

# Public Document Pack



**Committee:** Planning Committee  
**Date:** Thursday 1 September 2016  
**Time:** 4.00 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 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 - 50)

To confirm as a correct record the Minutes of the meeting of the Committee held on 4 August 2016.

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

To receive communications from the Chairman.

## **Planning Applications**

7. **OS Parcel 0070 Adj And North Of A41 London Road Bicester** (Pages 53 - 101)  
**16/00861/HYB**
8. **The Barnhouse, Mollington Road, Claydon** (Pages 102 - 109) **16/00877/F**
9. **Bacon Farm, Whichford Road, Hook Norton** (Pages 110 - 119) **16/01028/F**
10. **Land adj to Unit 1D, Lockheed Close, Banbury** (Pages 120 - 132) **16/01060/F**

## **Review and Monitoring Reports**

11. **Heritage Partnership Agreement (HPA) - RAF Bicester** (Pages 133 - 136)

Report of Head of Development Management

### **Purpose of Report**

The present the HPA for the agreement of Planning Committee

### **Recommendations**

The meeting is recommended:

- (1) To recommend that the Executive approve the HPA

## 12. **Appeals Progress Report** (Pages 137 - 145)

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 Lesley Farrell, Democratic and Elections  
lesley.farrell@cherwellandsouthnorthants.gov.uk, 01295 221591

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

Published on Tuesday 23 August 2016

# Agenda Item 5

## Cherwell District Council

### Planning Committee

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

Present: Councillor James Macnamara (Vice-Chairman, in the Chair)

Councillor Andrew Beere  
Councillor Colin Clarke  
Councillor Chris Heath  
Councillor Alastair Milne-Home  
Councillor Mike Kerford-Byrnes  
Councillor Alan MacKenzie-Wintle  
Councillor D M Pickford  
Councillor Lynn Pratt  
Councillor Nigel Randall  
Councillor G A Reynolds  
Councillor Les Sibley

Substitute Members: Councillor Barry Wood (In place of Councillor Richard Mould)  
Councillor Sean Woodcock (In place of Councillor Barry Richards)

Apologies for absence: Councillor David Hughes  
Councillor Hannah Banfield  
Councillor Richard Mould  
Councillor Barry Richards  
Councillor Nigel Simpson  
Councillor Nicholas Turner

Officers: Jon Westerman, Development Services Manager  
Bob Duxbury, Team Leader (Majors)  
Matt Parry, Principal Planning Officer  
Andrew Lewis, Principal Planning Officer  
Matthew Coyne, Planning Officer  
Michelle Jarvis, Principal Planning Officer  
Paul Watson, Planning Officer  
Preet Barard, Solicitor  
Amy Jones, Legal Assistant  
Natasha Clark, Interim Democratic and Elections Manager  
Aaron Hetherington, Democratic and Elections Officer

## **Declarations of Interest**

Members declared interests in the following agenda items:

### **7. OS Parcel 7400 Adjoining And South Of Salt 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 Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor James Macnamara, Declaration, as a member of the Diocesan Board of Finance and Gleben Building Committee who have ownership of part of the land within Banbury 17 South Salt Way and would leave the meeting for the duration of the item.

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

### **8. OS Parcels 6741 And 5426 West Of Cricket Field North Of Wykham Lane, Bodicote, Oxfordshire.**

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

Councillor James Macnamara, Declaration, as a member of the Diocesan Board of Finance and Gleben Building Committee who have ownership of part of the land within Banbury 17 South Salt Way and would leave the meeting for the duration of the item.

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

### **14. Cherwell District Council, Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA.**

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

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

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

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

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

**16. James David Smith, 19 Thorpe Place, Banbury, OX16 4XH.**

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

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

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

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

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

45 **Requests to Address the Meeting**

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

46 **Urgent Business**

There were no items of urgent business.

47 **Minutes**

The Minutes of the meeting held on 7 July 2016 were agreed as a correct record and signed by the Chairman.

48 **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. Due to the earlier start time of the meeting, a comfort break would be taken at an appropriate time around 4pm.

(Having declared an interest in the subsequent two agenda items, Councillor James Macnamara left the meeting at the conclusion of this item, whereupon Councillor Colin Clarke took the Chair)

49

### **OS Parcel 7400 Adjoining And South Of Salt Way, Banbury**

The Committee considered application 14/01932/OUT, an outline application 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 with all matters reserved except for access at Banbury 17 at OS Parcel 7400 Adjoining and South of Salt Way, Banbury for Gallagher Estates.

The application was one of two applications submitted contemporaneously on this allocated site, the other being application reference 15/01326/OUT which was also on the agenda for determination.

Peter Monk, a local resident, addressed the Committee in objection to the application.

Fran Robinson, agent for the applicant, addressed the Committee in support of the application.

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

### **Resolved**

(1) That the Secretary of State be informed that the Council proposes to grant planning permission for application 14/01932/OUT subject to:

- i. The satisfactory completion of a legal agreement with both Cherwell District Council and Oxfordshire County Council to secure the items listed below:

#### *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

ii. The imposition of the following 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.

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.
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.
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.
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.

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;
- 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 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.

- 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.

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.
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.
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.
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.
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.
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.

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.
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.
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.
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.
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.

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.
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.
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:

- 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.

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.

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.
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.
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.
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).
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.



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.
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.
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.
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.
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.
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.
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

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.
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.
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.
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.
39. No more than 1000 dwellings shall be accommodated on the site under the provisions of this planning permission.
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.
41. No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 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.
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.

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

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.
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.
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.
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.

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.
  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).
  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.
  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.
  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.
- iii. 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/amended planning conditions/planning obligations; and/or, Securing an appropriate legal mechanism by which the means to deliver the completed spine road can be ensured prior to the occupation of a substantial amount of development on the Banbury 17 site.
- (2) It was further resolved, that in the event that the application is not called-in by the Secretary of State, authority be delegated to the Head of Development Management to issue the notice of planning permission subject to accordance with points i – iii in resolution (1) above.
  - (3) That authority be delegated 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 Secretary of State was informed of the Council's proposed decision.

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

The Committee considered application 15/01326/OUT, an outline application for 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 with all matters reserved except for access at OS Parcels 6741 And 5426 West Of Cricket Field North Of Wykham Lane, Bodicote, Oxfordshire for Gladman Developments.

The application was one of two applications submitted contemporaneously on this allocated site, the other being application reference 14/01932/OUT which was also on the agenda for determination.

Zzazz Foreman, on behalf of Bodicote Parish Council, addressed the Committee in objection to the application.

Chris Still, agent for the applicant, addressed the Committee in support of the decision.

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

**Resolved**

That 15/01326/OUT be approved, subject to:

- i. Satisfactory completion of a legal agreement to secure the items set out in paragraph 6.79 of the report;

*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.

ii. Imposition of the following 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.
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.

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.
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.
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.

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.



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.
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).
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.
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.
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.
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.
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.
  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.
  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.
  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.
  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.
  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.
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.
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.
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:
- 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.
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.
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.
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.
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.
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.
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.
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.
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.
  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.
  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.
  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.
  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.
  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.
  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.

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.
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.
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.
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
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.
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.
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.
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.
  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.
  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.
  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.
  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).
  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.

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

51. No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 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.
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.
53. No building on the site shall have a maximum height greater than 8.5m.
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.
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.

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



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.
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).
- iii. Imposition of a ceiling on the amount of development that can take place on the Banbury 17 site through use of additional/amended planning conditions/planning obligations; and/or Securing an appropriate legal mechanism by which the means to deliver the completed spine road can be ensured prior to the occupation of a substantial amount of development on the Banbury 17 site.
- iv. Delegation of authority 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.

51

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

The Committee considered application 15/01446/F for a change of use for an extension to a mobile home park onto adjoining caravan site (Heyford Leys Camping Park) at Camping Site, Heyford Leys Farm, Heyford Leys, Upper Heyford, Bicester, OX25 5LU for Mr Liberty Durant.

Rachel Whaley, agent for the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Wood that the application be approved subject to appropriate conditions (exact wording delegated to officers) that the application be approved against the officer recommendation. Councillor Pickford seconded the proposal.

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

**Resolved**

That application 15/01446/F be approved, subject to:

- i. The applicants first entering into a legal agreement to secure financial contributions towards provision of off-site infrastructure

- ii. The following conditions
  1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
  2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Planning Statement, Phase 1 Environmental Assessment, Aboricultural Report, Ecological Survey, Transport Assessment, Flooding and Drainage Assessment and drawings numbered:
    - Site Plan received 14 June 2015
    - Site layout-proposed-2015-06- 501 B received 20 October 2015
    - The Cardigan Park Home
  3. 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.
  4. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
  5. 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.
  6. 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.
  7. Prior to the commencement of the development hereby approved, a plan showing car parking provision for visitor's vehicles to be accommodated within 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 parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

8. 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.
  
9. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
  - Discharge Rates.
  - Discharge Volumes.
  - Maintenance and management of SUDS features, to include a maintenance and management plan for the lifetime of the development which shall include the arrangements for adoption by a statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
  - Sizing of features - attenuation volume.
  - Infiltration in accordance with BRE365.
  - Detailed drainage layout with pipe numbers.
  - Network drainage calculations.
  - Phasing.
  
10. 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.

11. 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.
12. 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.  
  
In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the [insert].
13. All site clearance (including vegetation removal) shall be timed so as to avoid the bird nesting/breeding season from 1 March to 31 August inclusive, unless, in the case of a tree that is required to be removed for health and safety reasons, the Local Planning Authority has confirmed in writing that such works can proceed.
14. The development hereby approved shall be carried out strictly in accordance with the method statement set out section 11.2 of the Extended Phase 1 Ecological Survey submitted with the application, which was prepared by MAB Environment and Ecology Ltd dated August 2015.
15. 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.
16. Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.

17. Within the first available planting season following the occupation of the first dwelling the existing hedgerow along the southern and western boundaries shall be reinforced by additional planting in accordance with a detailed scheme which shall firstly be submitted to and approved in writing by the Local Planning Authority. Thereafter, any plant/tree within the hedgerow which, within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species 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). Thereafter the new planting shall be properly maintained in accordance with this condition.
18. 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.
19. Prior to the occupation of the development hereby approved, a plan showing an area laid out within the site for leisure and informal recreational use, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the area specified shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the use of residents at all times thereafter.
20. 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.
21. Following the approval of the Written Scheme of Investigation referred to in condition 13, 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.
22. That prior the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

## **Co-op, 26 High St, Kidlington**

The Committee considered application 15/01872/F for the 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 at Co-op, 26 High Street, Kidlington for Midcounties Cooperative Society and Cantay Estates Ltd.

Alan Graham, on behalf of Kidlington Parish Council, addressed the Committee in objection to application.

Councillor Mackenzie-Wintle proposed that item 15/01872/F be refused on the grounds that it was contrary to policies ESD15, the adopted Plan "Kid 2", the Kidlington Master Plan and failed to deliver affordable housing. Councillor Milne Home seconded the proposal. The motion was duly voted on and subsequently fell.

Councillor Clarke proposed that application 15/01872/F be approved. Councillor Pickford seconded the proposal.

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

### **Resolved**

That application 15/01872/F be approved subject to:

- iii. The applicants first entering into a legal agreement to secure off-site infrastructure and to secure affordable housing and nomination rights.
- iv. The following conditions
  1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
  2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms Design and Access Statement and drawings.
  3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
  4. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

5. Prior to the 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.
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.
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.
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.
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.
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.

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.
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.
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".
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".
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.



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.
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.
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.
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.
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
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.
23. 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.
24. 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.

25. If a potential risk from contamination is identified as a result of the work carried out under condition 24 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.
26. If contamination is found by undertaking the work carried out under condition 25, 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.
27. If remedial works have been identified in condition 26 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

53

### **13 - 39 (Odds Numbers Only) Trenchard Circle, Upper Heyford**

The Committee considered application 16/00196/F for the demolition of existing bungalows and the erection of 13 dwellings with associated car parking and landscaping at 13 - 39 (Odds Numbers Only) Trenchard Circle, Upper Heyford for Heyford Residential Ltd.

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

**Resolved**

That application 16/00196/F be approved, 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, Aboricultural 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
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- 8 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.
- 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.

- 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.
- 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.

54 **Buildings 485, 488 And Land Surrounding Those Buildings (Dorchester Phase 6), Heyford Park, Camp Road, Upper Heyford**

The Committee considered application 16/00263/F for the demolition of buildings 485 and 488 and the erection of 43 dwellings with associated parking, infrastructure, landscaping and public open space at Buildings 485, 488 And Land Surrounding Those Buildings (Dorchester Phase 6), Heyford Park, Camp Road, Upper Heyford for Dorchester Group.

Gavin Angell, agent for the applicant, addressed the Committee in support of the application.

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

**Resolved**

That application 16/00263/F be approved, 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
  - 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.
  - 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.

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

55

### **Hornton Grounds Quarry, Hornton**

The Committee considered application 16/00752/F for the erection of new agricultural buildings at Hornton Grounds Quarry, Hornton for Mr Scott.

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

#### **Resolved**

That application 16/00752/F be approved 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.



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).
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.
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.
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.

56 **Cherwell District Council, Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA**

The Committee considered application 16/00936/LB to remove an 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 the external wall and make good

finishes to include a disabled WC at Bodicote House White Post Road, Bodicote, Banbury OX15 4AA for Property Services Team Solihull MBC.

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

**Resolved**

That application 16/00936/LB be approved subject to the following 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.
- 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.
- 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.
- 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.

57

**Shenington Gliding Club, Shenington**

The Committee considered application 16/00982/F for the continued use of tarmac and grass runways for winch, aero tow and self-launching of gliders and associated powered aircraft movements with winches and tow out vehicles to be stored on the airfield and members' glider trailers to be kept in designated area and the airfield to be used for agricultural purposes when not in use for gliding at Shenington Gliding Club, Shenington for Mr Joseph Gibbs.

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

**Resolved**

That application 16/00982/F be approved, subject to the following conditions:

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.

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).
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.
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.
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.
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.
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.

58

**James David Smith, 19 Thorpe Place, Banbury, OX16 4XH**

The Committee considered application 16/00997/F for the change of use from Class B2 (general industrial) to Class D2 (assembly and leisure) at James David Smith, 19 Thorpe Place, Banbury, OX16 4XH for Mr Stuart Davies.

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

**Resolved**

That application 16/00997/F be refused 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.

59

**6 Oxford Road, Adderbury, Banbury, OX17 3NF**

The Committee considered application 16/01071/F for the replacement of a former tin (corrugated iron) garage with a new stone garage and rebuilding of a modern non-local brick wall in stone to same height to match existing stone wall at 6 Oxford Road, Adderbury, Banbury, OX17 3NF for Mr Matthew Gaskin.

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

**Resolved**

That application 16/01071/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 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
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.
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.
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.

60

**Orchard Way, Heyford Road, Somerton, OX25 6LL**

The Committee considered application 16/01077/F for alterations and the erection of a car port for Cadmonkies (Mr D Berlouis) at Orchard Way, Heyford Road, Somerton, OX25 6LL.

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

**Resolved**

That application 16/01077/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 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
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.
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.

61

**Orchard Way, Heyford Road, Somerton, OX25 6LL**

The Committee considered application 16/01078/F for alterations to include an extension and basement (revised scheme of 15/01895/F) at Orchard Way, Heyford Road, Somerton, OX25 6LL for Cadmonkies.

Councillor Kerford-Byrnes proposed that item 16/01078/F be deferred to enable further hydrological and services issues to be investigated. Councillor Woodcock seconded the proposal.

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

**Resolved**

That application 16/01078/F be deferred to enable further hydrological and services issues to be investigated.

62 **Sundown, Crowcastle Lane, Kirtlington, Kidlington, OX5 3HP**

The Committee considered application 16/00002/F for alterations and a two storey extension to form an enlarged dwelling house at Sundown, Crowcastle Lane, Kirtlington, Kidlington, OX5 3HP for Mr and Mrs D and N Perry.

The application was before the Committee to agree a resolution rather than make a determination as the application was currently the subject of a non-determination appeal. The decision which the Committee resolves it would have made will then be forwarded to the Planning Inspector.

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

**Resolved**

That it be resolved that had the application 16/00002/F been before the Planning Committee for determination, Members would have refused the planning application for the following reason:

By reason of its scale, form, design 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.

63 **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 6.52 pm

Chairman:

Date:

## CHERWELL DISTRICT COUNCIL

### PLANNING COMMITTEE

1 September 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**

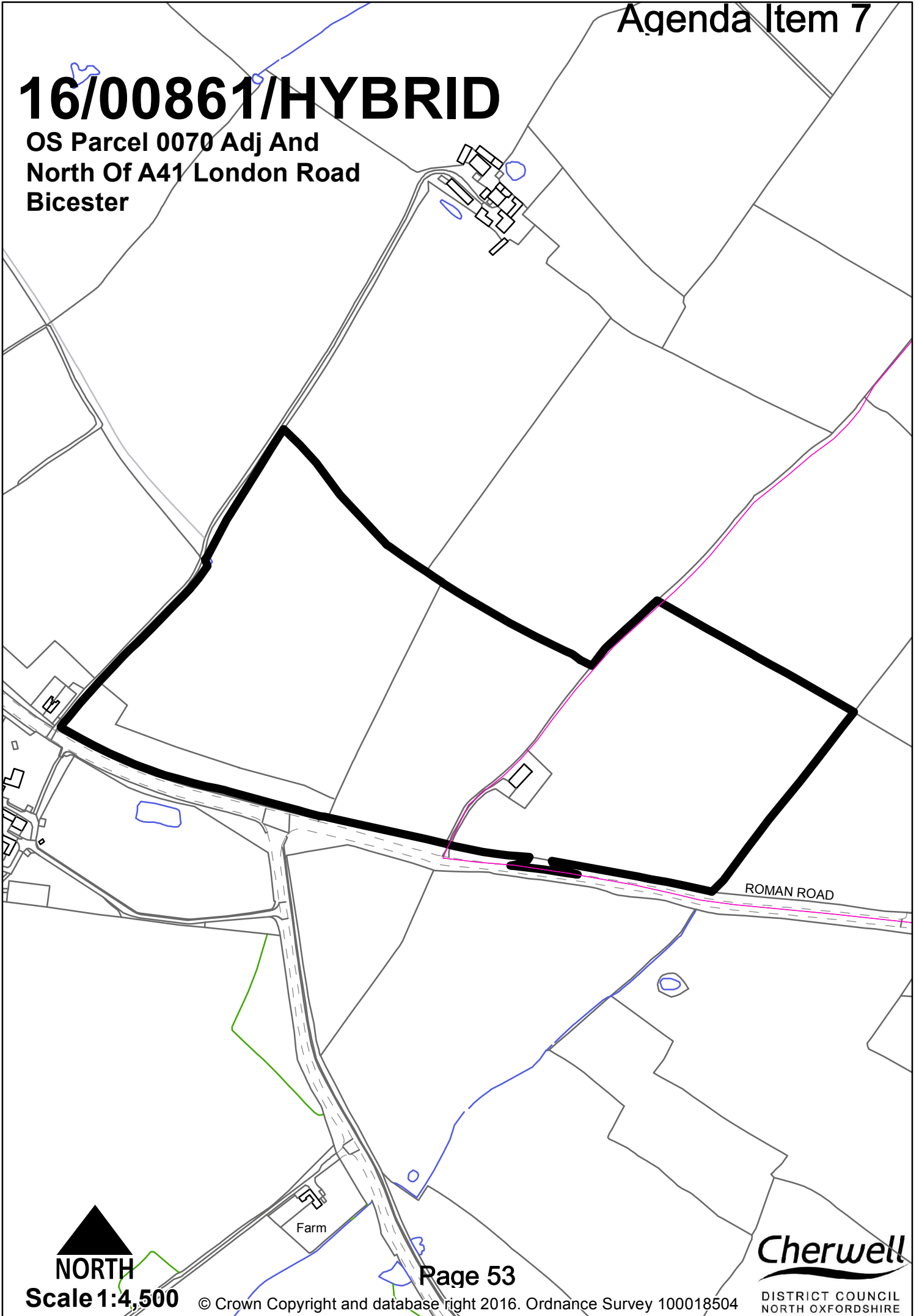
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision 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 0070 Adj and North of A41 London Road, Bicester	16/00861/HYB	Bicester South and Ambrosden	Refusal	Linda Griffiths
8	The Barnhouse, Mollington Road, Claydon	16/00877/F	Cropredy, Sibford and Wroxton	Approval	Caroline Roache
9	Bacon farm Whichford Road, Hook Norton	16/01028/F	Deddington	Approval	Abigail Chapman
10	Land adj to Unit 1D, Lockheed Close, Banbury	16/01060F	Banbury Cross and Neithrop	Approval	James Kirkham



# 16/00861/HYBRID

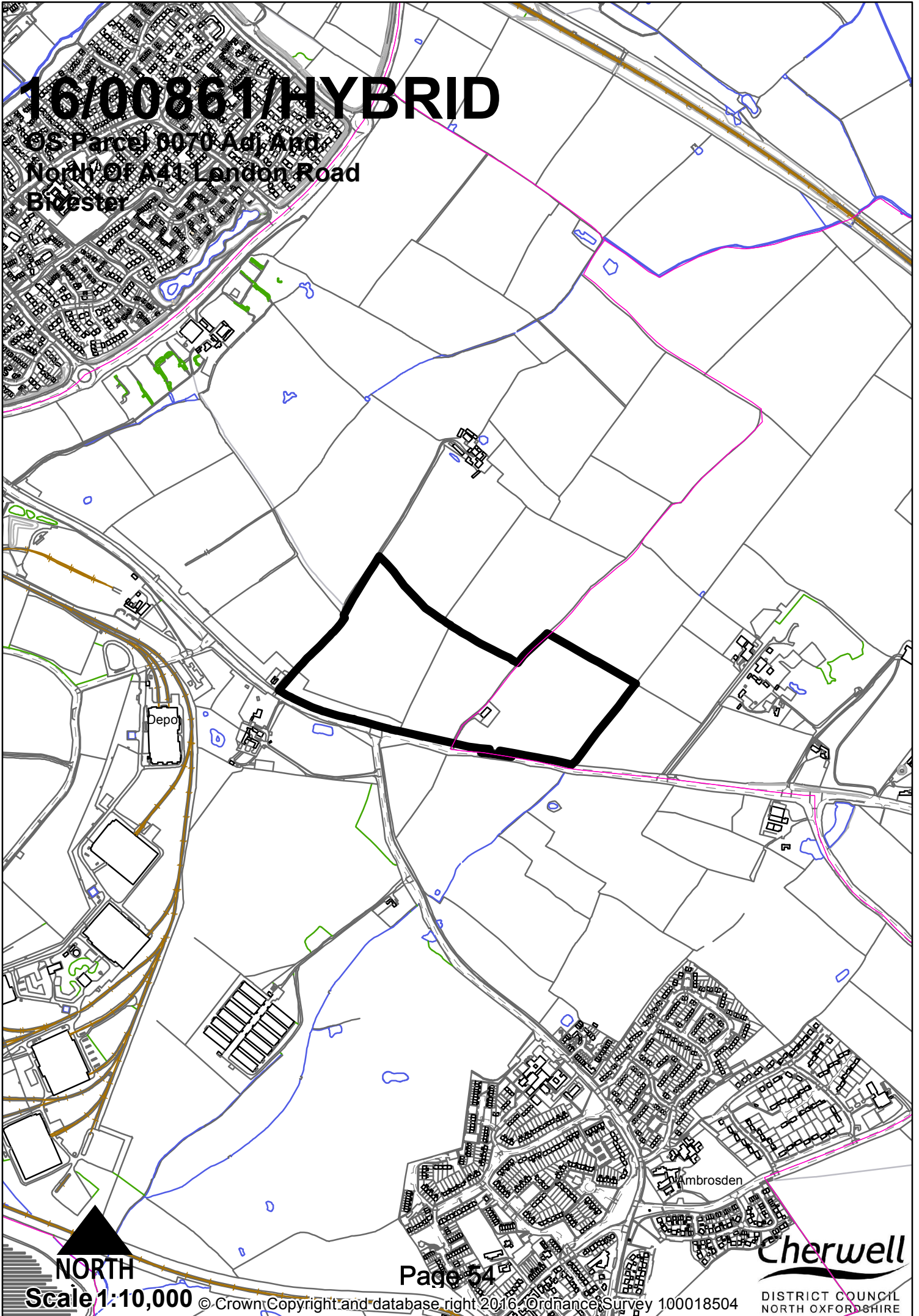
OS Parcel 0070 Adj And  
North Of A41 London Road  
Bicester



Scale 1:4,500

# 16/00861/HYBRID

OS Parcel 0070 Adj. And  
North Of A41 London Road  
Bicester



**NORTH**

**Scale 1:10,000**

Page 54

© Crown Copyright and database right 2016 © Ordnance Survey 100018504

**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Site Address: OS Parcel 0070 adjacent  
and North of A41 London Road, Bicester**

**16/00861/HYBRID**

**Ward: Bicester South and  
Ambrosden**

**District Councillor: Cllrs. Anderson, Cotter and  
Sames**

**Case Officer: Linda Griffiths**

**Recommendation: Refuse**

**Committee Date: 1<sup>st</sup> September  
2016**

**Committee Referral: Major**

**Applicant: Mr Warren Francis Reid**

**Application Description: Revisions to outline planning application 15/02316/OUT to comprise a HYBRID planning application for: Full planning permission for 20,067 sqm (216,000 sqft) of logistics floor space within Class B8 of the Town and Country Planning Use Classes Order 1987, with ancillary Class B1(a) offices together with access from A41 Aylesbury Road, associated infrastructure including lorry parking, landscaping, amenity open space and sustainable drainage and private sewage treatment plant. Outline planning permission from up to 44,965 sqm (484,000 sqft) of logistics floor space, within class B8 of the Town and Country Planning Use Classes Order 1987, with ancillary B1(a) offices, together with associated site infrastructure including lorry parking, landscaping, amenity open space, sustainable drainage and private sewage treatment plant. Details of means of access from Aylesbury Road are included for approval**

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

- 1.1 The site is located approximately 3.2km to the south east of Bicester town centre and 0.5km north of the village of Ambrosden immediately adjacent to the A41. The site consists of three agricultural fields, predominantly used as grazing land. The site contains a steel-clad livestock barn which is accessed from a track directly to the A41. This building will be demolished as part of the development proposals. The fields are all well defined by existing hedgerows and trees. The site forms part of the wider Bicester 12 allocation for mixed use development within the adopted Cherwell Local Plan 2011-2031.
- 1.2 The site extends to 16.42 hectares (40.57 acres) and has frontage to the A41 along the whole of its southern boundary. Bordering the western boundary adjacent to the A41 is a pair of two storey semi-detached cottages, known as Wretchwick Farm Cottages. Open agricultural land lies to the north and east of the site. To the southern boundary, opposite the A41 are two Grade II Listed Buildings. Graven Hill is situated to the south west of the site.
- 1.3 The application seeks consent for 65,032sqm (700,000sqft) of B8 logistics floor space with ancillary B1(a) offices. The application seeks detailed consent for the most eastern section of the site for 20,067sqm of B8 floor space across two buildings and site infrastructure including lorry parking, structural landscaping and drainage; and outline consent for up to 44,965sqm on the remainder of the site, also for B8 use with ancillary B1(a) offices. A new vehicular access is proposed to serve the development directly to A41 just to the east of the Ambrosden turn for which detailed consent is sought in connection with units A1 and A2, but would also serve the remainder of the site. The offices are indicated at the front of the buildings overlooking the car parking area. Landscape buffers are provided to the A41 boundary and to the eastern and

western boundaries.

