regards to the provisions of the development plan in so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.

- 7.9 Policy Villages 5 of the CLP identifies the former military base as a strategic site in the rural area for a new settlement. The land subject of this application is identified within that policy as part of a potential development area. The policy seeks to achieve a settlement of approximately 1600 dwellings in addition to those already approved. The policy also goes on to lay down specific design and place making principles including avoiding development on more sensitive and historically significant sites, retain features that are important for the character and appearance of the site, encourage biodiversity enhancement, environmentally improve areas, integrate the new and existing communities and remove structures that do not make a positive contribution to the site's special character.
- 7.10 The plans and supporting documentation demonstrate its conformity with the development plan. The significant elements are:
- Provision of further housing in order to meet the housing target and trajectory
  - Provision of 30% affordable housing
  - Contributions towards the meeting the cost of infrastructure provision
  - Development of a brownfield site
  - The environmental improvement of the locality
  - A commitment to high quality design and finishes reflective of the approved Heyford design code
  - Scale and massing of new buildings to reflect their context
  - Integration and connectivity to the surrounding development.

The main issues will be discussed in more detail below but in principle the application is seen to conform with Policy Villages 5.

### **Five year land supply**

- 7.11 The latest housing figures for Cherwell District Council have shown it has exceeded its five year land supply and can robustly defend against speculative development. The annual monitoring report for 2014/ 2015 undertook a comprehensive review of housing land supply as at December 2015. The figures showed that over three consecutive years Cherwell has continued to exceed its five year land supply due to an increase in housing construction and can now demonstrate a 5.1 year supply for 2014-2019; a 5.3 year supply for 2015-2020 and a 5.6 year supply for 2016-2021.
- 7.12 The Cherwell Local Plan outlines the preferred sites for 22,840 homes and 200 hectares of employment land between 2011-2031. Figures from the annual monitoring report showed 2,052 homes had been completed between 2011 and 2015, of which 946 were built during the 2014/2015. Of those completed over the past financial year, 44 per cent were built on previously developed land and 191 were marketed as affordable, including 22 self-build homes. It is expected that between 2015 and 2020, 9,034 new homes will be built and by 31 March 2021, 12,824 homes will have been built across the district over a ten year period. This equates to an approximate average of 1,282 homes per annum which exceeds the annual requirement of the adopted Local Plan 2011-2031 of 1,142 per annum.

7.13 Heyford is seen as a strategic development site by the Local Plan and was envisioned as a point of growth when the policy was drawn up. 1600 dwellings and 1500 jobs are proposed there under Policy Villages 5. This site is part of the land allocated for development in the relevant policy. In the last year 166 dwellings were constructed at Heyford making it one of the three main delivery sites for Cherwell. The Council have signed a statement of common ground with the developer and applicant committing to the expeditious implementation of the policy.

### **Impact on Heritage Assets**

7.14 This application seeks approval for another phase (phase 6) of development for Dorchester Homes. In this case it aims to achieve this by demolition of Buildings 485 and 488; all other buildings have now been demolished. 485 is British military style constructed in red brick under a hipped slated roof and was a Barrack Type B building dating from the 1920's. It was one of a group located around and orientated towards the parade ground which made them contained and self-referencing. The arrangement of these buildings on a grid enhanced the strong building lines and imbued the parade ground area with a campus quality. South of this the area was dominated by a number of H blocks, now demolished, and Building 488. These buildings came slightly later as the RAF expanded in the 1930's. Building 488 (also known as the lamplighter) was used as a Dining Room and Institute. Constructed in red brick with flat reinforced concrete roof, it is of interest due to its Art Deco style design influence on the with circular fan lights on the first floor and multi-rail staircase railings.

7.15 The views of the Conservation Officer and Historic England have been reproduced in full so Committee are aware of the strength of feeling held with regard to heritage. This view and the importance of 485 and 488 has been repeated at the various pre-application meetings on this scheme with the developers, and the disappointment of the Officers by the shift away from the more recently approved masterplan that recognised their importance and sought to achieve a sense of place by using them to frame the village green and in effect echo their juxtaposition to the former parade ground, back to the approved appeal masterplan that swept away most buildings on the south side of Camp Road.

7.16 The merits and significance of 485 and 488 had previously been considered at the public inquiry into planning application 08/00716/OUT. Of relevance to the present application is the view of the Inspector in her report to the Secretary of State:

*“19.405 My own visits to the site confirm that there are within the New Settlement Area south of Camp Road buildings of interest that make a positive contribution to the character or appearance of the Conservation Area. Those include the “Lamplighter” mess building (building 488) and the several 1920s types of barrack blocks and the other buildings listed by English Heritage and by the Local Planning Authority (EH NB1 and NB2 and CDC JE2 Appendix 2).*

*19.406 Most of those that make a positive contribution are of a form that is inflexible and/or could only be converted at a cost that is disproportionate to their importance or to the likely quality and versatility of the accommodation that would be provided. The costs of conversion would not be justified by the quality of the result. Overall the general character, appearance and disposition of the existing buildings would be very difficult to integrate within a new development of high quality design. Some buildings have been much altered. Mr Munby’s evidence convinces me that demolition of these buildings is justified subject to an acceptable replacement development.”*



This raises a number of issues but clearly she thought that whilst some buildings made a positive contribution to the Conservation Area, the cost of converting them would be unjustified.

- 7.17 The applicants have argued that since their masterplan was first approved the economics of development have changed. They have submitted a report which considers the viability of otherwise retaining and converting the two buildings to residential use and 488 also to a commercial use. It concludes that each option would result in significant financial loss beyond what would normally be expected, bearing in mind the rationale behind allowing development at Heyford was the preservation of the main heritage assets and environmental improvements, resulting therefore in a scheme that is unviable.
- 7.18 The applicants have submitted significant supporting documentation to assess the heritage assets effected by this application namely Buildings 485 and 488, but also the Conservation Area of course, and concluded the residential scheme with those buildings retained would not be a sustainable form of development and that the buildings would be isolated and seen out of context with their setting reducing their historical context and the interpretation of the buildings. There would be other planning implications including the consequent reduced density of development, overlooking and the difficulty to avoid loss of privacy, access to and servicing of the buildings. Aside from the cost of their conversion it also argues that the buildings have both been subject to extensive internal and external alterations reducing their historical and architectural integrity.
- 7.19 Turning to the guidance to Planning authority's contained in the Framework and the NPPG on the historic environment, the applicants have assessed the site's heritage assets and their significance. And whilst HE and the Conservation may disagree, the views have already been tested once at appeal albeit under a slightly different scenario.
- 7.20 Para 131 of the Framework advises: *"In determining planning applications, local planning authorities should take account of:*
- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - *the desirability of new development making a positive contribution to local character and distinctiveness.*
- 7.21 Para 132 goes on to advise: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."*
- 7.22 In this case Buildings 485 and 488 have undergone much change inside and out reducing their integrity. Their setting is also somewhat different now that the outline planning permissions and the CLP policies are being implemented. The assets are not listed other than of local interest. The Development Services Manager (DSM) is also conscious harm from their loss from Heyford, albeit regrettable, is to an extent is lessened by their preservation at RAF Bicester where the same buildings have been preserved and converted to residential use on a site where their wider context has also been preserved. The DSM therefore concludes there is

harm but on balance and taking all the matters raised by demolition of 485 and 488 into account the harm is not so substantial whereby consent should be refused.

7.23 Furthermore, under para 133 of the Framework, the Authority also has to consider if there is substantial harm or loss of an asset whether “*substantial public benefits are achieved, the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.*” In this case the applicants have been asked to look at alternative uses but these were not seen as viable and possibly in conflict with plans to develop a new centre for the settlement. And again, the applicant argues keeping 485 and 488 would preclude reasonable use of the site and that the development of housing at Heyford provides substantial public benefit both in terms of securing optimum viable use, of the site, meeting the five year housing land supply and the provision of affordable accommodation.

7.24 The Framework goes on to say a balanced judgement will be required by the Planning Authority having regard to the scale of any harm or loss and the significance of heritage assets and in this case Officers have concluded that the demolition of 485 and 488 should be permitted and what is proposed provides an opportunity for an appropriate level of for new development that overall makes a positive contribution to preserve and enhance the character of and within the Conservation Area.

### **Design, Layout and Appearance**

7.25 Extensive work and discussions have been had with the developer to establish a layout and architectural vocabulary for the site which will reinforce and enhance its heritage value. In terms of house design, the Council’s Design Consultant has secured substantial revisions in the architectural styles proposed here. The architect’s use of the Design Code as a guiding tool can be seen by the simple arts and crafts style of the housing with cues being taken from the Officer’s housing and Carswell Circle, the use of a more formal design layout to the two main streets and the more informal layout to the new internal street. The site is within Character Area CA8 of the design code which is the core housing area to the east of Heyford.

7.26 Within this area dwellings have to provide a clear frontage to the street. Detached and semi-detached housing should predominate and be 2 or 2 ½ storey. Building lines should be consistent along the main streets but may vary within the site on secondary streets. This scheme reflects those requirements and in reality only deviates from the set principles by a change to the layout caused by the scheme having a blank canvas allowed by the demolition of 485 and 488. The type of house proposed, reflects very closely the scale, form and appearance of the Officer’s housing. There is a wealth of detailing in terms of chimneys, balanced fenestration, bays, gables and canopies. In line with the code materials are good quality bricks with some render as used elsewhere at Heyford. Roofs are slated. The result is formal to the village green and main street, and semi-formal away from it, but when taken together forms a harmonious blend. The Officers conclude that what is proposed conforms to CLP policies Villages 5 and ESD 15, and CLP96 policies C28 and C30.

### **Affordable Housing**

7.27 Policy BSC 3 sets out the requirement for Affordable Housing. However, Heyford has its own requirement under Policy Villages 5, 30%, which is to be secured on a site wide basis. The Council have secured through an earlier s106 agreement a strategy for the provision of

Affordable Housing. Furthermore, a further agreement is being negotiated under terms being drawn up for the provision of the 1600 dwellings required under Policy Villages 5. The applicant proposes 30% of the units to be affordable of which 10 will be for rent (2x1bed, 6x2 and 2 x3) and 5 in shared ownership (3x2 bed and 2 x3bed). They are suitably integrated into the site layout and designed to reflect the market housing.

### **Density and Housing Mix**

- 7.28 The proposed development could be seen to conflict with two policies of the adopted plan, namely BSC2 on density, BSC3 Affordable Housing and BSC4 housing mix. Taking them together but sequentially.
- 7.29 Policy BSC2 requires re-use of previously developed land with which this proposal clearly complies. But it expects development to be at a density of 30 dwellings per hectare unless there are justifiable reasons for a lower density. Taking the site area as a whole the density is below 30 at about 26 dwellings per hectare. Part of the statistical reason for this is it reflects the density of the approved scheme designed before the CLP was adopted, the site includes a disproportionate amount of highway within the red line application site, to retain trees areas of open space have been created and the design is at a linking density to those sites being developed adjacent and with a higher density. Furthermore, the site is within a conservation area and special attention has to be paid to “the desirability of new development making a positive contribution to local character and distinctiveness.” (NPPF-para 131) In this case the character of the area is set by the low density, high quality housing of Wellington Road. The proposed development is therefore reflecting that character and by not building, in this location, at a higher density avoiding harm. It is therefore, in this case, compliant with the NPPF and the design and conservation policies of the Council
- 7.30 Policy BSC4 sets out the suggested mix of homes based on requirements of the Strategic Market Housing Assessment for Oxfordshire (SHMA 2014). Again, this site is one more phase of development of a much bigger development site. The Council are securing a much greater proportion of smaller units elsewhere on Heyford. Indeed, the adjacent housing sites supply a greater percentage of 2 or 3 bedroomed dwellings so overall there is an acceptable balance and mix in the wider but surrounding area.

### **Landscape Impact**

- 7.31 The landscape setting is an important part of the character of Heyford. The new road is lined with verges and mature trees are shown retained within and supplemented by additional planting. This character is extended into the new streets by tree planting in strategic positions. Areas of open space are created both to enhance the visual environment and in addition for use as a LAP.
- 7.32 The applicant has set up a management company responsible for maintenance of the landscaping at Heyford Park. This keeps control of some of the hedging and trees in the public domain. It is concluded that what is provided is therefore an environmental enhancement in compliance with Policy Villages 5.

### **Traffic, Access and Parking**

- 7.33 The access to Camp Road is via the new highway network. It closely follows the hierarchy set out in the Design Code. As a result, even though it is a short distance from Camp Road it will benefit from being adjacent to that primary route for the internal bus service. The distance from the proposed village centre school and other services is reasonably close and therefore this part of the development site is an accessible and sustainable one as required by Policy Villages 5.

7.34 The layout and level of parking has been revised. Provision now reflects the standard set out in the Design Code. The larger houses have double garages and 2 parking spaces. Visitor parking is available on street

7.35 The Highway Authority have no objection to the layout, density of development and quantity of parking

### **Ecology**

7.36 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.

7.37 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and: ‘local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a ‘competent authority’ in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places’.

7.38 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-

1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
2. there is a satisfactory alternative
3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species

7.39 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.

7.40 The application is accompanied by a bat survey. No roosting bats were found in the latest survey. If permission was granted further survey work would be required and a licence if bats have taken roost since the survey was undertaken. The Council’s ecologist accepts the report’s findings and welcomes a mitigation package that would see provision of bird and bat boxes through the site.

### **Flooding and Drainage**

7.41 The site lies within Flood Zone 1 (low risk). A Flood risk assessment has nevertheless been undertaken by the applicants. As the site is in Zone 1 redevelopment of the site for residential development is not precluded. Surface water discharge from the site can be discharged to a new drainage system that can be suds compliant. OCC, the local flood risk authority, will need to see the results of any site soil infiltration investigations and the method of surface water drainage being utilised as a result of further investigations which would need to be conditioned. A separate foul drainage system is proposed Neither the Environment Agency nor TWU have any in principle objections. The EA suggests a condition is imposed on contamination.

#### **Planning Obligations:**

7.42 The applicant has submitted a document during the processing of the application recognising that this is a qualifying application for the existing legal agreement that covers the Heyford Park development and that the obligations they have under that will be met. But in for clarity and transparency they will:

- Provide 13 affordable units of accommodation
- Contribute to a refuse bin strategy
- Provide a LAP
- Contribute to the County Council's requirements that are already secured towards transport, library, health, Museum and waste management.

#### **Engagement**

7.43 With regard to the duty set out in paragraphs 186 and 187 of the Framework, problems or issues that have arisen during the application have been largely resolved. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application and the pre-application engagement that preceded it. It does need to be recorded that the applicant has followed our normal procedures and protocols and engaged in pre-application discussions.

### **8. Conclusion**

8.1 Whilst the change in direction of the latest masterplan and a return to the appeal scheme with removal of Buildings 485 and 488 is regrettable, it is considered on balance that what is now proposed will form an area of a distinct character reflecting the design and density of the surrounding development. It will enhance the setting of the village green. The houses have a variety of designs reflecting the arts and crafts and military style seen elsewhere and reflecting the character of Heyford. Taken together they form an appropriate form of development. They provide a decent standard of amenity inside and outside the property. It is recommended that planning permission is granted.

### **9. Recommendation**

#### **Approval, subject to:**

- a) The applicant entering into a legal agreement linking this permission to the existing obligations secured in the agreement accompanying permission 10/01642/OUT
- b) The following conditions:

1 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following documents: Application forms , Planning, Heritage and Design Statement, Aboricultural Impact assessment and Protection Plan, Construction Specification, Bat Survey and Flooding Risk and Drainage Assessment, and drawings numbered:

Location Plan 0521 PH6 101  
External Works Layout 0521 PH6 104-Rev H  
Planning Layout 0521 PH6 102 Rev H  
Adoption Plan 0521 PH6 107 Rev G  
Tracking Layout 1 of 2 0521 PH6 105 Rev G  
Materials Layout 0521 PH6 108 Rev G  
Refuse Plan 0521 PH6 111 Ref G  
Detailed Planting Proposals 1 of 2 1619 A2 01 I  
Detailed Planting Proposals 2 of 2 1619 A2 02 I  
Housetype booklet 0521 PH6 HTB Issue 6

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

2 The 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.

3 None of the buildings which are the subject of this consent shall be demolished until a contract has been let for the redevelopment of the site in accordance with the granting of a planning permission for such redevelopment.

Reason - To ensure that the demolition of the building is not unrelated to a replacement development in order to safeguard the historic character and visual amenities of the locality and to comply with Government guidance contained within the National Planning Policy Framework.

4 Prior to any demolition on the site, the commencement of the development and any archaeological investigation, a professional archaeological organisation/building recorder acceptable to the Local Planning Authority shall carry out a full recording of the building concerned and submit the completed record to the Local Planning Authority.

Reason - To secure the proper recording of the building which is of archaeological or historic importance, to comply with Government guidance contained within the National Planning Policy Framework.

5 No materials other than those as shown on plan No. 0521 PH6 108 Rev G are to be used in the new development. There shall be no variation of these materials without the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

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

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

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

- 7 All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees - Volume 4 and all subsequent revisions and amendments thereof.

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

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

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

- 9 That all enclosures along all boundaries of the site shall be as shown on the approved plans and such means of enclosure shall be erected prior to the occupation of any dwelling.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan.

- 10 That before the development is first occupied, the parking, garaging and manoeuvring areas shall be provided in accordance with the plans 0521 PH4 5B 104-1 and 2 hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter

Reason - In the interests of highway safety and to comply with Government advice contained

in the National Planning Policy Framework.

- 11 Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads, footpaths (except for the final surfacing thereof) and parking shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

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

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

- 13 Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of refuse, fire tender and pantechnicon turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

- 14 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) OCT 2010 Waterman and update in March 2016 Woods Hardwick (Ref: 16871 REV 2) by and the following mitigation measures detailed within the FRA:

- o Limiting the surface water run-off generated by the 1 in 100 year + 30% allowance for Climate Change critical storm so that it will not exceed the run-off over the existing situation and not increase the risk of flooding off-site.

- o Underground Storage tanks and oversized pipes. (As shown on drawing HEYF- 5-936C and para 6.3.1 of FRA update)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

- 15 Prior to commencement of the development the Applicant shall submit to the Local Planning Authority a SUDS Maintenance and Management Plan for the development. This will include:

- o A maintenance schedule, A site plan showing location of SUDS features and details, Maintenance areas, and Outfalls. Responsibility for the management and maintenance of each element of the SUDS scheme will be detailed within the Management Plan and a health and safety plan where risks are involved in the maintenance activity will be required.

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



- 16 Prior to commencement of the development the Applicant shall submit to the Local Planning Authority a revised Flood Route and Storage Plan for exceedance flows at the site:
- o To update the existing drawing 'Surface Water Drainage Overview - Residual Flooding' Drawing Number HEYF /5/148C to reflect any revised microsimulation modelling results, as built constructed site changes, and changes to exceedance storage areas.

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

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

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

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

Reason National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

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

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

## **PLANNING NOTES**

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

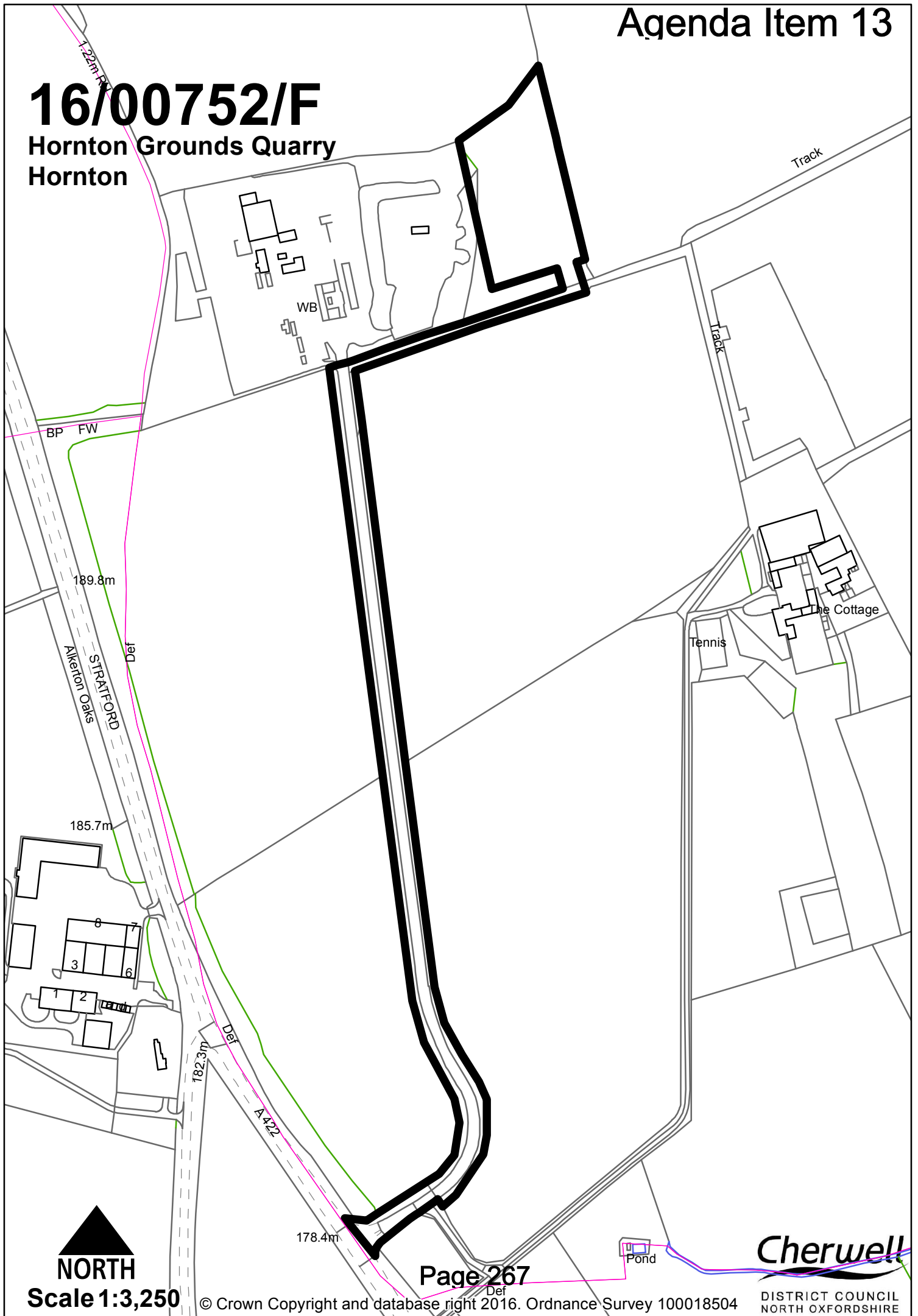
- 2 Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for any highway works under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk.
- 3 Fire and Rescue Service recommends that new dwellings should be constructed with sprinkler systems
- 4 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 5 In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report. Since submission the details have been revised several times as part of a positive engagement between applicant and Local Planning Authority. Layouts have been modified to reflect character, comply with the design code and to create space for more trees and to create an opportunity for more street planting on the main tertiary road. The layout and design closely follows the Design Codes and advice has been given on the plans and house types following formal written pre application advice. On the back of these comments the design has evolved and a number of changes have been made.