- 1.4 The application has been the subject to a number of meetings aimed at overcoming the issues identified in the reasons for refusal and other matters that have now been dealt with satisfactorily

## 2. Application Publicity

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

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

- Some more green space has been introduced round the edges of the development but extent is inadequate for height of building
- Now no parking except a few places for the privileged, appears to return to 1950's where workers had to walk or cycle and thus live nearby
- Workers from Graven Hill will have difficulty crossing the A41 which is one continuous stream of traffic at peak times
- More HGV's will cause more pollution, traffic jams and noise. Noise from lorries reversing signals and lights at night for 24/7 operation
- Development will be ugly and in the wrong place, too close to houses and schools and will spoil the skyline for generations to come
- Too close to River Ray and its catchment, need to listen to drainage experts at OCC and Thames Water
- Will be the first thing you see coming into Bicester from A41, not the garden town idea, important that any entry point reflects care and respect of the environment
- Next to the motorway like Banbury is a better location
- Difficult to comprehend the need for more logistics floor space in Bicester as well as Graven Hill
- This application should not be viewed in isolation from the remainder of Bicester 12, it is essential a master plan is in place before individual planning decisions are made
- Also understand a master plan for whole Bicester being currently scoped, this will be pointless if individual decisions have already been made
- Bicester does not need further warehousing in addition to that already approved at Skimmingdish Lane and that submitted at Howes Lane.
- Proposal dwarfs Wretchwick Farm cottages and completely disregarded the concerns of its residents
- Development needs to cater for high technology industries to reduce the level of out-commuting
- Promoter claims that employment generated by the site would be 930 jobs. This is an overestimate and under 75% would be achievable. Jobs in fully automated would be considerably less, most of which would be lower paid
- Would like to see plans for this whole area completely re-evaluated with a view to creating a far greater number of well landscaped low impact units, supporting new environmental or green technology industries and providing highly paid jobs
- Disturbance to natural environment – wildlife such as bats, red kite, deer, great crested newts, rare butterflies and badges, flora and fauna
- Strongly urge councillors to uphold the heritage of Bicester and ensure all further development is in keeping with the history as a market town, the designation of a garden town and encouraging retention of large green open spaces, wildlife areas and innovative, considerate developments

rather than simple large scale industrial warehousing, shed city may be more apt

- This hybrid application shows 2 buildings at the far east of the site with the remainder unplanned. This is speculative and the danger is that the 2 proposed buildings will be erected and the remainder left undeveloped
- Traffic on A41 is already at dangerous levels for vehicles turning into and from the junctions near Bicester. Existing traffic from Ambrosden at peak times has to queue to turn safely onto or across A41. This development will add a further dangerous T-junction. Traffic to/from the warehouses will have to cross in front of oncoming traffic and will be constrained by the low bridge at the A41 junction to Blackthorn/Launton
- Bicester has insufficient road capacity
- Proposal will negatively affect the LWS (Meadows NW of Blackthorn Hill) and the River Ray CTA. BBOWT should be consulted. BBOWT has many sites around Blackthorn and the detrimental effects of this development on plants and animals should be examined by our Wildlife Trust
- The site itself has intrinsic local environmental value as stated in the ES. Surveys show the presence of a breeding population of the rare brown hairstreak butterfly as well as endangered farmland birds. On the red list for Birds of conservation concern found on the site are song thrush, linnet and yellowhammer and on the amber list green woodpecker and dunnock. Concerned that the site provides any space for biodiversity gain as required by NPPF, if not there should be compensation for loss
- Drainage from the site will be large in volume and polluted from diesel. This area is already low-lying and run-off from the buildings will add to the difficulties of water management
- Signage on the buildings should be restricted in size, not illuminated and erected at a height that is not visible in the wider landscape setting
- Landscape screening proposed will be of limited use in screening such large buildings
- Details should include modelling of the proposed landscaping
- Grey is not helpful in reducing the impact of these buildings
- Lighting and night time working should be restricted
- The shadow analysis provided is wholly misrepresentative in terms of its impact upon nearby property and loss of light
- No details of planning obligations or CIL. The business rates generated should also be within the public domain to assess any benefits of the scheme
- This is speculative and already being marketed by Savills stating 'development opportunity' and target delivery date of Autumn 2017.
- Junction 9 of M40 is already overburdened
- Changes to HYBRID application do not address the objections raised in respect of the outline
- Traffic impacts should not ignore adjacent county and communities
- Other than A41, B4011 is the ONLY southbound road in the vicinity of the application without a weight restriction on it
- Development likely to have a significantly detrimental effect on both Oakley and Long Crendon
- No public transport links near the site, the nearest bus stop is in Ambrosden and the route is not well serviced
- Wording indicates the object is to achieve BREEAM 'very good', however this does not indicate commitment only an intention. Ideas for self-sufficient green energy have not been built into the development
- As an eco-town the standard should be BREEAM excellent

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

2.2 Langford Village Community Association representing 4,500 residents also object as follows:

1. Should not be viewed in isolation but for Bicester 12 in its entirety, master plan should be in place before making a decision. Premature to Bicester master plan which has yet to go out to public consultation
2. Contrary to NPPF
3. Contrary to Economic Development strategy 2011-2016 which recognises that Bicester has every opportunity to become a location for higher value and knowledge based business
4. Contrary to adopted Cherwell Local Plan 2011-2031

The above comments can be read in full on the application file.

2.3 Significant objections have been received from the occupiers of Wretchwick Farm Cottages adjacent to the site whose concerns are summarised as follows:

- Multisite access points contrary to Local Plan and proposed primarily to justify early development of this portion of site 12, and not the development of site 12 as a whole
- Increased traffic volumes along this section of A41 which is already at capacity and will negatively impact on existing junctions
- Issues with OCC assessment and inaccuracies in the submitted Transport Assessment
- Inaccurate and misleading traffic survey on A41
- Visual impact and loss of light due to height and location of warehouses
- Noise nuisance – the combination of the proposed developments of an employment hub across Akeman Park and Wretchwick Green consisting of light industry and huge B8 distribution warehousing to the rear on both sides of the property, effectively surrounding the property will create an unbearable and unacceptable level of additional noise nuisance, possibly 24/7
- High buildings will also act as a reflector, bouncing noise from A41 to the rear of these properties
- Vibration nuisance from HGV's. The ES states ' due to the type of development proposed and its distance from the nearest sensitive receptors, the construction phase of the proposed development is unlikely to give rise to significant vibration at sensitive receptors, it has therefore not been assessed further. This was highlighted in the objections to the outline application and have not been addressed
- Light nuisance
- Air pollution
- Loss of visual amenity
- Loss of privacy
- Impact on notable species
- Impact on River Ray Meadows Conservation Target Area
- Impact of lighting on wildlife
- Warehouse designs and lack of sustainability
- Impact of rights of way
- Incorrect estimate of job numbers
- Speculative plans
- The location and design of the massively intrusive warehousing proposed for this site is totally inappropriate. The size and nature of B8 distribution warehousing means that this site, as proposed, is incapable of generating the 1000 jobs claimed by the applicant and as required by the Local Plan. More importantly for us, the development would make life in our homes completely intolerable.

This comprehensive objection can be read in full on the application documentation.

2.4 A petition containing 200 signatures has also been submitted objecting to the application on the following grounds:

1. The development is only reduced 7% from the original plans and will destroy the characteristic farmland entrance to 'Bicester garden Town'. The entire site goes against 'eco-town' principles
2. It will cause intolerable increased traffic with attendant road safety hazards. The residents will experience increased noise, light and air pollution from lorries and workers vehicles arriving and leaving 24/7
3. The one business proposed in this hybrid, in an attempt to push for an early approval only offers 85 of the 1000 jobs promised. This is less than 10% of the employment in over 1/3 of this 700,000 sqft space, and the other building complex is speculative. None are designed to offset carbon footprint with no renewable energy provisions
4. Onsite biodiversity will be ruined as will wildlife in the adjacent wildlife site
5. The water run-off and the water table will be severely affected
6. There are numerous empty warehouse sites in the district, and Graven Hill is already suitable and can be preferably used. Plans for at least 3 other warehouse sites are in process in Bicester.

### 3. Consultations

3.1 **Bicester Town Council:** strongly object on the following summarised grounds:-

- While partly meeting some of the requirements of Policy Bicester 12 it fails to meet others
- Conflict with local plan policy related to sustainable economy. B8 units will have limited ability to create a lower carbon economy and more jobs in the knowledge based sector and this development represents poor design in that effectively there will be buildings that do little to attempt to merge into the surrounding developments and character of the area, especially in relation to Wretchwick Farm Cottages.
- Policy Bicester 12 emphasises the provision of B8 be considered 'primarily', this is different to predominant and does not prescribe there should only be B8 provision. In this application B8 use is the predominant use and therefore falls outside of the plan. Little attempt of any to liaise with the developers of the remainder of Bicester 12.
- Contrary to Policy SLE1 in that it would have an adverse impact on Wretchwick Farm Cottages in terms of scale and proximity to them. Landscaping will take years to mature and provide effective screening. In addition to massing, impacts of air quality, noise and vibrations due to HGV movements on the site, compounded by 24 hour usage. Little evidence of an attempt to integrate the development with the rest of Bicester 12.
- Transport – proposals under Policy SLE1 should 'not give rise to excessive or inappropriate traffic'. The necessary infrastructure needed to support the operation of these B8 units to provide direct access to the M40 and A34 detailed under paragraph B.73 does not currently exist, the SE Relief road being some years from completion so majority of vehicles will have to use the already congested route along A41 to Junction 9 of M40. The need for vehicle movements exiting the site to turn right onto A41 with the proposed junction creates the potential for serious accidents as is evidenced by the junction at Peregrine/Wretchwick Way. Independent consultants engaged by Ambrosden Parish council recommend a roundabout id the safest type of junction.
- Contrary to Policy SLE4 which states 'encouragement will be given to solutions which support reductions in greenhouse emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have severe traffic impact will not be supported' Given that the development will come ahead of any residential development at

Bicester 12 there will not be a network of cycle and pedestrian routes into the site which will further generate additional car movements to access the site.

- Community consultation - views of the local community do not appear to have been taken into consideration by the applicants, this fails to regard paragraph 66 of the NPPF
- The development of 'primarily B8' units in this location is in direct conflict with the aspiration contained in the parts of the Plan highlighted to support Bicester's attraction to businesses in the knowledge based and high technology sectors
- B8 should be considered at Graven Hill in advance of B8 development in other areas such as Bicester 12
- Concern that B8 will not deliver the number of jobs envisaged
- The proposed development is not in accordance with paragraph 14 of the NPPF, it is not sustainable in terms of design, transport, economy, integration with other proposed development and amenity of local residents. The material considerations outweigh any benefits that might be gained and therefore planning permission should not be granted,

The above mentioned comments can be read in full within the application documentation.

3.2 **Blackthorn Parish Council** object as follows:

- Increased traffic on A41
- Further congestion through Bicester
- Lack of provision of employee car parking
- Access onto and off A41

3.3 **Ambrosden Parish Council:** maintain an objection to the development of this site for B8 uses. Ambrosden PC has retained the services of Transportation and Flood consultants and their updated reports will be provided under separate cover. The objections are summarised below as follows:

- Levels, the DAS states a cut and fill approach to site levels and drainage while appendix G of the Peter Brett report states that floor levels will be above existing ground levels
- Claim the heights of buildings are reduced, but increase in levels could be interpreted that finished roof levels will actually be 1m above that proposed in original outline. Developer should be required to confirm finished floor levels now and provide accurate site sections and photo montages to demonstrate the impact, together with up to date visual assessments to reflect the increases in ground level
- Development of brownfield sites should occur before greenfield such as former Lear site Bessemer Close
- Accept this is part of Bicester 12 allocation but that does not give any advice as to the locations of commercial or residential development. The original smaller allocation had a strong relationship with the existing commercial uses on Charbridge lane. No justification has been submitted for this part of Bicester 12 to have commercial use.
- Visual impact, no assessment has been made when travelling west along A41 to Bicester or Ploughly Road from Ambrosden with the exception of assessments from the far extremities of these zones. Midpoint assessments should be made, the visual impact will be excessive with a 0.5m length of skyline being unremittingly blocked by a large mass of buildings. Proposed buildings will dominate the skyline from Ambrosden, removing any visual separation between Ambrosden and Bicester.
- Scale of planted buffer zones which in some areas is 10 or less is insufficient
- Repositioning the buildings in phase 1 to move them further from A41 is appreciated, however, those in phase 2 now appear to be closer



- Impact on neighbouring dwellings is excessive contrary to paragraph B.42 of the local plan
- Transport report has been updated but still does not appear to have addressed the Parish's concerns about impact on traffic flows on A41 and Ploughley Road junction or an assessment in the increase in traffic flows through Ambrosden which is used as a rat-run to Oxford
- TA assumes majority of employees and traffic will come from Bicester via A41, there is no justification for this assumption.
- No assessment has been made of traffic turning right from the Ploughley Road junction
- Impact on B4011 has not been fully considered and the accident data presented is misleading
- The proposal for a vehicular access on A41 is surprising considering the accident data for the junction of LC Hughes with A41 just to the east. It is suggested that either traffic lights, or a roundabout will be the only safe way to provide access
- Application proposes that a footway and cycle path will be created on north side of A41 with a traffic island enabling connection with the cycle path to the south side, this has not been maintained and is very overgrown and currently unsafe and fit for purpose. Rodney house roundabout is an accident blackspot and the proposal contains no proposals to provide safe crossings for cyclists.
- No assessment of safety impacts of creating a pedestrian island on A41 in a 50mph zone
- Surface water flooding issues have not been addressed
- With the exception of tree planting, no ecological enhancements to offset ecological loss, such as green roofs, bird and bat boxes, enhanced habitats
- Impact on Thames Water main which was installed about 10m to the north of A41 about 4 years ago, thus impacting on landscaping proposals
- No proposals to off-set the proposed energy use of this development
- Major site, in an isolated location separated from the rest of Bicester or surrounding villages with no proposals for childcare facilities to serve the 1000 staff and no facilities for shops or food provision.

The above comments can be read in full on the application documentation.

Ambrosden Parish Council have commissioned a Highways Technical Report in respect of both this hybrid application and the previous outline consent against which an appeal against non-determination has been lodged (15/02316/OUT refers) by Paul Basham Associates. The findings of that report are summarised as follows:

- The robustness of the background data in the Akeman Park TA was originally questionable but subsequent work by the consultant has increased the robustness of the data and modelling. However, the closest junction to the site access, which is likely to be most affected by the proposed development, has not been surveyed or modelled and this is a specific concern for Ambrosden Parish Council
- The Akeman Park TA has not used the busiest time periods for the calculations. Based on the number of jobs expected at Akeman Park, peak hour vehicle movements might be significantly higher than calculated in the TA. The distribution of development traffic is unclear and it is very unlikely that no development traffic would travel through Ambrosden
- The proposals cannot currently deliver adequate sustainable transport connections. The existing shared footway/cycleway south of the A41 is unsuitable for cycling and there are no proposals within the TA to upgrade this link. As there are currently no other cycle routes into Bicester, the proposed development can therefore not deliver safe cycle links to Bicester until Bicester 12 is developed
- The pedestrian refuge should not be implemented without speed reduction

measures and it is considered that visibility for pedestrians is sub-standard at this location. No information is provided on the design or location of the bus stops. The applicant should provide preliminary drawings of the bus stop proposals and commission an independent Stage 1 Road Safety Audit to demonstrate how the sustainable transport proposals can be delivered safely.

- The Akeman Park TA does not describe any accidents on the Ploughley Road junction as the causation factors were not considered related to road layout. There were, in fact, five accidents including one resulting in serious injuries in the latest 5-year period. Two of the five accidents on the Ploughley Road junction include turning movements and might have been the result of excessive speeds and poor road layout.
- The proposed ghost island priority junction site access is not appropriate due to the volume of traffic and speeds on the A41. A roundabout would allow the HGVs a safe right turn out of the development and could incorporate safe pedestrian crossings.
- A 4-armed site access roundabout incorporating the Ploughley Road junction would provide safe access to the proposed development and deliver significant betterment to the local road network by improving conditions for right turning vehicles out of Ploughley Road and providing safe pedestrian crossing opportunities.

The above report can be read in full on the application file.

OCC as highway authority have been asked to comment on the above. Their response is discussed within the main body of the report.

## **Cherwell District Council Consultees**

### **3.4 Planning Policy Officer:** comments as follows

- The application proposals are on land allocated in the Local Plan 2011-2031 for mixed use development (housing and employment), including 1,55 new homes and 40 hectares of employment land. The local Plan policy relates to the allocation is Policy Bicester 12 (SE Bicester) and the allocation is shown on Bicester Policies Map 5.2 and inset map Bicester 12. The principle of employment development in this location is therefore established and the site has an important role to play in the delivery of new employment development to support the growth in housing and to reduce out commuting at Bicester. The proposal for employment development is consistent with Policy Bicester 12 in this regard
- Policy Bicester 12 identifies employment use classes; B1, B2 and B8 (primarily B8 uses) for the site. The application proposals are in line with policy Bicester 12 with the application proposing B8 uses with ancillary B1 uses. It is noted that B2 uses are not proposed in the application which is inconsistent with the policy. However, market signals will need to be taken into account
- With this application only covering part of the allocated site there are some concerns over the delivery of sufficient employment development to enable consistency with the Local Plan; concerns relating to effective master-planning and integration; and the delivery of necessary infrastructure in the Local Plan
- The area of land covered by the application proposals is 16.4 hectares and the total employment provision in Policy Bicester 12 is 40 hectares. In terms of job creation, the applicant anticipates about 1000 jobs will be created through the development. As the applicant highlights, about a third of the jobs in the Local Plan will be provided on about a third of the land designated for employment uses. The application will therefore not provide all the employment set out in the Local plan policy. However, the delivery of employment development is phased in the Local Plan employment trajectory

with 14,000 sqm anticipated for 2011 to 2016, 70,000 for 2016 to 2021 and 56,000 sqm between 2021 and 2031. It is also anticipated that employment development will be provided on other parts of the allocated site. There will need to be sufficient confidence that the overall requirements of Policy Bicester 12 can be met.

- Through the Local Plan Part 1 process a mixed use site for housing and employment was supported by the promoter of the land to the north west of the application site (on the remainder of the Bicester 12 allocation). A scoping request has been submitted to the council and a public exhibition has also taken place for the wider site. Therefore it is anticipated with some confidence that further employment development will be provided here during the Plan period. There is however, no planning application approved or submitted for this area of land and an application for the whole site would be preferable to ensure effective planning. There is a requirement for a comprehensive masterplan in Policy Bicester 12. This would provide some certainty over the delivery of the allocated site and different elements of the policy.
- The location of the application proposals, in the south eastern part of the allocated site, is considered to be in principle a suitable location for employment development with access to the A41 and with least potential impact on the SAM and the majority of existing homes. This is consistent with the recent public exhibition material for the wider site.
- Consideration needs to be given to how the proposed development would be integrated as part of the larger development should it be proposed to bring forward the application site ahead of the rest of the Bicester 12 site. The proposed development in the application would not be acceptable in isolation.
- The policy requires a mixed use development which will enable the delivery of important infrastructure in the area to support wider proposals for the town. The policy requires the safeguarding of land for future highway capacity improvements to peripheral routes. It will need to be explored as to whether an application for this site alone as part of the wider allocation would preclude the effective delivery of infrastructure and other requirements of the policy such as open space provision. The applicant suggests that the development can be delivered early as it does not require significant infrastructure to facilitate its delivery
- Policy Bicester 12 sets out a number of policy requirements and key site specific design and place shaping principles against which the planning application should be considered
- Without compromising necessary operational and market requirements, in line with the NPPF and Local Plan 2031, a high quality design should be sought. The policy requires a well-designed approach to the urban edge and this will be important in this gateway location to the town. Paragraph B.42 of the Local Plan states that very careful consideration should be given to locating housing and employment in close proximity. The impacts of new employment development in relation to new and existing homes will require careful consideration through a master-planning approach
- The proposals should also be considered against other policies in the Local Plan 2031 including Policies ESD10, ESD13 and ESD15 in order to determine any unacceptable impacts on the historic or natural environment, including landscape. There should also be appropriate compliance with policies relating to climate change and sustainable transport (as listed above)

#### Policy recommendation

Overall the proposals are for employment use and therefore consistent with Policy Bicester 12 which allocates this land for a mixed use development. The wider allocation is identified as a sustainable location for growth. The principle of employment development in this location is established and the site has an important role to play in the delivery of new employment development to secure economic growth and to support growth in housing. How the site would be integrated as part of

a comprehensive scheme for the implementation of Policy Bicester 12 should be considered including whether any phasing conditions would be required. The proposed development would not be acceptable in isolation. There should be sufficient confidence that the overall requirements Policy Bicester 12, including with respect to infrastructure provision, can be met.

### 3.5 **Ecology Officer:** comments as follows

It seems that slightly more land has been put aside for landscaping in this hybrid application. I have been sent a Biodiversity metric (using a DEFRA model) in response to comments on the outline application which suggests an overall net gain in biodiversity is achievable with the proposed habitats on site. Such a metric is a good starting point for discussion however a number of issues are raised as follows:

- No detailed landscape plans and therefore difficult to tell if all the habitats claimed can be 'fitted in' the space available
- Hibernacula is included as a habitat – this should be included in scrub or grassland not a habitat in its own right
- All habitats have been listed on site a 'poor' condition – is this justified for scrub etc?
- Their projections for the semi-improved neutral grassland of medium distinctiveness (with good condition within 5 years) is quite ambitious especially given that much of this grassland is likely to be in fairly thin strips at the edge of the site or in between planting and will be subject to some amenity use. To achieve 'good' condition the habitat will have to meet all the criteria in the FEP handbook for Lowland Meadow. Warwickshire County Council for example put this at 10-15 years. They have also put the difficulty of creation as low for all habitats and I am not sure I agree with that. This refers to 'restoration' of grassland rather than 'recreation' under DEFRA guidance. How do they propose to achieve it by restoration?
- Why is habitat distinctiveness raised to medium for post development scrub?

I would still look to have enhancements on the buildings themselves where possible to ensure an overall net gain in the long term – habitat boxes, green roofs etc. As this has been submitted outside of an overall master plan it is likely that this will have to lead to missed opportunities for landscape scale green infrastructure and for making enhancements as contiguous habitats with other sites.

I could not see any further information on the earthworks and their potential impact on the current hedgerow/ditches although I appreciate the text of the ES states this will not be affected – how will they ensure this?

In general they have addressed mitigation for the protected species and the habitats found on/near the site – hairstreak butterflies, great crested newts

An Ecological Construction Method Statement and full landscape and ecological management plan for areas of landscaping. A number of conditions are recommended.

### 3.6 **Economic Growth Officer:** Supports this proposal as follows:

- The commercial property market in Bicester over the past decade has not effectively operated to satisfy the needs of expanding businesses and inward investors. This has already delayed the implementation of the council's adopted economic development strategy and created a latent demand amongst a range of Bicester businesses
- The construction of commercial premises has also not matched either the growth in the number of homes or the rate of household formation that has occurred (and continues to occur). This has been contradictory to the sustainable objectives of providing local employment opportunities for

residents

- The traditional notion of 'warehousing' is not appealing in itself but the inclusion by the applicant of an industry factsheet on the modern logistics sector is helpful in illustrating how modern 'logistics' creates employment in general terms. The fact of the matter is that day-to-day life is based around supply chains which require premises to operate from and employees to work within. The size of units reflects the tendency for Cherwell to be attractive to regional distribution businesses, as opposed to larger scale national distribution hubs in Milton Keynes/Crick
- It is unclear who the occupiers will be but it may be helpful to reflect that many of Bicester's established and well-loved businesses fall within this planning classification (B8), and some of them are seeking premises to expand into which may then lead to premises becoming available for various other businesses to occupy, as experienced in Banbury
- Without knowing the final occupiers, it is also difficult to anticipate whether some elements of manufacture could be incorporated, or perhaps additional office space required to suit an HQ occupier. The applicant may wish to expand upon this, and also consider how the needs of small businesses might be met. Overall, however, the nature of this investment is that the buildings could be adapted to meet the specific needs of occupiers in years to come which would adapt to changing business need and support the resilience of the local economy.

3.7 **Environmental Protection Officer:** I have examined the noise and lighting specialists reports. As the final nature and occupiers of the proposed site is not known at this time I am unable to set absolute limits for noise from the operations, however, I have used the noise specialists report to bench mark the existing noise climate at the closest noise sensitive locations and to use these bench marked background sound pressure levels to condition the application so that noise complaints were unlikely from residents in these locations for mechanical plant.

A number of conditions are recommended relating to construction, noise from mechanical plant and transport and lighting. The detail of which can be read in full on the consultation response on the application documentation.

I have reviewed Section 9 of the PBA Environmental Statement submitted in support of this application. The report has concluded that the impact of the construction phase (provided by the appropriate mitigation measures listed are incorporated into the Construction Environmental management Plan) and the operational phase of the development are negligible overall for particulate and nitrogen dioxide concentrations. There is a slight worsening of predicted air quality with the development compared to without. The report concludes that the impact of the development is negligible on air quality.

This assessment has been undertaken in line with current best practice guidance. It is noted that this section of the report seems to have been written before the Bicester Air Quality Management Area was declared. It is noted that the sensitive receptors modelled are those close to the development. It is also noted that the transport data used in the assessment is that which is found in section 8 of the ES.

The assessment of the risk to air quality is acceptable. I would like to see measures to incorporate low vehicle emission vehicle technologies into the developments operational phase to enhance the environment through the use of better emission technology e.g. vehicle charging infrastructure in parking bays and reduce the impact of the development on air quality.

3.8 **Landscape Officer:** comments as follows

EDP Photo-view 1 – with consideration of the 9m telegraph pole in the middle ground, combined with the 280m approximate distance (measured on GIS Arc map) between the viewer and the northern (nearest corner) of the unit, the proposed height of the unit of 15m will appear taller than shown on Photomontage 1, I now, therefore judge the magnitude of change to be **high** which combined with the **high** sensitivity of the visual receptor, the Significance of Effect is **major/medium** (adverse) – refer to table A2.9 Significance matrix for landscape and visual effects.

At year 15 it is claimed in the EIA that the residual Magnitude of Change (M of C) is medium because of the 'new and recognisable development'. I would judge the M of C to be **high** because the narrow landscape buffer on the northern boundary will provide inadequate landscape mitigation in respect of height, depth and density. With a high sensitivity for visual receptor the significance of Effect will be Major/moderate (adverse). This indicates to me that a wider landscape buffer with elevated landform with large indigenous trees, a percentage of which should be evergreen conifers for winter screening of the elevations (a winter view is not recorded and with the narrow band of proposed trees with noticeable gaps between the units will present a more harmful effect on the visual receptor. The current landscape proposals on the Indicative Site Master Plan 4036-013 P23 do not provide the appropriate level of screening because the landscape buffer on the north facing site boundary is too narrow resulting in denuded tree cover. The width of the planting area is only 5m in the west down to 2.5m wide in the east. In order to achieve the required tree screen the width should be at least 10-15m wide. Large native deciduous and conifer trees should be planted 5m apart. If the required cannot be achieved on site then off-site structural tree/woodland planting adjacent to the northern boundaries will be essential.

EDP Photo-view 2 – even though detracting view of the scrap yard spoils the view of Graven Hill there is still a degree of amenity for the visual receptor, however the visualisation and warehousing units will further detract from the amenity of Graven Hill and cause visual harm; a cumulative and harmful impact and effect on the views, which will remain so at year 15 with the inadequate landscape mitigation proposed. The M of C is therefore **high**, combined with the high sensitive of the receptor, meaning a S of E of **major/moderate** (adverse) at year 15, not the moderate/minor adverse effect indicated in the EIA.

This just indicates the importance of providing the appropriate depth of tree/woodland buffer to the northern boundaries.

In terms of EDP Photo view 11, these are as above.

EDP Photo-view 4 – because of the scale, height of the warehousing development 'provide a new and recognisable element to the view' which will have a cumulative harmful effect on the receptor when the B12 mixed development is built (even more so in winter when intervening vegetation is out of leaf). This effect is compounded by the inadequate landscape planting proposed. A **Major/moderate** (adverse) S of E, due to the High sensitivity of the receptor and High M of C, which will not improve unless a percentage of trees are native conifers that will provide the appropriate level of mitigation in winter when deciduous trees are devoid of leaves. I take issue with the EIA statement that at year 15 the mitigation plant will reduce the magnitude of change to low.

EDP Photo- views 6 and 8 – the mitigation planting along the southern boundary will not be of sufficient height, depth of density to suggest the minor adverse effect in the LVIA at 15 years. The effect will be **Moderate adverse** dependant of the less visually sensitive road user, however, pedestrians use the highway and development will be slightly more harmful for them. Therefore, the depth of woodland/tree planting along A41 frontage must be increased to provide a better screen for roadside visual

receptors.

EDP Photo-View 9 – the S of E will be **major/moderate** (adverse) because the walker-receptor will have High sensitivity and the M of C will also be High. The S of E result will remain up to year 15 beyond unless a substantial woodland/tree structure planting is proposed. Again the depth of woodland planting must be increased, and also combined with off-site woodland/tree planting.

EPD Photo-views 12 and 13 – for the distant views the harmful cumulative effects (combine with B12) will experience to a degree by receptors on the PRow and so I would correct the S of E to **medium** (adverse) at years 1 and especially at year 15 if the landscape mitigation proposals are not improved.

Conclusion – a characteristic of the locality is indigenous woodland, e.g. Graven Hill. Therefore in recognition of this land between the units and the site boundaries should be planted as dense woodland.

### Update

Following the receipt of revised drainage proposal which have been incorporated in part into the existing landscaped areas, further comments are as follows:

- Remain concerned about the landscape impact and advises that the frontage (A41) landscape scheme must be revised to accommodate the drainage and underground attenuation, or the drainage/attenuation relocated to avoid the landscaping. The two are not compatible as shown. This is in order to maximise the overall mitigation/screening effects intended with the higher tree density. Furthermore the drainage system maintenance and refurbishment will result in tree removal and drastic pruning, and the drainage maintenance way-leaves will result in reduced tree planting and subsequently lower density and a more visually permeable landscape structure.
- In terms of the LVIA, the physical evidence of the height, depth and length of the units with the aid of scaffold towers/surveyors poles denoting proposed height and locations. The physical evidence can then be recoded from agreed photoview locations and the growth rates of proposed planting at year 1 and year 15 projects with photomontages to enable further consideration of the proposal.
- GI in the car parking bays needs to be increased to provide shade along the central runs at a density of 1:5 bays Species selection Platanus x hispanica – root soil volume = 15m<sup>3</sup> per tree, this also provides an opportunity for water attenuation of run off from flash flooding of the car parking area and large roofed building as well as providing meaningful tree cover and shade to parked vehicles. In time these substantial trees will also provide a degree of screening to the proposed building
- Hedge planting across the site – this provides little opportunity to screen such a large and imposing building. Standard containerised trees, such as Field Maple offer screening opportunities
- Species choices for shelter belts – due to the necessity for dense shelterbelts and the capacity for Italian alder to establish well in and to tolerate on-going harsh environments as well as providing an almost semi-evergreen tree are recommended and should be provided at 40-50% density in belts
- Retained trees around the site – need to have capacity to be crown raised to 5.2m and maintained at that height to allow for safe and easy HGV movement, if not achievable then replacement or mitigation planting is preferable to prevent damage
- Fastigiated hornbeams for perimeter structure planting should be swapped for field maples and birch due to the thirsty and vigorous nature of hornbeam. Again soil bulk volume needs to be at least 15m<sup>3</sup> per tree
- An opportunity exists to increase the green infrastructure along the front perimeter planting where I would expect to see an overall increase in tree

numbers by at least 10.

3.9 **Business Support Unit:** Comments awaited

**Sustainability Consultant:** Comments as follows

3.10 Policy ESD1 – how does the proposal demonstrate mitigation and adaption to climate change

- Would expect to see more information and details on onsite walking and cycling connections within the hybrid application, to the wider Bicester 12 development, a firm commitment to bus stops close to the site location to encourage use of public transport
- Exploration and commitment towards Travel Plans
- Promotion of car clubs, car sharing, electric vehicles
- More detail required on walking and cycling connections into existing town and the wider Bicester 12 site
- No evidence provided on what climate change adaption measures will be carried out or investigated. There is a reliance on the BREEAM standard as a way of meeting this
- Further detail required on what climate risks are present and how these will be mitigated against. This could be through BREEAM.

Policies ESD2 and ESD3 – how does the proposal promote the reduction of energy use

- Very little information is provided on how the development will reduce energy use through the fabric efficiency of the buildings
- High level commitment to exceed building regulations but no in-depth energy statement that explore the baseline energy use and proposed fabric measure and their potential energy savings
- Some high level and basic information on commitments to reduce energy use of the buildings but no firm commitments or detail
- An energy statement is required
- Further detail required on construction of the buildings, use of local materials where applicable and what measurable difference their stated solutions will have on overall energy demand

Policies ESD2 and ESD4 – how does the proposal promote supplying energy efficiently and giving priority to decentralised energy supply

- Not compliant, we would expect at a detailed stage, alongside an energy statement, a feasibility study on decentralised energy systems. This study should relate to wider developments whereby a network could become feasible
- No assessment as to whether decentralised energy systems are deliverable as part of the development

Policies ESD2 and ESD5 – how does the proposed development promote the use of renewable energy

- Not compliant, no feasibility study for onsite renewable energy has been undertaken. The high level commitment to exploring renewable technologies in the DAS should be carried out at this detailed stage and not at a later stage in the development process
- No feasibility assessment to assess whether onsite renewable energy systems are deliverable

Conclusion

- An energy statement is required which outlines the total energy strategy for the site and carbon reduction targets above building Regulations where appropriate



#### Other Policy Requirements – Policy ESD3

- There is a commitment to BREEAM 'Very Good'. Condition required relating to pre-construction assessment and post construction certification.

The above comments can be read in full on the application file.

### Oxfordshire County Council Consultees

#### 3.11 Transport Development Control: Objection as follows

- The development has not been brought forward in the light of a master plan for the whole Bicester 12 site. Whilst the applicant has shown that the A41 site access can work safely and efficiently, we are still not convinced that timely delivery of attractive connections to and through the site for cyclists and pedestrians from its boundary with the rest of Bicester 12 site has been demonstrated as required by the Bicester 12 policy in the Cherwell Local Plan. The parameters plan for this site shows only indicative cycle routes through the site within the zone 2 planning application area. The locations of the connections into the site from the rest of Bicester 12 are undetermined.
- There is a significant under provision of cycle parking shown on the detailed plans for units A1 and A2. Space for 41 bicycles is shown (with no indication that any of those will be undercover) – the county's standards require there to be a minimum of 102 spaces for staff and further spaces for visitors. This will not encourage enough cycling to comply with NPPF paragraphs 32 and 35. Overall the site will require a minimum of 426 spaces for bicycle parking. At least 50% of the spaces should be undercover.
- For the detailed application, no tracking drawings have been submitted for the units A1 and A2 showing how the required large vehicles can access the service yards. This is needed to show how manoeuvres can be undertaken safely

#### Key issues

- The application has not been brought forward as part of a wider masterplan for the whole of Bicester 12 site. In its absence the applicant has not given sufficient confidence that high quality cycling and walking connections to the site from the rest of Bicester 12 site can be delivered. Having said that, the transport assessment has at least shown that the site access junction will operate safely and efficiently in 2014 taking into account traffic from the rest of Bicester 12 and other development sites in the town
- In order to support access to the development by sustainable transport, bus stops need to be provided close to the development (on the route of the S5 service), either on the A41 west of Ploughley Road or south of the A41 on Ploughley Road. This will be delivered by means of a S278 agreement for the hard standing for the stops (secured through a S106 Agreement), and a S106 contribution to deliver bus stop infrastructure – premium route type flags, information cases and, in the case of the Bicester bound stop, a bus shelter. These stops have not been shown on a plan by the applicant – in my view they should be added to the highways works plan and be accompanied by a road safety audit to demonstrate that they would work safely.
- A shift-change bus will be needed to ensure employees can access the site by public transport outside of the ordinary hours of operation of the S5 and before the bus improvements connected with the wider Bicester 12 are brought forward. This will be delivered by means of a S106 agreement
- A strategic transport contribution will be required to mitigate the development's cumulative impacts on the wider transport network. This will be done by S106 agreement – the amount is to be confirmed
- Street lighting on the A41 will be extended to a point to the east of the proposed site access junction. The applicant has also indicated that they

would be willing to fund the introduction of a 50mph speed limit on A41 the extent of which is to be determined but will at least include the site access and Ploughley Road junction. Both of these will be delivered through a S278 agreement (secured by s106 agreement).

#### Update (17<sup>th</sup> August)

Following the above, the applicant's consultants Peter Brett associates have submitted further plans and information to OCC who have advised that the concerns about cycle parking and tracking of large vehicles have now been addressed in respect of the detailed proposal, revised plans have been submitted in this respect.

Technically the application is not compliant with Local Plan Policy Bicester 12 as a masterplan has not been submitted for the entirety of the Bicester 12 site which would help to demonstrate across the whole site how:

- Walking and cycling connectivity within the whole of Bicester 12 site and the rest of Bicester 12 would be delivered – to include direct, attractive routes
- The public transport strategy for the wider Bicester 12 site would link with the symmetry park proposals

From a transport perspective, it has always been felt that Bicester 12 is considered as a whole rather than land parcels being considered in isolation in order to properly address these issues. However, the applicant has now demonstrated that the site access can work in 2024 accounting for growth at that point in time from other allocated local plan development sites across Bicester. It is also felt that the connection points with the rest of Bicester 12 site for pedestrians and cyclists as well as the onward routes to building entrances on the site can be secured through the section 106 process.

If permission is granted, a strategic transport contribution will be needed to mitigate the cumulative impacts of the development. A number of conditions are recommended.

#### Update (22<sup>nd</sup> August)

OCC has fundamental concerns with the Unilateral Undertaking offered by the applicants and object for the following reasons:

- The strategic transport contribution being offered is insufficient to mitigate the impact of the development
- A draft S278 agreement is not attached to the UU
- Commuted sums are not included in the UU
- A bus contribution is not included in the UU
- Drafting of the mechanism for the delivery of pedestrian/cycle links through the wider Bicester 12 and beyond is inadequate

3.12 **Drainage Officer:** There is insufficient information to give OCC confidence that the proposals for surface water drainage of the site will be successful.

It is recommended that this application is refused on drainage grounds as further details on the drainage arrangements are still needed.

There is little evidence that a Sustainable Urban Drainage System treatment train approach has been considered in the sustainable drainage design. Vegetative SUDS have not been incorporated, the proposals relying on 'hard' SUDS.

The assessment with regard to run off volumes is not adequate to confirm compliance to S5 of SUDS Non-Statutory Technical Standards (NSTS), which requires to control surface water run off volumes as is reasonably practicable to the greenfield condition.

For the full application, the proposed discharge rate of 5 l/s via a pump will provide

betterment over the corresponding greenfield peak rate for the 1% annual probability storm. This allays previous concerns about capacity of culvert infrastructure at the A41 ditch and provides partial compliance with SUDS flood criteria Non-Statutory Technical standards for SUDS (NSTS) S2. Compliance with the NSTS S2 also requires that the 100% annual probability storm will be controlled to the equivalent greenfield event.

Detailed proposals for phasing of works and dealing with surface water during the construction phase will be required and could form part of a condition.

Further detailed comments on drainage can be read within the application documentation.

#### Update (17<sup>th</sup> August)

Following discussions between OCC drainage officers and the applicant's drainage consultants and the submission of a further Technical Note, plans and information, the drainage objections have now been addressed and OCC are satisfied that the remaining issues for both the full and outline application can be dealt with by way of planning condition.

- 3.13 **Archaeology:** The site is located in an area of archaeological potential along the line of the Roman road from Alchester to Verulamium. A programme of archaeological investigation will be required ahead of any development on the site. This can be secured through an appropriately worded condition.
- 3.14 **Economy and Skills:** No objection subject to condition requiring a Community Employment Plan (CEP)
- The size of the proposed development suggests that it will require the preparation of a Community Employment Plan (CEP). Previously known as an employment and Skills Plan (ESP)
  - 930 jobs will be created at end user stage in the logistics sector
  - The economy and skills Team at OCC would welcome early discussions on the preparation of the CEP
- 3.15 **Ecology Officer:** A comprehensive Masterplan should be produced for the whole SE Bicester site, in line with Cherwell District Plan Policy Bicester 12: South East Bicester. In producing this Masterplan, the applicant should ensure that they consider green infrastructure and biodiversity and demonstrate how habitat connectivity would be provided, considering the need to avoid harm to the two adjoining Local Wildlife Sites (Meadows West of Blackthorn Hill LWS and Gavray Drive LWS) and also the Conservation Target Area.

Biodiversity enhancements such as SUDS, hedgerow and tree planting and management, creation of ponds, green roofs, creation of habitats for bats in buildings and bird boxes, creation of hibernacula for reptiles and amphibians and creation of wildflower grasslands should be included in the development design where possible in line with planning policy and the NERC Act which places a duty on local authorities to enhance biodiversity. Provision should be made for the long term management of these areas.

#### Update (22<sup>nd</sup> August)

Further to the points made above, an objection is submitted on the basis that a comprehensive Masterplan has not been produced for the whole of South east Bicester site, contrary to the Cherwell Local Plan. A masterplan should have been produced by the applicants for the two sites within Bicester 12 to ensure that they have considered green infrastructure and biodiversity and to demonstrate how habitat connectivity would be provided. The county's ecologist also has concerns about the assumptions used in the application of the biodiversity metric in the supporting

documentation.

3.16 **County Councillors:** raise the following concerns

- The cumulative transport impact of this development with other growth in Bicester prior to a solution to London Level Road Crossing and the South East Relief Road (or alternative) must be fully assessed
- Should development be permitted, a planning condition should restrict lorry parking on site to vehicles serving the development only

The consultation responses can be read in full on the application documents and the matters are discussed in more detail in the appraisal section of the report.

**Other Consultees**

3.17 **Historic England:** No objection and agree with the conclusion drawn in the Archaeological and Heritage statement (ES Appendix H) section 5.19 that result in a very low level of harm to scheduled monument known as Wretchwick Deserted Medieval Settlement, List no.1015549.

Do not agree with the conclusion that the harm will necessarily be temporary, particularly as this conclusion relies on the future development of land between the scheduled monument and the development site, when there is no certainty that such development will take place.

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

3.18 **Environment Agency:** No comments received to date

3.19 **Thames Water:**

Waste Comments - with the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. A 'Grampian style' condition is therefore recommended requiring a drainage strategy to be submitted and agreed.

Surface Water Drainage – it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended the applicant should ensure storm flows are attenuated or regulated into the receiving public network through on or off-site storage.

Water Comments – the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. A condition is therefore recommended requiring an impact study of the existing water infrastructure to be carried out and approved in writing. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

The foul water drainage strategy outlined in 'ES Volume 1 Main Report' dated May 2016 has indicated that an on-site sewage treatment facility will be provided to allow for treatment of foul water on site. Nevertheless it was also suggested that potentially the proposed site's drainage strategy will include connection to the Thames Water foul water network. Detailed drainage strategy confirming the point of connection into the public sewerage system and the flow rate into the proposed connection point is required to be able to assess the impact on capacity of the existing sewerage system.

3.20 **Highways England:** No objection

## 4. Relevant National and Local Policy and Guidance

### 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Part 1) 2011-2031

The Cherwell Local plan Part 1 2011-2031 was formally adopted on 20<sup>th</sup> July 2015 and provides the strategic planning framework for the district to 2031. The Cherwell Local Plan Part 1 replaced a number of saved policies of the adopted Cherwell Local Plan 1996 although many of its policies are retained and remain part of the Development Plan. The relevant policies are as follows:

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

##### Sustainable communities

Policy PSD1: Presumption in favour of sustainable development

Policy SLE1: Employment development

Policy SLE4: Improved transport and connections

Policy BSC2: Effective and efficient use of land

##### Sustainable development

Policy ESD1: Mitigating and adapting to climate change

Policy ESD2: Energy hierarchy and allowable solutions

Policy ESD3: Sustainable construction

Policy ESD4: Decentralised energy systems

Policy ESD5: Renewable energy

Policy ESD6: Sustainable flood risk management

Policy ESD7: Sustainable drainage systems

Policy ESD8: Water resources

Policy ESD10: Biodiversity and the natural environment

Policy ESD13: Local landscape protection and enhancement

Policy ESD15: Character of the built environment

Policy ESD17: Green infrastructure

##### Strategic Development

Policy Bicester 12: South East Bicester

##### Infrastructure Development

Policy INF1: Infrastructure

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

Policy C8: Sporadic development in the open countryside

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

Policy C31: Compatibility of proposals

Policy TR10: Heavy goods vehicles

Policy ENV1: development likely to cause detrimental levels of pollution

### 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Policy Guidance

One Shared Vision

Draft Bicester Master Plan

Planning Obligations Draft SPD 2011  
Design and Layout of Employment Sites – A Guide SPG 1996

Cherwell Economic Development Strategy 2011-2016

Cherwell Annual Monitoring Report 2015

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Environmental Statement
- Planning Policy and Principle of Development
- Transport, Accessibility and Highway Safety
- Employment
- Landscape and Public Rights of Way
- Archaeological and Historic Environment
- Design, Layout and Appearance
- Ecology
- Flood Risk and Drainage
- Effect on Neighbouring Amenity
- Sustainability
- Planning Obligation

### Relevant Planning History

5.2 The application site is part of a wider strategic allocation in the adopted Cherwell Local Plan 2011-2031 for mixed use development (Policy Bicester 12). This part of the site has been brought forward for development in advance of the remainder of the allocation. An outline application for the development of this site for B8 purposes was submitted in December 2015 by the same applicant, (15/02316/OUT) refers. An appeal against non-determination of this application has been lodged. The applicants have requested that it be determined by public inquiry.

5.3 Following the submission of the outline application the applicant's agent has stated that the following amendments have been incorporated into this Hybrid application:

- An overall reduction in the quantum of development
- Increase in the provision of additional landscaping along the boundaries of the development.
- A reduction in the proposed height of the units from 18m to 15.5m to ridge. Unit A1 will be a maximum of 14.6m to ridge
- Reduction on impact on the residential amenities of neighbouring properties by reduced height and increased distance of buildings from them
- Three clear development parcels in zone 2 where details are submitted in outline only providing commercially realistic blocks
- Identification of footpath/cycle links to the wider Bicester 12 development along northern and western boundaries
- Commitment to the provision of integrated Green Infrastructure corridors with the wider Bicester 12 development together with enhanced on-site ecological benefits as a result of additional perimeter landscaping
- Revisions to the access to A41 following discussions with OCC

- Unit A1 flipped so that service yard is on A41 frontage to provide optimum solution in landscape terms to address the 'Gateway' entrance to Bicester sought by CDC planning officers
- Incorporation of landscape bund on land outside the application area along the northern boundary with the open countryside
- Drainage issues resolved
- Commitment to provide mature planting along A41 landscape bund

5.4 An outline application has also now been received (registered on 29<sup>th</sup> June 2016) for the remainder of the majority of the Policy Bicester 12 allocation by Redrow Homes and Wates Developments (16/01268/OUT) refers. This application seeks consent for 1,500 dwellings, up to 18ha of employment land for B1 and/or B8 uses, a local centre with retail and community use to include A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1 and/or D2 and/or B1 or uses considered as sui generis, up to a 3 Form Entry Primary School, drainage works including engineering operations to re-profile the land and primary access points from A41 and A4421 with other associated vehicular, pedestrian and cycle access, circulation routes, related highway works; car parking; public open space and green infrastructure and sustainable drainage systems. That application is the subject of on-going negotiations, and is unlikely to be presented to Committee until October/November 2016.