CONTACT OFFICER: Andrew Lewis

TELEPHONE NO: 01295 221813

# 16/00752/F

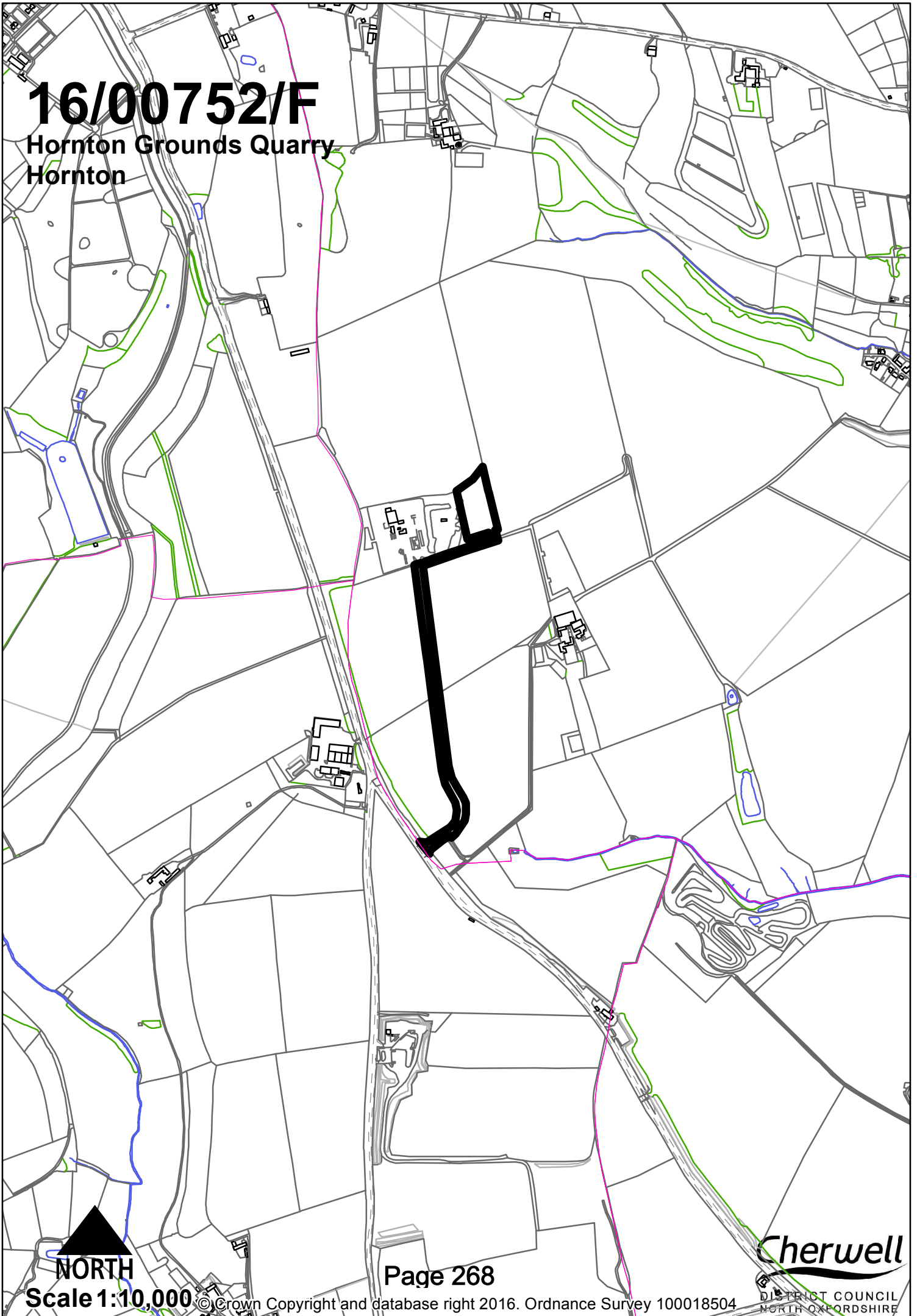
Hornton Grounds Quarry  
Hornton



Scale 1:3,250

# 16/00752/F

Hornton Grounds Quarry  
Hornton



**NORTH**  
**Scale 1:10,000**

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Case Officer:** Paul Watson                      **Ward(s):** Cropredy, Sibfords and Wroxtton

**Applicant:** Mr Scott

**Ward Member(s):** Cllr D Webb, Cllr G Reynolds, Cllr K Atack

**Proposal:** Erection of new agricultural buildings

**Committee Date:** 04 August 2016              **Recommendation:** Approve

### **Committee Referral: Major application**

#### **1. Application Site and Locality**

1.1 The applicant site is an area of land to the east of the A422 (Stratford Road) approximately 1.15 kilometres to the west of Hornton, 2.1 kilometres north-east of Shenington and 2 kilometres from Alkerton. Agricultural land within the ownership of the applicant surrounds the site at the north, east, and west totalling approximately 159 hectares (393 acres) with the land put predominantly to arable farming with approximately 125 hectares (309 acres), and the remaining made up mostly of permanent pasture. A public right of way (reference: 255/5/10) runs alongside the nearest residential dwellings are located approximately 300 metres to the south-east of the site which includes those at Horton Ground Farmhouse (Grade II listed building) comprising living accommodation known as 'Dairy Cottage' (Grade II listed building), 'The Cottage' (Grade II listed building) and 'Farmhouse' (unlisted). Situated approximately 365 metres east of the Cotswolds Area of Outstanding Natural Beauty and adjacent the existing Hornton Grounds Quarry, the site is not within a designated Conservation Area.

#### **2. Description of Proposed Development**

- 2.1 Planning permission is sought for the erection of three agricultural sheds on land to the east of Hornton Grounds Quarry comprising a Grain Store, a Livestock building and a General Purpose building.
- 2.2 The proposed Grain Store measures approximately 19 metres x 36.8 metres x 8.1 metres falling to 5.5 metres (width x depth x ridge height falling to eaves height). The building is to be constructed of steel stanchions with external finish materials to include concrete panels (unpainted) up to 2.4 metres height with dark green corrugated sheets for the walls and roof. Two roller shutters provide the front access to the building.
- 2.3 The proposed Livestock building measures approximately 18.47 metres x 27.52 metres x 8.4 metres falling to 5.5 metres (width x depth x ridge height falling to eaves height). The building is to be constructed of steel stanchions with both the front and rear elevations providing the gated accesses with Yorkshire boarding used as the external finish material with the roof to be finished in dark green corrugated sheets.
- 2.4 The proposed General Purpose Building measures approximately 18 metres x 27.6 x 8 metres falling to 5.5 metres (width x depth x ridge height falling to eaves height). The building is to be constructed of steel stanchions containing three (likely breeze-blocked) internal rooms functioning as a workshop, chemical store and locking store, and finished in dark green

corrugated wall cladding and dark green corrugated roof sheets. The building will be uncladded along its eastern façade.

- 2.5 The area surrounding the proposed shed units is to be bounded by 1.2 metre timber post and stock proof fencing with mixed native hedgerow to form the boundary treatments to the west, north and south of the site.
- 2.6 The yard area is to be finished in gravel with concrete hardstanding to surround the proposed livestock building
- 2.7 The application is before Committee for determination as it is a major application development due to the site area.

### 3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
00/01017/F	Erection of gable extension to existing building to house stone cutting saw	Approved (PER)
02/01797/CM	Importation of 6757 cubic metres of clay from Hennef Way highway improvements to Hornton Grounds Quarry to assist with site restoration	PER
02/02485/CM	Variation of condition 79 of 97/00430/CM to allow the temporary retention of existing Saw Shed and ancillary facilities	PER
02/02488/CM	Extension to Saw Shed and importation of block stone	PER
98/00332/ADV	Display of free standing business sign at entrance to Hornton Grounds Farm adjacent to Hornton Grounds Quarry access.	PER
04/00404/CM	Importation of inert waste (principally sub soil and clay) and top soil, to complete the restoration of the haul road through the quarry	No objections (NOOBJ)
05/00115/ADV	Free standing non illuminated projecting business sign at entrance to Hornton Grounds Quarry, access from A422 (as amended by plans received on 25.02.05 and agent's accompanying letter dated 24 February 2005).	PER
06/01116/CM	Change of use from agriculture to provide an extension to the area associated with the processing of stone, to provide additional	Objections (OBJ)

	space for stone and product storage; part retrospective.	
06/01117/CM	To develop land without complying with condition 5 of permission 02/02488/CM to allow the importation of up to 4,000 tonnes of stone per year.	OBJ
06/01119/CM	To develop land without complying with condition 79 of planning permission 05/01507/CM to allow a period until 31 December 2013 for the retention of the conservation stone compound.	OBJ
08/01431/CM	Retrospective permission for additional structures and proposed replacement building	PER
11/00571/F	Erection of agricultural buildings comprising of grain store, general purpose building and livestock building with associated hardstanding, landscaping and gravel access track	PER
12/00056/CM	Vary conditions 1, 2 and 5 of existing Planning Permission Ref: 06/01117/CM and Condition 80 of existing Planning Permission Ref: 06/01119/CM to allow the following; Replacement of existing substandard portable building with an improved timber panelled building for staff use; Extension of time for the retention of the stone cutting/dressing buildings and conservation yard from 31 December 2013 to 31 December 2023 with subsequent restoration of the site by 31 December 2024; Increase in the amount of stone imported to the site from 4,000 tonnes pa to 12000 tonnes pa. (OCC ref. MW.0011/12)	PER
12/00798/F	Retention of roadway to serve agricultural buildings permitted by Planning Permission 11/00571/F	PER
12/01365/CM	Application to vary conditions 35, 40, 41, 98 & 99 of planning permission Ref 12/00056/CM; to create restoration contours the allow for effective drainage (OCC ref.	PER

	MW.0113/12)	
13/01257/CM	Section 73 application to vary condition 109 of planning application 12/01365/CM to allow the implementation of an updated restoration	NOOBJ
14/00034/DISC	Discharge of condition 5 of 11/00571/F	PER
14/00003/CDISC	Details Pursuant to Condition 52 (surface water drainage scheme) of Planning Permission 12/01365/CM - OCC Ref: MW.0029/14	NOOBJ
14/01284/CM	Retention of existing structures and buildings as Class B2 of the Town and Country Planning (Use Classes) Order 1987 (OCC Ref MW.0088/14)	NOOBJ
14/01285/CM	Change of use for the open storage within class B8 (OCC Ref MW.0089/14)	NOOBJ
14/01286/CM	Outline Planning Permission for the conservation stone yard area for the processing of stone as class B2 of the Town and Country Planning (Use Classes) Order 1987 (OCC Ref MW.0090/14)	NOOBJ
16/00736/F	Change of Use of agricultural land to class B8 for open storage of palletted natural stone products and the provision of associated hard standing	PER
16/01155/CM	Outline planning permission for the conservation stone yard area for the processing of stone as Class B2 of the Town and Country Planning (Use Classes) Order 1987	Under consideration

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

- 4.1 The application was publicised by way of neighbour notification letters, press advertisement in the Banbury Guardian and a notice displayed near to the site. The comments raised by third parties are summarised as follows:

No responses were received to the public consultation.

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

- 5.1 Hornton Parish Council (08.06.2016) – No objection providing the following comments,



- For the scale of livestock there should be accommodation on site for a stockman
- For cattle herds that size designs should include consideration of efficient waste control.

5.2 Stratford District Council (08.07.2016) – No objection.

5.3 Oxfordshire County Council – No response received.

5.4 Planning Policy (27.05.2016) – No objection.

5.5 Landscape Services (03.06.2016) – No objection subject to planning conditions,

*This development, along with the new barn associated and buildings associated with Hornton Grounds Farm will result in a cumulative harmful impact and effect for visual receptors proceeding south-westwards on D'Arcy Dalton Way public right of way.*

*However, not wishing to discourage appropriate economic development in the countryside, and therefore for the purposed of mitigating the impact and effect on both visual and landscape receptors – this is an attractive characterful, landscape, once deemed an Area of High Landscape Value – not only is the intervening hedgerows to be retained, and the site boundary reinforces with new native hedgerow, along with native trees planted on the eastern application site boundary (or offsite if space is limited).*

*I recommend the planting of 1 large native Oak east of the general purpose building; 2 Field Maples east of the livestock building; and 2 Field Maples east of the grain store.*

*A landscape planning condition for the submission of appropriate landscape proposals is required. The trees are to be supplied as 14 -16 cm girth to provide the initial visual mitigation. Tree and hedgerow supply, ground preparation, planting, and aftercare operations are to comply with the Horticultural Trade Association's National Plant Specification.*

5.6 Ecology – No response received

5.7 Contaminated Land (07.06.2016) – No objection

5.8 Anti-Social Behaviour (07.06.2016) – No objection

5.9 Minerals and Waste (25.05.2016) – No objection

*The application site is part of an area that has been worked for minerals and restored. The proposed development would not conflict with or prejudice compliance with a restoration condition or an aftercare condition; and the application is therefore correctly a district matter.*

*This proposed development would not adversely affect mineral resources; and it does not have any waste planning implications. The County Council therefore has no minerals or waste planning comments to make on this application.*

5.10 Local Highway Authority (02.06.2016) – No objections subject to planning conditions

5.11 Highways England – No response received.

## **6. Relevant National and Local Planning Policy and Guidance Development Plan Policies:**

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to

2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. 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

SLE1 - Employment Development

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

ENV1 - Development likely to cause detrimental levels of pollution

AG2 - Construction of farm buildings

AG4 - Waste disposal from intensive livestock and poultry units

C28 - Layout, design and external appearance of new development

**Other Material Planning Considerations:**

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

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

## 7. Appraisal

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

- Principle of Development;
- Design, Layout and Appearance
- Landscape and Visual Impact
- Highway Accessibility and Safety
- Ecology
- Effect on Neighbouring Amenity

### **Principle of Development**

#### *Relevant Planning History*

- 7.1 A planning application (reference: 11/00571/F) for the 'erection of agricultural buildings comprising grain store, general purpose building and livestock building with associated hard-standing, landscaping and gravel access track' was approved by Planning Committee on 15.07.2011 on land to the north of the site currently operated as Horton Grounds Quarry. That approved scheme strongly resembles the scheme put forward here (16/00752/F) except no slurry storage is proposed within this application. Evidence has been provided to the Council (on 11.07.2014) to demonstrate that this development has lawfully commenced with the construction of a portion of the footings. Planning permission was granted on 29.06.2016 on

the same land for the '*Change of Use of agricultural land to class B8 for open storage of palleted natural stone products and the provision of associated hard standing*' (reference: 16/00736/F).

- 7.2 In order to prevent incremental ad hoc development of the countryside and to ensure the wider site is not overdeveloped and that the wider site is developed in a managed way, it is important that an either/or situation is secured, i.e. restricting one or more of these consents. This is most appropriately achieved through a legal agreement (please see Planning Obligations section below).

#### *Employment*

- 7.3 Contained within supporting statements to the application, the erection of these three agricultural sheds represents a new business venture into animal husbandry with a cow fattening enterprise. A stockman will be employed by the business to oversee the animals in terms of their welfare in accordance with Policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1, and paragraph 28 of the Framework.
- 7.4 On 07.12.1964 planning permission was granted for a '*Farm Bungalow with access*' to which several planning conditions were attached (reference: B947/64). Planning condition 2 was an agricultural occupancy condition which sought to ensure the Bungalow was occupied by persons employed in agriculture. The property is on land forming part of the current established agricultural unit. A Certificate of Lawfulness for an Existing Use was granted on 02.05.2012 for the Bungalow as that the occupants had not been employed within agriculture for a continuous period of 10 years, thus in breach of planning condition 2 to reference: B947/64). Evidence submitted demonstrated on the balance of probabilities that planning condition 2 had been breached for a continuous period of 10 years, and therefore the Bungalow is now an open market dwellinghouse.
- 7.5 Regarding the bungalow, a further planning consent was granted on 07.08.2015 for a '*new house and outbuildings*' (reference: 15/00827/F) which included the demolition of the existing agricultural sheds which current serve the agricultural holding. This permission has not yet been implemented.

#### *No new dwellinghouses*

- 7.6 Further in correspondence with the agents, information has been provided to demonstrate that the dwellinghouses which serve the agricultural unit for the purposes of maintaining on-site animal welfare. The landowner lives in a dwellinghouse at Shenington, and a stockman for the welfare of the animals lives in Alkerton, approximately 2 kilometres from the site. Thus, no new dwellings would be needed to serve the new site of agricultural sheds and it is recommended a planning note be attached to this affect.

#### *Summary*

- 7.7 Overall, the proposal generates local employment plus additional benefits to the local economy, and based on the information provided to the local planning authority that the proposal will not result in a future planning application for a new dwelling, and subject to a satisfactory Unilateral Undertaking agreed by the LPA, the proposal is considered acceptable in principal subject to material considerations below.

#### **Design, Layout and Appearance**

- 7.8 The scale, layout and appearance of the three agricultural shed buildings in relation to each other are as approved under application ref. 11/00571/F. The sheds are now proposed to be

sited to the east of Hornton Grounds Quarry, some 200 metres to the south-east from where the sheds were previously approved under 11/00571/F.

- 7.9 Map contours indicate the site is slightly more elevated (approx.. 2 metres) than the previously approved siting although the overall character and appearance of the proposal considered sympathetic and compatible with the rural open countryside landscape context adjacent Hornton Grounds Quarry and within the context of agricultural sheds at Hornton Grounds farmhouse in accordance with saved Policy C28 of the Cherwell Local Plan 1996, and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

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

- 7.10 The site occupies land within the agricultural countryside adjacent a working stone manufacturing site and approximately 365 metres east of the Cotswolds Area of Outstanding Natural Beauty. A number of Public Rights of Way are located within a 500 metre radius of the site, to the north (reference: 255/6/10) approximately 500 metres away, to the south-west (reference: 339/12/40) approximately 420 metres away over the Stratford Road, with the nearest approximately 300 metres south of the site (reference: 255/5/10) adjacent the nearest residential buildings within the Grade II Listed Building registered with Historic England as '*Hornton Grounds Farmhouse*'.
- 7.11 The site is sufficiently distant and screened by vegetation at present not to impact upon the setting of the Grade II Listed building. The buildings are in a concentrated area within the landscape behind a number of trees and hedgerows along the southern boundary with short hedgerows to the eastern boundary. The proposal is considered acceptable in landscape terms subject to condition to require further vegetation and planting of native species, particularly ref. the southern and eastern boundaries. This is considered reasonable and necessary in order to mitigate the scale, form and massing of the shed buildings, to safeguard the countryside character and appearance of the area, so as to ensure the buildings do not dominate or unacceptably intrude into the open landscape character which currently exists.
- 7.12 Subject to these conditions it is considered the proposal accords with saved Policy AG2 of the Cherwell Local Plan 1996, and Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

#### **Highway Accessibility and Safety**

- 7.13 The site would be accessed via the existing access road from Stratford Road which also currently serves the Hornton Grounds Quarry site. Access from that road to the proposed sheds would be via a mud, grass and cobbled stone track, and follows the red line delineated in the application. The local highway authority raises no objection to the proposal on the basis of highways access, safety, parking or manoeuvrability, subject to the planning condition that the site is to be used for agricultural purposes only. This condition is considered both reasonable and necessary and should be attached to any planning approval.

#### **Ecology**

- 7.14 No response has been received from Ecology. It is considered that the proposal is highly unlikely capable of impacting upon existing biodiversity at the site in a significant way. Additionally, with the provision of further trees and hedgerows, it is considered the site may provide a net gain to biodiversity in terms of habitat provision whilst also retaining some of the grassland habitats at the site. Thus, the proposal is considered to accord with Policies ESD10 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1. A planning note is recommended

to be attached to any decision notice to ensure the landowners are aware of their responsibilities as regards to protected species and habitats.

### **Effect on Neighbouring Amenity**

- 7.15 Policies ESD15 of the Cherwell Local Plan (2011-2031) Part 1, and saved Policies C28 and C30 of the Cherwell Local Plan 1996 state new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, indoor and outdoor space. Further, saved Policy ENV1 of the Cherwell Local Plan 1996 seeks to safeguard and protect the amenity of neighbouring properties against unacceptable levels of noise, smell, smoke, vibration, fumes or other type of environmental pollution.
- 7.16 The nearest neighbouring residential property is located approximately 300 metres to the south-east of the site registered as '*Horton Ground Farmhouse*' (Grade II listed building). The setting of the building and its properties therein would not be materially affected. Further, by virtue of the distance, the residential amenities of the properties would be safeguarded from intrusions of privacy, lighting, outlook, noise, smell, smoke, vibration, privacy lighting and other types of environmental pollution.
- 7.17 For these reasons, the proposal is considered to accord with Policies ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies C28, C30 and ENV1 of the Cherwell Local Plan 1996, and paragraphs 17, 56, and 123 of the Framework.

### **Legal agreement**

- 7.18 A recommendation of approval of this application is subject to satisfactory completion of a legal agreement in the form of a Unilateral Undertaking ('UU') under section 106 of the Town and Country Planning Act (1990). This Unilateral Undertaking is required to ensure that were this application for planning permission be granted for this site for the erection of agricultural sheds, the UU will prevent the applicants from continuing to build out the three agricultural sheds granted under reference: 11/00571/F to the north of the Hornton Grounds Quarry site.
- 7.19 At the time of writing this report, a draft Unilateral Undertaking was not available. However a draft is to be made available to the Councils legal team for examination on Friday 29.07.2016, and made available to the consideration by Elected Members.

### **Engagement**

- 7.20 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. Further information has been provided throughout the process to enable a recommendation of approval of this application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

## **8. Conclusion**

- 8.1 The principle of the proposal is considered acceptable considering the previously approved scheme (reference: 11/00571/F), and the proposal representing a new rurally based business venture to provide local employment and associated economic benefits in the form of a locally based stockman. However, in order to prevent incremental ad hoc development of the countryside and to ensure the wider site is not overdeveloped and that the wider site is

developed in a managed way, it is important that an either/or situation is secured, i.e. restricting one or more of these consents.

- 8.2 The design, layout and appearance of a typically agricultural character and appearance sympathetic to the countryside setting within which it would be situated. The scale of the sheds present some concerns in terms of landscape and visual impact given the open character of the area, but is considered acceptable in this regard subject to appropriate mitigation from visual receptors which include the public rights of way which can be achieved through planning conditions. Further, the site makes use of the existing access road to the quarry site which safeguards highways access, safety, parking or manoeuvrability, although a planning condition is recommended to ensure the site is to be used for agricultural purposes only.
- 8.3 In addition, the proposal safeguards the amenities of the area, is of sufficient distance from neighbouring residential properties to also safeguard amenities of local residents and is acceptable in ecological terms.
- 8.4 For these reasons, the proposal is considered to accord with Policies SLE1, ESD10, ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies AG2, C28, and ENV1 of the Cherwell Local Plan 1996, and paragraphs 17, 28, 56, and 123 of the Framework, and is therefore recommended for approval.

**9. Recommendation – APPROVAL** subject to a Unilateral Undertaking and to the following conditions:

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

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Agricultural Justification Statement, Design and Access Statement, and drawings numbered: Location Plan, '2558-9' (Site Plan), '2558-3' (Elevations and Floor Plans for Grain Store), '2558-4' (Elevations and Floor Plans for General Purpose Building), '2558-16' (Elevations and Floor Plans for Livestock Building).

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

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:
  - (a) details of the hedgerows to the southern and eastern boundary of the site to be occupied by the shed buildings shall be retained,
  - (b) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas to include at least 1 large native Oak east of the general purpose building, 2 Field Maples east of the livestock building, and 2 Field Maples east of the grain store supplied at a minimum 14 -16 cm girth,

- (c) 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

Tree and hedgerow supply, ground preparation, planting, and aftercare operations are to comply with the Horticultural Trade Association's National Plant Specification.

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 saved Policies AG2 and C28, and Policy ESD13 and ESD15 of the adopted Cherwell Local Plan.

4. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with saved Policies AG2 and C28, and Policy ESD13 and ESD15 of the adopted Cherwell Local Plan.

5. The development hereby approved shall be kept and used only for the specified purposes of agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990.

Reason - In the interests of ensuring the site remains in agricultural use, highway safety, and safeguard the amenities of the area in accordance with saved Policy AG2 of the Cherwell Local Plan 1996, and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and to comply with Government guidance contained within the National Planning Policy Framework.

### **STATEMENT OF ENGAGEMENT**

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

### **PLANNING NOTES**

1. Future proposals for one or more new dwellinghouses on land forming part of the agricultural unit will not be viewed favourably as the land is currently served by the landowner living in Shenington with the on-site welfare needs of the animals taken care of by the landowner and stockman
2. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England

on 0300 060 2501.

3. 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.
4. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

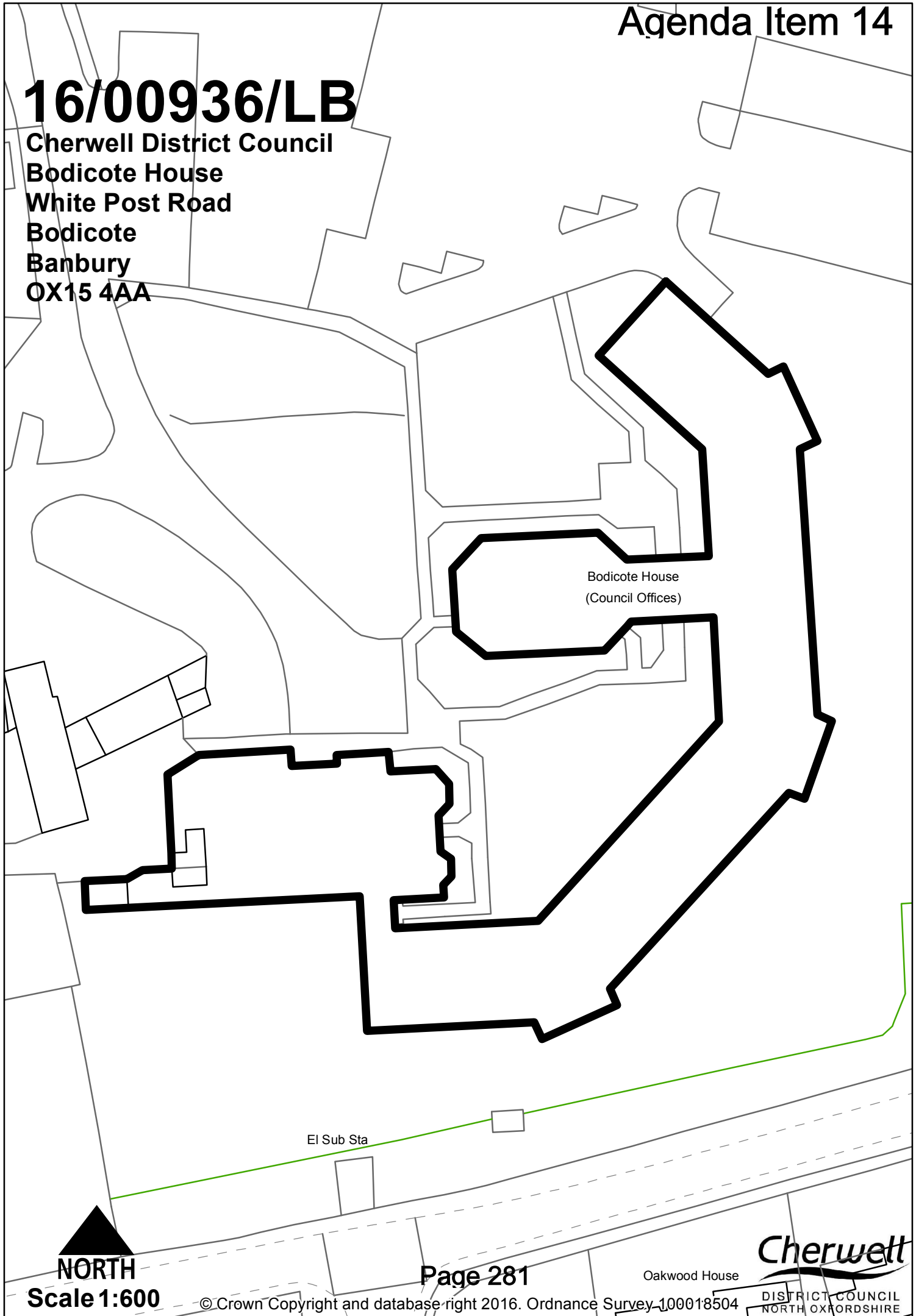
**CONTACT OFFICER:** Paul Watson

**TELEPHONE NO:** 01295 221822



# 16/00936/LB

**Cherwell District Council  
Bodicote House  
White Post Road  
Bodicote  
Banbury  
OX15 4AA**



Bodicote House  
(Council Offices)

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**NORTH**

**Scale 1:600**

**Page 281**

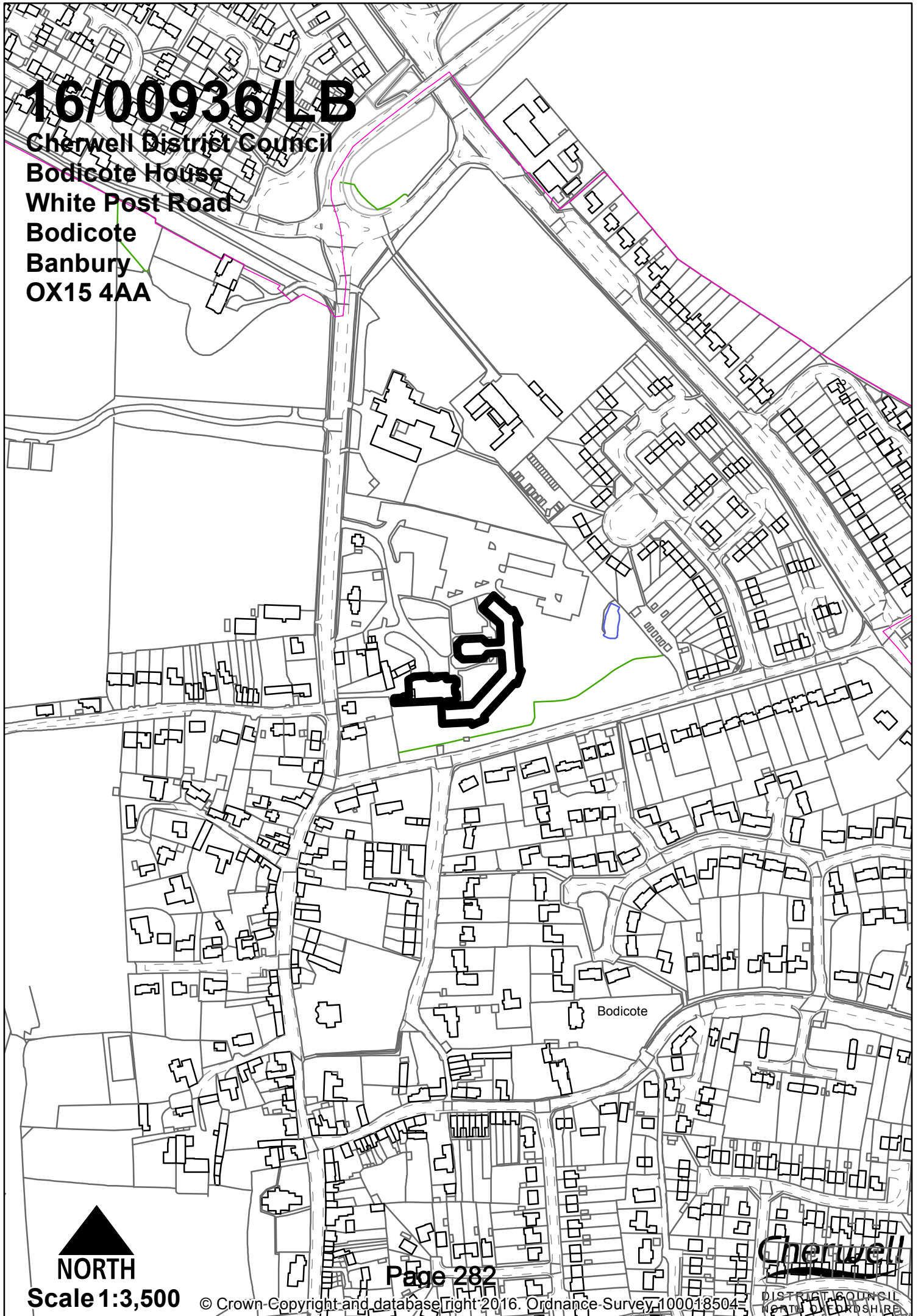
Oakwood House

**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# 16/00936/LB

**Cherwell District Council  
Bodicote House  
White Post Road  
Bodicote  
Banbury  
OX15 4AA**



**NORTH**

**Scale 1:3,500**

**Case Officer:** Matthew Coyne      **Ward(s):** Adderbury, Bloxham And Bodicote

**Applicant:** Property Services Team Solihull MBC

**Ward Member(s):** Cllr Mike Bishop  
Cllr Chris Heath  
Cllr Nigel Randall

**Proposal:** Remove existing walkway and provide new fire rated enclosure to electrical equipment in keeping with public access to the building. Make provision for occasional access for maintenance. Remedy damp to external wall and make good finishes to include disabled WC. Roof repairs have been carried out previously and may have solved the problem. Test for presence of moisture and make good to finishes.

**Committee Date:** 04/08/2016      **Recommendation:** Approve

## 1. Application Site and Locality

1.1 The application site is the Old Bodicote House, a stone built former stately home. The building is Grade II listed (of 18<sup>th</sup> – 19<sup>th</sup> Century) and has been linked to the 20<sup>th</sup> Century Council office building. The application specifically relates to the electrical room which is situated in the Old House and is accessible through the main entrance and from an entrance at the rear courtyard.

## 2. Description of Proposed Development

- 2.1 The proposal seeks listed building consent for the removal of the existing walkway and the provision of a new fire rated enclosure for the electrical equipment, in keeping with public access to the building. Furthermore, the proposal seeks consent for the repair and making good of the damp to the external wall. All the repair works are to be carried out in matching materials.
- 2.2 The application is before the Committee as the Council has an interest in the land and buildings.

## 3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
01/00892/LB	Internal alterations to the existing reception area and construction of two interview rooms from one existing room	PER
95/00544/LBD	Replace existing 6 windows to 2nd floor with new timber	PER

	sash windows. Take down existing stone parapet and rebuild in Hornton stone to match existing. Stone work repairs/replacement to East elevation in Hornton stone to match existing.	
95/00558/CDC	Temporary office extension. Renewal of CHN.837/87.	PER
98/00629/CDC	Renewal of temporary permission 95/00558/CDC to allow the retention of a temporary office extension.	PER
05/00878/CDC	Porch to main entrance (as amended by Plan No. B5065/05/4 received in the department on 18.08.05).	PER
05/00879/LB	Porch to main entrance (as amended by Plan No. B5065/05/4 received in the department on 18.08.05).	PER
05/02032/CDC	Installation of No. 567 replacement windows to new Bodicote House offices.	REF
05/02033/LB	Installation of 567 No. replacement windows to new Bodicote House offices	REF
07/00720/LB	Removal of 1980's bar from non structural partition as part of kitchen refurbishment	WDN
09/01085/CDC	Extension of the current Car Park to accommodate an additional 28 spaces	PER
09/01818/CDC	Installation of antenna for radio based wide area network communications link.	PER
09/01819/LB	Installation of antenna for radio based wide area network communications link.	PER
10/01867/LB	Refurbishment and internal upgrade of Listed Building. Demolition of internal walls, reinstatement of partition walls, rewire, new fire alarm system, new data cabling, new tea point/wc facilities, new lighting, redecoration including carpets. Construction of new boiler house. Installation of new biomass boiler and associated underground pipe works.	PER
11/00149/CDC	Construction of new boiler house. Installation of new biomass boiler and associated underground pipe works.	PER
11/00223/DISC	Clearance of condition no 4 of 11/00149/CDC	PER
11/01623/F	Installation of 3 no. solar PV arrays	PER
11/01624/LB	Installation of 3 no. solar PV arrays	PER
12/00245/LB	Strengthening work on second floor, work consisting of new steelwork to support the floor as indicated on drawing 5918-001-003, floor to be used for offices	PER
13/01724/CDC	Extension to existing car park	PER
14/00162/DISC	Clearance of condition 3 of 13/01724/CDC	PER

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

- 4.1 The application was publicised by way of a press advert and a notice displayed near to the site. No comments were raised by third parties.

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

- 5.1 Bodicote Parish Council: No objections

## 5.2 Cherwell District Council Conservation:

*The proposed development is to make some alterations to a service area in the historic part of the grade II listed Bodicote House. The area is currently used as a thoroughfare and electricity plant room. There is an historic fireplace associated with the property located in the immediate area. The proposals were subject to discussion prior to their submission and have been designed to minimise impact on the historic fabric.*

*There are a number of elements to the proposals.*

- 1. The proposal to remove water damaged plaster and replace on a like for like basis is welcomed. Further information is required about the waterproof membrane – it is appreciated that given the use of the area as an electricity plant room safety is paramount, but further details needs to be provided about the potential impact on the historic fabric. Alternative methods for preventing damp penetration into the area may need to be considered.*
- 2. There are no objections to the proposal to provide a fire rated enclosure to the electricity room. This will be in the form of boarding on stud partitioning. A number of options were considered and the question was asked about whether the historic fire place should remain visible. It was agreed that the fireplace could be preserved in-situ and that there was no need for it to be visible. The priority is to minimise impact on the historic fabric. There are no objections to the installation of this as long as physical fixings will be minimal.*
- 3. Further information is required about the ‘plastic renderable membrane’ and how this will allow the building to breathe.*
- 4. There are no objections to the proposal to relocate the existing hatch into the electricity plant area as this is a modern insertion. The proposed location of the new hatch should avoid historic fabric.*

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

### **Development Plan Policies:**

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. 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)

C18: Development proposals affecting a listed building

## **Other Material Planning Considerations:**

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

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

## **7. Appraisal**

Officers consider the principal consideration relevant to the determination of this application to be the proposal’s Impact on the heritage asset.

- 7.1 The proposal would involve minor internal alterations and repairs, including the installation of a new fire rated enclosure; making good of the water damaged plaster; and the relocation of the roof hatch. These works are considered to be minor in nature and would not adversely affect the fabric of the Listed Building. The Conservation Officer welcomed the proposal to remove water damaged plaster and replace on a like for like basis; raised no objections to the proposal to provide a fire rated enclosure to the electricity room; and raised no objections to the proposal to relocate the existing hatch into the electricity plant area as this is a modern insertion. It was, however, requested that further information be submitted relating to the waterproof membrane (or alternative methods for preventing damp penetration). It is considered that this can be dealt with by way of condition.

## **8. Conclusion**

- 8.1 Overall, the works subject of this application would not have a detrimental impact on the fabric of the Listed Building or the character and significance of the Listed Building. It is therefore considered that the proposal complies with Policies C18 of the Cherwell Local Plan 1996 and ESD15 of the Cherwell Local Plan 2011-2031 and Government Guidance contained within the National Planning Policy Framework and is recommended for approval.

## **9. Recommendation: Approve, subject to conditions**

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

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms;

Design and Access Statement (Job No 27527); Specification of Works 27527 Rev: A (19/05/16); (BH) 01; (BH) 02; and (BH) 101.

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

- 3) The removal of the damaged plaster and the insertion of the new loft hatch shall be carried out by hand methods only and without the use of machinery and the existing fireplace is to remain in situ and lay undisturbed by the development.

Reason - To safeguard the preservation and retention of all parts of the existing historic building(s) and to comply with Policy C18 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4) Notwithstanding the approved plans and prior to the commencement of development, full details on the waterproof membrane or other suitable damp prevention method, shall be submitted to and approved in writing by the LPA. The development shall then be carried out fully in accordance with the approved details.

Reason - To safeguard the preservation and retention of all parts of the existing historic building(s) and to comply with Policy C18 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

**CONTACT  
OFFICER:**

Matthew Coyne

**TELEPHONE  
NO:**

01295 221652



# 16/00982/F

Shenington Gliding Club  
Shenington  
Banbury  
OX15 6NY

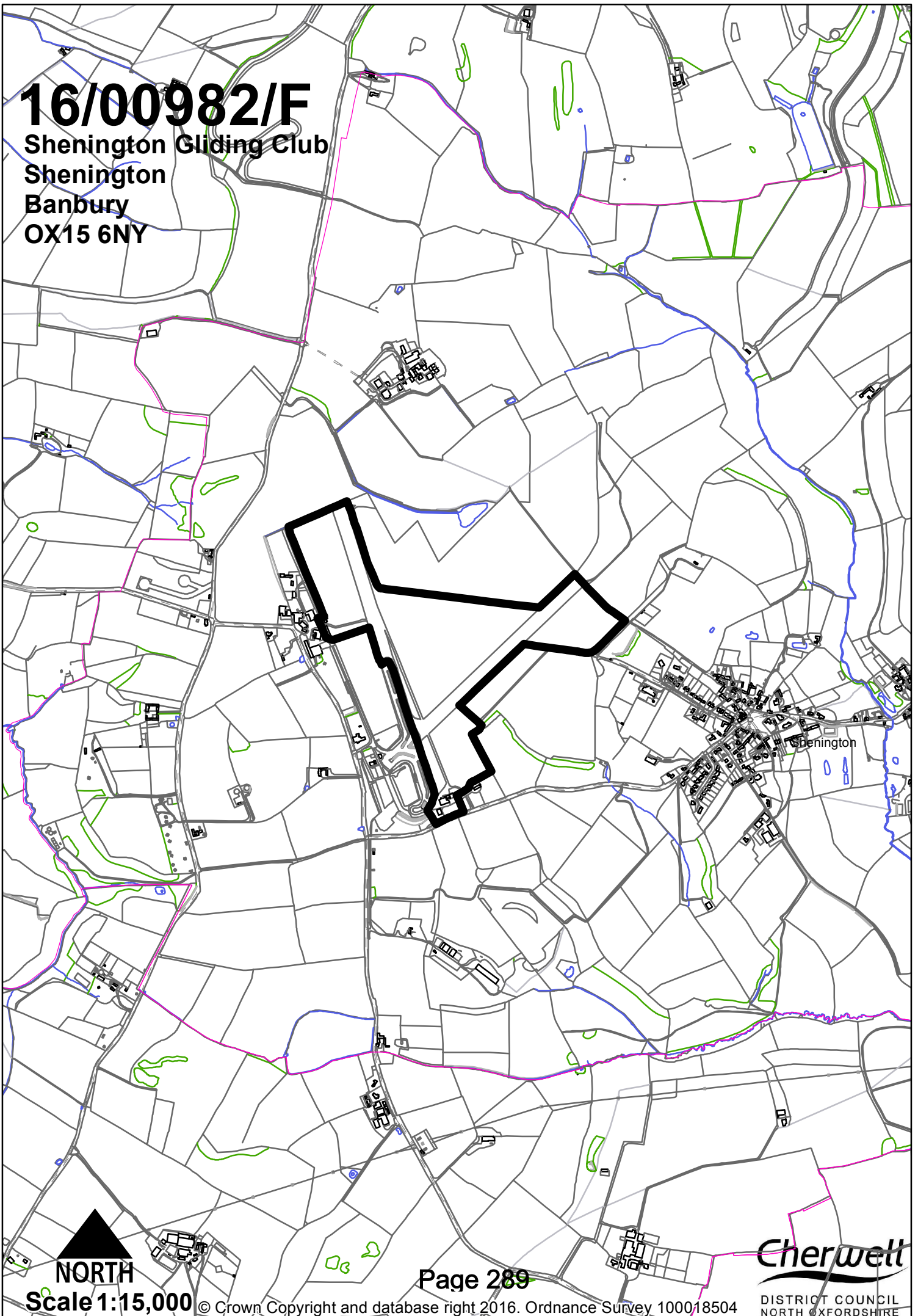
Shenington Airfield





# 16/00982/F

Shenington Gliding Club  
Shenington  
Banbury  
OX15 6NY



  
NORTH

Scale 1:15,000

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Ward:** Cropredy, Sibfords and Wroxton

**District Cllrs:** Cllr Atack  
Cllr Reynolds  
Cllr Webb

**Case Officer:** Michelle Jarvis

**Recommendation:** Approval

**Applicant:** Mr Joseph Gibbs

**Application Description:** Using tarmac and grass runways for winch, aero tow and self-launching of gliders and associated powered aircraft movements. Winches and tow out vehicles to be stored on the airfield and members glider trailers to be kept in designated area. Airfield to be used for agricultural purposes when not in use for gliding.

**Committee Referral:** Major

**Committee Date:** 4<sup>th</sup> August 2016

## 1. Site Description, Planning History and Proposed Development

### Site description

- 1.1 This application relates to an established airfield outside the village of Shenington. The airfield was formerly known as RAF Edgehill and was constructed in 1941. From then until the end of the war it was a station for military aircraft. After the war, it was briefly used for RAF flying training in the 1950s before reverting to civilian use. Gliding was first carried out in 1984 by Altair Gliding Club but since 1990 the airfield has been operated by Shenington Gliding Club.
- 1.2 The site occupies some 32 hectares and there are a number of land uses on the site. As well as the gliding, there is an area with permission for the long term storage of caravans, a club house building, a go-kart track and also a children's nursery at the entrance to the site. There are also a number of concrete structures dotted around the site which are a remnant of its former RAF use.
- 1.3 The site is not located in a conservation area nor are there any historic assets nearby. There is noted to be both grass snake and barn owl within a 250m buffer (both being protected and notable species) and in addition there is a Public Bridleway (ref 339/11/20) within a 25m buffer. The site is also classed as Grade 2 agricultural land. The westernmost runway on which the gliders are launched is just under 400m to the closest property on the edge of Shenington.