### **Environmental Statement**

5.5 The application is accompanied by an Environmental Statement (ES). The ES covers landscape and visual, transport and access, air quality, noise and vibration, ecology and nature conservation, flood risk and water environment, socio-economic, cultural heritage, ground conditions and geology and agricultural land. The ES identifies significant impacts of the development on the environment and the locality and the mitigation considered necessary to make the development acceptable.

5.6 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Regulation 3 requires that Local Authorities shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.

5.7 The NPPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. The information in the ES and consultation responses received has been taken into account in considering this application and preparing this report.

5.8 The ES identifies mitigation measures and these must be secured through conditions and/or legal agreements. Having regard to the appraisal below, it is considered that there are a number of issues and matters raised within the application submission and the ES which cannot be simply conditioned and therefore need to be addressed as part of this submission.

### **Planning Policy and the Principle of Development**

5.9 The Development Plan for Cherwell District comprises saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan (Part 1) 2011-2031. Section 70 (2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 also requires that if regard is to be had to the development plan for the purpose of any determination to be made under the 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.

### **Adopted Cherwell Local Plan 2011-2031**

- 5.10 The Cherwell Local Plan has been through Examination, has been considered by Full Council, is now adopted and consistent with the NPPF. The adopted Cherwell Local Plan 2011-2031 includes strategic allocation Policy Bicester 12 (SE Bicester) which consists of 155 hectares of agricultural land. It identifies SE Bicester as a mixed use site for employment and residential development of 1,500 new homes and supporting infrastructure to the east of the ring road to the south east of Bicester. The policy specifies that approximately 40 hectares shall be for employment use. This application which seeks consent for B8 uses, forms part of this strategic allocation within the Local Plan. The policy is comprehensive in its requirements and the consideration of this proposal against the requirements of Policy Bicester 12 will be carried through the assessment of this application.
- 5.11 The Plan also includes a number of other relevant policies to this application, including those related to sustainable development, transport, flood risk and sustainable drainage, sustainable construction, ecology, landscape and visual impact, environment and design. These policies are all considered in more detail within the appraisal below.

### **Adopted Cherwell Local Plan 1996**

- 5.12 The adopted Cherwell Local Plan 1996 includes a number of policies saved by the newly adopted Cherwell Local Plan 2011-2031, most of which relate to detailed matters such as design and layout. The plan includes Policy C8 which relates to sporadic development in the open countryside, and whilst this proposal would conflict with this particular policy, the fact that the site forms part of a strategic allocation within the newly adopted Cherwell local Plan 2011-2031 is a material consideration. The policies of the adopted Cherwell Local Plan 1996 are considered in more detail in the appraisal below.

### **National Planning Policy Framework**

- 5.13 The purpose of the planning system is to contribute to the achievement of sustainable development. The National Planning Policy Framework (NPPF) sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development; contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 70). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to;
- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
  - Always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings
  - Proactively drive and support sustainable economic development
  - Support the transition to a low carbon future in a changing climate
  - Encourage the effective use of land by re-using land that has been previously developed
  - Promote mixed use developments
  - Conserve heritage assets in a manner appropriate to their significance
  - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant developments in locations which are, or can be made sustainable.



- Deliver sufficient community and cultural facilities and services to meet local needs
- 5.14 The NPPF at paragraph 14 states ‘at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both planning and decision taking....for decision taking this means:
- Approving development proposals that accord with the development plan without delay; and
  - Where a development plan is absent, silent or relevant policies are out of date, granting permission unless;
  - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole; or
  - Specific policies in this framework indicate development should be restricted
- 5.15 The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below.
- 5.16 In relation to the economic role, the NPPF states that the planning system should do everything it can to support sustainable economic growth. In respect of this application proposal, the development is likely to encourage new businesses into the District, to provide jobs locally during the construction phases, and in the longer term will deliver and secure the provision of new jobs within Bicester and seeking to help address the issues of significant out-commuting in Bicester at present. The applicant has stated within the submission that an occupier has already been secured for Unit A1 generating approximately 80 jobs. Objectors are concerned that the provision of only B8 development on this site will not provide the high tech jobs required or the required number of jobs identified in the Policy. The applicant has also stated verbally that there is an agreement with the new Bicester Studio School in terms of providing work experience etc for pupils by businesses which will ultimately locate within the site. Details in this respect are still awaited.
- 5.17 The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing a supply of housing and employment opportunities to meet the needs of present and future generations. A high quality built environment and accessibility to local services, housing and the town centre for employees is required as part of this function. The application proposal will provide local jobs. Objectors are concerned that the site as proposed lacks connectivity and integration with Bicester and the remainder of the Bicester 12 allocation.
- 5.18 In terms of environmental, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. The accompanying ES seeks to address these issues and explain the mitigation measures that will be implemented. Objections have been received regarding the landscape and visual impact of the development and the effect on wildlife and biodiversity.
- Employment**
- 5.19 Paragraph 17 of the NPPF sets out the core planning principles that should underpin both plan-making and decision-taking. Of particular relevance to this application in terms of the employment use is to:
- 5.20 ‘Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth....’

- 5.21 Section 1 of the NPPF – Building a strong competitive economy, advises at paragraph 18 that ‘the government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and meeting the twin challenges of global competition and of a low carbon future’
- 5.22 Paragraph 19 advises ‘the government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system’.
- 5.23 Paragraph 20 advises ‘to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> Century’.
- 5.24 Policy SLE1 of the adopted Cherwell Local Plan 2011-2031 sets out that new development sites have been identified to promote growth and increase the amount of employment land in the District in accordance with the requirements of the NPPF above, for commerce, engineering and manufacturing. This growth is focused more at Bicester in order to match the growth in housing and make the town more sustainable. This policy also reflects the urban focus within the plan and to ensure that housing and employment are located in the same place.
- 5.25 Policy SLE1 also refers to the Council’s flexible approach to employment generation with a number of strategic sites allocated for a mix of uses. At Bicester, there are 6 strategic sites where strategic employment uses are identified. Policy Bicester 12 is one of these strategic allocations for mixed use development, identifying approximately 40 hectares for employment use within a mix of B1, B2 and B8 uses, although it identifies B8 as the primary employment use. The land has been allocated taking account of the economic evidence base, matching growth in housing and to cater for company demand whilst ensuring a sufficient employment land supply. It emphasises that careful consideration must be given to locating housing and employment in close proximity to avoid harmful impacts upon the residential amenity of neighbouring properties. The identification of sites to meet the anticipated economic needs is in line with the guidance within the NPPF.
- 5.26 The Local Plan is supported by a suite of evidence, including that relating to Economic Development and the council has an Economic Development Strategy. The Economic Analysis Study (August 2012) identifies the existing baseline conditions within the District which shows that the District has high economic activity but low growth with a relatively resilient economy. In terms of growth, the district appears to be underperforming, particularly in higher value sectors and it is identified that there is scope to improve the economic competitiveness. The document sets aspirations for the type of new development that will be encouraged drawing on the district’s advantages of being very accessible and part of the Oxfordshire economy. In respect of this application, the Council’s Economic Growth officer advises in support of this application that the commercial property market in Bicester over the last decade has not effectively operated to satisfy the needs of expanding businesses and inward investors which has delayed the implementation of the council’s adopted economic development strategy and created a latent demand amongst a range of Bicester businesses. He also advises that the construction of commercial premises has also not matched either the growth in the number of homes or the rate of household formation that has occurred (and continues to occur).
- 5.27 The Council’s most recent Annual Monitoring Report (AMR) December 2015 (reported to the Executive in January 2016) identifies that there has been an overall net loss of employment land in Bicester of -3,768 sqm, this is made up by a gain of

3,809 sqm of B8 floorspace but a loss of 5,644 sqm of B2 uses as a result of changes of use from B2 to B8 at Bessemer Close. The assessment considers the remaining allocated land, which in Bicester represents the allocated sites at Bicester 1, Bicester 4, Bicester 10, Bicester 11 and Bicester 12 and notes the efforts being made by the council to bring forward strategic sites. The planning permission at the Graven Hill site has led to significant increases in B8 mixed use classes with small gains in other employment uses. The total amount of employment floorspace at Graven Hill is over 90,000 sqm. Outline planning consent has also recently been granted for up to 48,308sqm of employment floorspace at Skimmingdish Lane (Policy Bicester 11, application number 15/01012/OUT refers).

- 5.28 The Oxfordshire Local Enterprise Partnership (OxLEP) and partners have agreed, through the City Deal and Strategic Economic Plan to deliver significant levels of economic growth. Oxfordshire has also made progress through programmes including Oxfordshire Business support, the Oxfordshire Apprenticeship Programme, Opportunities to Inspire builds links between employers and education across Oxfordshire in order to inspire the future workforce and Invest in Oxfordshire. Seeking commitments to the development of skills and the provision of job opportunities through Community Employment Plans can achieve this vision and ensure that developments contribute to economic growth. As well as supporting sustainable economic growth, CEPs provide the opportunity to more closely align the new jobs created from a major development, the local labour market and skills providers. Thus ensuring maximum benefits in terms of new jobs, apprenticeships, traineeships, work experience and local supply chains. Oxfordshire in general and Cherwell District in particular, are currently experiencing a large increase in construction to provide new homes and jobs for the area. However, there is a shortage of skilled construction workers to support this growth and the trend has generally been that construction apprenticeships are decreasing. It was agreed by the Council's Executive in April 2016 that the Council in the interim, until the new Planning Obligations SPD is agreed, will seek to secure new construction apprenticeships through new development proposals, to be secured either through Section 106 or by condition. The applicants have stated verbally that they have an agreement with the Studio School at Bicester which is due to open in September 2016 where placements will be offered to pupils for work experience as part of these development proposals. The applicants have agreed to send over further information regarding this agreement, but to date, this is still awaited.
- 5.29 The application site relates to only 16.42 hectares of the employment land allocated within Policy Bicester 12, leaving a further 23.6 hectares to be delivered within the remaining allocation. The outline application for the majority of the remainder of Bicester 12 which has just been submitted includes up to 18ha of employment land for uses falling within B1 and/or B8 purposes (16/01268/OUT refers). After careful consideration, having regard to the constraints on the remainder of Bicester 12 in terms of the Scheduled Ancient Monument and Ecology, it is the opinion of the Head of Development management that the eastern part of the allocation (the application site) is therefore, on balance, the most appropriate location for the employment uses. This proposal therefore complies with the general thrust of Policy Bicester 12 in this respect and the Council's employment policy to provide economic growth and allow a degree of flexibility for developers to achieve it. The fact that a potential occupier is interested in one of the units will also mean that the initial development on this site is delivered early in the plan process.
- 5.30 In support of this application proposal the submission advises that the parameters plan, layout, scale and appearance of the buildings have all been designed to allow flexibility and to meet the requirements of potential future occupants, providing flexible employment space that can adapt to changing needs. Furthermore, it is submitted that a Prologis Technical Note September 2011 reveals that, in consequence of the technical and administrative changes in the logistics sector that

whilst the number of warehouse staff has fallen, there has generally been an increase in job opportunities in respect of administrative and support staff, managerial roles and IT, customer service, sales and engineering roles. It is also stated that a further economic advantage is the fact that the logistics sector is also a major provider of apprenticeship opportunities and that the job opportunities within a modern logistics operation will be further boosted by symmetry park in the context of the Bicester Technology Studio.

- 5.31 It is therefore the applicant's view that the application proposal will create a number of flexible and needed jobs in a sustainable location and that the jobs are needed now and that the scheme is deliverable. They go on to say that it would be inappropriate to delay the granting of planning permission as this would potentially jeopardise delivery and risk the town losing clear benefits of the proposal at a time when jobs are needed to stimulate the economic recovery.
- 5.32 The application which is for employment use is therefore considered to be consistent with the principle of Policy Bicester 12 which allocates this land for a mixed use development and the site has an important role to play in the delivery of new employment development to secure economic growth and to support growth in housing. The policy however, requires a comprehensive master plan to be produced in respect of the whole Bicester 12 allocation. This would allow sufficient confidence to ensure that the overall requirements of Policy Bicester 12 can be met and that a mix of employment uses and quantum of employment development can be delivered across the allocation in accordance with the policy requirements. A comprehensive master plan which incorporates the proposed development and uses on the remainder of Bicester 12, has not been included with the application documentation, despite numerous requests to the applicant and agent. The application documentation states that the intended occupier of Unit A1 will deliver 80 jobs within the first 12 months of occupation with the potential for further growth. If this level of job creation was repeated across the remainder of the B8 units proposed in this application, this would equate to approximately 640 jobs, not the potential 930 stated in the application documentation.
- 5.33 Notwithstanding the above, in respect of the principle of B8 employment on this site, the appraisal below will consider other aspects of this proposal and the more detailed matters to consider the overall impacts of the proposed development and the other relevant policies within the Development Plan.

#### **Transport, Accessibility and Highway Safety**

- 5.34 A Transport Assessment (TA) has been submitted as part of this application and the ES which has been prepared by Peter Brett Associates on behalf of the applicant. The TA and all the supporting documentation within the ES relating to Transport has been assessed by OCC as Local Highway Authority. A new vehicular access to the site is proposed as an un-signalised priority junction on the A41 approximately 250m east of the Ploughley Road junction. A ghosted right turn lane into the site protected by two non-pedestrian refuge islands is proposed as part of this junction. The proposed new access is part of the detailed application, but will also serve the remainder of the site for which outline consent is sought, when that is brought forward for development.
- 5.35 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to transport and accessibility are as follows:
- Development of a comprehensive master plan for the allocated site
  - A well designed approach to the urban edge, which relates development at the periphery, and affords good access to the countryside
  - A proposal that is well integrated, with improved, sustainable connections between the existing development and new development on this site

- New footpaths and cycle ways should be provided for that link to existing networks and the wider urban area. This includes links from the site into Bicester town centre and to facilitate access to railway stations and places of employment
- A legible hierarchy of routes should be established to encourage sustainable modes of travel and the development layout should maximise the potential for walkable neighbourhoods and incorporate cycle routes
- Connectivity and ease of access from the development to the wider Public Rights of way network
- Good accessibility to public transport services should be provided for including a through route for buses between the A4421 Charbridge Lane and A41 Aylesbury Road, with effective footpaths and cycle routes to bus stops, including a financial contribution towards the provision of a bus service through the site and new bus stops with effective footpaths and cycle routes to bus stops from dwellings and commercial buildings
- A Transport Assessment and Travel Plan to accompany development proposals

#### Traffic Generation and Distribution

- 5.36 This application is for a reduced amount of floor space compared to the previous outline (65,032 sqm compared to 69,677 sqm). The TA for this hybrid application is largely the same as the one that was submitted with the outline application although it includes details of how the applicant sought to address a number of queries and concerns raised by OCC when the outline was first submitted. In terms of the overall impact of the additional traffic generated by this revised proposal, the calculations are based on the original higher quantum, thereby predicting the worse case scenario.
- 5.37 OCC previously raised concerns about the use of 2020 as an assessment year and the fact that this did not adequately assess the impact of the development on the transport network in the longer term in the context of the known growth of traffic as a result of planned development in Bicester in the adopted Cherwell Local Plan growth. In response to this concern, the TA presents the results of further work undertaken by the applicant's transport consultant to model the site access in a future assessment year of 2024 using flows from the Bicester SATURN Model which includes Local Plan growth to 2024. This demonstrates that the proposed site access junction would operate satisfactorily in a 2024 assessment year.
- 5.38 The distribution/routeing of HGVs assumed in the TA was also queried. Subsequent sensitivity testing of the assessment of the site access has been undertaken considering different distribution scenarios of HGVs arriving and leaving the site. This is described in the TA for the Hybrid application. It demonstrates that even if more HGVs arrive and leave from the east, the site access would still work safely and efficiently. It is considered by the highway authority that the routeing of HGVs to and from the site would be adequately managed by the existing environmental weight and height limits in place locally. An environmental weight restriction is in place to the south of the application site that prevents vehicles heavier than 7.5 tonnes from taking a short cut to Oxford and beyond via unsuitable roads through villages such as Merton, Murcott, Horton and Stanton St. John.
- 5.39 The TA concludes that in 2031, traffic generated by the development results in only a minor impact on the Rodney House Roundabout and the Oxford Road/A41 junction which will be improved as part of the Graven Hill development which will ensure that traffic from this site will be satisfactorily accommodated. The proposed site access junction is shown to work within capacity in 2024.
- 5.40 A number of consultation responses have raised significant concerns about the negative impact that additional traffic from this development would have on the operation of the Ploughley Road junction. This is not least because of the congestion

that occurs at the junction during busy times. In particular, it has been suggested that it is unrealistic for the TA to not allocate any traffic turning in and out of Ploughley Road in the morning and evening peak hours. Whilst the original transport scoping exercise involving OCC did not result in any traffic allocated to that route, on reflection OCC consider that this was not accurate. However, OCC consider that the numbers would actually be small and therefore that this would actually have minimal impact on the route to the south and the junction itself.

#### Site Access

- 5.41 The proposed new site access details have been assessed by OCC. The site access plan includes site visibility splays that are considered appropriate for the design speed of the road as determined by the applicant's traffic consultant using recent speed survey data. There are a number of trees that are within the site visibility splay that must be removed to ensure the site access works safely. These trees are not on highway land and are located outside the red line of the planning application. The applicant however, has confirmed to the highway authority that these trees are within their control and that they are therefore able to remove these trees. The site access is only considered safe by the highway authority if these trees are removed.
- 5.42 The submitted TA includes a study of the accidents recorded along the A41 in the vicinity of the site. The applicant has also provided an independent road safety assessment of the proposals, which does not raise any concerns that could not be addressed at a subsequent stage of the design (this assessment consisted of a road safety audit of an earlier version of the access, the results of which have led to changes that have been incorporated into the design submitted with the planning application). The highway authority believe that there is nothing in the road accident record that suggests in the future, either the form of the proposed site access junction or the retention of the de-restricted speed limit would not be appropriate, taking into account the level of traffic generated by this and other traffic growth. This also applies to the proposed pedestrian/cycle refuge to the east of the Ploughley Road. However, the introduction of a 50mph speed limit along this stretch of A41 will help reinforce the safe operation of the new site access and the other existing side road and site junctions along this stretch of A41. The existing street lighting on the A41 from Bicester going eastwards currently ends just east of the Ploughley Road junction. The site access junction will not be acceptable to the highway authority unless this lighting is extended to the east of the proposed site access junction.

#### Pedestrian and Cycle Access

- 5.43 Policy Bicester 12 requires that 'the development is well integrated, with improved, sustainable connections between existing development and new development on this site' and also that 'new footpaths and cycleways should be provided for that link to existing networks in the wider area'. Policy Bicester 12 also requires 'the development of a comprehensive master plan for the allocated site in consultation with the Council, OCC, Historic England, the Local Nature Partnership (Wild Oxfordshire) and local communities'. A master plan for the whole of Bicester 12 allocation would demonstrate how pedestrians and cyclists would be encouraged to use routes through the wider Bicester 12 site rather than only access the site via routes along the A41. It would also help give sufficient certainty on this point.
- 5.44 In the absence of a Bicester 12 master plan, the OCC as highway authority consider the parameters plan and the indicative master plan submitted with this application do not go far enough towards complying with the requirements of the local plan for the wider site. These submitted plans appear to be seeking to demonstrate that the developer would be willing to commit to providing pedestrian and cycle access links along the northern and western boundaries of the site. The applicants planning statement proposes that these could be secured by a planning condition attached to a planning permission. In the absence of a comprehensive master plan, it is difficult to be certain where, when and how these links might be provided. In respect of the

routes on the application site that would provide access to the different parts of the development, the green corridors with footpath/cycle links are shown as indicative. Given that these are entirely within zone 2, the outline part of the site, it is difficult to ascertain with any certainty on where, when and how high quality links can be delivered, for example, if a larger building as identified on the plot parameters was brought forward at reserve matters stage, this could create an unacceptable barrier to ease of movement by cyclists and pedestrians across Bicester 12 as a whole. A condition is therefore not considered to be appropriate and these links would need to be secured through a Section 106 that could be more specific about how, when and where.

5.45 In the absence of a comprehensive master plan for the wider Bicester 12 allocation, there is uncertainty about how the requirements of the Policy in terms of cycling and walking connectivity will be complied with. On this basis, OCC as highway authority object to the application submission. High quality connections across Bicester 12 are crucially important to support sustainable residential development on the wider Bicester 12 site and to provide future residents with sustainable transport connections to access employment opportunities within Bicester 12.

5.46 Following further discussions with the applicant and their consultants, it has been agreed that consideration will be given to the possibility of securing some degree of integration and connectivity with the remainder of Bicester 12 and the wider Bicester through a Section 106 agreement, thereby removing this objection. It is important that the wording within the agreement is appropriate to secure the provision of attractive, safe and appropriately constructed and maintained links, in appropriate locations and in a timely manner, in perpetuity. The applicant has sent through a draft Unilateral Undertaking which includes the provision of cycle/footpath links, however, the drafting mechanism suggested for their delivery is inadequate and an objection to the application proposal therefore currently remains in this respect.

5.47 Public Transport

Akeman Park is located adjacent to the current S5 bus service which operates on a broadly hourly basis during Monday to Saturday daytimes. The submitted TA suggests that a bus stop could be provided on A41 to serve the site by means of the existing S5 service pattern, this would be within the recommended 400m walk for most of the site and would be secured through Section 106 and 278 Agreements. This will ensure that in line with the NPPF, opportunities for people accessing the site by sustainable transport are provided. A pair of bus stops is therefore required on A41 just east of Ploughley Road or just south of A41 on the Ploughley Road. Hard standing for bus passengers to wait, as well as bus stop flags and information cases will be needed at both stops. A bus shelter for passengers waiting to catch the bus in the Bicester direction is needed to make travel by public transport as attractive as possible.

5.48 The current operating hours of the S5 bus service will be inadequate to cater for early morning or later evening start/finish times, and are very infrequent on Sundays. Further funding will therefore be required as part of this proposal towards a bus service that will serve the new stops on the A41 in the evening and early morning, at least until such time that a bus service covering these hours is provided to the remainder of Bicester 12. A section 106 will therefore be necessary to secure the appropriate funding. The applicant has submitted a Unilateral Undertaking as part of this application, however, it does not include a contribution towards improved bus services and is therefore not acceptable to OCC. An objection has been made in this respect.

Site Layout

5.49 The original application proposal relating to the detailed submission did not include tracking diagrams and as such it was not possible therefore to understand whether

vehicles, including HGVs can manoeuvre in and out of the accesses to the service yards safely and successfully. This would also need to include tracking for the access road that would lead to the zone 2 outline application area.

- 5.50 Tracking diagrams have now been provided for the site layout of the Zone 1 area (detailed submission) which show that HGV's would be able to manoeuvre in and out of the accesses to the service yards satisfactorily and in respect of the access road that would lead to the Zone 2 planning application area (outline submission).

#### Travel Plan

- 5.51 A Framework Travel Plan has been submitted with the application but this requires further work to meet the requirements set out in current OCC travel plan guidance. OCC advise that it needs to be more robust, there is a focus on providing information but a lack of commitment to provision of facilities for cyclists such as lockers and showers as the statement states that ,consideration, will be given to their provision rather than committing to their provision.

- 5.52 The Framework Travel Plan also needs to make a commitment to achieving the trip generation detailed in the TA although a revised figure for the amount of traffic generated by the lower level of floor area in this hybrid application will be used. Targets in the FTP need to relate to both mode split and traffic generation. Mode split reductions should be based on the TA figures as the baseline.

- 5.53 A condition would be recommended to overcome this aspect.

#### Ambrosden Parish Council Objection

- 5.54 OCC have assessed the Paul Basham Report which was prepared on behalf of Ambrosden Parish Council in respect of transport and highway matters. The request for additional modelling addresses many of the points raised in the Report. The modelling requested from Peter Brett Associates that extends beyond 2020 required the use of the 2024 Bicester SATURN model, which incorporates Cherwell Local Plan growth to 2024.

- 5.55 In respect of the Ploughley Road junction, advise that the A41/Ploughley Road junction is being considered and assessed as part of the wider Bicester 12 allocation. Timings for development coming forward at Akeman park ahead of the remainder of Bicester 12 or a masterplan for the whole of Bicester 12 have also been considered with respect to the deliverability of infrastructure required to support the development proposals, and the proportionate impact that the relatively few trips generated by the Akeman Park development will have on this junction.

- 5.56 In respect of traffic generated travelling through Ambrosden, OCC agrees that some traffic may travel through Ambrosden, but considers that the number of trips generated by the development routeing that way will be small.

- 5.57 In respect of sustainable cycle and pedestrian connections, OCC and CDC are seeking to address the issue of sustainable connectivity between Akeman Park and the wider Bicester 12 through on-going discussions with the applicant. It was agreed at a recent meeting with the applicant that these links could be secured through a Section 106 Agreement, although the detail of this remains to be agreed. OCC consider the ghost island priority to be appropriate at this location from an operational perspective as the provision of a ghost island and the trip generation expected does not give rise to road safety concerns. It should also be noted that the traffic counter referred to is located west of Ploughley Road, whereas the proposed access to Akeman Park is located to the east of the Ploughley Road junction.