### Planning history

- 1.1.5 Whilst the nursery and the go-kart use all have their own separate permissions, the only planning approvals of direct relevance to the airfield and the Gliding Club are as follows:
  - *CHN223/91 – Using tarmac and grass runways for winch and aerotow glider launching plus associated light aircraft (tug plane and motor glider for advanced training) also storing up to 10 glider trailers by clubhouse. Grass to be used for cattle grazing when not in use for gliding; winch and tow out tractors to be kept on airfield. Operation maybe 7 days a week.*

- 10/00454/F - *Retrospective siting of prefabricated building adjacent to existing clubhouse for use as new office and additional clubhouse facilities. To replace 2 No. existing portacabin structures.* This was approved in May 2010
- A recent application (ref 16/00114/F) was submitted to update the 1991 approval; but was withdrawn once it was established that the change in operation could not be dealt with by way of a variation of condition application – hence the need for the current application.

### Proposal

- 1.6 Following a complaint to the Council in respect of noise generated from the gliding activity, an investigation was carried out by the Council involving officers from the Planning Enforcement and Environmental Health Teams. Whilst it was concluded that the particular noise complaint was probably not related to the Gliding Club it became apparent that the Club was not adhering to the requirements of the 1991 planning permission. Officers therefore liaised with the Gliding Club with the intention of bringing forward an application which would address the breaches of planning control identified whilst protecting the amenities of the residents of the surrounding villages and also ensuring that the local landscape was not unduly affected.
- 1.7 As a result of these discussions permission is sort to continue using the tarmac and grass runways for winch and aerotow gliding as well extended the permission to cover more recent innovations such as self-launch gliders and self-sustaining gliders (which generate less noise that the aerotow launches). The Club are also seeking to increase the potential number of launches each day (from 15 to 25) as well as increasing the number of days that the airfield is used for competition purposes; they are proposing to have two tournaments a year of up to nine days in length an increase from the single annual tournament of eight days. Retrospective permission is also being sought for the open storage of winch tow vehicles and the storage of Club members' gliding trailers.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of a site notice, neighbour notification letters and publication in the local press. The final date for comment was 14 July 2015.

There have been no third party comments.

## **3. Consultations**

- 3.1 Shenington with Alkerton Parish Council: No comments received at the time of writing

### **3.2 Cherwell District Council Consultees**

Planning Policy: No comments received but raised no objection to the previously withdrawn application

Environmental Health Officer: "This department has no objections to this application with the suggested conditions as presented. I would like to suggest the following as a planning note if possible:

The noise nuisance avoidance rules are to be published prominently on the club website and are mandatory for all members and guest fliers. Sanctions will be taken against any flier found to be wilfully transgressing the club's conditions aimed at noise nuisance avoidance. A written log of such transgressions, sanctions and complaints

from local residents will be kept by the club and made available for council officers to view on request.”

Landscape Officer: “There are tranquillity issues that should be resolved with this planning application – refer to CDC Local Plan Policy ESD 13 Local Landscape Protection and Enhancement – The CPRE Tranquillity Map indicates a medium tranquillity area.

As this is an established site and use within (a previously designated) AOHLV and the Cotswolds AONB (*sic*) that are foreseen negligible LVIA issues.”

### 3.3 Oxfordshire County Council

Highways Officer: make the following comments:

*Thank you for obtaining the information on the likely traffic movements generated as product of this proposal. From what you have described in addition to the submission it does seem to be a proposal which will increase traffic to a very modest degree if at all.*

*When visiting the site I noted that there was plenty of room for parking and that the access itself was reasonable both in terms of its construction and geometry.*

*Given the submissions mentioned above H.A. considers that this proposal is unlikely to increase vehicular movements to any significant degree and therefore it would be reasonable to recommend ‘no objections’ on the application.*

## 4. Relevant National and Local Policy and Guidance

### 4.1 Development Plan Policies

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

#### Cherwell Local Plan 2011 - 2031 Part 1 (CLP2031)

PSD 1: Presumption in favour of sustainable development  
BSC10: Open space, outdoor sport and recreation provision  
ESD12: Cotswold Area of Outstanding Natural Beauty (AONB)  
ESD13: Local landscape protection and enhancement  
ESD15: The character of the built and historic environment

#### Cherwell Local Plan 1996 (Saved Policies) (CLP1996)

C28: Control over the design of new development  
ENV 1: Development which is likely to cause detrimental levels of pollution

### Other Material Planning Considerations

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

## 5 Appraisal

5.1 The main issues to address in this report are as follows:

- Principle of development
- Impact on residential amenity
- Visual impact and appearance of the landscape
- Impact on the highway safety
- Planning balance

### Principle of development

5.2 The principle of the Gliding Club, which has already been established when the 1991 application was approved, is assessed against Policy BSC10 of the CLP2031 which is broadly supportive of outdoor recreational pursuits, a position that it reflected in the NPPF at paragraph 73 which states that ...*'sport and recreation can make an important contribution to the health and well-being of communities'*. Indeed, with existing recreational sites/operations, such as the Gliding Club, the emphasis is very much on the protection and enhancement.

5.3 Against this positive policy background, the acceptability of what is being proposed, and what has already been implemented, is balanced against any harm resulting from the changes to the operation in respect of the noise resulting from an increase in the number of launches and the associated flight paths, and the visual impact the changes to the operation will have on the immediate environment. These material considerations are assessed below.

### Impact on residential amenity

5.4 As has already been referenced earlier in the report, this application is the result of a planning enforcement investigation which centred on the alleged noise nuisance caused by the motor gliders flying over Shenington and Alkerton. Indeed, it is considered that the key issue in this case is ensuring that glider activity does not unduly impinge on the amenities of the residents of the surrounding villages.

5.5 The NPPF considers that “ *planning policies and decisions should avoid noise from giving rise to significant impacts on health and quality of life as a result of new development*” (para 123). The thrust of this guidance is replicated in Policy ENV1 of the CLP1996 which guards against development that will cause materially detrimental levels of noise and other types of environmental pollution.

5.6 Although condition 3 of the original permission prevents aircraft from flying over Shenington and Alkerton, it is felt that having a plan showing the exclusion zones for the four surrounding villages, which can be cross referenced with flight path data, will ensure that any future breach of planning control can be more effectively enforced. The Gliding Club, which has shown a sensitivity to the concerns the local villagers, will also require its members to adhere to rules ensuring that noise generation is kept to a minimum (e.g. they will be required not to circle the airfield and the self- sustaining gliders will not operate their motors within 3km of the site).

5.7 The Environment Health Officer was satisfied that with exclusion zone condition and the other enforceable conditions put forward by the applicant. It is therefore concluded that the additional glider launches proposed, which will future proof the possible expansion of the Club, would not bring the activity into conflict with Government guidance or Policy ENV1 of the CLP1996 in respect of unacceptable noise pollution. It is noteworthy that this application has not generated any correspondence from the residents of the surrounding villages.

#### Visual impact and appearance of the landscape

- 5.8 The landscape impacts of this proposal are assessed against Policy ESD13 of the CLP2031. This policy requires new development within the countryside to respect and enhance the local landscape character and not to cause any undue visual intrusion into the countryside. Although not within the Cotswold Area of Outstanding Natural Beauty (AONB) the site the impacts on the setting of this designated area, which bounds the western edge of the airfield, and therefore Policy ESD12 of the CLP2031 also needs to be taken into consideration.
- 5.9 The principal impact on the local landscape is the regularisation of the area of land used for the storage of the glider trailers which is located just to the north of the go-karting track. Although the applicant acknowledges that this development is unauthorised, it is quite probable that a lawful change of use has occurred given that aerial imagery confirm that trailers have been on this part of the site since 2004. The reason why this unauthorised activity may not have attracted any adverse reaction is that it is largely well screened from the surrounding area. Further the trailers do not appear so incongruous when seen in the context of the other approved activities on the airfield, especially the storage of caravans, when viewed at long range (minimum 650m away) from the footpath to the north east of the airfield. A condition is however recommended to ensure that control is exercised over the further extension of the trailer storage area.
- 5.10 There is sufficient parking space on the airfield to accommodate the potentially modest increases in the number of parked cars as well as the winch tow vehicles associated with the Gliding Club without unduly impacting on the local landscape. Officers have also determined that the impact this proposal will have on the setting of the AONB is negligible. The trailer storage area is not readily visible from the AONB as it is screened by a number of airfield buildings and other land uses, including the caravan storage site. Officers therefore consider that from a landscape perspective, the proposal is acceptable without the need to require any additional planting. Officers are further satisfied that the medium tranquillity area (guards against noise and visual intrusion), identified by the Landscape Officer will not be compromised by this development.

#### Impact on highway safety

- 5.11 The Local Highway Authority has concluded that the increase in traffic from this proposal is not going to have a detrimental impact on highway safety and that there is sufficient space on the site to accommodate any increase in parking requirements. The development therefore accords with Policy ESD15 of the CLP2031 and Government guidance contained in the National Planning Policy Framework.

#### Planning balance

- 5.12 Based on the assessment above, Officers are satisfied that the principle of development remains acceptable and that any harm resulting from the Gliding Clubs intensification of the use is appropriately mitigated, where necessary, through the imposition of the recommended planning conditions. The development is therefore considered to accord with Policies BSC10, ESD12, ESD13 and ESD15 of the CLP2031 and Policies C28 and ENV1 of the CLP1996 and Government guidance contained within the National Planning Policy Framework.

#### Engagement

- 5.13 With regard to the duty set out in paragraphs 186 and 187 of the Framework, any issues that have arisen through the processing of this planning application have been

addressed through a dialogue with the applicant. Additional information and clarification has been which has resulted in the approval of the application.

## **6. Recommendation**

Approval subject to:

1. Except where otherwise stipulated by condition, the development shall remain in accordance with the site location plan; the supporting statements, Appendix 1 "Noise Avoidance" chart and the Trailer Storage Plan.

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

2. That except in emergency, there shall be no powered flying over Shenington/Alkerton, Epwell, Tysoe or Upton House, in accordance with the exclusion areas identified on the approved "Noise Avoidance" chart (Appendix A).

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

3. That no more than 25 power movements either by tug-tow glider launches or other powered aircraft/gliders shall take place on any day throughout the year.

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

4. That notwithstanding condition 3 above, the site may be used for no more than 2 gliding competitions of no more than 9 days each in duration per calendar year, when the number of powered aircraft movements shall not be limited.

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

5. There shall be no take-offs of powered aircraft outside the hours of 09:00 - 19:00 and that there shall be no landings outside the hours of 09:00 - 21:00 on any day.

Reason: In order to maintain the character of the area and safeguard the amenities of the occupants of neighbouring properties and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. That a record of all glider launches and associated flight plans are kept available by Shenington Gliding Club for inspection by the Local Planning Authority within 24 hours of such a request being made by the Local Planning Authority.

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

7. That the storage of glider trailers belonging to Shenington Glider Club members shall be restricted to the hatched area of land identified on the Trailer Storage Plan.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Planning Note

1. The applicants are reminded that there is no permission for the take-off and landing of helicopters on this site with the exception of emergency services.

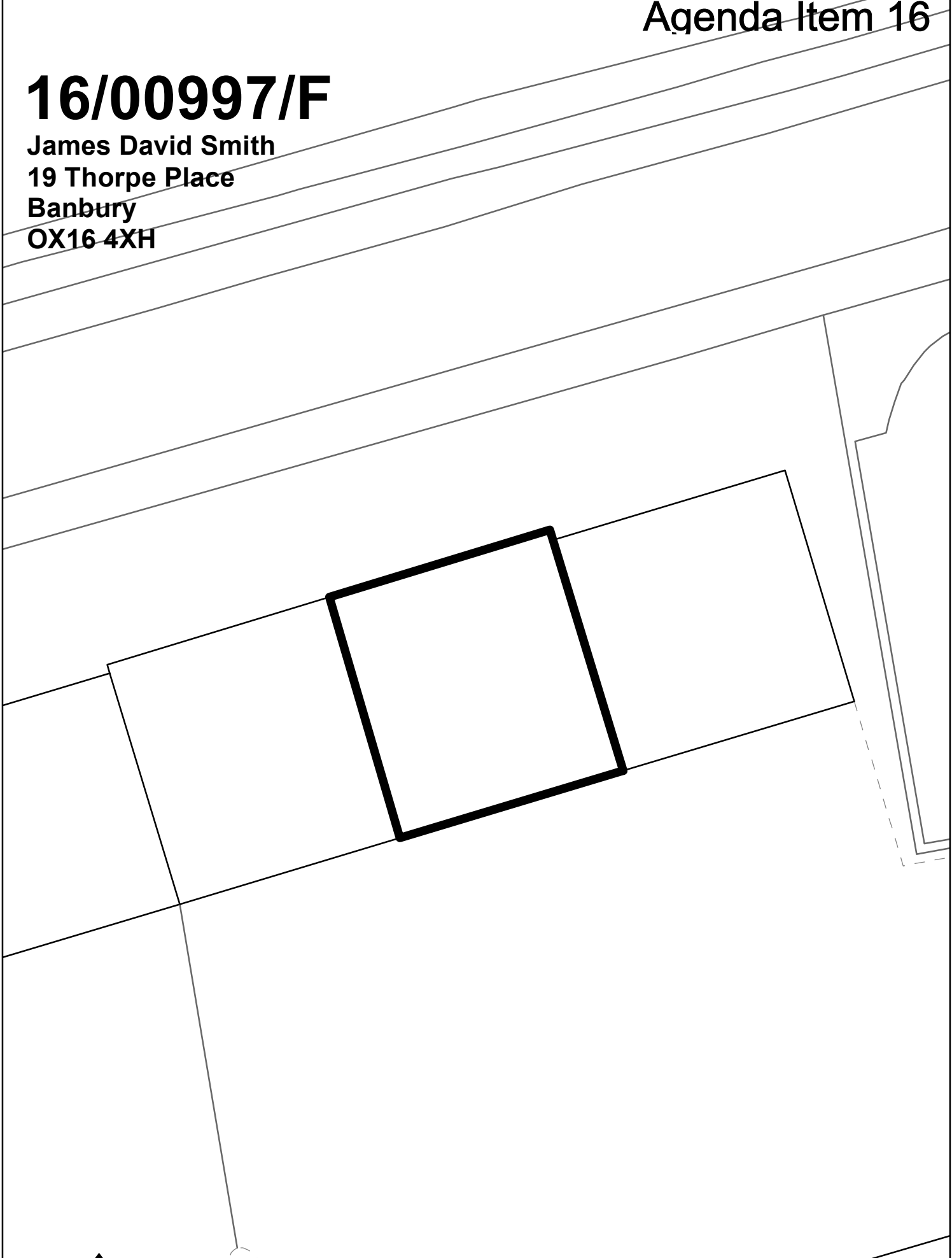
**STATEMENT OF ENGAGEMENT**

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 2015), 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.



# 16/00997/F

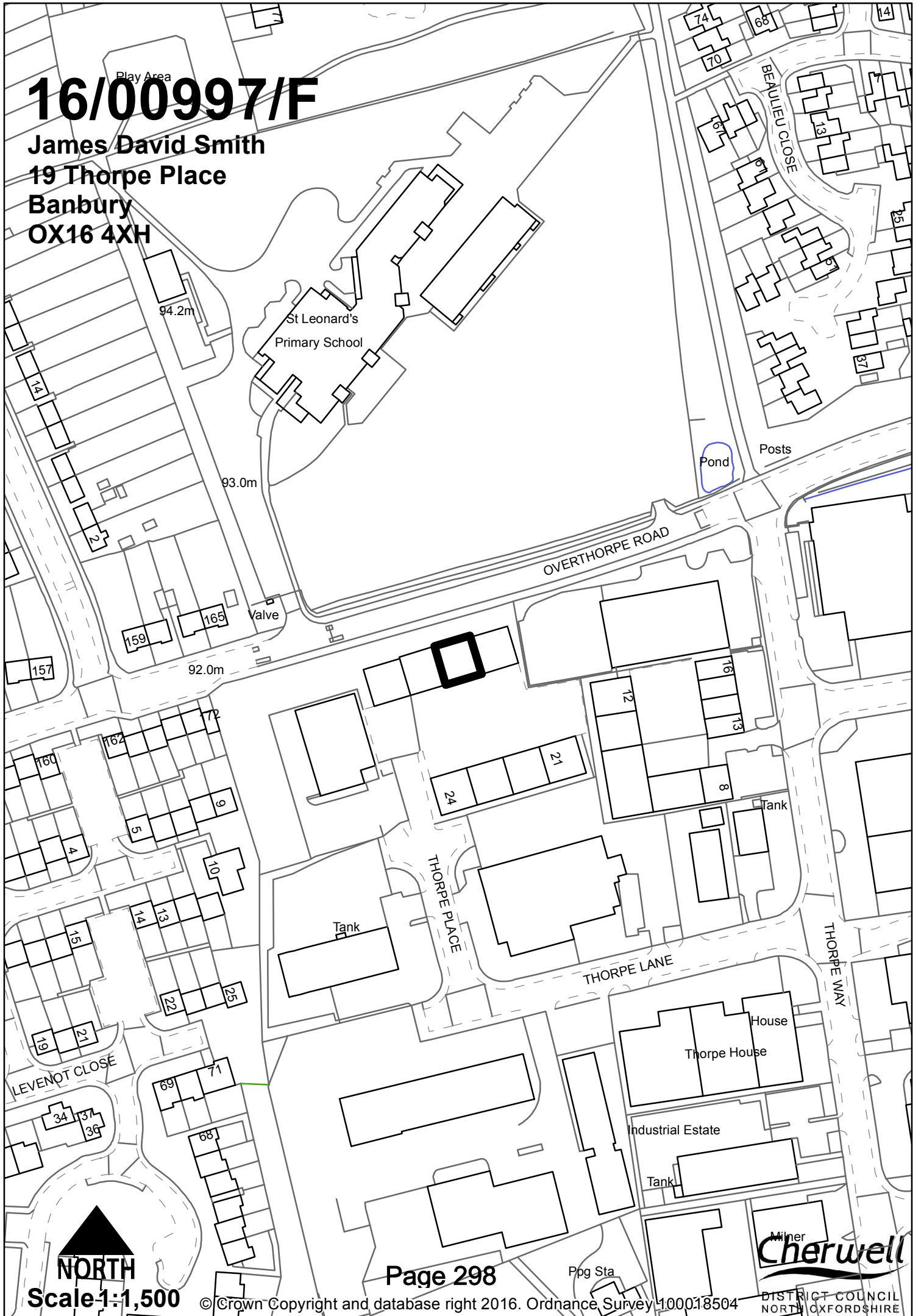
James David Smith  
19 Thorpe Place  
Banbury  
OX16 4XH



**NORTH**  
**Scale 1:250**

**16/00997/F**

**James David Smith  
19 Thorpe Place  
Banbury  
OX16 4XH**



**Case Officer:** Matthew Coyne                      **Ward(s):** Banbury Grimsbury And Hightown

**Applicant:** Mr Stuart Davies

**Ward Member(s):** Cllr Andrew Beere  
Cllr Claire Bell  
Cllr Shaida Hussain

**Proposal:** Change of use from Class B2 (general industrial) Class D2 (assembly and leisure)

**Committee Date:** 04/08/2016                      **Recommendation:** Refuse

### 1. Application Site and Locality

- 1.1 The application site is a small two storey industrial style building which is in an industrial part of Banbury. Unit 19 sits within the wider Thorpe Way industrial estate which contains a majority mix of B1, B2 and B8 uses. The site is not within a designated Conservation Area.
- 1.2 Unit 19 originally contained 'Rapid Metal Supplies' (Class B2), and it had been agreed that Banbury Martial Arts Centre could operate from the first floor of the building. 'Rapid Metal Supplies' went into liquidation, leaving Banbury Martial Arts Centre the sole occupiers of the building since 31 July 2015.
- 1.3 The existing building is constructed of brick and cladding with a corrugated roof. The building contains a single loading bay door and a separate pedestrian entrance.
- 1.4 The application is before the Committee as the Council has an interest in the land and buildings.

### 2. Description of Proposed Development

- 2.1 The current application seeks permission for the change of use from B2 (general industrial) to a D2 (assembly and leisure). No external alterations are proposed as part of this application. The proposed D2 use would allow the Banbury Martial Arts Centre to occupy the building. It is anticipated that the site would occupy 1 part time member of staff. The proposal also states that the use would only operate at times when the other industrial units in Thorpe Place were not open. This means that there would be parking spaces available for all users.

### 3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
15/01309/F	Change of use from general industrial class B2 to assembly and leisure class D2.	WDN

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

- 4.1 The application was publicised by way of neighbour notification letters (x2) and a notice displayed near to the site. A summary of comments raised by third parties are as follows:
- 4.2 A member of the public supports this application. They considered that: the gym is in a suitable location as it's not in town centre; it is used by people of all ages and benefits a large amount of people; and improvements to health.
- 4.3 In addition to the above, a number of letters were submitted with the application in support of the proposal.

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

- 5.1 Banbury Town Council: No objections
- 5.2 Cherwell District Council Antisocial Behaviour/Environmental Protection: No objections
- 5.3 Cherwell District Council Business Support Unit: As this application is for change of use only it is estimated that the impact will be negligible in terms of the potential to secure additional business rates under current arrangements for the Council.

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

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

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. 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

PSD 1 – Presumption in favour of sustainable development

SLE 1 - Employment Development

ESD15 - The Character of the Built and Historic Environment

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

C28: Layout, design and external appearance of new development

##### **6.1 Other Material Planning Considerations:**

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

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

## **7. Appraisal**

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

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety

### **Principle of Development**

7.2 Policy SLE1 of the CLP 2011-2031 intends that “employment development” relates to B Class Uses, e.g. B1, B2 and B8. The proposed change of use is for a small vacant unit in an industrial area of Banbury. The proposal indicates that only 1 part time member of staff would be employed by Banbury Martial Arts Centre. The proposal would result in the loss of a Class B2 use and the proposed number of employees is not considered to justify this loss. (The authorised use remains Class B2 regardless of whether or not the premises is currently vacant.)

7.3 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 employment use is not economically viable; and*
- *the applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment.*

7.4 Having regard to the above, Rapid Metal Supplies vacated the site in July 2015 and the site has been vacant since, with the exception of Banbury Martial Arts Centre which is said to be operating some first floor parts of the premises. The site has not been advertised as being vacant and therefore the first of these criteria has not been met. Furthermore, the loss of the B2 use would limit the amount of land available for employment use and the granting of this application would set a dangerous and unwelcome precedent for the future loss of employment land.

7.5 Policy SLE1 also states that regard would be had to whether the location and nature of the present employment activity has an unacceptable adverse impact upon

adjacent residential uses. The application site sits within a wider industrial area and is located approximately 67m away from the nearest residential unit. It is therefore considered that the present employment activity does not have an adverse impact upon residential uses.

- 7.6 Furthermore, SLE1 states that regard would be had to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in a Class B employment use. The applicant has not demonstrated that there are other planning objectives to outweigh this objective.
- 7.7 Overall, the proposal would result in the loss of B2 land use which has not been justified. The site has not been marketed as being vacant and it has not been demonstrated that there are reasons why the site is not economically viable. The proposal is therefore considered to be contrary to Policy SLE1 of the Cherwell Local Plan 2011-2031.

#### **Impact on Visual Amenity**

- 7.8 The proposal does not contain any external alterations to the building and relates solely to the change of use of the building. As a result it is considered that the proposal would not have any impact on the visual amenity and would therefore be in accordance with Policies C28 of the Cherwell Local Plan 1996 and ESD15 of the Cherwell Local Plan (Part 1) 2011 – 2031.

#### **Impact on Residential Amenity**

- 7.9 Having regard to its scale and siting, the proposed development would not have any significant impact on neighbouring occupiers. The site has no immediate residential neighbours (the closest being 67m away) and the change of use would not cause a loss of light or outlook to the adjacent units. The wider site lies within an area which is commercial and industrial in character, with a range of uses including (but not limited to) B1, B2, and B8.
- 7.10 For these reasons stated above, it is considered that the proposed would not adversely affect the living conditions of neighbouring properties, and would therefore be in accordance with Policies C30 of the Cherwell Local Plan 1996 and ESD15 of the Cherwell Local Plan (Part 1) 2011 - 2031.

#### **Impact on Highway safety**

- 7.11 The proposal would not alter the existing car park arrangements on the site. The site is in an industrial area of Banbury and is within walking distances of the town centre. The proposed operating hours of unit would mean that parking would be available in front of the other units in Thorpe Place.
- 7.12 Overall, taking in to consideration the above mentioned points, it is considered that the proposal would have no impact in regard to highway safety.

## **8. Engagement**

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

## **9. Conclusion**

9.1 The proposed change of use would not result in any significant harm to the visual, residential or highway amenities of the site and surrounding area. However, the proposal would result in the loss of employment land which, for the reasons set out in this report, fails to accord with Policy SLE1 of the Cherwell Local Plan 2011-2031 and the relevant paragraphs of the Framework.

## **10. Recommendation: Refuse for the following reason:**

1. The proposal would result in the loss of a Class B2 land use which has not been justified. The site has not been marketed as being vacant and it has not been demonstrated that there are reasons why the site is not economically viable. The loss of the employment land is contrary to the aims and objectives of Policy SLE1 of the Cherwell Local Plan 2011-2031 and government guidance within the National Planning Policy Framework.

**CONTACT  
OFFICER:**

Matthew Coyne

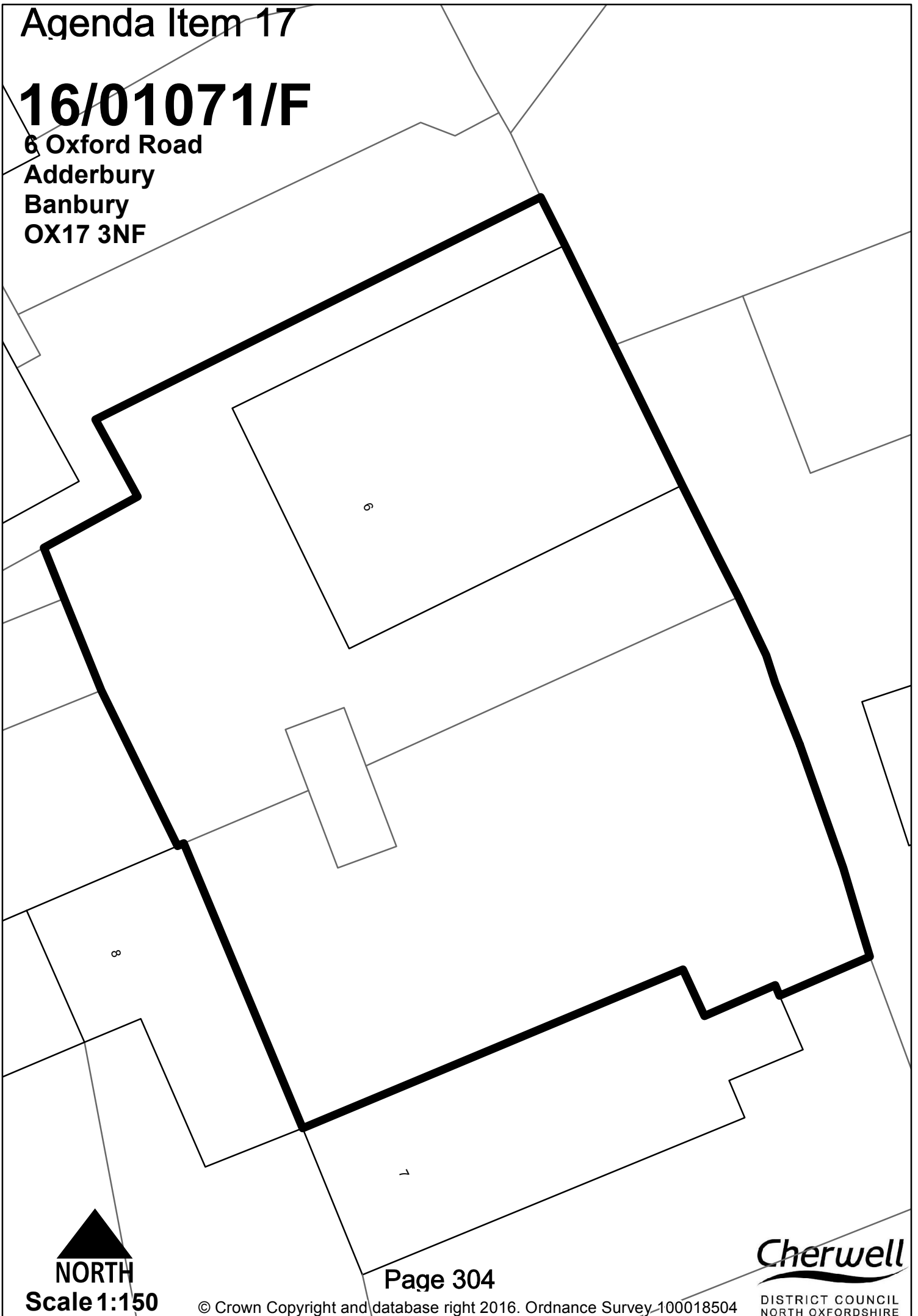
**TELEPHONE  
NO:**

01295 221652

# Agenda Item 17

## 16/01071/F

6 Oxford Road  
Adderbury  
Banbury  
OX17 3NF

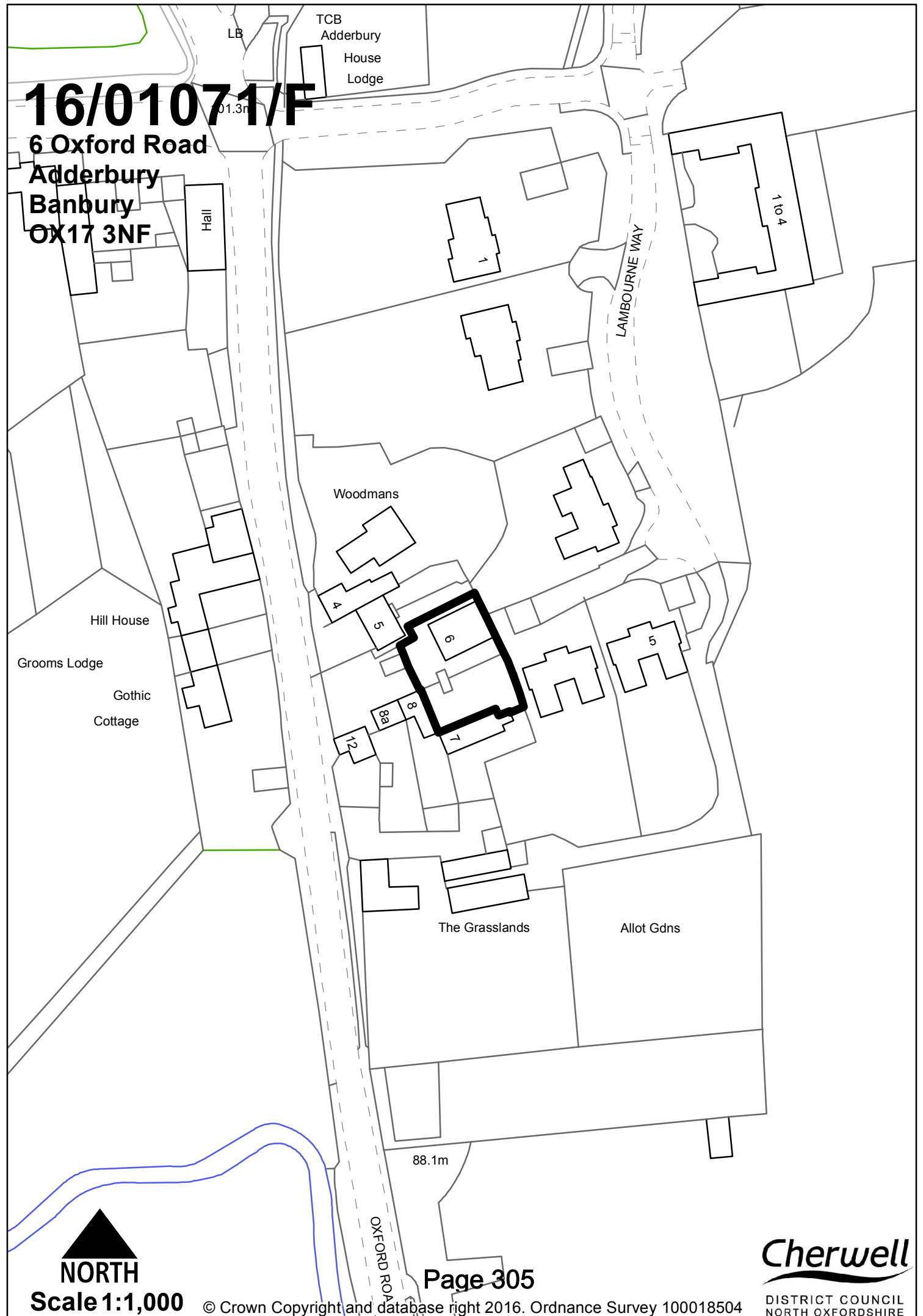


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# 16/01071/F

6 Oxford Road  
Adderbury  
Banbury  
OX17 3NF



Scale 1:1,000

**Case Officer:** Gemma Magnuson      **Ward(s):** Adderbury, Bloxham And Bodicote

**Applicant:** Mr Matthew Gaskin

**Ward Member(s):** Cllr Mike Bishop  
Cllr Chris Heath  
Cllr Nigel Randall

**Proposal:** Replacement of former tin (corrugated iron) garage with new stone garage.  
Rebuilding modern non-local brick wall in stone to same height to match existing stone wall

**Committee Date:** 04.08.2016      **Recommendation:** Approve

Referred to Committee because the applicant is a close relative of an employee of the Development Management team

## 1. Application Site and Locality

1.1 6 Oxford Road is a detached dwelling situated south of the village of Adderbury. The building is not listed and no listed buildings are in close proximity. The site lies within the Adderbury Conservation Area and may be contaminated with naturally occurring arsenic, chromium and nickel. Protected and Notable Species the Eurasian Badger has been identified in the vicinity of the site.

## 2. Description of Proposed Development

2.1 The proposed development would involve the erection of a detached, pitched roof garage within the curtilage of the dwelling. The garage would replace two former garages that have been cleared from the site following their collapse in 2011 and 2015.

2.2 An existing brick built wall would also be replaced in stone to the same height as that existing.

## 3. Relevant Planning History

03/02513/F – Erection of two storey side and rear extension and single storey front extension (as amended by plans received 21.04.04) – granted with conditions

## 4. Response to Publicity

4.1 The application has been advertised by way of site notice, press notice and neighbour letter. The final date for comment was 28 July 2016. No comments have been received at the time of writing.

## 5. Response to Consultation

5.1 Adderbury Parish Council: no objection.

5.2 Cherwell District Council Ecology Officer: no comments received at time of writing.

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

## **Development Plan Policies:**

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. 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

## **Other Material Planning Considerations:**

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

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

## **7. Appraisal**

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

- Principle of Development;
- Design, Layout and Appearance;
- Impact on Heritage Assets;
- Landscape and Visual Impact;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;

### Principle of Development

7.2 The application seeks consent for a domestic outbuilding in the curtilage of a dwelling and Officers therefore consider the principle of the development to be acceptable.

### Design, Layout and Appearance

7.3 Government guidance contained within the Framework attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

7.4 Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high

design standards. Saved Policy C28 of the Cherwell Local Plan 1996 seeks to control new development to ensure that it is sympathetic to the character of its context.

- 7.5 The proposed garage would have a pitched roof with timber openings, local stone walls and natural slate roof, all to match those of the existing dwelling. The garage would be positioned in a similar location to the two former garages and would sit comfortably within the site without resulting in a cramped or overdeveloped appearance. The proposed wall would be constructed along the same line as that existing and to the same height, although local stone would be the construction material. It is considered that the design, layout and appearance of the development accords with Policies ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan and Government guidance contained within the Framework.

#### Impact on Heritage Assets

- 7.6 Government guidance contained within the Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.7 Limited views of the proposed garage would be obtainable from the public domain when viewing from the entrance to the shared access on Oxford Road. The majority of the garage would be positioned behind the front elevation of neighbour to the front 8 Oxford Road. Having regard to the nature and details of the proposals in respect of the wall, this element of the scheme would provide some demonstrable enhancement to the historic significance of this part of the designated Conservation Area.
- 7.8 For these reasons, the proposed development would not cause material harm to the historic significance of the designated Conservation Area, and indeed would provide for some enhancement, and therefore accords with Policies ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the Framework.

#### Landscape and Visual Impact

- 7.9 As mentioned above, the majority of the proposed garage would be positioned beyond the front elevation of adjacent 8 Oxford Road, and screened from view of the public domain. The elements that would be visible will be in-keeping with their context, being constructed from traditional local construction materials, and would not detract from the visual amenities of the locality, in accordance with Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the Framework.

#### Accessibility, Highway Safety and Parking

- 7.10 Government guidance contained within The Framework requires developments to be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. The proposed garage would not impact upon existing parking arrangements at the property where at least two vehicles can be accommodated upon the existing concrete driveway. The proposal accords with Government guidance contained within the Framework.

#### Effect on Neighbouring Amenity

- 7.11 The proposal accords with Government guidance contained within The Framework that seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, Policy ESD 15 of the Cherwell Local Plan 2011-2031 that states that development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space and saved Policy C30 of the Cherwell Local Plan 1996 that seeks standards of amenity and privacy acceptable to the LPA.
- 7.12 The garage would be positioned in close proximity to neighbours' windows, although would not be directly across them. The Case Officer has confirmed that the ground floor opening at 8 Oxford Road serves the stairs, and the openings at 7 Oxford Road consist of a high level secondary window serving the kitchen, an obscure glazed opening serving the hallway and a small slit window serving the stairs. It must also be borne in mind that the proposed garage would replace two former garages in a similar location to that now proposed.
- 7.13 Officers are of the opinion that the proposed garage would not cause significant harm to the neighbouring properties in accordance with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within The Framework.

## **8. Conclusion**

- 8.1 The proposed garage and boundary wall would not cause significant or demonstrable harm to the historic significance of the designated Conservation Area, nor would the proposals adversely affect residential amenity, highway safety or the visual amenities of the locality, and therefore accords with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the Framework.

## **9. Recommendation - Approve, subject to conditions,**

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, Design and Access Statement, Supplementary Information: Details, Site Location Plan, Block Plan, Drawing No's: 03/01/03/2, 03/01/05 with doors closed, 03/01/05 with doors open, wall elevations, Details A – North Doors, Detail B – Wall

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

3. The materials to be used for the roof of the garage hereby approved shall match, in terms of colour, type and texture, those used on the existing building.

Reason – To ensure that the development is constructed and finished in materials which are

in harmony with the building materials used in the locality and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. The natural stone to be used on the walls of the garage shall be of the same type, texture, colour and appearance as the stone on the existing dwelling and shall be laid, dressed, coursed and pointed to match that of the existing building.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The natural stone to be used for the boundary wall shall be of the same type, texture, colour and appearance as the stone on the existing eastern boundary wall and shall be laid, dressed, coursed and pointed to match that of the existing eastern boundary wall.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **NOTES**

1. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council's Environmental Protection Officer.

## **STATEMENT OF ENGAGEMENT**

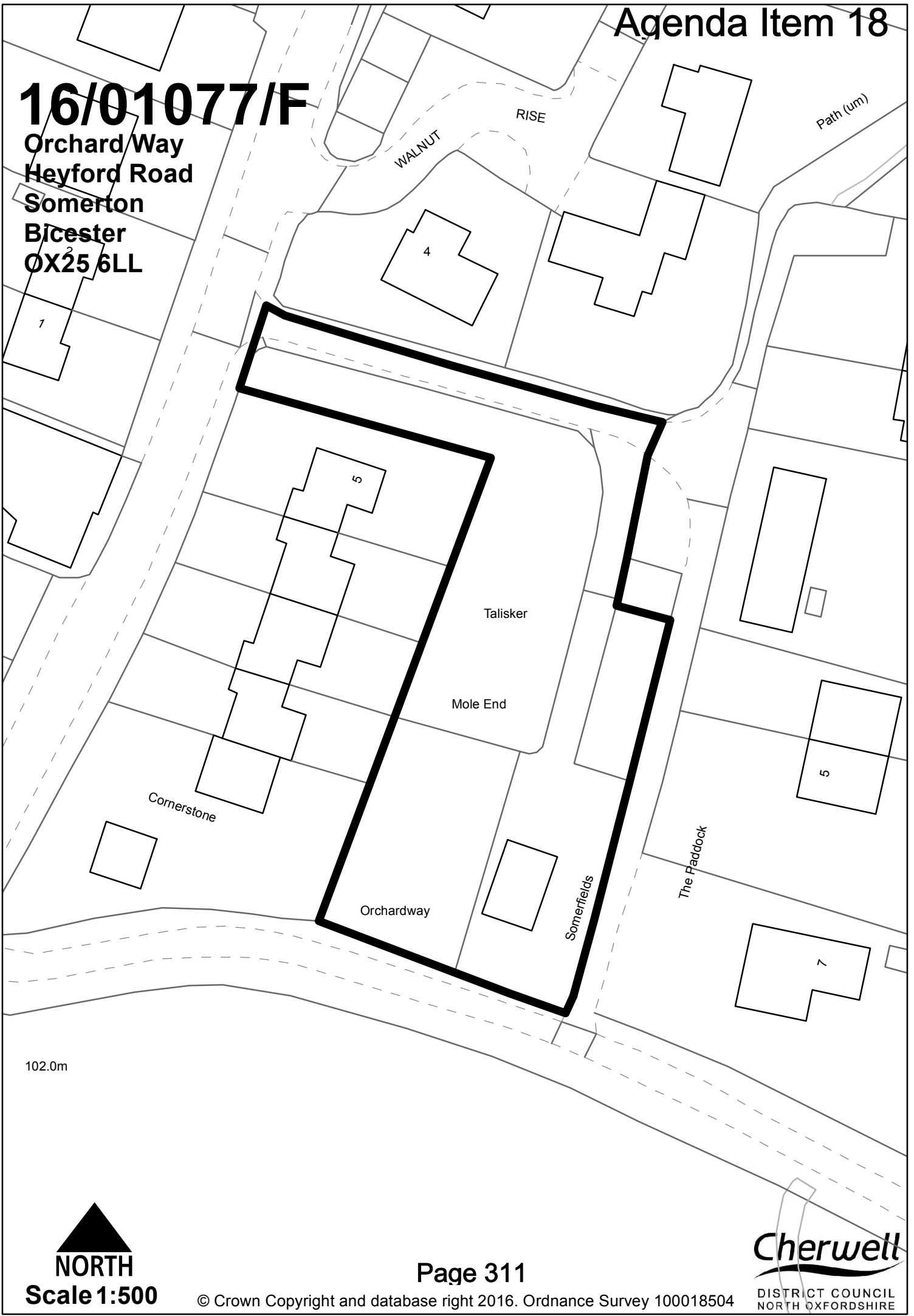
In accordance with the Town and Country Planning (Development Management Procedure) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as the decision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

**CONTACT OFFICER:** Gemma Magnuson

**TELEPHONE NO:** 01295 221827

**16/01077/F**

**Orchard Way  
Heyford Road  
Somerton  
Bicester  
OX25 6LL**



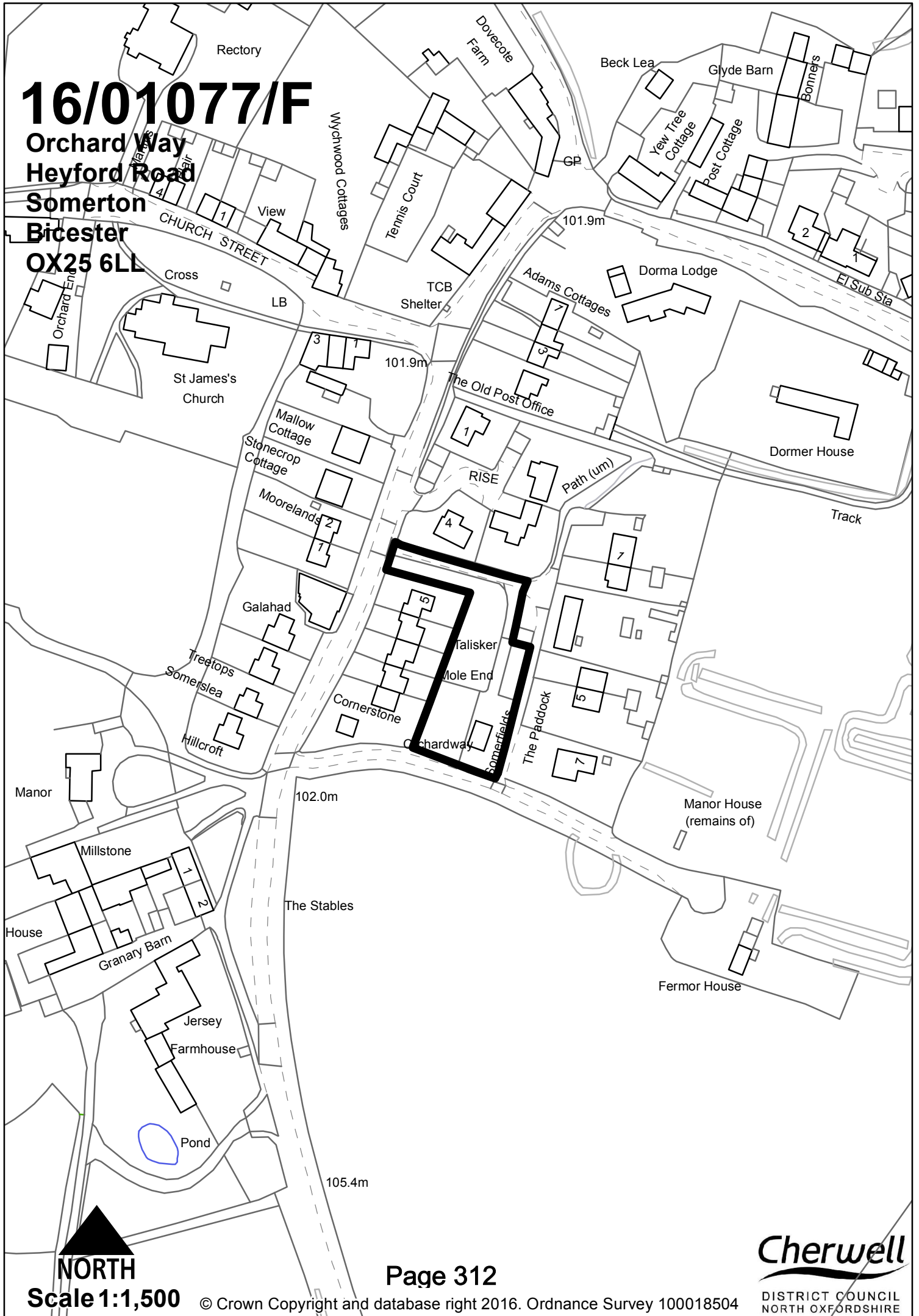
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**Scale 1:500**

**16/01077/F**

**Orchard Way  
Heyford Road  
Somerton  
Bicester  
OX25 6LL**



**NORTH**

**Scale 1:1,500**



**Case Officer:** Gemma Magnuson      **Ward(s):** Deddington

**Applicant:** Cadmonkies – Mr D Berlouis

**Ward Member(s):** Cllr Bryn Williams  
Cllr Hugo Brown  
Cllr Mike Kerford-Byrnes

**Proposal:** Alterations and erection of car port

**Committee Date:** 04.08.2016      **Recommendation:** Approve

Referred to Planning Committee because previous applications have also been determined by the Committee

## 1. Application Site and Locality

- 1.1 Orchard Way is a detached one and a half storey building situated central to the village of Somerton. The building sits behind link-terraced properties that front onto Heyford Road, and to the front of properties along The Paddock; a shared access track taken from Heyford Road that is also a Public Footpath (ref: FP/349/10). The access to the site is within the Conservation Area, although the building itself is not in the Conservation Area. The building is not listed and the site does not form part of the setting of any listed buildings. The land may be contaminated by naturally occurring Arsenic. The site is of medium archaeological interest. The Common Swift and Brown Long-eared Bat, Protected and Notable Species, have been identified in close proximity to the site, and the Ardley Cutting and Quarry and Bestmoor SSSI's are within 2km.
- 1.2 The building was originally constructed as a detached double garage, then home office, serving Somerfields, a property fronting onto Heyford Road. The home office gained retrospective planning permission on 16 February 2007 under reference 06/02348/F that included the following condition:
- 1.3 *The building hereby approved for conversion shall be used for purposes ancillary to the residential use of "Somerfields", and/or to conduct office activities related to the business of the applicant and his wife only, namely office uses that support the operation of an after school instruction academy operated elsewhere and for no other use whatsoever and no other persons shall be employed therein.*
- 1.4 Planning permission for the independent use of the building as a self-contained dwelling was granted at Appeal on 12 June 2015 under reference 14/00067/F, subject to pre-commencement conditions that have not yet been discharged. The permitted development rights for extensions to the dwelling, and the erection of outbuildings, were also removed.
- 1.5 Officers are of the opinion that the use of the building as a self-contained dwelling is not authorised, although the relevant permission does not expire until 12 June 2018, and therefore could still be implemented.