- 5.58 The Paul Basham Report also raises concerns about the accident information. OCC advises that the TA does include full collision data and a map at the appendix



includes all the accidents detailed. OCC's Road Safety team were also consulted as part of OCC's response to the application. It is not considered by OCC as highway authority that the trips generated from the Akeman Park development will cause additional road safety issues at Ploughley Road. However, as mentioned previously, operation of the junction and pedestrian/cycle crossing of the A41 will be considered as part of the wider Bicester 12 application.

#### Conclusion

- 5.59 OCC, as local highway authority originally recommended an objection to the application as submitted as being contrary to Policy Bicester 12 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the NPPF. These issues have now been addressed by the amended plans and additional information submitted as a result of on-going discussions. An objection remains however in respect of the Section 106 contributions and infrastructure requirements and the S278 works; an objection is therefore maintained by OCC in this respect. This will be discussed in more detail within the report under 'planning obligation'. If these agreed this will form a reason for refusal.

#### **Landscape and Public Rights of Way**

- 5.60 Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 relates to local landscape protection and enhancement and therefore seeks to conserve and enhance the distinctive and highly valued local character of the entire district. Policy ESD13 states that: 'development will be expected to respect and enhance local landscape character...and proposals will not be permitted if they would....cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character....harm the setting of settlements, buildings, structures or other landmark features, or, harm the historic value of the landscape'
- 5.61 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 states that new development proposals, amongst other things should: 'contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmark features or views....and ensure new development is sensitively designed and integrated in accordance with advice within the NPPF and NPPG'. The Council's Countryside Design Summary identifies the site as being located within the Clay vale of Otmoor which is characterised by generally flat low-lying land crossed by the meandering Rivers Ray and Cherwell, which drain into the Thames at Oxford.
- 5.62 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to landscape and visual impact are as follows:
- A comprehensive master plan for the allocated site
  - Commercial buildings with a high quality design and finish with careful consideration given to layout, architecture, materials, colourings and to building heights to reduce overall visual impact
  - A well designed approach to the urban edge, which relates development at the periphery, and affords good access to the countryside
  - Protection of the line and amenity of existing Public Rights of Way. Connectivity and ease of access from the development to the wider Public Rights of Way network
  - Development proposals to be accompanied and influenced by landscape/visual and heritage impact assessments
- 5.63 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on should be judged.

The NPPF also advises that the open countryside should be protected for its own sake.

- 5.64 The ES includes a Landscape and Visual Impact Assessment which has considered the effects of the proposed development on the landscape character of the area. This has been produced by The Environmental Dimension Partnership Ltd on behalf of db symmetry. This report sets out the findings of the landscape and visual impact assessment of the proposed development illustrated by the parameters plan including the detailed landscape strategy for zone 1 and the retention of trees and shrubs within the defined landscape buffers for zone 2. The site itself is generally flat as is the countryside immediately around, however, just to the east of the application site the land rises quite steeply towards the village of Blackthorn. A number of public rights of way pass immediately adjacent or close to the site. An existing public right of way which passes along Blackthorn Hill offers views down towards the site.
- 5.65 The Landscape and Visual Impact Assessment has been assessed by the council's Landscape Officer who has raised significant concerns about the visual impact of the proposed development, largely because of inadequate mitigation planting and landscape buffers. This is of particular concern along the northern boundary of the site in respect of the detailed proposal where the landscape buffer is too narrow to provide any effective buffer with the open countryside. It should also be noted that an existing tree along this boundary, due to its proximity to the HGV servicing and parking area within its canopy is likely to be affected by the proposal. Following discussions, the applicant has agreed to provide a further 20m landscape buffer along the north-eastern boundary of the site. This buffer however is outside the application area, although on land controlled by the applicant. The provision of this will therefore need to be secured in perpetuity through a Section 106 Agreement. It is accepted that the provision of a 20m wide landscaped buffer along this boundary would help to resolve the concerns regarding the impact of the development on the open countryside in respect of this boundary and this part of the development.
- 5.66 In terms of the planting to the southern boundary adjacent to A41, the council's Landscape Officer also advises that the planting proposed will not be of sufficient height or density to suggest the minor/adverse effect in the submitted LVIA at 15 years but considers the effect will be moderate/adverse. Increasing the depth of planting along A41 frontage would provide better mitigation in terms of visual impact. In order to overcome the drainage objection, revised plans have been submitted which shows drainage pipes and infrastructure, together with attenuation ponds and swales within the landscape buffers. As a consequence, the council's Landscape Officer remains concerned about landscape impact and advises that the frontage (A41) landscape scheme must be revised to accommodate the drainage and underground attenuation, or the drainage/attenuation relocated to avoid the landscaping as the two are not compatible as shown. The amendments are necessary to maximise the overall mitigation/screening effects intended with the higher tree density required. Furthermore, drainage system maintenance and refurbishment will result in tree removal and drastic pruning, and the drainage maintenance way leaves will result in reduced tree planting and subsequently lower density and a more visually permeable landscape structure.
- 5.67 At a recent meeting the applicants were also asked to consider reducing the size of building A2 to allow a wider landscape buffer to the A41, however, this request was declined on the grounds that this would make the building unworkable. At this meeting the applicants also undertook to provide additional evidence and information to try to convince the council of the compatibility of the landscaping and drainage proposals. Members will be further updated in this regard at the meeting following further discussions with the council's Landscape Officer.
- 5.68 During the consideration of the appealed outline application, in order to try to take the

application forward, and in the spirit of seeking to work collaboratively with the applicant, a consultant was instructed on behalf of CDC to produce a parameters plan which sought to identify an appropriate frontage set back in terms of the buildings, green infrastructure links through the site, footpath/cycle links and appropriate connectivity with the remainder of Bicester 12 and appropriate landscape buffers. This plan was produced in an attempt to open up negotiations regarding the scale and form of the development proposed having regard to its location on the planned edge of Bicester, adjacent public rights of way and adjacent residential properties. The parameters plan was not considered acceptable by the applicant on the grounds that the reduced quantum of development on the site for B8 purposes would be rendered unviable and neither would it meet the requirements of B8 users.

- 5.69 In conclusion, it is considered that having regard to the above, as submitted, there is insufficient buffer landscaping around the edges of the site to successfully and acceptably mitigate the visual impact of these large B8 buildings within the landscape, from the adjacent public rights of way and on the approaches to the site from the adjacent road network. Due to the scale of the buildings identified within the plot parameter and the lack of certainty of any significant internal green infrastructure, the quantum of development sought has resulted in an unacceptable development in terms of visual impact contrary to Policies Bicester 12, ESD13 and ESD15 of the adopted Cherwell Local Plan and government advice within the NPPF. It is considered however, that this issue could be addressed should the applicant be willing to engage and further by setting the development back from the boundaries of the site and increasing the width of the landscape buffers to A41 frontage and eastern boundary.

#### **Archaeological and Cultural Heritage**

- 5.70 An archaeological and heritage assessment report has been prepared by The Environmental Dimension Partnership Ltd (EDP) on behalf of the applicant which includes assessment of the potential effects of the development on Wretchwick medieval village scheduled ancient monument (SAM). The assessment involved a desk-based review of records and other data sources, a walkover survey and subsequent archaeological geophysical survey. There are also a number of listed buildings within proximity of the site.
- 5.71 Saved Policies C18 and C25 of the adopted Cherwell Local Plan 1996 are relevant to the proposal in terms of seeking to protect the setting of listed buildings and scheduled ancient monuments. Policy ESD15 of the adopted Cherwell Local Plan Part 1 2011-2031 also seeks to protect such heritage assets and requires appropriate information and assessments to be included within an application submission to enable an assessment of the potential impact of a development upon them to be made.
- 5.72 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to archaeological and cultural heritage are as follows;
- A comprehensive master plan for the allocated site
  - Development proposals should protect cultural heritage and archaeology, in particular Grade II listed Wretchwick Farmhouse and Wretchwick Medieval Settlement, a Scheduled Ancient Monument
  - Development proposals to be accompanied and influenced by landscape/visual and heritage impact assessments
  - An archaeological field evaluation to assess the impact of the development on archaeological features
- 5.73 Section 12 of the NPPF sets out the planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of

the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance.

- 5.74 Paragraph 128 states that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 5.75 Paragraph 129 states 'Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the evidence and necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposed'.
- 5.76 Paragraph 132 states 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.
- 5.77 The application proposal and submitted archaeological and heritage assessment report has been assessed by the County Archaeologist. The site is also located in an area of archaeological potential along the line of the Roman road from Alchester to Verulamium. The line of this road has been confirmed during archaeological evaluation 600m west of the proposed site along with Iron Age and Roman deposits. Roman settlement has been recorded 900m south west of the proposed site. Bronze Age barrows have been identified from aerial photographs 1km to the south west and west of the site. Further barrows have been recorded north of the site.
- 5.78 A geophysical survey has been undertaken on site which did not record any archaeological deposits however, the report highlights that this cannot be taken as 'an absolute representation of the underlying archaeological and non-archaeological remains'. A programme of archaeological investigation will be required to assess the veracity of the geophysical results. An archaeological evaluation has been undertaken on the site but has not been submitted with this application. This evaluation recorded a significant number of archaeological features across the site. A programme of further archaeological investigation will be required ahead of any development. A condition by the County Archaeologist is therefore recommended in this respect.
- 5.79 The application proposal has also been assessed by Historic England in respect of its impact upon the SAM who raise no objection and agree with the conclusion drawn in the Archaeological and Heritage Statement contained within the ES that the development would result in a very low level of harm to the Scheduled Ancient Monument known as Wretchwick Deserted Medieval Village.
- 5.80 Having regard to the above, it is considered that the development proposed is therefore in accordance with the advice within the NPPF and the policies within the Development Plan and is therefore acceptable in this respect.

#### **Design, Layout and Appearance**

- 5.81 Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute to making places better for people'.
- 5.82 Paragraph 58 also states that planning policies and decisions should aim to ensure

that developments achieve a number of results including the establishment of a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and that developments should respond to the local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

- 5.83 Paragraph 61 also states that ‘although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’. The site is located on open agricultural land, beyond the current built up limits of Bicester. A pair of small semi-detached cottages is located immediately to the west of the site and residential properties are also within the vicinity of the site on the opposite side of the A41. The application proposal is at the key entry into Bicester from along A41 from Aylesbury and the east, as well as nearby villages, such as Ambrosden and Blackthorn and it is therefore important that the proposed development provides an appropriate ‘gateway setting’ both in terms of its design, scale and positioning of the buildings, parking and service areas and choice of materials.
- 5.84 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policy C28 which states that ‘control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development’. Policy ESD15 also advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement.
- 5.85 The appearance of new development and its relationship with its surroundings and its natural and built environment can have a significant effect on the character and appearance of an area. Securing development that can positively contribute to the character of its local environment and has longevity is therefore of key importance. The application has been submitted as a hybrid, seeking detailed planning consent for the erection of two B8 buildings and the new access into the development at the eastern end of the site, furthest away from Bicester, and outline consent on the remainder.
- 5.86 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to scale, form and design are as follows:
- A comprehensive master plan for the allocated site
  - Commercial buildings with a high quality design and finish, with careful consideration given to layout, architecture, materials, colourings and to building heights to reduce overall visual impact
  - Retention and enhancement of hedgerows and the introduction of new landscaping features that will ensure the preservation and enhancement of biodiversity
  - A well designed approach to the urban edge, which relates development at the periphery, and affords good access to the countryside
  - The provision of public art to enhance the quality of the place, legibility and identity
  - A proposal that is well integrated with improved, sustainable connections between the existing development and new development on this site

- New footpaths and cycleways that link to existing networks
- A legible hierarchy of routes to encourage sustainable modes of travel incorporating walkable neighbourhoods and incorporating cycle routes
- Provision of opportunities for green infrastructure links within and beyond the site
- The introduction of buffers/barriers/screening and the location of uses should be carefully considered to mitigate potential nuisances

5.87 A Design and Access Statement has been included in the application documentation. This document sets out in the introduction the changes that have occurred to the scheme following the initial outline submission (now at appeal) in response to on-going design discussions and public engagement. This includes a reduction in the overall floor space proposed of approximately 4,500 sqm, some additional landscaping, reduction in the maximum height of the buildings from 18m to 15.5m, an indication of possible footpath/cycle and green infrastructure links with the wider Bicester 12 development and amendments to the access onto A41 following discussions with the highway authority.

5.88 The Design and Access Statement also advises that the principle of this development proposal is to establish a flexible framework capable of accommodating a wide range of occupiers. A parameters plan submitted in conjunction with the outline element of the application seeks to set out the maximum development parameters in terms of use, floor area, height, maximum floor plate and finished floor levels in respect of Zone 2. The two buildings proposed in Zone 1 are detailed as these relate to the full part of the application. Within Zone 1, Unit A1 has been designed and is of a size which responds specifically to the secured pre-let requirements of a committed occupier, whilst Unit A2 will be constructed alongside unit A1 on a speculative basis and has been designed to suit a number of potential future occupiers. The parameters plans accompanying the outline submission also indicate a potential for between 2 and 5 B8 units on Zone 2. The ultimate number of units finally delivered on this section of the site will be dependent upon the needs of future occupiers. The maximum footprint of any one building on this part of the site is stated as 225m x 121m and 15.5m in height.

5.89 In terms of the design of the buildings, units A1 and A2 for which detailed planning consent is sought consist of long spanning steel portal frames, creating large column free internal areas for maximum flexibility of the internal areas. The buildings have been designed using a simple grey colour palette of various types of cladding either vertically or horizontally laid to give variation to the extensive elevations. The office elements which are generally located at the front of the building over-looking the car park will be clad in composite flat insulated metal panels, fitted horizontally between banks of aluminium framed windows. In terms of their appearance, these buildings are typical of modern B8 units.

5.90 The illustrative layout and the detailed plans relating to Zone 1 indicate the proposed buildings set at an angle to A41 which the applicant's state is in an attempt to reduce the visual massing and provide deeper landscape buffers where possible. In terms of unit A1, the service yard has been located adjacent to the A41. The applicants justify this as being in response to a request by officers to set the buildings back from A41 to enable sufficient landscaping mitigation to be provided along the eastern and southern boundaries and create a greater landscape setting and reduce the visual impact of the buildings on the approach into the town. Whilst the landscaping proposals submitted with the application now include the provision of a landscaped bund along this frontage, it is variable in its width and is only 6m wide in the south eastern corner adjacent to A41. Whilst the detailed element of this application proposal has sought to move the building back from the A41 frontage as suggested by the council's parameters plan, the provision of the service yard which will need to be securely fenced and lit, adjacent to A41 is of concern.

- 5.91 In terms of site security, the Design and Access Statement advises that site security would be required for each warehouse building and all goods service yards which would be achieved with 2.4m high colour coated paladin fencing, with anti-climb mesh panels mounted on steel posts, surrounding the buildings and external goods vehicle service areas. It states that the fencing would be positioned within the landscaped zones where possible. Vehicle parking for full HGV trailer and tractor combinations is also to be provided within the service yards.
- 5.92 It is also stated that a number of external facilities would also be required for each of the units as follows:
- Security gatehouse, nominal dimensions 8m x 4m x 3m high, located at the plot entrance
  - Cycle shelter for the secure storage of cycles located adjacent to the main building entrances
  - Galvanised steel water storage tanks approximately 10m diameter x 6m high and pump enclosures approximately 9m x 6m x 3m high for a fire fighting sprinkler system where required by occupier
  - Vehicle wash facilities (where specified by occupier)
  - Refuelling facilities (where specified by occupier)
  - Smoking shelters approximately 3m x 4m x 3m high located adjacent to car park areas
- 5.93 In terms of design and layout of this site and other commercial/employment developments, the Council has an approved SPG 'Design and Layout of Employment Sites – A guide' the aim of which is (i) to encourage high quality designs for new commercial development, (ii) to create attractive settings for new commercial development, (iii) to minimise the impact of new commercial buildings on neighbouring residential areas, the wider landscape and environment generally and (iv) to create a good image for the District's employment areas. Whilst this SPG was prepared in response to sites allocated for employment purposes in the adopted Cherwell Local Plan 1996, the principles identified within this document are still relevant to the more recent allocations within the Cherwell Local Plan 2011-2031, setting general principles and standards for scale, siting and layout; landscaping; noise and vibration and design of buildings, and in particular this application proposal which seeks consent for B8 buildings. In order to seek to avoid development which is considered to harm the appearance and character of the open countryside, or adjacent residential properties, a number of specific height and distance criteria are given.
- 5.94 As previously mentioned, part of the discussions with the agent during the consideration of the outline application (15/02316/OUT), in order to try to move the application forward, a parameters plan was produced on behalf of the Council which sought to identify building lines, landscape buffers and connectivity with the wider Bicester 12 allocation in respect of the development of this site. This parameter plan sought to incorporate the principles of the above document. The submitted HYBRID application has sought to address some of the concerns raised in respect of the outline application and identified by the council's parameters plan relating to the scale, form, positioning of buildings relative to the site boundaries, connectivity, green infrastructure and greater buffer planting to mitigate the visual impacts of the proposed development, however it is considered that the amendments in this application still do not go far enough and the proposal as submitted with the floor areas specified within the application description and on the parameters plan, therefore represents an over-development of the site with insufficient land for appropriate landscaping mitigation, biodiversity enhancement and SUDS drainage. The application submission states that these issues can be dealt with by condition, however, such matters can only be conditioned if there is a reasonable prospect that they can be successfully delivered. At a recent meeting the applicant undertook to submit further details and information regarding the compatibility of the landscaping,

drainage and ecological mitigation proposed. This will be the subject of a written update if necessary.

- 5.95 As stated above, saved Policy C28 of the adopted Cherwell Local Plan 1996 seeks to control development to ensure that the standards of its layout, design and external appearance are sympathetic to the rural or urban context of the site. The supporting text advises that the Council will seek to avoid discordant development that would harm the appearance and character of the countryside. Policy ESD15 of the adopted Cherwell Local Plan requires new development to complement and enhance the character of its context through sensitive siting and layout. It is considered that the proposed buildings due to their footprint, form, bulk, height and proximity to the boundaries of the site without sufficient landscape mitigation would dominate the approach into Bicester from both Ambrosden and Aylesbury to the detriment of the visual appearance of the locality and the adjacent open countryside. Furthermore, the building to plot ratio within the site is also very high with minimal scope for effective or significant landscaping. In terms of the outline submission for Zone 2, the parameters plan indicates green corridors through the centre of the site, however, these are only indicative and if the site was to be developed in accordance with the submitted plot parameters these could not be provided as indicated. The applicant has suggested that the provision of green infrastructure corridors could be conditioned as part of the outline consent. However, to be successfully conditioned there must be certainty that it can be delivered as part of a reserved matters application, but having regard to the quantum of development sought and the plot parameter table, it cannot be assured.
- 5.96 It is therefore considered that the proposal as submitted would cause harm to the locality and is contrary to Policies Bicester 12 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policy C28 of the adopted Cherwell Local Plan and the NPPF which requires new development to be visually attractive as a result of good architecture and appropriate landscaping in terms of the quantum of development on the site. It is considered that this objection could be overcome if the quantum of development was reduced and the necessary landscape buffers and internal green infrastructure assured.
- Ecology**
- 5.97 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 of biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 5.98 Section 40 of the natural Environment and communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity’ and:
- 5.99 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where European protected Species are affected, as prescribed in Regulation 9 (5) of Conservation Regulations 2010, which states that ‘a competent authority, in exercising any of their functions must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions’.
- 5.100 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.



- 5.101 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, licences 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 which include:
1. Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature (development)
  2. Is there a satisfactory alternative
  3. Is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 5.102 Therefore, where planning permission is required and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local Planning Authority that the 3 strict derogation tests can be met prior to the determination of the application.
- 5.103 Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 and seeks to achieve biodiversity net gain through development by the protection and enhancement of biodiversity and the natural environment. The supporting text also requires all developments around Bicester to carry out surveys for the brown hairstreak butterfly as well as a consideration of the site's value as a wildlife corridor and the contribution it makes to ecological networks.
- 5.104 Policy Bicester 12 identifies key site specific design and place shaping principles relevant to ecology and biodiversity as follows:
- A comprehensive master plan for the allocated site
  - Retention and enhancement of hedgerows and the introduction of new landscaping features that will ensure the preservation and enhancement of biodiversity, resulting in an overall net gain. Development should demonstrate the enhancement, restoration or creation of wildlife corridors
  - Provision of opportunities for green infrastructure links within and beyond the development site to the wider town and open countryside including appropriate improvements to connectivity between areas of ecological interest
  - Adequate investigation of, protection of and management of protected habitats and species on site given the ecological value of the site, with biodiversity preserved and enhanced
  - The preparation and implementation of an Ecological Management Plan to ensure the long term conservation of habitats and species within the site
  - Ensure there are no detrimental impacts on downstream sites of Special Scientific Interest through hydrological, hydro chemical or sedimentation impacts
- 5.105 The submitted ES includes a chapter on ecology. An assessment of the potential ecological effects that the proposed development might have on the site and its surroundings has been carried out by the Environmental Dimension Partnership on behalf of the applicant. The assessment includes a review of the current conditions found within the area and identifies measures to avoid, mitigate and/or compensate where appropriate. The assessment has been based on the review of available ecological records and appropriate ecological surveys to understand the ecological value of the site and its local context. The assessment found that the habitats within the application site are generally of minimal ecological value, reflecting its agricultural use. However, some habitats of local value were identified, namely the mature hedgerows and (off-site) pond. In terms of habitats the ES states that the cumulative

effects of the larger scale of total habitat losses are not considered to be significant on the assumption that each development provides adequate mitigation in accordance with national and local planning policies.

- 5.106 In terms of protected and/or notable species, information was collected through a desk study and range of field surveys. In terms of birds, TVERC records were used together with a full breeding bird survey carried out in Spring 2015. Overall a total of 29 species of bird were recorded, a total of 10 of which are of conservation importance in terms of being listed as species of principal importance for conservation in England under Section 41 of the NERC Act (2006) and/or having been assessed as Red/Amber Listed Species of conservation concern. Of these only dunnock and yellowhammer were confirmed to be breeding within the site.
- 5.107 Bat surveys undertaken within the site comprised assessments of trees for their potential to support roosting bats, with further detailed emergence surveys of a medium potential tree located along the northern boundary of the site, together with manual and automated bat activity surveys. In terms of Great Crested Newts, the surveys found no evidence of their presence on the site, although they are present in ponds outside the application site.
- 5.108 The desk study confirmed the presence of brown hairstreak butterfly within the local surroundings of the site including a number of records from Gavray Drive Meadows LWS and a single record of an egg at the A41/Ploughley Road junction immediately beyond the southern boundary of the site. A targeted egg search involving a thorough survey of sample sections from all hedgerows within the site for the presence of brown hairstreak eggs was undertaken by EDP on 3<sup>rd</sup> December 2015. The egg search recorded a total of two eggs within the site. This hedgerow will be removed as part of the development proposals. The ES states that due to the retention of existing hedgerows to the boundaries of the site (except to create access points) that the habitat loss has only minor significance. The ES advises that the overall, adverse effects have been avoided or reduced through inherent mitigation incorporated into the parameter plans for the site and the detailed proposals for Zone 1, and via the provision of the CEMP to be secured via a planning condition. It must be noted however, that if such matters are to be conditioned that the proposal must be clear that such mitigation is capable of being accommodated within the site and that sufficient space is maintained for sufficient and appropriate landscaping proposals and green infrastructure links to act as wildlife corridors in order to comply with the above mentioned advice, Development Plan policies and the advice within the NPPF.
- 5.109 The submission has been assessed by the Council's Ecologist and the county Ecologist. A number of concerns have been raised in respect of the biodiversity enhancements proposed and whether they can be successfully incorporated into the landscaping scheme for the site. In the absence of certainty about the protection of existing habitats and wildlife and biodiversity net gain across the application proposal the application is considered contrary to the requirements of Policies Bicester 12 and ESD10 of the adopted Cherwell local Plan 2011-2031 and the NPPF. It is considered that these concerns could be successfully addressed should the applicant be willing to engage further by reducing the overall quantum of development and maximum sizes of the buildings, increasing the width of the landscape buffers, retaining existing trees and hedgerows as far as possible and ensuring green infrastructure links through the development.
- 5.110 **Flood Risk and Drainage**  
The NPPF – Meeting the challenge of climate change, flooding and coastal change advises that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.