## 2. Description of Proposed Development

- 2.1 The proposed development would involve the erection of a two bay car port within the curtilage of the dwelling approved as part of 14/00067/F that, as explained above, remains unimplemented at the time of writing. Construction materials would consist of a slate roof and timber walls. The footprint of the car port would be 5.9 metres x 8.1 metres. The height of the structure to the highest part of the centrally pitched roof would be 4.5 metres.
- 2.2 Further clarification on the end user for the car port was sought from the Agent on 07 July 2016 and the following response was received on 12 July 2016:
- 2.3 *The application is for a reduced access drive and the erection of a Carport to house the existing vehicles. I can confirm that there will be no additional traffic or change in the daily movement. Given that there is no change in circumstances and no additional risk to the safety on site, we hope that the Highways would support the application. The existing drive and parking arrangement penetrates deep into the site, the revised parking will allow for the significant reduction in hard landscaping. The vehicles will be hidden away from sight behind the existing adjacent Garage. We acknowledge that there are conditions for the access improvements associated with Planning Approval 14/00067/F and these shall be implemented as and when that development proceeds.*

## 3. Relevant Planning History

The site has been the subject of lengthy planning history, summarised below:

- 3.1 96/01695/F – Two storey rear extension and extension of garden and new double garage – granted.

NB. The garage was not constructed in accordance with the approved plans.

- 3.2 99/01840/F – Erection of a double detached garage and change of use of adjoining land to form new access from garage to private access drive (Retrospective) – granted.

The application sought to regularise the works undertaken following approval of 96/01695/F.

The application was approved subject to conditions, including condition 5 that removed the permitted development rights for new openings and condition 8 that required the garage to remain ancillary to Somerfields.

- 3.3 02/00497/F – Removal of Condition 8 on 99/01840/F to allow use of garage not in conjunction with or ancillary to 'Somerfields' – refused, on the following grounds:

In the absence of any further information regarding the future use of the garage independently of the property at "Somerfields" the proposed removal of condition 8 of 99/01840/F would be likely to lead to additional traffic generation using a substandard access which would be detrimental to highway safety and which would have an adverse effect on the residential amenities of neighbouring residents contrary to Policies C31 and TR2 of the adopted Cherwell Local Plan.

The access serving this garage is substandard in vision and geometric terms. Traffic generated as a product of the proposal will result in a detriment to the safety of other road users.

No Appeal was submitted.

- 3.4 06/02348/F – Non-Compliance with condition 5 of 99/01840/F - To change the use from double garage to study, store and loft and insert windows and door (RETROSPECTIVE) with pitched roof over utility room – granted.

The application was approved subject to conditions, including condition 1 that restricted the use of the outbuilding as follows:

The building hereby approved for conversion shall be used for purposes ancillary to the residential use of "Sommerfields", and/or to conduct office activities related to the business of the applicant and his wife only, namely office uses that support the operation of an after school instruction academy operated elsewhere and for no other use whatsoever and no other persons shall be employed therein.

- 3.5 10/01719/F – Detached garage/store/log hovel and drive with associated landscaping and external works – refused. No Appeal was submitted.

The application sought consent for a garage to be positioned to the west of the proposed car port that is the subject of the current application. The application was refused on the following grounds:

The proposed garage/store and access route, by reason of siting, design, materials and scale will result in an unsympathetic and incongruous addition on an undeveloped and elevated important gap of land which forms part of the character of this loose knit settlement and further, the development would fail to preserve, enhance or better reveal the significance of the setting of the Somerton Conservation Area heritage asset as it would be visually prominent and intrusive along a public footpath route no. FP349/10. The development would therefore be contrary to policies BE1, BE6, CC6 of the South East Plan 2009, Policies C28 and C33 of the adopted Cherwell Local Plan and Government advice contained in PPS1 (Delivering Sustainable Development) and PPS5 (Planning for the Historic Environment).

The access from which it is proposed to serve the development is substandard in vision terms and movements generated as a product of the proposal will be of detriment to the safety and convenience of other road users, contrary to Policy T1 of the South East Plan and Government advice contained in PPG13 (Transport).

- 3.6 11/00448/F – Erection of detached garage, store, log hovel and drive with associated landscaping and external works - resubmission of 10/01719/F – refused. No Appeal was submitted.

The application sought to address the reasons for refusal of 10/01719/F through rotating the garage by 90 degrees, sitting in a similar position to the car port that is the subject of the current application.

The application was refused on the following grounds:

The proposed garage/store and access route, by reason of siting, design, materials and scale will result in an unsympathetic and incongruous addition on an undeveloped and elevated important gap of land which forms part of the character of this loose knit settlement and further, the development would fail to preserve, enhance or better reveal the significance of the setting of the Somerton Conservation Area heritage asset as it would be visually prominent and intrusive along a public footpath route no. FP349/10. The development would therefore be contrary to policies BE1, BE6 and CC6 of the South East Plan 2009, Policies C28 and C33 of the adopted Cherwell Local Plan and Government advice contained in PPS1 (Delivering Sustainable Development) and PPS5 (Planning for the Historic Environment).

The access from which it is proposed to serve the development is substandard in vision terms and movements generated as a product of the proposal will be of detriment to the safety and convenience of other road users, contrary to Policy T1 of the South East Plan and Government advice contained in PPG13 (Transport).

3.7 11/01805/F – Erection of detached garage, store and log hovel – granted.

The application sought to address the reasons for refusal of 10/01719/F and 11/00448/F by positioning the garage adjacent to the existing building that has since gained planning permission for conversion to a dwelling at Appeal ref: APP/C3105/W/15/3008323.

The application was approved. The Case Officer for the current application visited the site on 17 November 2015 and the base for the garage was in place.

3.8 13/00894/F – Extension to existing outbuilding and conversion to single dwelling house – refused. No appeal submitted.

The application sought consent to join the garage approved under reference 11/01805/F and the building that is the subject of the current application to form a self-contained dwelling. The application was refused on the following grounds:

Somerton is a Category 2 settlement as defined in the Adopted Cherwell Local Plan 1996. Within such settlements, new residential development is restricted to conversions, infilling and small-scale development which can be shown to secure significant environmental improvements. It is the opinion of the Local Planning Authority that the proposed development does not accord with these provisions as it will erode an established gap to the significant harm to the setting of the adjacent Somerton Conservation Area and to the established settlement pattern of the village. The proposal is therefore contrary to Government guidance contained within the

National Planning Policy Framework and saved policies H14, C23, C27, C28 and C33 of the adopted Cherwell Local Plan 1996.

The access from which it is proposed to serve the development is substandard in vision and geometric terms and movements generated as a product of this proposal will result in a detriment to the safety and convenience of other road users contrary to central Government guidance contained within the National Planning Policy Framework.

- 3.9            14/00067/F – Conversion of existing building into a self-contained dwelling with associated Highway Safety access improvement works (re-submission of 13/00894/F) – refused; allowed at appeal on 12 June 2015.

The application sought to change the use of the existing building to a self-contained dwelling, to include works to access in order to overcome the previous reasons for refusal on the grounds of highway safety. Officer's recommended that the application was approved, although this was overturned by Members at Planning Committee on 07 August 2014 and the application was refused on the following ground:

The proposed development of a new unit of accommodation in this backland location would erode the established settlement pattern of the village, and with the introduction of a domestic curtilage with all the paraphernalia associated with it, the character and setting of the Conservation Area and the character and amenity of the immediately surrounding area would be detrimentally affected contrary to Policy C27 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

An Appeal was submitted and the proposal was subsequently approved on 12 June 2015 subject to conditions under reference: APP/C3105/W/15/3008323. Some conditions were pre-commencement and these have not yet been discharged. The permitted development rights for extensions and outbuildings were removed.

- 3.10            15/00005/DISC – Discharge of Condition 3 of 11/01805/F – granted.

The application related to the detached garage that was approved under reference 11/01805/F to the west of the building that now benefits from planning permission for conversion to a dwelling Appeal Ref: APP/C3105/W/15/3008323. The application form confirmed that works had started on site on 01 December 2014.

The application was approved on 24 February 2015

- 3.11            15/01895/F - Alterations and erection of extension – Appeal allowed.

The application sought consent to extend and alter the building that was given planning permission at Appeal (ref: APP/C3105/W/15/3008323). Whilst Members resolved to refuse the application, a delay was experienced in issuing the decision and an Appeal against non-determination was subsequently submitted (ref:

APP/C3105/W/16/3143988) including an Appeal for Costs against the Council, both of which were allowed on 09 May 2016.

- 3.12 16/01078/F - Alterations to include extension and basement (revised scheme of 15/01895/F) – pending determination – due to be considered by Members at the Planning Committee meeting on 04 August 2016.

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

- 4.1 The application has been publicised via neighbour letter, press notice and site notice. The final date for comment was 21 July 2016. No responses have been received at the time of writing.

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

- 5.1 Somerton Parish Council: no comments received at the time of writing.
- 5.2 Cherwell District Council Conservation Officer: no comments received at the time of writing.
- 5.3 Cherwell District Council Arboricultural Officer: no objection.
- 5.4 Oxfordshire County Council Highway Authority: no objection subject to a condition requiring the car port to be kept free of obstructions so that it can be used for the parking of vehicles.
- 5.5 Oxfordshire County Council Rights of Way: no comments received at the time of writing.

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

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

- 6.1 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)

C23 – Retention of features contributing to character or appearance of a Conservation Area  
C28 – Layout, design and external appearance of new development  
C30 – Design control

##### **Other Material Planning Considerations:**

- 6.2 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.
- 6.3 Planning Practice Guidance (“nPPG”) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

## **7. Appraisal**

- 7.1 Officers’ consider the following matters to be relevant to the determination of this application:
- Principle of Development;
  - Design, Layout and Appearance;
  - Impact on Heritage Assets, Landscape and Visual Impact;
  - Trees and Landscaping;
  - Accessibility, Highway Safety and Parking;
  - Effect on Neighbouring Amenity;

### **Principle of Development**

- 7.2 The application seeks consent for a detached car port for domestic use. As the permission relating to the conversion of the existing detached outbuilding to an independent dwelling has not yet been implemented, in assessing the proposed development the fact that this may never be implemented must be borne in mind, despite the red line being the same as the approved curtilage for the proposed dwelling and omitting Somerfields.
- 7.3 With regard to the principle of the erection of a car port for use by the occupants of either Somerfields or the potential future dwelling, it is the opinion of Officers that the use of this former paddock for domestic outbuildings has already been accepted. The site has previously benefitted from planning permission for the erection of two domestic outbuildings, one of which has been partially implemented and remains live (ref: 11/01805/F). The use of the land as domestic curtilage for the potential future dwelling has also been accepted through the approval of the conversion of the building to a dwelling at Appeal ref: APP/C3105/W/15/3008323.
- 7.4 The principle of the erection of the car port in this location is therefore considered acceptable.

### **Design, Layout and Appearance**

- 7.5 Government guidance contained within the Framework attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.6 Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Saved Policy C28 of the Cherwell Local Plan 1996 seeks to control new development to ensure that it is sympathetic to the character of its context.

- 7.7 The proposed car port is of simple, functional design, consisting of an open fronted timber construction building with slate roof. The structure would sit adjacent to an existing detached blockwork outbuilding that lies beyond the site boundary and would replace an existing shed that is currently being used to house goats. It is considered that the design, layout and appearance of the car port would be in-keeping with the context of the development, in accordance with the above Policies.

### **Impact on Heritage Assets, Landscape and Visual Impact**

- 7.8 Government guidance contained within the Framework attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.9 The Conservation Area boundary runs alongside the eastern boundary of the site following the line of the Public Right of Way. The Public Right of Way runs at a higher land level than the site and is separated by a close boarded fence and some sparse vegetation.
- 7.10 It is noted that an application for a garage in a similar location to the car port now proposed was refused under ref: 11/00448/F as it was considered that by reason of siting, design, materials and scale the garage would result in an unsympathetic and incongruous addition on an undeveloped and elevated important gap of land which forms part of the character of this loose knit settlement and further, the development would fail to preserve, enhance or better reveal the significance of the setting of the Somerton Conservation Area heritage asset as it would be visually prominent and intrusive along a public footpath route no. FP349/10. However, the car port now proposed adopts a much smaller footprint than the previously proposed garage, and has been positioned closer to the boundary fence.
- 7.11 The site currently adds to the overall character of the area by virtue of its openness and serves to separate the dwellings on Heyford Road from those situated in The Paddock. Whilst the proposed development would introduce a further structure into this area, given its reduced footprint and proximity to the boundary, Officers do not consider that the car port could be described as causing harm to the historic significance of the designated Conservation Area.
- 7.12 Views of the structure would be obtainable from the public footpath, although due to the lower ground level and existing boundary fence the views would consist predominantly of the pitched roof, sloping away from the footpath thus reducing visual impact. The car port would clearly be distinguishable as an outbuilding, and would sit adjacent to another existing outbuilding, and would not compete with the surrounding dwellings.
- 7.13 The cumulative impact of the proposed car port, the detached garage benefitting from an extant consent and the potentially extended dwelling/home office has been borne in mind in this assessment, although they are well spaced around the site and it is not considered that it would appear cramped or cluttered as a result of all schemes being fully implemented.
- 7.14 The proposed development therefore accords with saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the Framework in terms of the impact on the designated Conservation Area, wider landscape and visual amenities of the locality.



## **Trees and Landscaping**

- 7.15 The proposed development would be positioned in close proximity to existing mature trees alongside the public footpath. The applicant does not intend to undertake works to the trees as part of the development. The Arboricultural Officer has raised no objection to the application with regard to the impact of the development upon the trees and Officers therefore consider that no harm would be caused to their health and longevity, in accordance with saved Policies C23 and C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the Framework.

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

- 7.16 Government guidance contained within the Framework seeks developments that are located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. The proposed development would make use of the existing access to the site. If the permission for the conversion of the dwelling is implemented, improvements to the access would be required in accordance with relevant conditions attached to that consent. If the conversion of the dwelling is not implemented, the usage of the site would not differ from that experienced at present by the occupants of Somerfields.
- 7.18 Oxfordshire County Council as local highway authority is satisfied that the development would not result in harm to highway safety. A condition has been recommended requiring the car port to be kept free of obstructions so that it can be used for the parking of vehicles, although given that more than two vehicles could be parked on the proposed hard surfaced area leading to the carport this is not considered reasonable.

## **Neighbour Amenity**

- 7.19 Government guidance contained within the Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 states that development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Saved Policy C30 of the Cherwell Local Plan 1996 seeks standards of amenity and privacy acceptable to the Local Planning Authority.
- 7.20 The proposed car port would be positioned 19 metres from the front elevations of 4 and 5 The Paddocks to the west, and this exceeds the minimum separating distance of 14 metres required by the Cherwell District Council Home Extensions and Alterations Guide (2007) in order to avoid overshadowing. It is considered that this separating distance, together with the difference in land level, would serve to avoid harm in terms of an overbearing appearance. All other neighbouring properties are positioned a sufficient distance from the proposed car port to avoid harm in terms of a loss of amenity.
- 7.21 No living accommodation or openings are proposed that could result in a loss of privacy for any neighbour. The proposal is considered to accord with the above Policies in terms of neighbour amenity.

## **8. Conclusion**

- 8.1 For the reasons set out in this report the proposed car port would represent a sympathetic addition to its context through appropriate design, positioning and choice of construction materials. The development would not cause harm to the historic significance of the

designated Conservation Area, the visual amenities of the locality, adjacent trees, highway safety or neighbour amenity, in accordance with Government guidance contained within The Framework, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policies C23 and C28 of the Cherwell Local Plan 1996.

## **9. Recommendation**

**Approve**, subject to conditions,

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, Drawing Numbers: P/16/103/001 and P/16/103/002

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

3. Prior to the commencement of the development hereby approved, samples of the slate and timber, including colour/finish, to be used in the construction of the walls and roof of the car port shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out fully in accordance with the samples so approved.

Reason – To ensure the satisfactory appearance of the completed development and to comply with saved Policy C28 of the Cherwell Local Plan, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, full details of the hardsurfacing, (including material, colouring and layout), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, the hardsurfacing shall be provided on site fully in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with saved Policy C28 of the Cherwell Local Plan, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

### **NOTES**

1. This permission shall not imply or be deemed to imply approval for details required in order to discharge conditions from application ref: 14/00067/F, the use of the car port as part of the independent self-contained dwelling, or the retention, or alteration, of the existing access or parking

area serving the site. The above matters will need to be considered as part of an application to discharge conditions, or to vary, or remove, relevant conditions.

2. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council's Environmental Protection Officer.