- 5.111 Policy ESD6 of the adopted Cherwell Local Plan requires that flood risk assessments are included with development proposals such as the application site which should assess all sources of flood risk and demonstrate that
- There will be no increase in surface water discharge rates or volumes during storm events up to and including the 1 in 100 year storm event with an allowance for climate change (the design storm event)
  - Development will not flood from surface water up to and including the design storm event and any surface water flooding beyond the 1 in 30 year storm event, up to and including the design storm event will be safely contained on site.
- 5.112 Policy ESD7 of the adopted Cherwell Local Plan (Part 1) 2011-2031 sets out the Council's approach to Sustainable Drainage Systems (SuDS) to ensure new developments are better adapted to the predicted impacts of climate change in the South East, which include more intense rainfall events and in order to prevent surface water run-off from increasing flood risk. Policy ESD7 is supported by the Flood and Water Management Act 2010 which presumes that SuDS will be used for all new developments which seek to manage surface water as close to its source as possible. The policy states that 'all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.
- 5.113 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those most relevant to flood risk and drainage are as follows:
- A comprehensive master plan for the allocated site
  - Ensure that there are no detrimental impacts on downstream sites of Special Scientific Interest through hydrological, hydro chemical or sedimentation impacts
  - A flood risk assessment should include detailed modelling of the water courses. Development should be excluded from flood zone 3 plus climate change and public open space/recreation areas located near water courses to create 'blue corridors'
  - Take account of the Council's Strategic Flood Risk Assessment for the site
  - The incorporation of SUDS, taking account of the recommendations of the Council's SFRA. Detailed site specific analysis and ground investigation to determine whether infiltration SUDS techniques are acceptable; due to underlying geology and ground water vulnerability attenuation techniques are likely to be required
- 5.114 The ES submitted with the application includes a chapter on flood risk and the water environment which assess the likely significant impacts of the proposed development relating to flood risk, surface water drainage, water quality and consumption of public water supply. Field drains surround the site along the western, northern and eastern site boundaries. The field drains to the north and west of the site appear to flow northwards towards the River Ray. A field drain flows in a southerly direction along the eastern site boundary and is culverted beneath the A41 at the south eastern corner of the site before continuing in a southerly direction to confluence with the River Ray.
- 5.115 The flood risk assessment and the drainage strategy have been assessed by OCC as Lead Flood Authority. In terms of the full application, they state that there is limited use of SUDS techniques, especially using soft vegetative SUDS, source control and treatment train approach has been made throughout the site. A concern is also raised about how the proposals will meet water quality objectives to comply with Cherwell Local Plan policy; NTS and good practice and the provision of hydrocarbon interceptor alone may be insufficient. In terms of the outline proposal a concern has been raised as to how cut and fill across the site interferes with the natural flow paths

of the greenfield condition. To resolve the objection OCC require:

For the full application

1. Provide some assessment detail as to why vegetative SUDS or hard SUDS Source control techniques cannot be used to meet SUDS water quality objectives in a treatment train. This could be assisted by providing a matrix assessment table. This should show that the potential for SUDS is being maximised where it is practical to do so to meet water quality objectives
2. Permeability tests at the site to prove the expected low or no permeability condition
3. Assessment of pre and post-development run-off volumes and conclusion as to whether it is practicable to control volumes to the greenfield condition to demonstrate compliance with NSTS S5
4. Clarify the feasibility of orifice control to discharge to the 100% annual storm probability to fully meet NSTS standard S2
5. Confirmation of hydrocarbon interceptor, treatment plant and pump details
6. Provide calculation detail of the flood modelling for the compensation lowering
7. Provide further plans as noted of long and cross section details to include the outfall to the ditch and detail of hydrocarbon interceptor
8. Clarify ownership of the field drain ditch at outfall
9. Provide proposed maintenance details for the proposed pump and hydrocarbon interceptor and any further SUDS proposals
10. Graphically illustrate on a plan the areas of flooding and flood routes in exceedance events, showing flood volumes

For the outline

1. As 1 above
2. Resolve concerns surrounding the flood risk at the site and downstream, which concern the capacity of the land drain to accept and carry away flows. This should include assessment of the watercourse condition and infrastructure downstream
3. Assessment of pre and post-development run off volumes to the greenfield condition to demonstrate compliance with NSTS S4-S9 and Cherwell local plan policy
4. Demonstrate compliance to control discharge to the relevant greenfield annual storm probabilities to fully meet NSTS standard S1-S2 and Cherwell local plan policy
5. Provide a surface water statement that would comprehensively address the surface water issues raised and fully evaluate SUDS potential. This should include outline drainage plans and maintenance statement and proposals, and calculations. Show on plans the existing catchment and drainage flow regime and proposed drainage catchments

5.116 Following the above, further discussions have been held between OCC and the applicant's consultants and revised drainage proposals have now been submitted which have removed the above objection subject to the imposition of a number of conditions. The revised submission however, as discussed previously includes drainage pipes, swales and attenuation areas within the landscaped buffers and the Council's Landscape Officer does not consider the two to be compatible in seeking to successfully provide suitable mitigation screening. The applicant's consultant has undertaken to provide additional detail and information regarding this issue and revised plans have been submitted. The comments of the Council's Landscape Officer are awaited and Members will be updated at the meeting.

**5.117 Effect on Neighbouring Amenity**

Significant objections have been received from the occupiers of the adjacent dwellings known as Wretchwick Farm Cottages. The objections can be read in full on

the application documentation. The application proposal has sought to address the impact on these cottages by the provision of a landscaped bund in the south eastern corner of the site adjacent to the existing public right of way. Due to the nature and scale of the proposed development and the fact that this is the development of a green field site in open countryside, the proposal will result in some localised harm to the existing residential properties within the immediate vicinity of the site, and the development of this site and the remainder of Bicester 12 will have an urbanising effect on this currently rural location. The site however is allocated for mixed use development under Policy Bicester 12 of the adopted Cherwell Local Plan and therefore we need to ensure that the impact of the proposed development on these residential properties is not so great as to have an unacceptable impact on their residential amenities.

- 5.118 The accompanying ES has addressed the impact of the development on these residential properties, both in terms of the construction of the site and its operational use once constructed and concluded that the impacts would not be sufficient to justify refusal of the application. The ES in terms of noise and vibration has been assessed by the Councils Environmental protection Officer who raises no objections subject to the imposition of conditions including a Construction Environmental Management Plan.
- 5.119 Policy C31 of the adopted Cherwell Local Plan advises that in existing and proposed residential areas that development which is not compatible with the residential character of an area, or would cause an unacceptable level of nuisance or visual intrusion would not normally be permitted. As expressed above, the proposal by virtue of its scale, form and type would have an impact upon the adjacent residential properties, however, this is an allocated site for mixed use development and the provision of a landscaped bund to the south eastern corner will reduce the visual impact and domination of the development when viewed from these properties. This issue would be addressed further at reserve matters stage when the position, scale and orientation of the building and service yards would be considered in more detail.
- 5.120 Having regard to the above therefore, it is considered that the proposed development would not have such a significant and unacceptable impact upon the residential amenities of the occupiers of these two cottages sufficient to justify refusal of the application proposal on these grounds.

### **Sustainability**

- 5.121 All applicants submitting proposals for all non-residential development are required in paragraph B.185 of the Cherwell Local Plan Part 1 2011-2031 to submit an energy statement demonstrating compliance with Policy ESD2 which will be demonstrated through the application of Policies ESD3, ESD4 and ESD5. Policy ESD3 requires that non-residential developments should demonstrate that they have been designed to meet BREEAM 'Very Good' standard. Policy ESD4 requires all applications for non-domestic development above 1000 sqm to be accompanied by a feasibility assessment for District Heating/Combined Heat and Power. Policy ESD5 requires that all such development proposals should also be accompanied by a feasibility assessment for on-site renewable energy provision. No such feasibility assessment or Energy Statement has been submitted as part of this application.
- 5.122 The NPPF – 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 94 that 'Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations'.
- 5.123 Paragraph 96 advises that in determining planning applications , local planning authorities should expect new development to:

- Comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- Take account of landform, layout and building orientation, massing and landscaping to minimise energy consumption

5.124 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to sustainability are as follows:

- Demonstration of climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of Policies ESD 1 – 5.
- The incorporation of SUDS (see Policy ESD7: Sustainable Drainage Systems), taking account of the recommendations of the council's strategic Flood Risk assessment. Detailed site specific analysis and ground investigation to determine whether infiltration SUDS techniques are acceptable, due to underlying geology and groundwater vulnerability attenuation techniques are likely to be required

5.125 The application submitted by the applicant's agent states that it is intended that the development will achieve a minimum of BREEAM 'Very Good' but suggests that the details should be required to be submitted by condition thereby complying with Policies ESD 1 -5 of the adopted Cherwell Local Plan Part 1 and Policy Bicester 12. The submission has been assessed by the Council's sustainability consultant who has raised concerns about the level of detail and information submitted. In the absence of further details as required in the consultation response and the submission of an energy statement and feasibility studies, the application proposal must be considered to be contrary to the above mentioned local Plan Policies and the requirements of the NPPF in this respect.

**Planning Obligation**

5.126 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. Policy INF1 of the adopted Cherwell Local Plan 2011-2031 states that; 'development proposals will be required to demonstrate that infrastructure requirements can be met, including the provision of transport infrastructure and improvements. Contributions can be secured via a section 106 Agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010. This large scale development proposal will require a legal agreement to secure the mitigation and infrastructure necessary to make the development acceptable.

5.127 At the time of writing the report, the terms and details of the Planning Obligation have not yet been agreed between OCC and the applicant. The applicant has submitted a Unilateral Undertaking which is not acceptable. The following highway infrastructure improvements and contributions towards highway infrastructure works would be required as follows:

Section 278 required as follows:

- for the provision of highway works relating to the means of access to A41
- extension of the street lighting on A41 to the east of the proposed site access
- introduction of a 50mph speed limit on A41 to include the site access and junction with Ploughley Road – exact extent to be agreed
- a new section of footway/cycleway on the north side of the A41 from the site access as far as the junction of Ploughley road. This footway/cycleway will connect with the proposed new refuge island crossing point east of the Ploughley Road junction with the A41. This connection and the refuge itself (and connections onwards on the south side of the A41)
- hard standing for a pair of new bus stops in the vicinity of the junction of

Ploughley Road and A41 either west of the junction of the A41 or just south of the A41 on Ploughley Road

Section 106 required to secure

- Highway works as above
- Pedestrian/cycle connections with the rest of Bicester 12 site. The developer would need to commit to providing (i) connections into/out of the site with the rest of Bicester 12 site and (ii) onward 3m shared use routes for cyclists and pedestrians from the points of connection with the adjacent site to reach all points of access of the different buildings on the site. There would need to be one connection each on the north western and north eastern boundaries of the site. The connections and onward routes would need to be provided within 6 months of the applicant being notified that development has commenced on the adjacent site.
- Bus stop infrastructure - £21,955 towards the cost of procuring, installing and maintaining two Premium Route bus stop/pole/flag/information cases and one three-bay bus shelter with integral real time information display (Bicester bound stop) – for the new pair of bus stops being provided in the vicinity of the A41/Ploughley Road junction
- Strategic transport – a financial contribution of £766,320 towards wider improvements to the Bicester transport network as a result of the development's contribution to the cumulative transport impacts of the wider proposals. The amount to be confirmed
- Travel plans – £2,040 will be required to monitor the Framework travel Plan. A further £2,040 will be needed for the monitoring of the travel Plans for each of the individual units developed, for a period of 5 years post occupation of the site (£12,240 based on the indicative site layout showing 5 units)
- Travel plans

5.128 The total figure of £119,118 offered by the applicant in the Unilateral Undertaking falls considerably short of the transport contributions requested by OCC. Further, the applicant is suggesting small contributions to a number of different schemes which would cause problems with the pooling of contributions (CIL Regulation 123). OCC require a single contribution towards the county Council's proposed South East Relief Road or an equivalent scheme which would have the same outcome, that is, mitigating the effect of congestion at the A41/Boundary way. Without this, OCC consider the development would not be acceptable in planning terms. The necessary S278 works also need to be secured through a planning agreement. A condition as suggested by the applicant is not acceptable.

5.129 Commuted sums are not included in the UU. A S278 would not be agreed without payment of a commuted sum for maintenance. Without a S278 the necessary highway works could not be carried out and the development would therefore be acceptable in planning terms. A bus contribution is necessary to mitigate the impact of the development towards improved bus services. This has been omitted from the UU.

5.130 The wording in the UU regarding the pedestrian and cycle connections between this site and the remainder of Bicester 12 is not acceptable to OCC. As set out previously, detail of the connection points and onward routes are required, to be agreed prior to the commencement of development and their construction to be completed prior to the occupation of the development. The wording of the UU draft does not reflect this.

5.131 Having regard to the above, the planning obligation offered by the applicant by way of a Unilateral Undertaking is not acceptable and therefore the necessary infrastructure directly required as a consequence of this scheme will not be delivered. The proposal is therefore contrary to Policy INF1 of the adopted Cherwell Local Plan Part 1 2011-2031 and government advice within the NPPF in this respect.

### **Engagement**

- 5.132 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 by seeking to work collaboratively with the applicant and through the efficient and timely determination of the application.

### **Conclusion**

- 5.133 The application site is part of the larger Policy Bicester 12 mixed use allocation (including employment use) within the adopted Cherwell Local Plan 2011-2031, and the principle of B8 use on this site is therefore accepted. We have sought to work collaboratively with the applicant and agent to achieve an appropriate level of development on the site. Having regard to the above however, it is clear that having regard to the quantum, scale and form of development sought on the site that the proposal as submitted is contrary to Policy Bicester 12, policies ESD17, Policy ESD10, Policy ESD13, Policy ESD15 and Policy INF1 of the adopted Cherwell Local Plan and the advice within the NPPF. It would have an unacceptable visual impact upon the character and appearance of the locality with insufficient space for adequate mitigation. Furthermore the UU offered by the applicant is not sufficient to mitigate the impact of the proposed development in terms of the necessary infrastructure provision. The application as submitted is therefore not considered acceptable.

## **6. Recommendation**

### **Refusal, as follows:**

1. The development has not been brought forward in the light of a comprehensive master plan for the whole of Bicester 12 and as such, there is no certainty over the provision and timely delivery of attractive connections to and through the site for cyclists and pedestrians from the application site and development proposed site to the remainder of Bicester 12 and wider Bicester area, contrary to the proper planning of the area and the full integration of the site with the adjacent development contrary to the requirements of Policy Bicester 12 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the NPPF.
2. The application proposal in terms of the quantum, scale, type, form and layout proposed would have an unacceptable visual impact on the character and appearance of the locality and would represent an overdevelopment of the site with insufficient space for adequate mitigation measures as suggested in the ES, sufficient to make the development acceptable, contrary to Policies Bicester 12, ESD10, ESD 13, and ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government advice within the NPPF.
3. In the absence of a satisfactory planning obligation, the Local Planning authority is not convinced that the necessary infrastructure directly required as a result of this scheme will be delivered. This would be contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.



## **STATEMENT OF ENGAGEMENT**

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

# Agenda Item 8

Farm

# 16/00877/F

The Barnhouse  
Mollington Road  
Claydon  
Banbury  
OX17 1EN

Claydon

House

The  
Barnhouse

129.9m

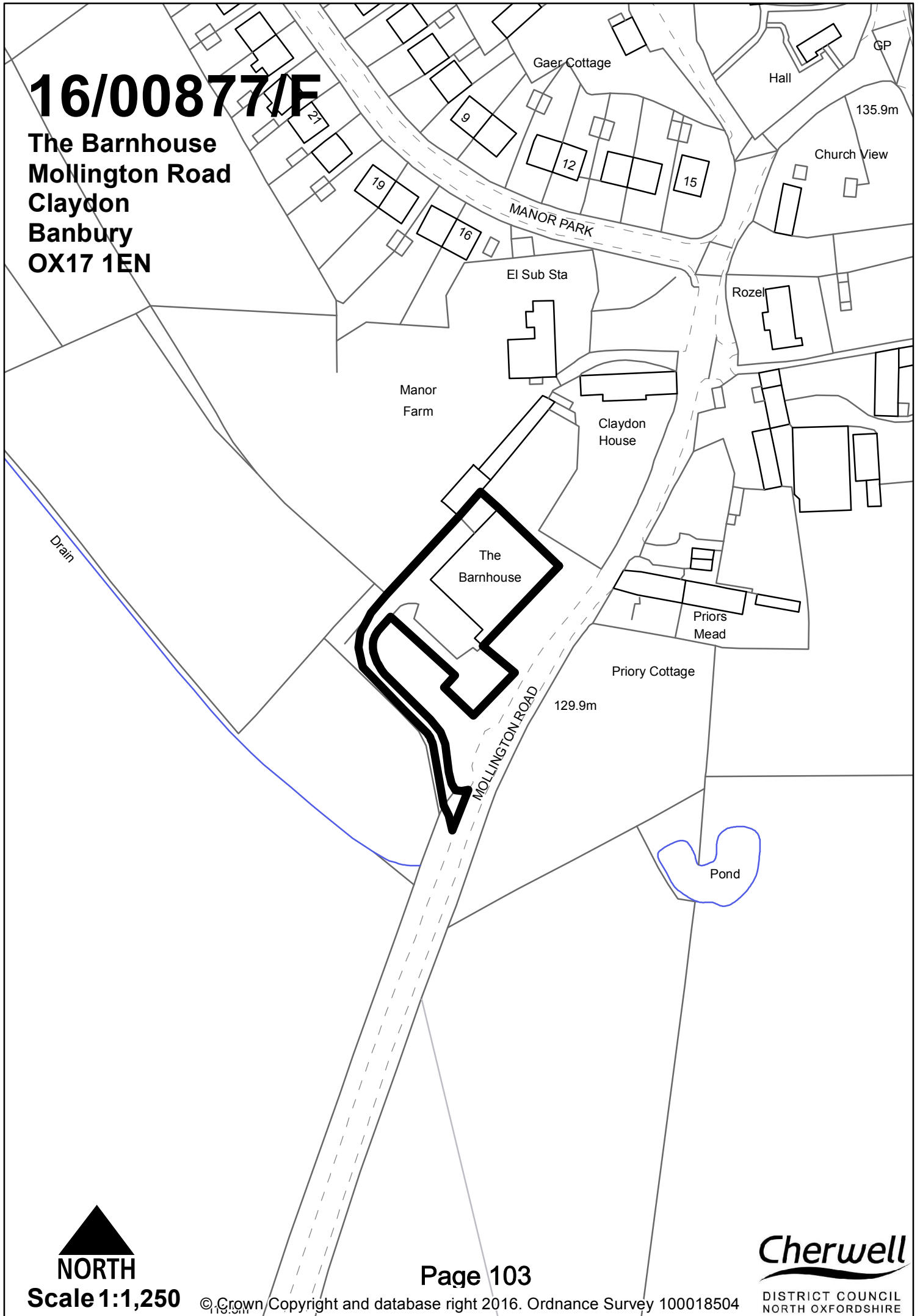
MOLLINGTON ROAD



**NORTH**  
**Scale 1:500**

# 16/00877/F

The Barnhouse  
Mollington Road  
Claydon  
Banbury  
OX17 1EN



**NORTH**  
**Scale 1:1,250**

**Ward:** Cropredy, Sibfords  
and Wroxton

**District Councillors:** Cllr Ken Atack, Cllr G A Reynolds  
and Cllr Douglas Webb

**Case Officer:** Caroline Roche

**Recommendation:** Approve

**Applicant:** Mr Peter and Renate Nahum

**Proposal:** Amendments to planning consent ref 14/01633/F for the extension to existing dwelling together with retention of the portacabin for the duration of the building works and the replacement of the existing asbestos roof, the extension of the approved cladding to the entire building and the enlargement of the existing store within the barn

**Committee Referral:**

Member Request

**Committee Date:** 1 September 2016

---

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

- 1.1 The application site sits on high ground adjacent to the western side of Mollington Road immediately to the south of the village of Claydon. The site consists of a portal-framed building, agricultural in appearance, and which benefits from a lawful dwelling house in its south western corner; a portacabin which benefits from only temporary consent, and a small curtilage to the north west and south west of the barn. The remainder of the land within the applicant's ownership consists of an orchard to the rear of the barn and grassed areas surrounding the building.
- 1.2 The existing barn is part block built with elements of timber cladding and green profiled cladding whilst the roof is profiled sheeting. The barn sits behind a high hedge but glimpsed views of the building can be gained above the hedge.
- 1.3 The application seeks planning permission to amend an earlier planning permission as well as carry out additional works as listed above.
- 1.4 The site lies to the south of listed and curtilage listed buildings; there is a public footpath that runs along part of the access and across land within the applicants' ownership; and common swifts have been identified in the area.

## **2. Relevant Planning History**

- 2.1 **14/02090/F** – Insertion of windows into existing dwelling. **Permitted**

**14/01633/F** – Extension to existing dwelling together with retention of portacabin for the duration of the building works. **Permitted**

**14/00107/F** - Extension to residential curtilage. **Permitted.**

**13/01506/F** – Demolition of the majority of the barn and extension to dwelling. Creation of a residential curtilage. **Refused**

**10/01095/CLUE** – To use the site as private residence. **Lawful Development Certificate issued**

### **3. Publicity**

The application was publicised by way of neighbour notification letters, a site notice and an advertisement in the press. No correspondence has been received in relation to this consultation process.

### **4. Response to Consultation**

Parish/ Town Council:

**Claydon with Clattercote Parish Council** – No objections overall but made a number of observations. These can be viewed in full on the Council website but in summary relate to the level of information included in the application submission, the sites history and the fact that they would not wish to see the barn demolished and replaced with a residential development.

### **5. 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

ESD13 – Local Landscape Protection and Enhancement  
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)

### **6. Appraisal**

The key issues for consideration in this case are:

- Principle of the proposals
- Visual amenity impact on heritage assets
- Residential amenity
- Highway safety

#### **Principle of the proposals**

- 6.1 The first element of the proposal relates to amendments to an earlier consent granted early in 2015. This earlier consent allowed for an extension to the existing

dwelling (deemed lawful in 2010) within a larger proportion of the existing barn. However it was recognised at the time, in the report to committee, that as the whole barn was included within the residential curtilage (approved in 2014) the principle of the extension was not a material planning consideration but instead it was the physical external alterations that were to be considered.

- 6.2 This current application seeks amendments to the earlier scheme and can be summarised as alterations to the fenestration and openings previously approved. There are no proposed changes to the size of the extended dwelling as previously approved. Externally on the south west elevation the large barn opening would be retained and glazed with sliding barn doors installed and the other windows would vary slightly in the sizes to those previously approved. The north-west elevation would be altered by way of slight changes to the size of the windows.
- 6.3 Additional changes included in this application include replacing the roof covering with Kingspan Trapezoidal insulated roof panels with integrated translucent panels to act as non-opening roof lights, the use of the previously approved green metal cladding across the entirety of the external walls and the extension of the enclosed store within the existing barn.
- 6.4 The internal alterations would not normally require planning permission given that they do not create additional volume or result in an actual extension to the building however when earlier applications were permitted conditions were imposed restricting the construction of walls internal to the barn and the insertion of additional windows and doors.
- 6.5 Given that the residential use of the building has been established the principle of the physical alterations is supported as concluded previously and it is their impacts on visual amenities, heritage assets, residential amenities and highway safety which are left to be considered.

### **Impact on visual amenity and heritage assets**

- 6.6 Some of the proposed amendments and additional physical alterations to the building would alter the appearance of the existing barn. It would have a more uniform appearance as all the walls would be clad in the same material. Despite the additional windows, the principle of which was previously approved, the building would retain the appearance of a barn in its overall scale, design and external materials. Furthermore, whilst elements of the barn are visible from the public domain it is partially screened behind a boundary hedge. As such the proposals are unlikely to adversely affect the character and appearance of the area or the wider rural landscape out on to which it looks.
- 6.7 Similar considerations apply to the potential impact on the setting of the listed buildings which lie to the North of the Site at Manor Farm. Essentially the barn in its altered form would have no greater impact than what already exists. Whilst the barn is close to curtilage listed buildings it is difficult to see or experience the listed building in the same context as the barn from public vantage points. As such it is considered that the application proposals would not materially harm the setting of the listed buildings.
- 6.8 The long term retention of the portacabin would not be appropriate due to its visual impact on the character and appearance of the site and surrounding area. However, it is recognised that it would be beneficial to the applicants to retain it for the period over which the works to the barn take place. As such its removal following the occupation of the barn should be required by condition on any permission given for this proposal.

- 6.9 For these reasons, and subject to the said condition, the proposal is considered not to adversely affect the visual amenities of the area or the setting of heritage assets as such the application would accord with CLP 1996 Policies C28 and C30, CLP 2011-2031 Policies ESD13 and ESD15 and Government guidance contained within the Framework.

### **Impact on residential amenity**

- 6.10 Given the orientation of the window openings and the relationship the barn has with its neighbouring residential properties there will be no adverse overlooking resulting from the proposals. The change in roof materials would result in a slight increase in the ridge height of the roof (plus 0.3 metres approx.). However, this is unlikely to be noticeable given the scale of the building and is unlikely to result in any overbearing or loss of light given the nearest residential property is some 35-40 metres away.
- 6.11 For these reasons, the proposal is considered not to demonstrably harm neighbouring amenity and would thus accord with CLP 1996 saved Policy C30, CLP 2011-2031 Policy ESD15 and Government guidance contained within the Framework.

### **Impact on highway safety**

- 6.12 The proposal results in amendments to a scheme that permitted the creation of additional habitable accommodation, thus potentially increasing the demand for parking. However there is sufficient space within the curtilage of the building to accommodate a large number of cars. As such parking provision and highway safety are not considered to be significant issues in this instance.

## **7. Conclusion and use of conditions**

- 7.1 The use of the barn for residential purposes and the residential curtilage has been established through previous consented planning applications. This current proposal seeks amendments to an earlier consent and additional internal and external alterations which have been assessed as having minimal adverse visual impact and no adverse impact on heritage assets or neighbouring amenities or highway safety. The proposal would thus comply with Policies C28 and C30 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011- 2031 and the relevant paragraphs of the Framework.
- 7.2 Various restrictive conditions have been imposed on previous applications. These have included restricting new window openings, restricting the insertion of new walls within the barn and the demolition of elements of the barn. It is considered that those conditions which seek to protect the visual amenities of the area and retain the agricultural appearance of the barn meet the necessary tests of conditions and will be recommended if this application is to be approved. However, given that the barn in its entirety is part of the domestic curtilage and could essentially be used as part of the residential dwellinghouse, a condition which restricts the insertion of internal walls does not seem either necessary or reasonable and as such is not recommended on this occasion.
- 7.3 It is not considered necessary to impose conditions restricting extensions to the building or the erection of outbuildings within the curtilage as these were restricted when the extension to the residential curtilage was approved (14/00107/F).

- 8. Recommendation- Approve**, subject to the following conditions:

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

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

- 2 The development shall be carried out strictly in accordance with the following plans and documents: Application forms, and drawing no. S3028/SLP, S3028/011, S3028/11 and S3028/12 submitted with the application.

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

- 3 The green profile metal cladding to be used for the external walls of the building, the subject of this planning application, shall match in terms of colour, type and texture that used on the existing building.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 4 The roof of the building, the subject of this planning application, shall be finished in accordance with the Kingspan brochure details submitted as part of this application.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 5 Notwithstanding the development hereby approved, the external walls and roof of the building, the subject of this planning application, shall not be removed without the prior express consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain control over any demolition of the building in order to safeguard the visual amenities of the rural area and the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 6 The portacabin hereby approved shall only remain on site for the duration of the building works relating to the application and shall only be occupied by the current owners of 'The Barnhouse'. Within two months of the occupation of the development hereby approved, the portacabin shall be removed from the site in its entirety.

Reason - The building, because of its design and siting, is not suitable for permanent retention and to comply with Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 7 Except where otherwise identified on the approved plans no windows or door shall be inserted into the external walls or roof of the building, the subject of this application, without the prior express consent of the Local Planning Authority.

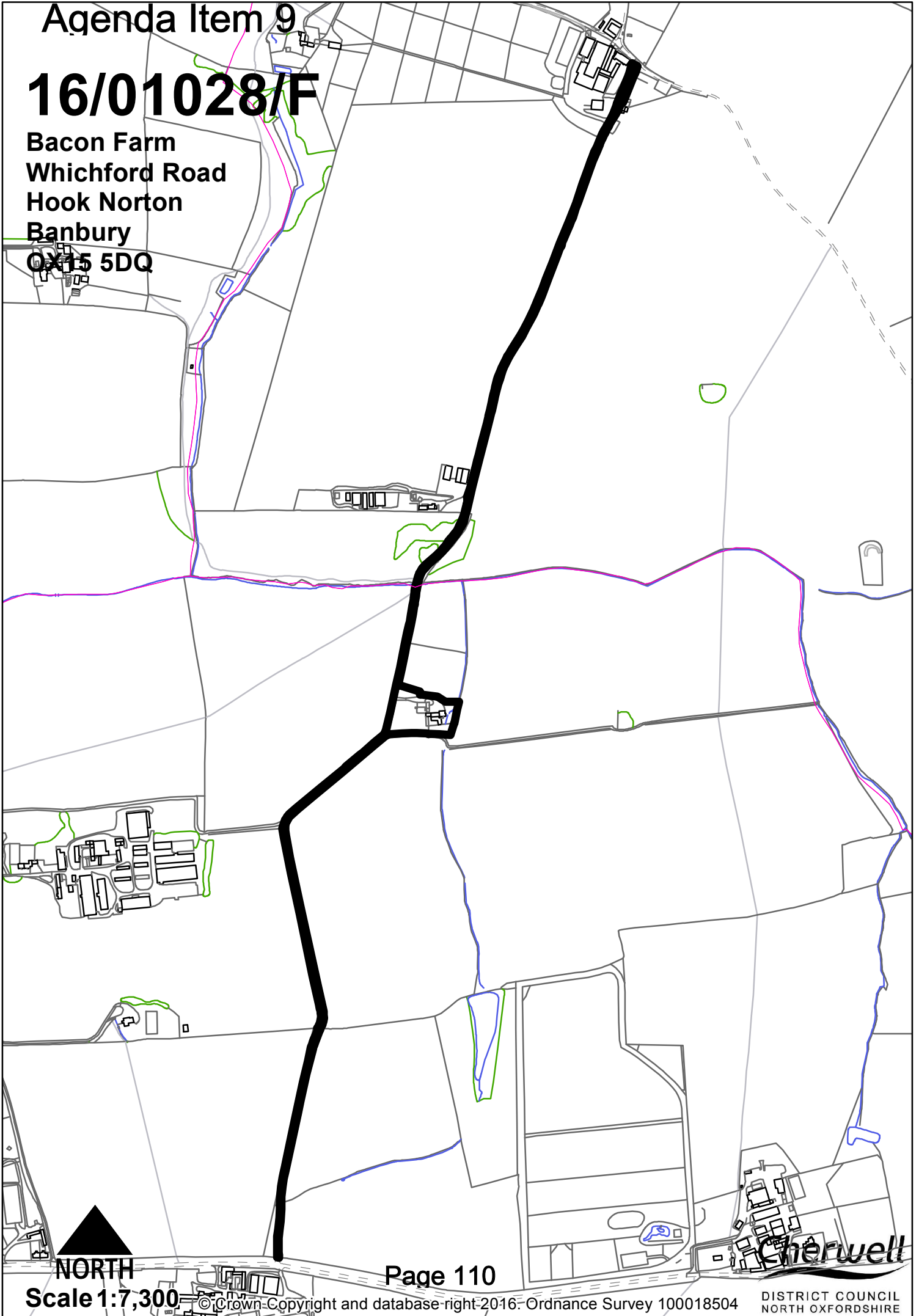


Reason: To protect the visual amenities of the area and the agricultural character of the building and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

# Agenda Item 9

## 16/01028/F

Bacon Farm  
Whichford Road  
Hook Norton  
Banbury  
OX15 5DQ



**NORTH**

**Scale 1:7,300**

**Page 110**

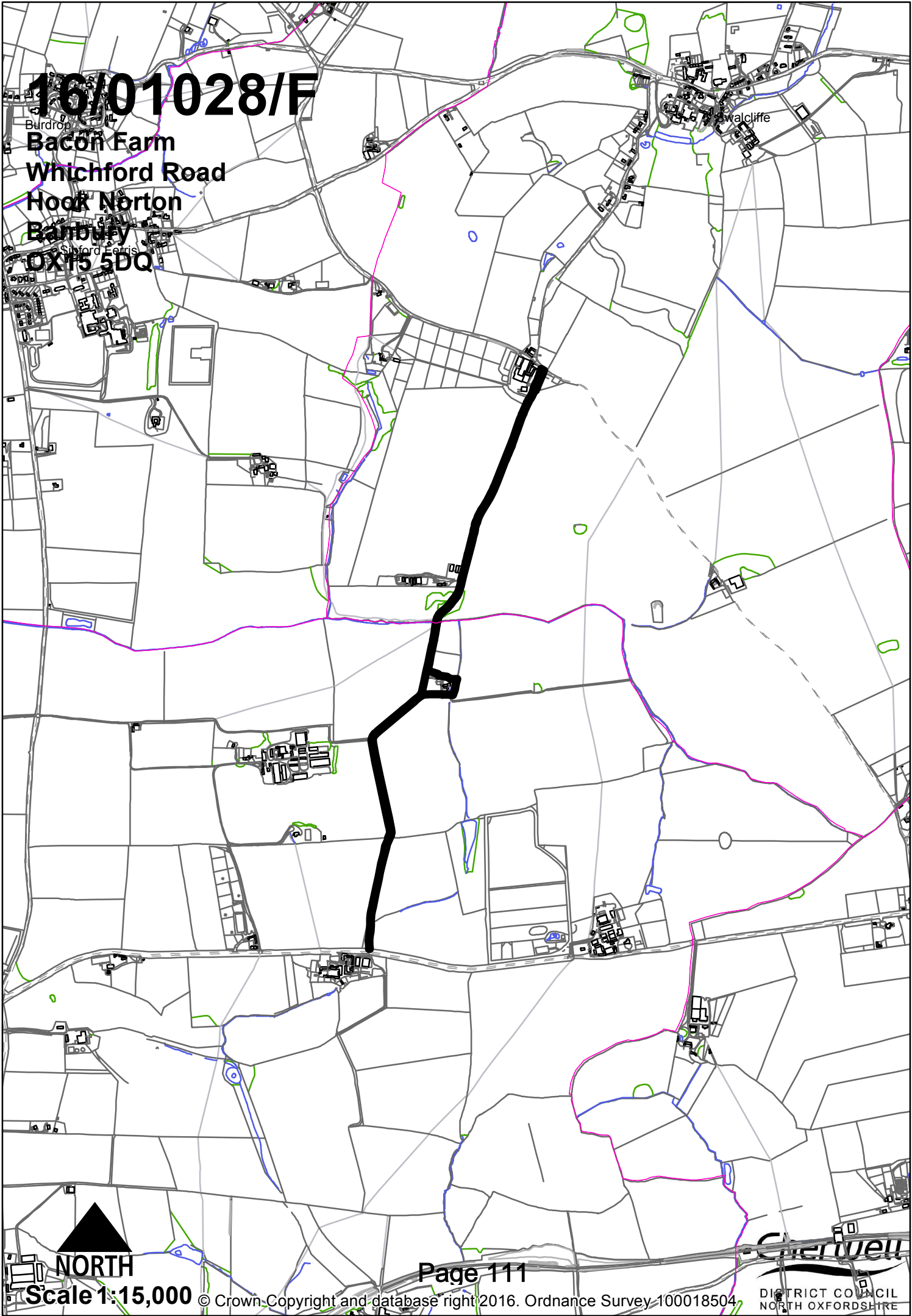
© Crown Copyright and database-right 2016. Ordnance Survey 100018504

**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**16/01028/F**

Burdrop  
**Bacon Farm**  
**Whichford Road**  
**Hook Norton**  
**Barbury**  
Sturford Ferris  
**OX15 5DQ**



**NORTH**

**Scale 1:15,000**

# Bacon Farm, Whichford Road, Hook Norton

16/01028/F

Ward: Deddington

District Cllrs: Cllr Williams  
Cllr Kerford-Byrnes  
Cllr Brown

Case Officer: Abigail Chapman

Recommendation: Approval

Applicant: Mrs Imogen Paine

Application Description: RETROSPECTIVE: Erection of 1 No. dwelling (alternative to 14/01542/F)

Committee Referral: Major

Committee Date: 1st September 2016

---

## 1. Site Description, Planning History and Proposed Development

### Site description

- 1.1 The application site lies in an isolated position north-east of the village of Hook Norton and south east of the village of Sibford Ferris. The site is accessed by a track that connects Swalcliffe Grange and Whichford Road. A public bridleway (BR 374/9 and BR 374/10) run to the north of the Bacon Farm buildings. A legally protected species (the Roman Snail) has been identified to the north of Bacon Farm buildings near to the access. The site is of medium archaeological interest. Part of the access lies within Flood Zones 2 and 3. The Land is potentially contaminated and naturally occurring arsenic, chromium and nickel may be present. Part of the access lies within Swalcliffe Common, a Local Wildlife Site.

### Relevant Planning history

- 1.2 12/00522/F – Alterations to and amalgamation of existing buildings to form single dwellinghouse. Extension of outbuilding and formation of swimming pool - Approved 02/08/12
- 1.3 14/00549/F – Demolition of existing dwelling and some outbuildings. Repairs to retained outbuildings. Erection of dwelling and new swimming pool – Approved 24/06/14
- 1.4 14/01542/F – Demolition of existing dwelling and some outbuildings, repairs to retained outbuildings and erection of a family dwelling and new swimming pool (alternative to 14/00549/F) – Approved 29/09/14

### Proposal

- 1.5 Following an investigation by the Planning Enforcement Team it became clear that the works which had taken place at Bacon Farm were not in accordance with the plans approved under 14/01542/F.
- 1.6 Planning permission was granted under 14/01542/F to demolish the existing dwelling and some outbuildings, make repairs to retained outbuildings and the erection of a family dwelling and new swimming pool (alternative to 14/00549/F). The existing dwelling was proposed to be demolished. This is indicated within the description of development, application forms and drawing number 051-005 and 051-003 Rev A. The

existing dwelling has not been demolished and a building joint has been constructed attaching the existing dwelling to the barn, further to this there has also been some repointing carried out to the existing dwelling. In addition to the failure to remove the existing dwelling the garage has not been constructed in accordance with the approved plans (the openings are facing east rather than west), there is an additional window in the east facing side elevation of the utility room, the approved conservatory has a chimney/flue which has not been constructed, the windows/doors and the detailed design of the conservatory do not accord with the approved plans and the windows and doors in the west and south facing elevation have not been implemented in accordance with the approved plans.

- 1.7 Further to the above there are two pre-commencement conditions which were attached to 14/01542/F which were not discharged prior to works commencing at Bacon Farm these are as follows;

3. *Notwithstanding the photo of a stone sample shown in the discharge of condition document, prior to commencement of the development hereby approved, a stone sample panel (minimum 1m2 size) shall be constructed on site in natural stone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample.*

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

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

*Reason - To ensure that the development is provided with a risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.*

- 1.8 The failure to construct the development in accordance with application 14/01542/F and discharge the planning conditions prior to works commencing has rendered the development as a whole unlawful and as such this fresh planning application has been submitted to regularise the breach of planning control.

## **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.

There have been no third party comments.

## **3. Consultations**

Hook Norton Parish Council: No objections

### 3.2 Cherwell District Council Consultees

Landscape Architect: The existing structural landscaping, hedgerow and trees on the proposed site plan, drawing number 139-001 are to be retained and the western boundary hedgerow maintained to a height of 3m above ground level

### 3.3 Oxfordshire County Council

Archaeology: There are no archaeological constraints to the scheme

Local Highways Authority: No Objections

## 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)

ESD10: Protection and Enhancement of Biodiversity and Natural Environment

ESD13: Local landscape protection and enhancement

ESD15: The character of the built and historic environment

BSC1: District Wide Housing Distribution

#### Cherwell Local Plan 1996 (Saved Policies) (CLP1996)

H17: Replacement dwellings

H18: New dwellings in the Countryside

C28: Control over the design of new development

C30: Design of new residential development

### 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
- Impact on character and appearance of the area
- Impact on highway safety
- Biodiversity
- Planning Conditions

### Principle of development

- 5.2 The principle of a dwelling in this location has been established under application 14/01542/F. The development has not been implemented in accordance with the approved plans and the existing farmhouse is now proposed to be retained as part of the scheme. The only work that has taken place to the existing farmhouse at this stage is to improve the joinery between the house and the barn. The farmhouse is proposed through this application to be converted to a steam room and gym on the ground floor and the first floor will remain as bedrooms with a shared bathroom. The farmhouse will be accessed through the barn which will be converted into an indoor swimming pool.
- 5.3 One replacement dwelling was permitted under 14/01542/F in accordance with Policy H17 of the CLP1996. It is considered that the retention of the farmhouse as a separate dwelling would conflict with Policy H18 of the CLP1996 as such it is recommended that a condition is added to the permission indicating that the building is used for purposes ancillary to the main dwelling.

### Impact on residential amenity

- 5.4 The application site is located in an isolated position a significant distance from any neighbouring occupiers. It is therefore not considered to cause any overlooking, overshadowing or to have an overbearing impact.
- 5.5 In light of the above it is considered that the application will comply with policy ESD15 of CLP2031 and Policy C30 of CLP1996 which seek to ensure *inter alia* that development proposals are not to the detriment of the amenities of any neighbouring occupiers.

### Impact on character and appearance of the area

- 5.6 The design and landscape impacts of this proposal are assessed against Policies ESD13 and ESD15 of the CLP2031. These policies require *inter alia* new development within the countryside to respect and enhance the local landscape character and not to cause any undue visual intrusion into the countryside.
- 5.7 The main impact of the amended scheme on the character and appearance of the area is the retention of the existing farmhouse which is now incorporated into the scheme. Whilst it is considered that the development is more aesthetically pleasing without the existing farmhouse. On the basis of the fact that a planning condition was not attached to 14/01542/F requiring the removal of the existing farmhouse (although the new dwelling was not located on the same footprint) and that the dwelling is characterised by a cluster of buildings of differing heights and styles to give the impression of an historic farmyard. In addition to the isolated location well screened by a protected linear woodland feature the impact is not considered significantly harmful as to warrant the refusal of the planning application.
- 5.8 There have also been a number of amendments to the openings and the design of the conservatory these are, however, considered minor and not to the detriment of the character or appearance of the area.

#### Impact on highway safety

- 5.9 The Local Highway Authority has raised no objections to the proposed development. The development therefore accords with Policy ESD15 of the CLP2031 and Government guidance contained in the National Planning Policy Framework.

#### Biodiversity

- 5.10 Part of the site lies within Swalcliffe Common, a Local Wildlife Site. The legally protected Roman Snail has been identified close to the existing access to the site. The Roman Snails are likely to be living within the vegetation adjacent to the access and are unlikely to be affected by the development. A bat survey has been submitted with the application which did not record any evidence of bats present with any buildings within the site. Notwithstanding this it is recommended that an informative is added to the permission indicating that if bats are encountered during works all works must cease until a licenced bat worker has been consulted for advice on how to proceed.
- 5.11 In light of the above it is considered that the development would not adversely affect protected species or their habitat, in accordance with policy ESD10 of the CLP 2031.

#### Planning Conditions

- 5.12As identified in paragraph 1.7 there are two pre-commencement conditions which were attached to 14/01542/F, conditions 3 and 8 which were not discharged prior to the commencement of development. Condition 3 required the approval of a stone sample, details of the materials to be used in the development and a stone sample panel have been submitted with this application and are considered acceptable in accordance with policy ESD15 of CLP 2031 and as such a condition is recommended to that effect. With regard to condition 8 which required details of the drainage plans prior to commencement of development it is not considered that this condition is reasonable or necessary given that there was an existing house on the application site and the requirement to comply with building regulations. It is therefore not recommended that this condition is added to this permission.

#### Conclusion

- 5.13 This application has been submitted to regularise the erection of a new dwelling at Bacon Farm which has failed to be constructed in accordance with the approved plans. The development is not considered to have a significant or adverse impact on the character, quality and appearance of the area, highway safety or the amenity of neighbours and is considered acceptable in all other material respects. It is therefore considered that the development will comply with policies ESD10, ESD13, ESD15 and BSC1 of the CLP2031 and policies H17, H18, C28 and C30 of the CLP 1996.

#### Engagement

- 5.14 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 the following conditions:

- 1 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: JPPC Planning Statement June 2016, Arboricultural Method Statement BS5837:2012 'Trees in Relation to Design, demolition and construction – Recommendations' MWA Ref OX020714.01DW, Supporting Letter OMK Design Consultancy, Ecology Solutions Briefing Notes – Bats Ref 5423, DisCon051-WIL01 Stone Sample, DisCon051-WIL04 Schedule of Materials, DisCon51-WIL04 Parking Area Specification, Location Plan 1:1250, 139-001, 139-002, 139-003, 139-004, 139-005, land survey 1:200, 139-000-A, North and East existing elevations 1:50, West and South Existing Elevations 1:50, Floor Plans Existing 1:50, 051-301, 051-303, 051-304.

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 Prior to occupation of the development hereby approved the external walls and roof shall be carried out in accordance with the following schedule of materials;

**Stone dressing to all principal buildings** – Dressed Ironstone as identified in photograph 'Stone Sample' Fleming Architects

**Stone to chimneys and lintels** – cut stone to match masonry dressing

**Roof to all principal buildings** - Natural Cotswold tiles

**Roof to Barn where repairs are required:** Red dreadnought clay tiles to match existing

**Elements of timber cladding to north elevation of link to barn** – 225mm horizontal oak cladding, featheredge with fat edge showing nom 10mm, left to weather naturally

**Windows:** painted timber sash windows

**Doors:** vertically boarded oak doors

The external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the Cherwell Local Plan 1996 and policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

- 3 The development shall be carried out in accordance with the approved landscaping scheme identified on drawing number 139-001. 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 buildings 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 Cherwell Local Plan 1996 and policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

- 4 All works on site shall be carried out in accordance with the Arboricultural Method Statement BS5837:2012 'Trees in Relation to Design, demolition and construction – Recommendations' MWA Ref OX020714.01DW.

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 Cherwell Local Plan 1996 and policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

- 5 All construction traffic serving the development shall enter and leave the site via the northern access only in accordance details of a route and associated signage to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved.

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

- 6 Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

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

- 7 Prior to occupation of the development hereby approved the parking and manoeuvring area shall be provided on site in accordance with the 'parking area specification' DisCon051-WIL04 and shall remain unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

- 8 The western boundary hedgerow shall be maintained to a height of 3 metres above ground level.

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 Cherwell Local Plan 1996 and policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

- 9 The former farmhouse identified on the approved floorplans to be used as a gym and steam room at ground floor, guest bedrooms and a family bathroom at first floor level and cinema/playroom in the attic space shall remain incidental to the enjoyment of the main dwellinghouse and as such shall not be sold, leased or used as an independent dwelling unit.

Reason: The use of the building as a separate dwelling unit would result in sporadic, unsustainable residential development which would erode the character and appearance of the wider countryside contrary to Government guidance contained within the National Planning Policy Framework, Policies ESD13 and ESD15 of The Cherwell Local Plan 2011-2031 Part 1 and Policy H18 of the Cherwell Local Plan 1996.

## Planning Notes

- 1 There is a possibility, due to the age, construction and location of the building, that bats could be uncovered during the works. Should bats be encountered, all work in that area must cease until a licenced bat worker has been consulted for advice on how to proceed. Particular care must be taken when roof tiles or slates are removed (remove gently by hand and check the underside for bats before stacking). The applicant and contractors should be aware that all bats and their resting places are protected from harm and disturbance by law and that to proceed without seeking professional advice if bats are found could result in prosecution.
- 2 All wild birds and their nests receive protection under the Wildlife and Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore in order to avoid contravention of this legislation any site works likely to affect potential bird nesting habitat should be timed to avoid the main bird nesting season which runs from March to August. If this is not possible, a check should be carried out prior to any clearance or demolition works to ensure there are no active nests present.

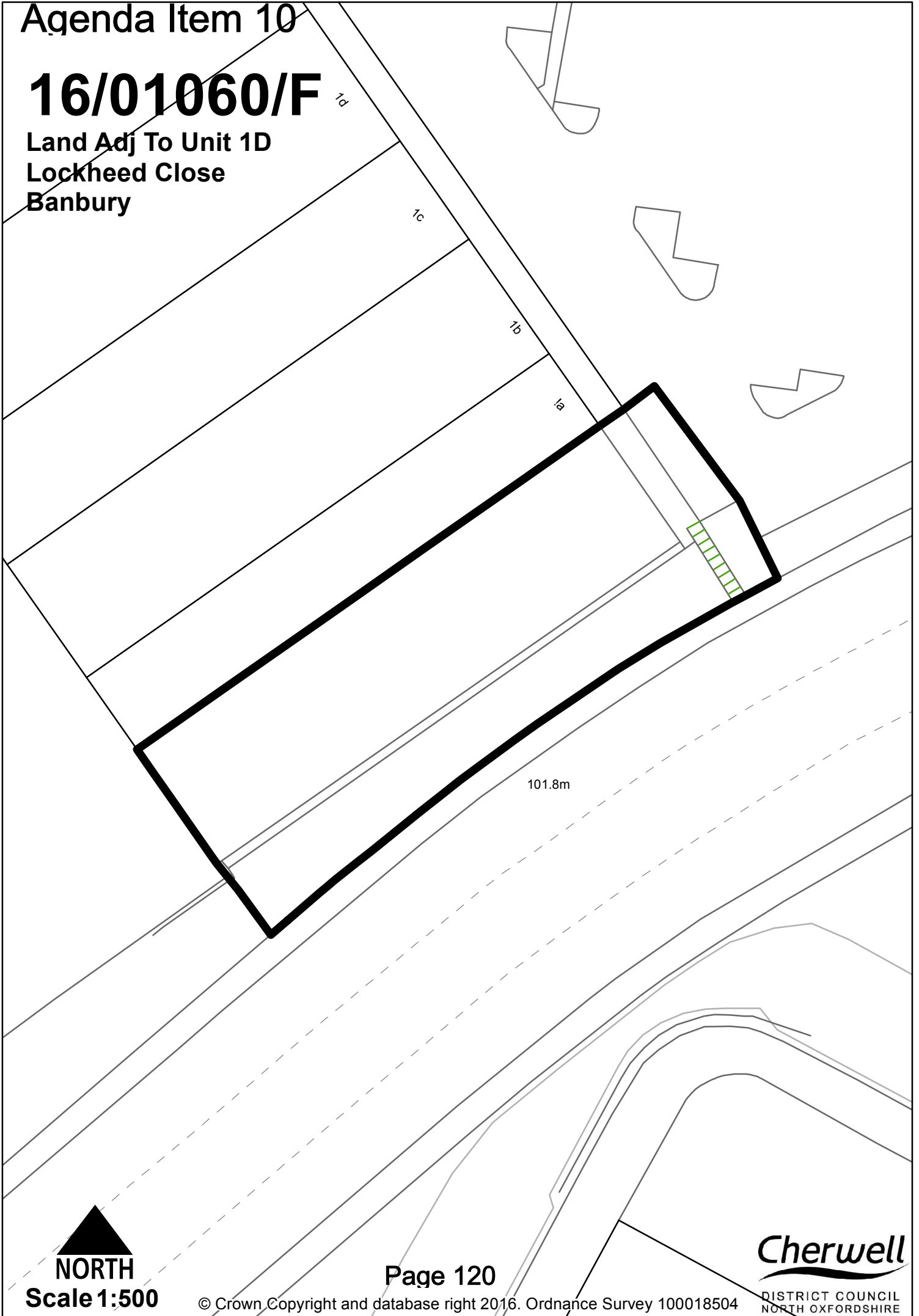
## **STATEMENT OF ENGAGEMENT**

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.