#### **STATEMENT OF ENGAGEMENT**

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

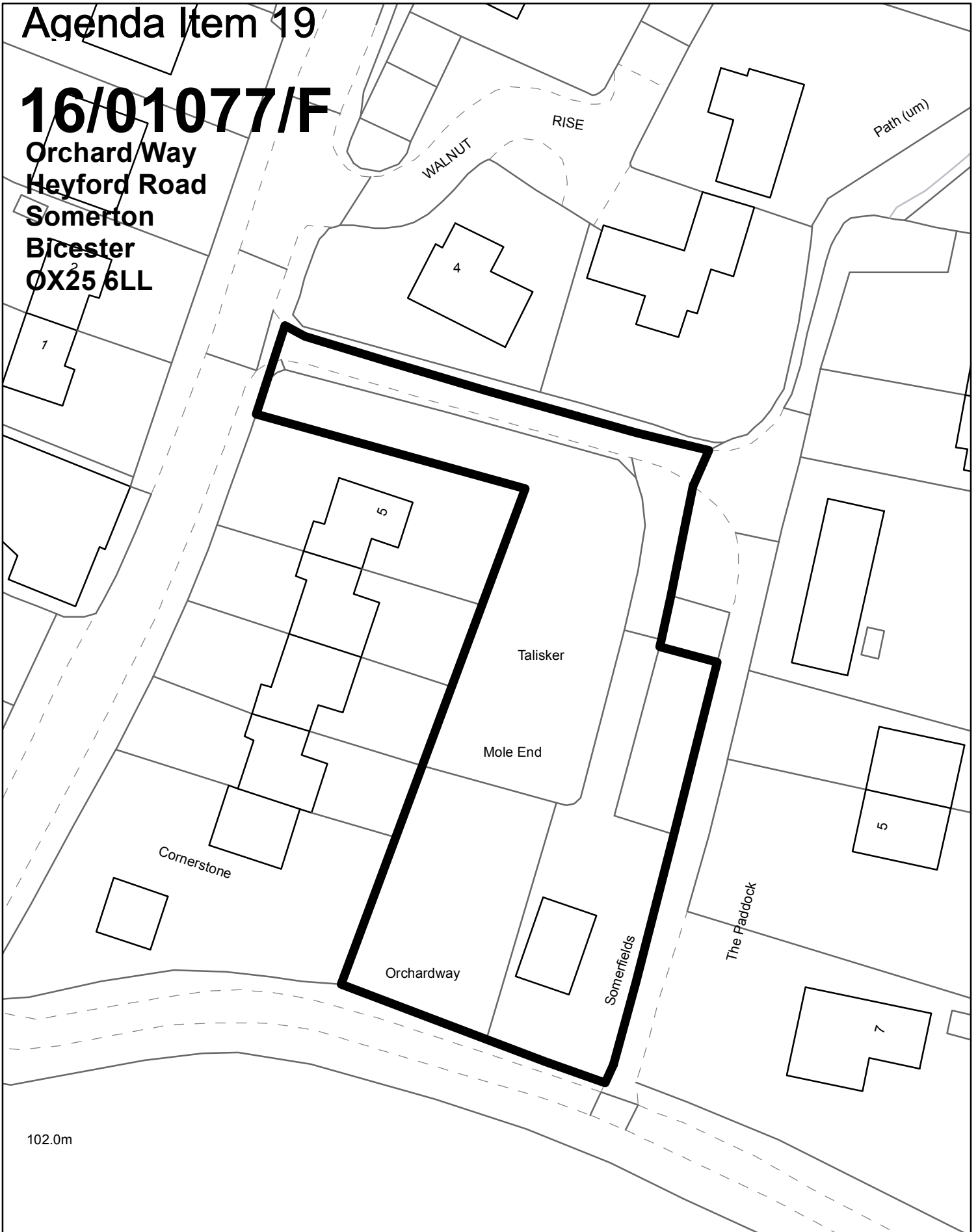
**CONTACT OFFICER:** Gemma Magnuson

**TELEPHONE NO:** 01295 221827

# Agenda Item 19

## 16/01077/F

Orchard Way  
Heyford Road  
Somerton  
Bicester  
OX25 6LL



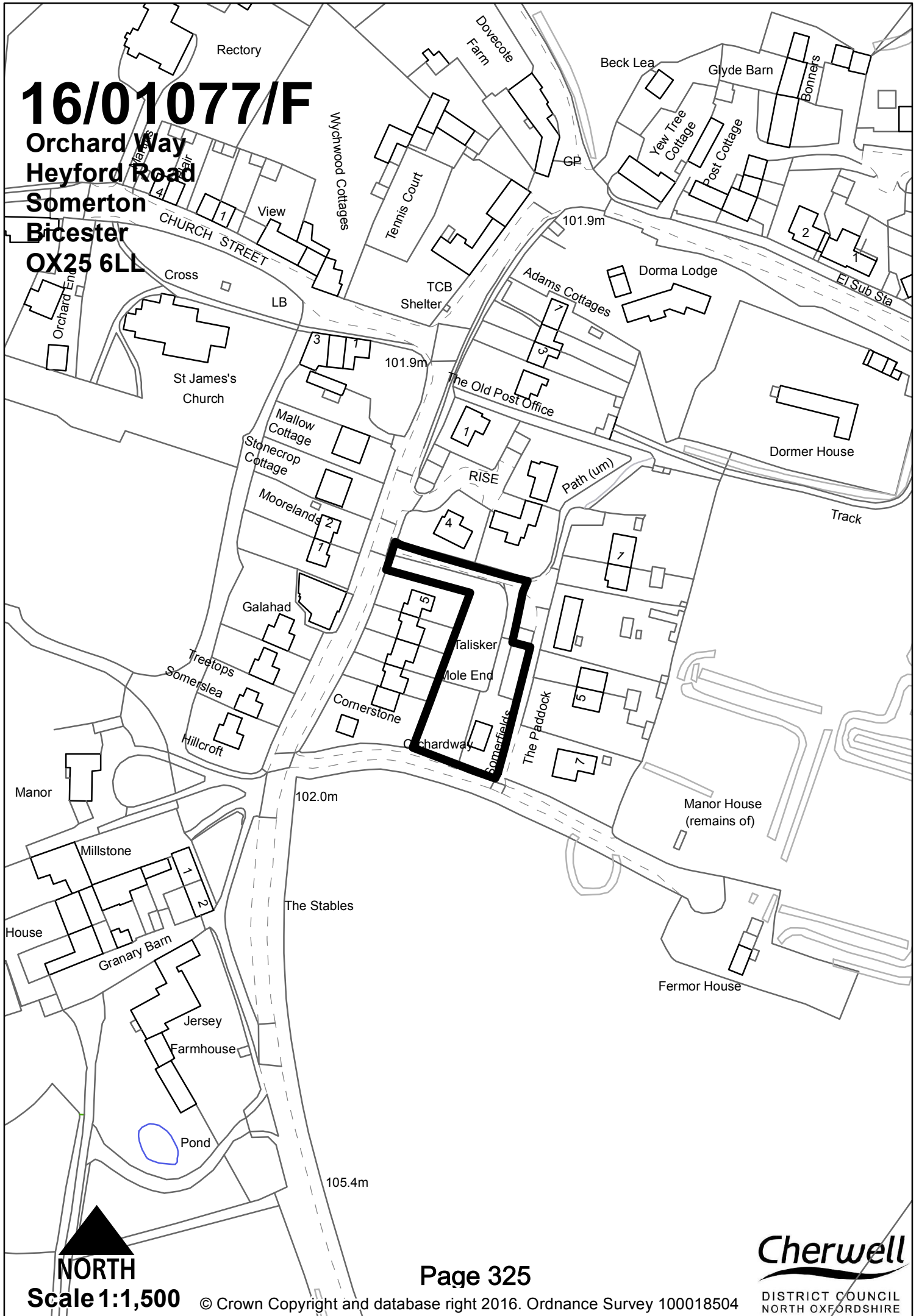
102.0m



**NORTH**  
**Scale 1:500**

# 16/01077/F

Orchard Way  
Heyford Road  
Somerton  
Bicester  
OX25 6LL



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE



**NORTH**

**Case Officer:** Gemma Magnuson      **Ward(s):** Deddington

**Applicant:** Cadmonkies

**Ward Member(s):** Cllr Bryn Williams  
Cllr Hugo Brown  
Cllr Mike Kerford-Byrnes

**Proposal:** Alterations to include extension and basement (revised scheme of 15/01895/F)

**Committee Date:** 04.08.2016      **Recommendation:** Approve

Referred to Planning Committee because previous applications have also been determined by the Committee

### 1. **Application Site and Locality**

- 1.1 Orchard Way is a detached one and a half storey building situated central to the village of Somerton. The building sits behind link-terraced properties that front onto Heyford Road, and to the front of properties along The Paddock; a shared access track taken from Heyford Road that is also a Public Footpath (ref: FP/349/10). The access to the site is within the Conservation Area, although the building itself is not in the Conservation Area. The building is not listed and the site does not form part of the setting of any listed buildings. The land may be contaminated by naturally occurring Arsenic. The site is of medium archaeological interest. The Common Swift and Brown Long-eared Bat, Protected and Notable Species, have been identified in close proximity to the site, and the Ardley Cutting and Quarry and Bestmoor SSSI's are within 2km.
- 1.2 The building was originally constructed as a detached double garage, then home office, serving Somerfields, a property fronting onto Heyford Road. The home office gained retrospective planning permission on 16 February 2007 under reference 06/02348/F that included the following condition:
- 1.3 The building hereby approved for conversion shall be used for purposes ancillary to the residential use of "Somerfields", and/or to conduct office activities related to the business of the applicant and his wife only, namely office uses that support the operation of an after school instruction academy operated elsewhere and for no other use whatsoever and no other persons shall be employed therein.
- 1.4 Planning permission for the independent use of the building as a self-contained dwelling was granted at Appeal on 12 June 2015 under reference 14/00067/F, subject to pre-commencement conditions that have not yet been discharged. The permitted development rights for extensions to the dwelling and the erection of outbuildings were also removed.
- 1.5 Officers are of the opinion that the use of the building as a self-contained dwelling is not authorised, although the relevant permission does not expire until 12 June 2018, and therefore could still be implemented. For the purposes of the consideration of this application,

both scenarios have been assessed; the extension and alteration of a detached home office to be used ancillary to Somerfields, and the extension and alteration of a self-contained dwelling.

## 2. Description of Proposed Development

- 2.2 The development would involve the erection of the single storey extension that recently gained planning permission following an Appeal against non-determination of application ref: 15/01895/F. In addition, a lean to style porch and basement accommodation is now proposed.

## 3. Relevant Planning History

- 3.1 96/01695/F – Two storey rear extension and extension of garden and new double garage – granted.

NB. The garage was not constructed in accordance with the approved plans.

- 3.2 99/01840/F – Erection of a double detached garage and change of use of adjoining land to form new access from garage to private access drive (Retrospective) – granted.

The application sought to regularise the works undertaken following approval of 96/01695/F. The application was approved subject to conditions, including condition 5 that removed the permitted development rights for new openings and condition 8 that required the garage to remain ancillary to Somerfields.

- 3.3 02/00497/F – Removal of Condition 8 on 99/01840/F to allow use of garage not in conjunction with or ancillary to 'Somerfields' – refused, on the following grounds:

In the absence of any further information regarding the future use of the garage independently of the property at "Somerfields" the proposed removal of Condition 8 of 99/01840/F would be likely to lead to additional traffic generation using a substandard access which would be detrimental to highway safety and which would have an adverse affect on the residential amenities of neighbouring residents contrary to Policies C31 and TR2 of the adopted Cherwell Local Plan.

The access serving this garage is substandard in vision and geometric terms. Traffic generated as a product of the proposal will result in a detriment to the safety of other road users.

No Appeal was submitted.

- 3.4 06/02348/F – Non-Compliance with condition 5 of 99/01840/F - To change the use from double garage to study, store and loft and insert windows and door (RETROSPECTIVE) with pitched roof over utility room – Granted

The application was approved subject to conditions, including condition 1 that restricted the use of the outbuilding as follows:

The building hereby approved for conversion shall be used for purposes ancillary to the residential use of "Somersfields", and/or to conduct office activities related to the business of the applicant and his wife only, namely office uses that support the operation of an after school instruction academy operated elsewhere and for no other use whatsoever and no other persons shall be employed therein.

3.5 10/01719/F – Detached garage/store/log hovel and drive with associated landscaping and external works – refused. No Appeal was submitted.

The application sought consent for a garage to be positioned forward of the building that is the subject of the current application. The application was refused on the following grounds:

The proposed garage/store and access route, by reason of siting, design, materials and scale will result in an unsympathetic and incongruous addition on an undeveloped and elevated important gap of land which forms part of the character of this loose knit settlement and further, the development would fail to preserve, enhance or better reveal the significance of the setting of the Somerton Conservation Area heritage asset as it would be visually prominent and intrusive along a public footpath route no. FP349/10. The development would therefore be contrary to policies BE1, BE6, CC6 of the South East Plan 2009, Policies C28 and C33 of the adopted Cherwell Local Plan and Government advice contained in PPS1 (Delivering Sustainable Development) and PPS5 (Planning for the Historic Environment).

The access from which it is proposed to serve the development is substandard in vision terms and movements generated as a product of the proposal will be of detriment to the safety and convenience of other road users, contrary to Policy T1 of the South East Plan and Government advice contained in PPG13 (Transport).

3.6 11/00448/F – Erection of detached garage, store, log hovel and drive with associated landscaping and external works - resubmission of 10/01719/F – refused. No Appeal was submitted.

The application sought to address the reasons for refusal of 10/01719/F through rotating the garage by 90 degrees, although still sitting to the front of the building that is the subject of the current application.

The application was refused on the following grounds:

The proposed garage/store and access route, by reason of siting, design, materials and scale will result in an unsympathetic and incongruous addition on an undeveloped and elevated important gap of land which forms part of the character of this loose knit settlement and further, the development would fail to preserve, enhance or better reveal the significance of the setting of the Somerton Conservation Area heritage asset as it would be visually prominent and intrusive along a public footpath route no. FP349/10. The development would therefore be contrary to policies BE1, BE6 and CC6 of the South East Plan 2009, Policies C28 and C33 of the adopted Cherwell Local Plan and Government advice contained in PPS1 (Delivering Sustainable Development) and PPS5 (Planning for the Historic Environment).



The access from which it is proposed to serve the development is substandard in vision terms and movements generated as a product of the proposal will be of detriment to the safety and convenience of other road users, contrary to Policy T1 of the South East Plan and Government advice contained in PPG13 (Transport).

3.7 11/01805/F – Erection of detached garage, store and log hovel – granted.

The application sought to address the reasons for refusal of 10/01719/F and 11/00448/F by positioning the garage adjacent to the building that is the subject of the current application. The application was approved. The Case Officer for the current application visited the site on 17 November 2015 and the base for the garage was in place.

3.8 13/00894/F – Extension to existing outbuilding and conversion to single dwelling house – refused. No appeal submitted.

The application sought consent to join the garage approved under reference 11/01805/F and the building that is the subject of the current application to form a self-contained dwelling. The application was refused on the following grounds:

Somerton is a Category 2 settlement as defined in the Adopted Cherwell Local Plan 1996. Within such settlements, new residential development is restricted to conversions, infilling and small-scale development which can be shown to secure significant environmental improvements. It is the opinion of the Local Planning Authority that the proposed development does not accord with these provisions as it will erode an established gap to the significant harm to the setting of the adjacent Somerton Conservation Area and to the established settlement pattern of the village. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework and saved policies H14, C23, C27, C28 and C33 of the adopted Cherwell Local Plan 1996.

The access from which it is proposed to serve the development is substandard in vision and geometric terms and movements generated as a product of this proposal will result in a detriment to the safety and convenience of other road users contrary to central Government guidance contained within the National Planning Policy Framework.

3.9 14/00067/F – Conversion of existing building into a self-contained dwelling with associated Highway Safety access improvement works (re-submission of 13/00894/F) – refused; allowed at appeal 12 June 15.

The application sought to change the use of the existing building to a self-contained dwelling, to include works to access in order to overcome the previous reasons for refusal on the grounds of highway safety. Officer's recommended that the application was approved, although this was overturned by Members at Planning Committee on 07 August 2014 and the application was refused on the following ground:

The proposed development of a new unit of accommodation in this backland location would erode the established settlement pattern of the village, and with the introduction of a domestic curtilage with all the paraphernalia associated with it, the character and setting of the Conservation Area and the character and amenity of the immediately surrounding area would

be detrimentally affected contrary to Policy C27 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

An Appeal was submitted and the proposal was subsequently approved on 12 June 2015 subject to conditions under reference: APP/C3105/W/15/3008323. Some conditions were pre-commencement and these have not yet been discharged. The permitted development rights for extensions and outbuildings were removed.

3.10 15/00005/DISC – Discharge of Condition 3 of 11/01805/F – granted.

The application related to the approved detached garage to the west of the building that is the subject of the current application. The application form confirmed that works had started on site on 01 December 2014.

The application was approved on 24 February 2015

3.11 15/01895/F - Alterations and erection of extension - Appeal allowed.

The application sought consent to extend and alter the building that was given planning permission at Appeal (ref: APP/C3105/W/15/3008323). Whilst Members resolved to refuse the application, a delay was experienced in issuing the decision and an Appeal against non-determination was subsequently submitted (ref: APP/C3105/W/16/3143988) including an Appeal for Costs against the Council, both of which were allowed on 09 May 2016.

The current application seeks to amend the development approved as part of 15/01895/F.

3.12 16/01078/F – Alterations and erection of car port – due to be considered by Members at the Planning Committee meeting on 04 August 2016.

4. **Response to Publicity**

- 4.1 The application has been publicised via neighbour letter, press notice and site notice. The final date for comment is 18 August 2016. No responses have been received at the time of writing.

5. **Response to Consultation**

- 5.1 Somerton Parish Council: no comments received at the time of writing.
- 5.2 Oxfordshire County Council Highway Authority: no comments received 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)

C23 – Retention of features contributing to character or appearance of a Conservation Area  
C28 - Layout, design and external appearance of new development  
C30 - Design of new residential development

**6.2 Other Material Planning Considerations:**

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

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

**7. Appraisal**

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

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

**Principle of Development**

7.2 The application seeks consent to extend an existing building that is used as a home office ancillary to Somerfields, and that also benefits from planning permission to be converted to a self-contained dwelling. In either case, Officers do not consider that there are any site constraints which should restrict the principle of the erection of an extension to a domestic building in this location.

**Design, Layout and Appearance**

7.3 Government guidance contained within the Framework attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 7.4 Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.
- 7.5 Saved Policies C28 and C30 of the Cherwell Local Plan 1996 seek to control new development to ensure that it is sympathetic to the character of its context, and that any proposal to extend an existing dwelling is compatible with the scale of the existing dwelling, its curtilage and the character of the streetscene.
- 7.6 The proposed extensions and basements would be single storey and would not represent disproportionate additions to the building. External construction materials are proposed to match those existing. Indeed the larger of the extensions already benefits from planning permission that was granted at Appeal where the Inspector commented as follows:
- 7.7 *The Council is concerned that further extension and expansion of the building would increase its prominence and would be harmful to the character and appearance of the adjacent Conservation Area. However, its siting to the rear of Somerfield, coupled with its modest size and scale, significantly restricts views of the proposed extension from the public realm. It would integrate well with the existing building and its impact on both its immediate surroundings and the nearby Conservation Area would be limited and insufficient to justify a refusal of planning permission.*
- 7.8 *While I acknowledge that the separation between the houses situated on Heyford Road and those situated in The Paddock adds to the overall character of the area, I do not regard the modest extension proposed would alter this in any material way or justify a refusal of planning permission.*
- 7.9 The proposed basement would be underground, with the only visible element being a central light well that would not protrude above ground level.
- 7.10 For these reasons officers consider that the extensions and basement would appear as subservient additions to the building, with a design and appearance that is sympathetic to their host.

### **Impact on Heritage Assets**

- 7.11 Government guidance contained within the Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.12 Officers consider that, due to the position of the extensions to the rear and side of the building, and beneath the ground, and given the presence of surrounding boundary treatments, the development would not result in any material harm to the setting of the Conservation Area.

### **Landscape and Visual Impact**

- 7.13 Policy ESD 13 of the adopted Cherwell Local Plan 2011-2031 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.

- 7.14 The proposed extensions would be positioned to the rear and side of the existing building. Due to site sitting at a lower level than the public footpath, the development would be largely screened from view of the public domain by the existing close boarded fence, although the roof of the rear extension and flue would be visible. Despite the visibility of the roof, Officers consider that the development would not appear overly prominent or detract from the visual amenities of the area.
- 7.15 The flue would exceed the height of the roof by 60cm, and would be positioned upon the least prominent western roof slope, along with the proposed rooflights. Given the proximity to the Conservation Area boundary, Officers consider it reasonable to impose a condition requiring the flue to be of matt black appearance. Subject to this condition, it is considered that these elements of the proposal would not cause any material harm to the amenities of the area.

### **Trees and Landscaping**

- 7.16 The southern (rear) boundary of the site is currently marked by a hedgerow and some trees, both within and beyond the site. Condition 5 of approved application 11/01805/F relating to the detached garage to the west requires the hedgerow and trees to be maintained at a height not less than 4 metres, and that any hedgerow or tree that should die within 5 years of completion of development be replaced and maintained in accordance with the condition. The reason for the imposition of this condition was in the interests of visual amenity and to provide an effective screen of the development.
- 7.17 An area of earth would need to be removed in order to construct the rear extension as the hedgerow and trees sit at a higher level than the existing building. As part of the recent Appeal decision at this site the Inspector commented as following with regard to the trees:
- 7.18 *I note the Council's concerns regarding the impact of the proposed development on the trees along the site boundary. While I acknowledge that they make a positive contribution to the visual amenities of the site and its surroundings, I am satisfied that any harm likely to arise can be adequately guarded against by the imposition of a condition requiring the submission of an arboricultural survey and method statement such as that suggested by the Council.*
- 7.19 Officers consider this to continue to be applicable to the scheme and conditions have been recommended accordingly.

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

- 7.20 Government guidance contained within the Framework seeks developments that are located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. Due to the proposed location of the basement and light well the proposed parking area has been relocated closer to the entrance to the curtilage where an application for a car port is currently being considered (ref: 16/01077/F). The proposed development would not, however, result in a reduction of off-street parking within the site. The local highway authority has not provided comments on the scheme at the time of writing.

### **Effect on Neighbouring Amenity**

- 7.21 Government guidance contained within the Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 that states that development should consider the amenity of both existing and future development, including matters of

privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Saved Policy C30 of the Cherwell Local Plan 1996 seeks standards of amenity and privacy acceptable to the LPA.

- 7.22 Officers consider that the extensions are a sufficient distance from all neighbouring properties in order to avoid any harm in terms of a loss of amenity. Two rooflights are proposed, although as the mezzanine floor would be removed these would be high level and no outlook would be obtained. Further, the openings are over 22 metres from the rear elevations of dwellings fronting onto Heyford Road. Officers do not consider that the development would result in an undue or demonstrably harmful loss of privacy.

## Conclusion

- 7.23 For the reasons set out in this report the principle of the proposed extensions, basement and alterations of the building in this location is considered acceptable. The development would not materially harm the setting of the Somerton Conservation Area, the visual amenities of the locality, highway safety or the amenity and privacy currently enjoyed by neighbouring properties, and thus accords with Government guidance contained within The Framework, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policies C28 and C30 of the Cherwell Local Plan 1996.

## 9. Recommendation

### Approve, subject to conditions:

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, Drawing No's: P/16/103/001 and P/16/103/002

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

3. The natural stone to be used on the walls of the extension shall be of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within The Framework.

4. The slate to be used for the roof of the extension hereby approved shall match in terms of colour, type and texture those used on the existing building.

Reason – To ensure the satisfactory appearance of the completed development and to

comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within The Framework.

5. The flue shall be painted black with a matt finish.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within The Framework.

6. Prior to the commencement of the development and notwithstanding the submitted details, an arboricultural survey, undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of identifying and retaining important trees on the site in accordance with saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

8. The existing hedgerow/trees along the southern boundary of the site shall be retained and properly maintained at a height of not less than 4 metres. Any hedgerow/trees which dies within five years from the completion of the development shall be replaced and thereafter properly maintained in accordance with this condition.

Reason – In the interests of the visual amenities of the area and to comply with Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within The Framework.

9. Prior to the commencement of the development hereby approved, full details of the hardsurfacing, (including material, colouring and layout), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, the hardsurfacing shall be provided on site in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with saved Policy C28 of the Cherwell Local Plan, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

## **NOTES**

1. This permission shall not imply or be deemed to imply approval for details required in order to discharge conditions from application ref: 14/00067/F, the use of the extensions and basement as part of an independent self-contained dwelling, or the retention, or alteration, of the existing access or parking area serving the site. The above matters will need to be considered as part of an application to discharge conditions, or to vary, or remove, relevant conditions.
2. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council's Environmental Protection Officer.

## **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) 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 an amendment to the development description was accepted.

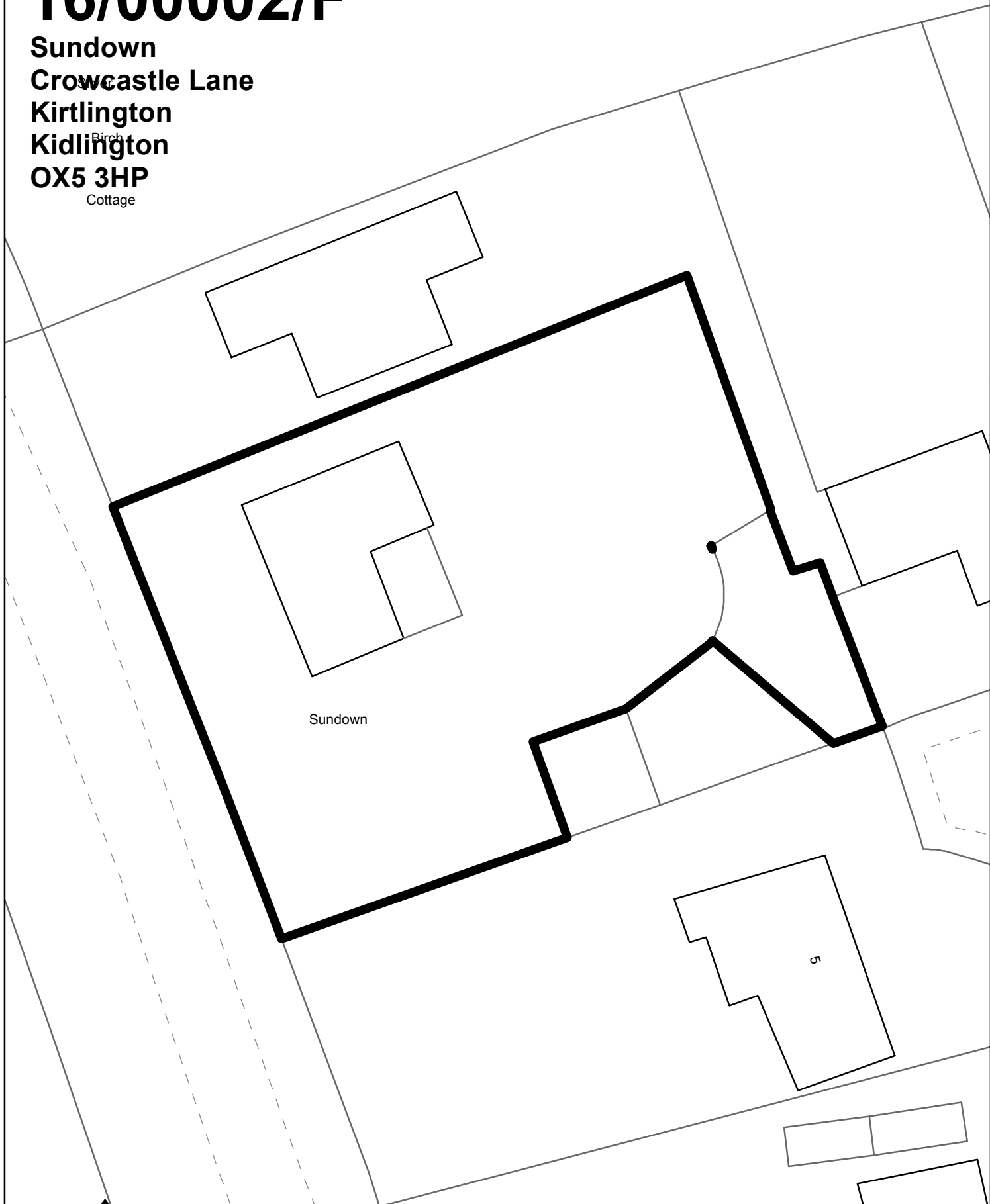
**CONTACT OFFICER:** Gemma Magnuson

**TELEPHONE NO:** 01295 221827



# 16/00002/F

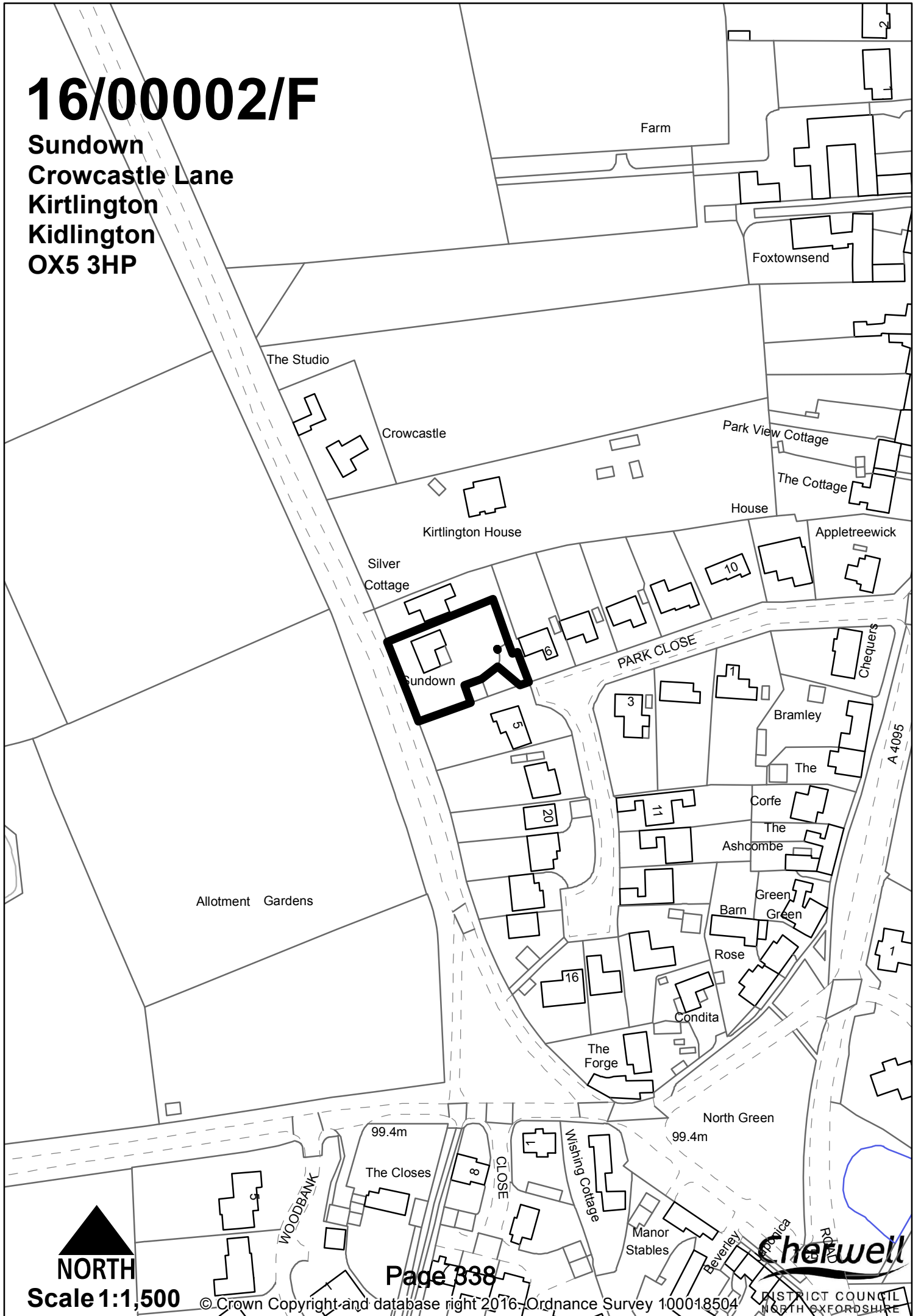
Sundown  
Crowcastle Lane  
Kirtlington  
Kidlington  
OX5 3HP  
Cottage



**NORTH**  
**Scale 1:300**

# 16/00002/F

Sundown  
Crowcastle Lane  
Kirtlington  
Kidlington  
OX5 3HP



Allotment Gardens

Farm

Foxtownsend

The Studio

Crowcastle

Park View Cottage

The Cottage

House

Kirtlington House

Appletreewick

Silver Cottage

Sundown

PARK CLOSE

Chequers

A 4095

Bramley

The

Corfe

The

Ashcombe

Green

Barn

Rose

Condita

The Forge

North Green

99.4m

99.4m

The Closes

CLOSE

Wishing Cottage

Manor Stables

Beverley

**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE



Scale 1:1,500

**Case Officer:** Victoria Barrett                      **Recommendation:** Refuse

**Applicant:** Mr & Mrs N & D Perry

**Proposal:** Alterations and two storey extension to form enlarged dwellinghouse

**Ward:** Fringford & Heyfords

**District Councillors:** Cllr Ian Corkin, Cllr James Macnamara, Cllr Barry Wood

**Report type:** Delegated

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## 1. Application Site & Proposed Development

- 1.1 The application site is located at the western edge of the built up limit of Kirtlington. The site is bound by neighbours at the north, east and south, with Crowcastle Lane to the west. It has two forms of access, one from Crowcastle Lane (understood to be the access predominantly used by the applicants) and the other from Park Close. There are records of protected species in the vicinity and a Public Right of Way passes the site. There is a silver birch within the site to the front of the dwelling, along with two other smaller trees, and a willow and two other smaller trees (a holly and a conifer) in the rear garden.
- 1.2 The application seeks planning permission for alterations and a two storey extension to form an enlarged dwellinghouse. The proposal uses the majority of the external walls of the existing dwelling, which would be clad at ground floor level in natural Cotswold stone, as well as some of the internal walls. One existing opening to the front elevation and one existing opening to the rear elevation would be retained; others would be altered. The proposal is to remove the existing roof structure and add a second storey to the dwelling, along with a two-storey side extension (5.7m width) and a single storey rear extension (squaring off the rear of the dwelling, with a depth ranging from 4.0m to approx. 7.0m).

## 2. Background

- 1.3 The application was validated in January; the plans were then assessed in more detail by the case officer and considered to represent the erection of replacement dwelling; the application was subsequently made invalid. A non-validation appeal was then lodged by the applicant. The Council then decided it should validate the application, and subsequently the appeal was converted to a non-determination appeal.
- 1.4 Planning Committee would therefore need to agree a resolution rather than make a determination. The decision which the Committee resolves it would have made will then be forwarded to the Planning Inspector.
- 1.5 Within the application submission a fall-back position has been presented with regard to what may be erected under the property's permitted development rights. However, the application to which this fall back position relates (16/00652/CLUP) has been refused. Therefore that fall-back position does not exist.

## 3. Relevant Planning History

04/01556/OUT - Erection of 1 No. chalet bungalow – PER  
05/01017/F - Erection of detached garage/carport (as amended by additional information received 02/11/05) - PER  
07/00614/OUT - Outline - Erection of 1 no. three bedroom chalet bungalow - NPW  
07/02598/F - 1 no. three bedroom chalet bungalow (as amended by plans received 25/01/08) - PER  
16/00652/CLUP - Certificate of Lawfulness of Proposed Development for erection of a single storey side and two storey rear extension and roof alterations - REF

#### 4. **Publicity**

The application was publicised by way of neighbour notification letters (x3), a publication in the Bicester Advertiser on 9.06.16 and a notice displayed near to the site. The final date for comment was 30.06.16; one third party comment was received and is summarised below.

- Effect of the proposal on the neighbours sunlight, privacy and amenity
- The height and flat façade will affect the sunlight
- The balcony would affect privacy
- The fall back would have far less impact

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

Parish/ Town Council:

**Kidlington Parish Council** – objects to the application for the following reasons:

1. The Parish Council supports the comments submitted by Mr Hugh Crisp on behalf of the Crisp family on 8<sup>th</sup> February. It is considered that any development over and above that allowed in line with permitted development rights would, given the proximity of Silver Birch Cottage, be an over development of the site.
2. Mr Crisp has not objected to the modernist aesthetic of the proposals. There is some concern in the Parish Council about the modern style, but more particularly in this regard there is concern about the impact of the style and scale in relation to Mill Lane and the existing properties. The existing houses at this part of the settlement edge here are all on a small scale, and stylistically are in keeping with each other.
3. Public views and mutual privacy / amenity – the views from Mill Lane should be afforded greater consideration, given the importance of this lane as part of the Oxfordshire Way.

The Parish Council would also like to think that the amenity of users of the nearby allotments should be considered – the allotments will be overlooked from the first floor of Sundown in a way which may not be entirely welcome. The reverse may also be true – allotment users may have views into the first floor windows (day-time living accommodation) in a way which has not been entirely anticipated.

4. The Parish Council would still be interested to see the original footprint of the existing property overlaid on the proposals, in order to be able to assess whether there would be any adverse impact on the trees from deeper foundations (needed to support two storeys as opposed to one), as the silver birch to the west and the willow to the east do not benefit from TPO's.

Cherwell District Council:

**Design** – No comments received

**Ecology** – No comments received

Oxfordshire County Council:

**Local Highway Authority** – no objections subject to conditions

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

### **Development Plan Policies**

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

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

ESD15 - The Character of the Built and Historic Environment

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

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

### **Other Material Planning Considerations**

National Planning Policy Framework (The Framework)

Planning Practice Guidance (NPPG)

## **7. Appraisal**

Having regard to its siting and to the size of the plot, the current proposals would have little or no impact on local highway safety. Therefore, the key issues for consideration in this case are the proposal’s impact on the character and appearance of the area, and the living conditions of neighbouring residents.

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

- 6.1 The existing dwelling (Sundown) has a single storey, with an eaves height of 2.6m, ridge height of 5.4m, and is of simple form with a 30 degree roof pitch, left to right roof ridge, three chimneys, and central front door with rooms to either side. The resultant dwelling would have a height of approx. 5.8m, exceeding the overall height of the existing bungalow by approx. 0.4m.
- 6.2 The proposal would result in a flat-roofed, two-storey dwelling, of modernist form and design ethos.
- 6.3 Sundown is the fifth on the northern approach to the village. Three of the other four are single storey dwellings, while Crowcastle is a traditional, thatched dwelling with

a single storey eaves and first floor rooms served by eye brow dormers in the roof. The next two dwellings to the south of the site are single storey. Beyond those there are four, two storey dwellings (starting with 20 Park Close). The next four dwellings immediately to the east of the site are also single storey, followed by a two storey dwelling (10 Park Close).

- 6.4 Dwellings are detached, set in reasonably spacious plots amongst trees of various sizes. The west side of Crowcastle Lane finds the village's allotments, which means this side of the road remains predominantly open.
- 6.5 The character of this northern entrance to the village is therefore formed by single storey dwellings.
- 6.6 Other than the thatched dwelling Crowcastle and the Studio immediately to its north, Sundown is the one which is sited closest to the road and along with its immediate neighbour (Silver Birch Cottage) is relatively visually prominent. Three of the four, two storey dwellings to the south are set further away from the road than the application dwelling. The fourth two-storey dwelling is at a distance of over 40 metres from Sundown.
- 6.7 Against this context, the proposals would have a very significant visual impact and result in a highly conspicuous, two-storey dwelling, the scale of which would be at odds with the pattern of development on this northern approach into the village. The proposal's stark, modernist form would serve to draw attention to the dwelling and exacerbate this impact.
- 6.8 Overall, by reason of its scale, form and siting, the current proposals are considered to result in significant and demonstrable harm to the character and appearance of the local area, and to be in conflict with saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, along with chapter 7 of the Framework on design, in particular paragraphs 57, 58 and 61.
- 6.9 It is important to note, however, that the proposal's modernist form is considered not, by itself, to be a sound reason for refusing this application. Paragraph 60 of the Framework is clear that planning decisions should not attempt to impose architectural styles or particular tastes. Rather, the issue here is the two-storey nature of the proposal in this particular position close to the plot's road frontage, the impact of which is exacerbated by the modernist form. In addition, the proposed externally facing materials do not form part of officers' concerns; in particular the use of locally sourced natural stone would be a positive attribute of the proposals, though it would not satisfactorily mitigate the identified harm.

#### Impact on residential amenity

- 6.10 By reason of its siting it would not materially affect neighbours to the east or south, or users of the allotment. The one neighbour discernibly affected by the current proposal is Silver Birch Cottage to the north. However, the proposal would comply with the 45 degree rule with regard to the neighbour's nearest windows, would not adversely affect the neighbour through loss of outlook or privacy (no northern facing first floor windows are proposed) and is considered not to cause undue loss of light. The proposal is therefore considered to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 in this regard, although this lack of harm to residential amenity does not outweigh the harm to visual amenity identified above.

#### Looking for solutions

6.10 Consideration has been given to potential solutions. If the dwelling currently proposed was set significantly further eastward and southward into the site it would not have the same impact on the visual amenity of the locality. This alternative siting would have more impact on the amenities of Nos. 5 and 6. However, No. 5 is set to the south and would not be affected by light. The dwelling could be sited so as to avoid significant impact to that neighbour's outlook while also mitigating the current proposal's demonstrably harmful visual impact. The dwelling could also be sited further eastward without causing undue harm to No. 6 through overbearing development or loss of privacy, though care would need to be taken with placement of openings.

## **8. Conclusion**

8.1 The current proposal would not adversely affect the amenities of neighbouring residents or allotments users or local highway safety. However, by reason of its scale, form and siting, the proposal would cause significant and demonstrable harm to the character and appearance of the area, and therefore fails to accord with saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, along with chapter 7 of the Framework on design, in particular paragraphs 57, 58 and 61.

**9. Recommendation – that Planning Committee resolves that had the application been before them for determination they would have refused the planning application for the following reason:**

**By reason of its scale, form and siting, the proposed development would result in significant and demonstrable harm to the character and appearance of the area, and therefore fails to accord with saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, along with chapter 7 of the National Planning Policy Framework on design, in particular paragraphs 57, 58 and 61.**

Case Officer: Nathanael Stock

DATED: 25 July 2016

# Agenda Item 21

## Cherwell District Council

### Planning Committee

4 August 2016

<b>Appeals Progress Report</b>
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### Report of Head of Development Management

This report is public

#### Purpose of report

This report aims to keep members informed upon applications which 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 **15/00304/EUNDEV Field Farm, Stratton Audley Road, Stoke Lyne.** Appeal by Mr Jones against the serving of an enforcement notice in connection with a Mobile Home and Decking.

**15/02146/F 31 Crouch Hill Road, Banbury, OX16 9RG.** Appeal by Mr Kent-Baguley against the refusal of planning permission for alterations and erection of one semi-detached dwelling.

**15/02316/OUT OS Parcel 0070 adjacent and North of A41, London Road, Bicester.** Appeal by Mr Reid against the non-determination of a proposal for outline planning permission for proposed development of up to 69,677sqm (750,000 sq feet) of logistics floorspace, within Class B8 of the Town and Country Planning use classes order of 1987, with ancillary Class B1(A) Offices, together with associated site infrastructure including lorry parking, landscaping and sustainable drainage with details of means of access included for approval.



**16/00018/EUNDEV OS Parcel 4400 South of Manor Farm House and East of North Aston Hall Farm, Somerton Road, North Aston, OX25 6HY.** Appeal by Mrs Durnham against the serving of an enforcement notice in connection with a static caravan being permanently lived in.

**16/00030/ELISTD Ground Floor, 1-2 St Johns Place, South Bar Street, Banbury.** Appeal by Mr Ali and Mr Ali Sadiq against the serving of an enforcement notice in connection with unauthorised works to a listed building.

**16/00366/REM The Green Barn, Stoke Lyne Road, Stratton Audley, Bicester.** Appeal by Mr O'Neill against the refusal of reserved matters on application 15/00640/OUT, with regards to layout, scale, appearance and access.

**16/00401/F + 16/00402/LB St Johns Place, South Bar Street, Banbury.** Appeals by Mr Ali and Mr Ali Sadiq against the refusal of planning and listed building consent for the erection of existing single storey rear extension including cladding and removal of window (existing and unauthorised).

**16/00615/F – 37 Dashwood Rise, Duns Tew, OX25 6JQ.** Appeal by Mr Tolputt against the refusal of planning permission for the erection of a greenhouse to the principal elevation (retrospective).

**16/00719/F + 16/00720/LB Tythe Barn, Goose Walk, Church Street, Bloxham, OX15 4JD.** Appeals by Mr Tibbetts against the refusal of planning and listed building consent for conversion of dovecote to library.

2.2 Forthcoming Public Inquires and Hearings between 4<sup>th</sup> August 2016 and 1<sup>st</sup> September

None.

## 2.3 Results

Inspectors appointed by the Secretary of State have:

**1) Dismissed the appeal by Mr Miller against the refusal of planning permission for outline erection of 2 bed house with garage. Land to the of 21 to 23 Parks Close and adjacent to Church Lane, Yarnton. 15/01359/OUT (Delegated)**

The Inspector concluded that the main issues in the appeal were:

- Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework 2012 (the Framework).
- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the open countryside;
- The effect of the proposal on non-designated archaeological remains; and
- If the proposal is inappropriate development, whether the harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

The Inspector concluded that the proposed development would not conform to any of the specified exceptions in Paragraph 89 of the Framework in relation to development in the Green Belt as it was considered that the site was outside the village. On the particular matter of the definition of “limited infilling”, whilst the Inspector noted that this is not defined in the Framework, he nevertheless indicated that the definition of infilling used in the Local Plan could be used as the Local Plan had only recently been found sound “in relation to, amongst other things, consistency with the Framework”. Thus, the Inspector went on to state that the proposal would amount to inappropriate development in the Oxford Green Belt. The Inspector also stated that the proposal would lead to a loss of openness.

The Inspector noted that the proposal would detract from the rural character and quality of the immediate location, because of the site’s prominent location on an approach to the village of Yarnton which forms an important visual transition between the built-up core of the village and the sporadic, open countryside development to the south of the site. The Inspector concluded that the proposal would cause significant harm to the character and appearance of the open countryside.

The Inspector was of the opinion that a suitably worded condition mitigating any potential harm to the non-designated archaeological remains could be imposed and that this would satisfy the tests set out in Paragraph 206 of the Framework.

The Inspector concluded that the considerations put forward by the appellant did not clearly outweigh the harm to the Green Belt that would be caused by the proposed development and that there were, therefore, no very special circumstances to justify the inappropriate development. Thus, the Inspector concluded that the proposal would be contrary to Government guidance contained within the Framework and Policy ESD 14 of the Cherwell Local (2011-2031) Plan Part 1.

**2) Dismissed the appeal by First Industrial against the refusal of planning permission for Installation of a Peak Power Generation Plant and associated development. Land North Of Office Building at Former Northern Aluminium Co Ltd, Southam Road, Banbury. 15/01685/F (Delegated).**

The Inspector concluded that given the proximity and extent of the fencing that would be required to screen the proposed plant it is clear that it would lead to an over-dominant structure that would significantly erode the primary visual relationship that defines the setting of this heritage asset (the listed office building gates and war memorial), i.e. the visual juxtaposition of the gates, gate house and office building.

Moreover, as the proposal would block the access road between the gates and the office building it would also destroy the functional relationship between these structures. Whilst the Inspector acknowledges that the appellant is seeking a temporary installation, 25 years is nevertheless a significant period of time over which the predicted changes to energy supplies may not occur thus requiring the on-going use of this facility. Once established, even with a temporary permission, the granting of a further permission would be hard to resist under such circumstances. The Inspector also notes and gives weight to the fact that the proposal would lead to the need to form a secondary access point in the event

that a viable use is found for the office building and that this would further undermine the historical relationship of these structures.

The applicants failed to make a convincing argument for the importance of the generators so as to outweigh this heritage interest and therefore the appeal was dismissed.

**3) Dismissed the appeal by Mr and Mrs Collisson against the refusal of planning permission for the erection of six dwellings and garages and associated works (Resubmission of 15/01483/F). Land to the Rear of Home Farm Close, Ambrosden. 15/02247/F (Delegated)**

The Inspector concluded that the main issue in the appeal was the effect on the character and appearance of the area.

The Inspector noted that because the appeal proposal was for six dwellings outside the built up limits of Ambrosden, Policy Villages 2 of the Cherwell Local Plan (2011-2031) Part 1 was of little relevance, as this policy concerns sites which are for 10 or more dwellings. It had already been agreed by the parties that the proposal was in conflict with Policy Villages 1. The Inspector noted that the Council being able demonstrate a five year supply of deliverable housing sites did not weigh in favour of the proposal. The Inspector stated that one of the core principles of the Framework is the presumption in favour of sustainable development and for decision taking, this means approving development that accords with the development plan. The Inspector went on to state that there is clear conflict with the up-to-date development plan in this case.

The Inspector was of the opinion that the development would have a significant urbanising effect and would erode the rural nature of the area to the detriment of the character and appearance of the area. The Inspector highlighted that one of the proposed plots on the site (Plot 5), would be prominent at the access to the site and stated that the side elevation of this plot, with its garage and its boundary treatment, would appear as an inactive frontage and would not relate well to the surrounding development.

Thus, the Inspector concluded that the appeal should be dismissed as the dwellings would lead to unacceptable harm to the character and appearance of the area, contrary to Policies ESD13, ESD15 and Policy Villages 1 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies H18 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the Framework.

### **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	
<b>Report Author</b>	Tom Plant, Appeals Administrator, Development Directorate
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