# Agenda Item 10

## 16/01060/F

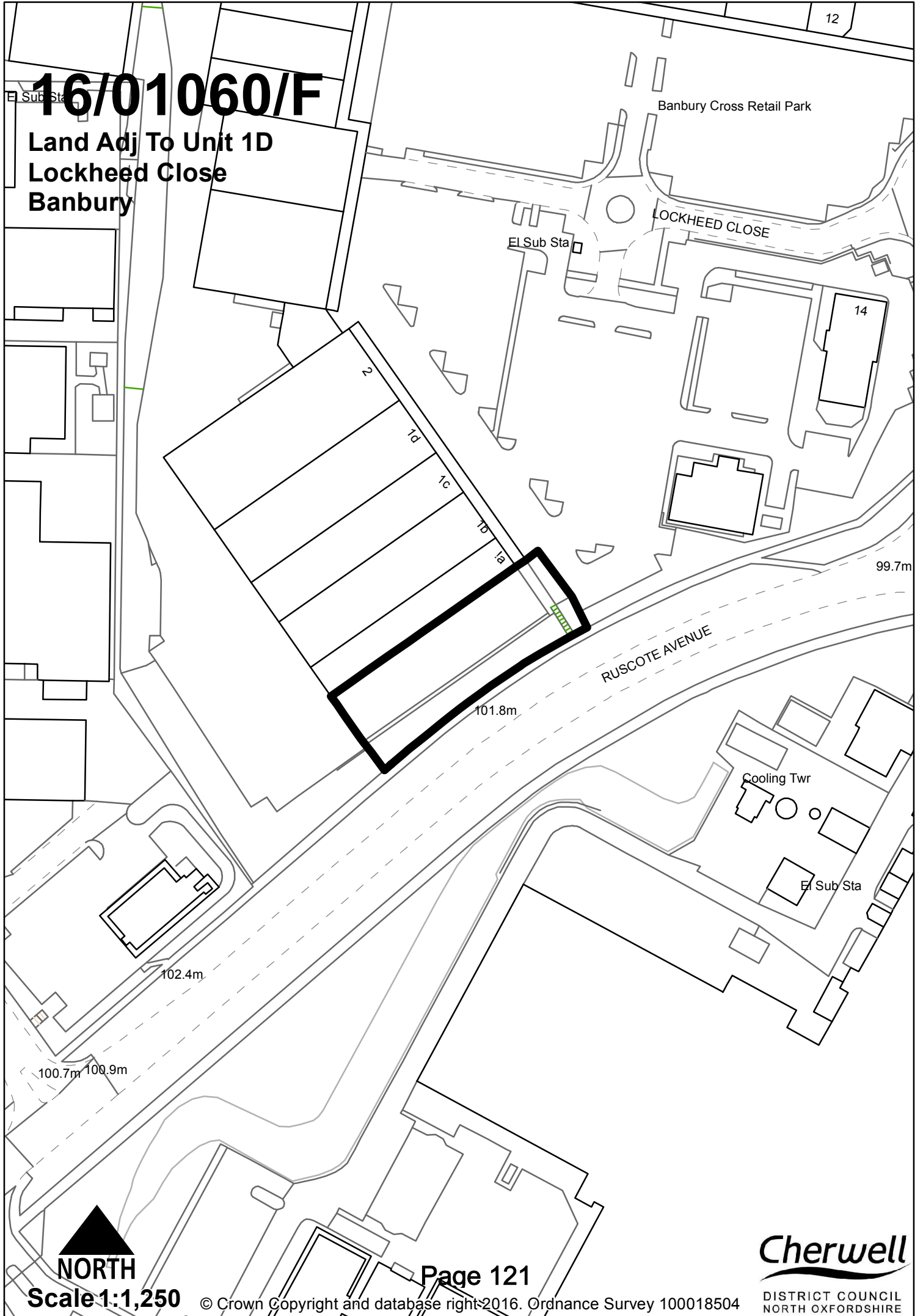
Land Adj To Unit 1D  
Lockheed Close  
Banbury



**NORTH**  
**Scale 1:500**

# 16/01060/F

Land Adj To Unit 1D  
Lockheed Close  
Banbury



Scale 1:1,250

**Case Officer:** James Kirkham      **Ward(s):** Banbury Cross And Neithrop

**Applicant:** Kames Capital

**Ward Member(s):** Cllr Hannah Banfield  
Cllr Surinder Dhesi  
Cllr Alastair Milne-Home

**Proposal:** Erection of a building for use as a health and fitness centre within Class D2 and associated physical works

**Committee Date:** 1 September 2016      **Recommendation:** Approve

**Committee Referral:** Major

## 1. Application Site and Locality

- 1.1 The application site is part of an out of town retail park situated to the north-west of Banbury town centre. The retail park contains a number of retail uses including Poundworld, Next, Homebargains and Countrywide in large format retail sheds. It also includes a number of restaurant uses including a Pizza Hut and Burger King. The units are arranged roughly in a U shape around a large shared car park serving the units.
- 1.2 The wider area has a commercial character and appearance and contains a mix of commercial and industrial uses. The area which is subject to the current application is the area to the side of unit 1 which is situated in the south-west corner of the retail park.

## 2. Description of Proposed Development

- 2.1 The current application seeks permission to erect a new unit to the south of unit 1D which is currently occupied by Poundworld.
- 2.2 The new unit would be used for a gym which falls within use class D2. The building would have a mezzanine floor and would provide 1,394m<sup>2</sup> of floor space in total. The applicant has stated the gym would be occupied by Puregym which is a national 'value gym' operator. It would operate 24 hours a day.
- 2.3 The unit would sit flush with the front elevation of unit 1 and would be constructed of materials to match the adjacent units with a colonnade and full height glazing on the front elevation.
- 2.4 Servicing for the unit would be provided to the rear and would be accessed using the shared access with the other units. The proposal intends to utilise the existing car parking facilities serving the retail park however 1 parking space to the front of the unit would be replaced with cycle parking to accommodate 8 cycles.

### 3. Relevant Planning History

- 3.1 There are numerous applications for the retail park as a whole. The most relevant planning history to the current application are:

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
87/00661/N	Erection of retail park and garden centre	Appeal allowed
09/00840/F	Erection of building measuring 697sqm for use within Class A1	Refused
10/00215/F	Erection of building measuring 697 sq m for use within Class A1	Permission
12/01392/F	Extension of Time Limit of 10/00215/F - Erection of building measuring 697 sq m for use within Class A1	Permission
15/01722/F	Erection of a building measuring 697 sq.m for Use within Class A1 (retail).	Permission

### 4. Response to Publicity

- 4.1 The application was publicised by way of neighbour notification letters and a notice displayed near to the site. No comments have been received.

### 5. Response to Consultation

#### Parish/Town Council:

- 5.1 Banbury Town Council: **No objections.**

#### Cherwell District Council:

- 5.2 Planning Policy: **Comments** that the Local Plan seeks to focus new leisure uses in the town centre. Policy SLE2 seeks to require new town centre uses follow the sequential and impact assessment in accordance with the NPPF. Policies Banbury 1 (Banbury Canalside), Banbury 8 (Bolton Road) and Banbury 9 (Spiceball) allocate sites for accommodating town centre uses in the Local Plan.
- 5.3 The application site is in an out of centre location and therefore proposals are inconsistent with the NPPF and the policy approach in the Local Plan in this regard. The application site is not well connected to the town centre. A sequential test will be required for the application but no impact assessment. The proposal is below the impact assessment threshold specified in policy SLE2 of the adopted Local Plan and in the NPPF. The applicant has produced a brief sequential test and it will need to be considered if this sufficient. It considers allocated sites in the Local Plan, however it will need to be determined if these are considered in enough detail including whether information on availability is up to date. The applicant explains that vacant units are not considered as these are not large enough for the application requirements. If this is the case it is acceptable in principle for these not

to be considered further, however all suitable town centre and edge of centre locations should be explored.

- 5.4 The application is for a new building. It is not clear if a new building is required for the health and fitness centre but assuming both new build and conversion are an option the sequential test should consider both. One of the considerations for previous planning permissions on this site was that the proposed store would sell bulky goods which may mean that some more central sites are considered to be less able to accommodate these uses. For a health and fitness centre the suitability of locations would not be restricted by this requirement.
- 5.5 Design will be important in terms of ensuring continuity with the other units on the retail park and where appropriate measures to mitigate the impact of climate change should be implemented in line with the policies set out above.
- 5.6 There are number of vacant units in the town centre. There are no existing fitness centres on the two main retail parks in Banbury and generally these are limited in out of centre locations. Granting planning permission for this fitness centre in an out of centre location without comprehensive justification will unnecessarily threaten town centre vitality and viability.
- 5.7 In principle commercial development and this type of facility is supported by the Local Plan including on the sites allocated. The application documents explain how this is a value gym and its aim is to provide greater accessibility to health and fitness. It seems likely that that the town centre would be particularly suited to this operation, where access to a private car is generally more limited and/or walking and cycling more likely.
- 5.8 The application should be refused if a comprehensive sequential test is not produced and does not effectively rule out other available sites in the town centre/edge of centre locations.
- 5.9 Landscape: **Comment** by requesting a tree survey.
- 5.10 Environmental Protection: **No objection** given the nature of the use and neighbouring uses.
- 5.11 Business Support Unit: **Comments** that the proposal has the potential to secure Business Rates of approximately £52,697 per annum under current arrangements for the Council.

Oxfordshire County Council:

- 5.12 Highways: **No objections** subject to a condition on construction traffic further to the receipt of additional information.

Other External Consultees:

- 5.13 Natural England: **No objection.**

## 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

Cherwell Local Plan 2011 - 2031 Part 1

PSD1 – Presumption in Favour of sustainable development  
SLE2 – Securing Dynamic Town Centres  
SLE4 – Improved Transport and Connections  
ESD1 – Mitigating and Adapting to Climate Change  
ESD3 – Sustainable Construction  
ESD7 - Sustainable Drainage Systems  
ESD10 – Protection and Enhancement of Biodiversity a  
ESD15 - The Character of the Built and Historic Environment  
Policy Banbury 1 (Banbury Canalside)  
Policy Banbury 7 (Banbury Town Centre)  
Policy Banbury 8 (Bolton Road Development Area)  
Policy Banbury 9 (Spiceball Development Area)

Cherwell Local Plan 1996 (Saved Policies)

Policy C28 (Design Considerations)

**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;
- Highway
- Other matters

Principle of Development

7.2 The current application seeks permission the construction of a new building to house a new gym. 'Annex 2: Glossary' of the NPPF includes a definition of 'main town centre uses' which includes health and fitness centres. Therefore for the purposes of considering this application, the proposal is for a main town use and it must be considered in this context.

- 7.3 Policy SLE2 of the Cherwell Local Plan Part 1 states new town centre uses will be directed towards Banbury and other town centres. It states the sequential approach will be applied to new town centre uses in accordance with the NPPF to protect the vitality and viability of town centres. The sequential approach requires that applications for main town centre uses, which are not in accordance with the Development Plan, should be located in town centres, then in edge of centre locations and only if suitable sites are not available or suitable should out of centre locations be considered. When considering edge of centre and out of centre locations, preference should be given to accessible sites that are well connected to the town centre. It advises applicants and local planning authorities should demonstrate flexibility on issues such as format and scale in considering the sequential assessment. The National Planning Policy Guidance (NPPG) advises that it is for the applicant to demonstrate compliance with the sequential test and that the test should be proportionate and appropriate for the given proposal.
- 7.4 Policy SLE2 also states that the Council will consider if developments are likely to have a significant adverse impact on centres or planned investment. Paragraph 26 of the NPPF states that in assessing main town centre uses in out of centre locations planning authorities should require an impact assessment if the development is over a proportionate locally set floorspace threshold. In this case this is outlined in Policy SLE2 of the Cherwell Local Plan Part 1 and for Banbury is set at 2000sqm. Therefore as the proposed development is below this threshold an impact assessment is not required.
- 7.5 Paragraph 27 of the NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact it should be refused.
- 7.6 The application site is identified as an existing retail park on 5.3 Key Policy Map – Banbury of the Cherwell Local Plan. However it is situated in a ‘out of centre’ location as defined by the NPPF and there is no local plan policy which encourages further development of the existing retail park. As such the applicant needs to demonstrate a sequential approach has been taken to site selection by reviewing sites in the town centre and edge of centre locations for their availability and suitability before considering out of centre sites. The Planning Practice Guidance (PPG) states that *‘The sequential test seeks to deliver the Government’s “town centre first” policy. However as promoting new development on town centre locations can be more expensive and complicated than building elsewhere local planning authorities need to be realistic and flexible in terms of their expectations’*. Therefore viability is also considered to be relevant consideration.
- 7.7 When the application was originally submitted it was not considered that it an adequate sequential assessment had been provided. Therefore additional information in this respect was requested. In considering the sequential approach it is important to take a proportionate approach to the proposal and consider the availability and suitability of more centrally located sites. The main constraints to the applicants search are they are seeking a unit or development site capable of accommodating a unit in the region of 1,400sqm.
- 7.8 In considering the sequential assessment the applicant has reviewed the a number of sites including the following:
- 7.9 *Bolton Road Development Area (Policy Banbury 8)* - This is a 2ha development site and seeks a mixed use development. This will be subject to an SPD to be developed by the Council. The applicant argues the site is not currently available and has a number of occupiers and landowners. There are no existing units that are available which could accommodate the proposal. Furthermore the site is significantly larger than the development proposed and would result in a significant oversupply of land. The redevelopment of the part site for a single unit to be used for gym in the short term could also prejudice the comprehensive redevelopment of the site to meet the policy objectives of Policy Banbury 8.

It is therefore not considered to be available or suitable for the development proposed at the current time.

- 7.10 *Canalside (Policy Banbury 1)* – This is a large development site for a wide mix of uses to the eastern side of the town centre. It is currently occupied by industrial uses and warehouses. There are no sites currently available in this area which could accommodate the use. Furthermore the site is a key development opportunity and the Council are looking to develop a SPD for the site. It would therefore not be ideal to develop it on a piecemeal basis at the current time prior to the adoption of an SPD. Also Policy Banbury 1 indicates the units will be sized and located to attract small specialist leisure uses and niche retailers. Overall it is considered that the site is not available, suitable or viable for the proposed development at the current time.
- 7.11 *Spiceball development site (Banbury Policy 9)* - This site has a resolution to grant outline planning permission to redevelop the site for a range of commercial uses including retail, hotel, cinema, restaurant and cafes (13/01601/OUT). The applicant argues that the site is not available as there is no certainty it will be delivered. However having discussed this matter with the case officer it appears that the proposals are moving forward in a positive manner. However it is understood that none of these units would be available for a gym. The retail floor space is intended to be occupied by the food superstore which is significantly greater in size than the current proposal. Overall it is concluded that the site is not available for the proposed development.
- 7.12 Land at Calthorpe Street was also discounted as it is currently occupied and is not available in a reasonable timeframe.
- 7.13 *South Bar House, South Bar* – This is an existing building located on the corner of Bloxham Road and South Bar. It is located in the town centre boundary. It is currently used for medical purposes in use class D1. The floor space which is available within this building is 751m<sup>2</sup> and this is not large enough for the proposal. Therefore this site is not suitable for the development proposed.
- 7.14 *Blenheim Court, George Street* – This is an office building located on the corner of George Street and Windsor Street. At the current time it would appear that the entire top floor of the building is vacant and would provide 1,244sqm of floor space. However the applicant has stated that this would not be suitable for the proposed use given that it has a number of core stair cases. This along with the requirement for 24 hour access and the lack of dedicated access point to the upper floors make it hard to operate the upper floor as a single unit. They also state that the high specification of the office would not be viable for the proposed use however this is not robustly evidenced so is given limited weight. They have also stated that the proposed use with music, gym equipment and levels of activity would be unsuitable to be located above the existing offices due to noise and disturbance. Furthermore they have stated that the load bearing capacity of the available upper floor is unlikely to be suitable for the intended use and gyms within office buildings generally operate within gyms or at ground floor level. Whilst officers are not convinced by all the arguments put forward by the applicant in respect of this unit, when looked at as a whole the current available space, on balance, is not considered to be suitable for the proposal.
- 7.15 *Crown House, Bridge Street* – This is an empty office building located in a central location. It has been vacant for a number of years. The site is significantly larger than the currently proposed scheme. Numerous planning applications have been approved on the site for residential led schemes and it is understood that the owner of the site will be coming forward with further development proposals for the site. The site is not offered for sale or let. Given these factors the site is considered to be unavailable for the proposal at the current time.

- 7.16 *Unit 2, 20-23 Bridge Street* – This is the building next to Malthouse Walk which was formerly occupied by Peacocks. It is located within the primary shopping frontage where Policy Banbury 7 states A1 and A3 uses will generally be permitted. Given the proposal would be for a D2 use it would conflict with this policy. It is therefore not considered reasonable to argue the site is suitable for the proposal.
- 7.17 *60-62 Broad Street, Banbury* – This is the site of the Former Grand Theatre and is located within the Town Centre. It has been vacant for some time but has planning permission to be redeveloped with retail at the ground floor and residential above. It is currently being marketed for sale. Whilst it is clear there is interest in the site from parties looking to implement the existing planning consent a sale has not been agreed and at the current time it is considered the site is still available. In regard to the suitability of the site the applicant has stated that the site would not be suitable for a number of reasons. These include the fact that the site does not include adequate parking provision on site and could potentially clash with neighbouring uses given it would be open 24 hours a day. Given the town centre location of this site, the neighbouring uses, the low level of activity likely to occur at night time from a gym and the availability of public parking in the locality of the site these are not considered to be significant constraints. They also state that it would be difficult for this site to provide the required floor space in an efficient manner.
- 7.18 However the applicant also argues the site would not be viable given the increased costs associated with converting a building and the heritage constraints associated with the site. Whilst this is acknowledged by officers, beyond general statements and some basic high level costing, which do not appear to be based on a full inspection of the site, there is limited evidence to suggest the applicant has thoroughly explored this. However this property is offered on a freehold basis only and is not available on a leasehold basis. The applicant has stated the proposed operator does not take on the freehold of properties and none of the Pure Gyms existing sites (151 in total) are held on a freehold basis. They state this is common with all other value operator gyms and is an intrinsic part of the established business model for value operator gym and not just specific to the current applicant. Therefore they consider the site is not suitable or available for the development proposed.
- 7.19 In conclusion, on balance, whilst the viability of this site as an alternative has not been demonstrated robustly it is clear there would be constraints, including historic assets, which would make this development more expensive and potentially unviable for a value gym. The suitability of the site is also questionable given the type of use proposed generally requires leasehold buildings rather than the freehold which is available in this case. Furthermore there are questions over whether the unit could provide the level of floor space in an appropriate manner for the proposed use. Therefore in taking a proportionate approach and demonstrating flexibility it is considered that the site is not suitable or available for the proposed development at the current time.
- 7.20 There are not considered to be any other in centre or edge of centre sites which would be available for the proposal at the current time. The application site is located in an 'out of centre' location however it is located within an established commercial retail park. There may be some opportunities for linked trips however this is not considered to be significant given the mix of uses. It is also served by a regular bus service and is therefore relatively accessible. Therefore on the basis of the information available it is considered the sequential test is passed.
- 7.21 In relation to the impact on the town centre, as the proposed development is below the locally set threshold for an impact assessment there is no requirement for the applicant to

submit one. The scale of the proposals is very unlikely to result in a significant adverse impact on the town centre which has a limited range of competing uses.

#### Design, layout and appearance

- 7.22 Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 states new development will be expected to complement and enhance the character of its context through sensitive siting and layout and states all development will be required to meet high design standards. It goes on to state development should respect the form, scale and massing of buildings in the surroundings. Development should be designed to integrate with existing streets and buildings clearly configured to create defined active public frontages. Saved Policy C28 and C30 of the Local Plan also seek to ensure high quality development. The NPPF also seeks to ensure high quality development and paragraph 58 and 60 states development proposals should respond to the local character and surroundings and reinforce local distinctiveness. Paragraph 64 states development should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy ESD10 seeks to enhance the natural environment and state the protection of trees will be encouraged and the Council will aim to increase the number of trees in the district.
- 7.23 In the current application the proposed development would be designed to match the existing retail units on the retail park in terms of scale, form and materials. This is considered to be an acceptable approach considering that it will be seen as an extension to the terrace of retail units. It is therefore considered to be acceptable in design terms.
- 7.24 The width of the units remains very similar to the previous consents on the site for a bulky goods retail unit. In the previous applications concerns were raised with regard to the impact of the building on the landscaping belt between the site and Ruscote Avenue. This provides an important screen to soften the building. Prior to the 2010 application on the site a significant number of trees were removed and it was concluded that the proposal would be acceptable subject to a landscaping scheme to strengthen this landscaping belt and root protection measures to protect the trees. The proposed development would be located wholly on the concrete yard to the side of the existing unit and remains very similar to the previous approved scheme which remains extant. Whilst it is noted some of the overhanging branches from this landscaping belt would need to be cut back the vast majority of the area will be unaffected as it would not extend beyond the existing retaining wall which separates the application site from this landscaping belt. Therefore subject to conditions this remains acceptable.

#### Highways

- 7.25 Policy SLE4 of the Local Plan states all development should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. It goes on to state that development which is not suitable for the roads that serve the development and which have severe traffic impact will not be supported.
- 7.26 The proposed development would utilise the existing car parking serving the site. 1 parking space would be lost to the front of the unit and 8 cycle parking spaces would be located on it. This would mean the retail park would have 598 car parking spaces. The previous applications on the site for 687m<sup>2</sup> of retail floor space have been approved on a similar basis. OCC Highways have raised no objection to the level parking serving the site.
- 7.27 OCC Highways had originally raised concerns over the potential traffic generation from the proposed development and considered that the number of linked trips would be limited. They therefore requested further information regarding trip generation for the proposal. The applicant has provided information to clarify that the approved scheme would generate more traffic in peak hours than the D2 use and that the peak additional vehicle movements for the

proposed use would be outside of the local highway peak. They have also provided information showing the level of vehicles entering and leaving the retail parking which demonstrates the level of activity is lower during the peak periods for the proposed use. Therefore the highway impacts of the development are considered to be acceptable.

#### Other matters

- 7.28 The NPPF states that significant weight should be placed on the need to support economic growth. The proposed development would result in the short term economic benefits associated with construction and the applicant has predicted that the proposal would generate in the region of 14 FTE jobs. These factors weigh in favour of the proposal.
- 7.29 Policy ESD3 is a new consideration and states all new non-residential development will be expected to meet a least BREEAM 'Very Good' with immediate effect. The demonstration of the achievement of this standard should be set out in an Energy Statement. This can be controlled through a planning condition.
- 7.30 The current application would be a 24 hour operation however it is a significant distance from any residential properties and the surrounding uses are not considered to be sensitive to noise and disturbance at anti-social hours being commercial in character.

### **8. Conclusion**

- 8.1 The proposed development would be a main town centre use in an out of centre location. The applicant has undertaken a sequential approach and on balance has demonstrated that there would be not more centrally located site that is available, suitable and viable to accommodate the development within a reasonable time frame. The design of the proposal will be in keeping with the existing properties at the retail park. The existing parking serving the site would be adequate to accommodate the proposed use as the peak times for a gym are likely to be different to the existing retail uses. Overall the development is considered to constitute sustainable development and it is recommended that planning permission be granted.

### **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 details provided by the following plans and documents: Application Form, Location Plan, drawing numbers 14358-102, 14358-103 and 14358-104.

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 The National Planning Policy Framework.

3 The materials to be used in the new development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

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.

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

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

5 Prior to the first occupation of the development hereby permitted full details of the location, type, design, and appearance of the proposed cycle parking serving the dwellings shall be submitted and approved in writing by the local planning authority. The cycle parking shall be provided in accordance with the approved details prior to the first occupation of any part of the development.

Reason: To ensure the development provides opportunities for sustainable modes of transport in accordance with the NPPF.

6 All construction traffic serving the development shall enter and leave the site through the delivery and service access and not via the general visitor parking.

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

7 The use of the building shall be confined to the use as a gym as hereby permitted and for no other purpose including any other use within Use Class D2 of the Town and Country Planning (Use Class) Order (as amended) 1987.

Reason: To enable the Local Planning Authority to assess the acceptability impact of any future proposals for change of use in accordance with SLE2 and SLE4 of the Cherwell Local Plan Part 1 and advice in the NPPF.

8 No works or development shall take place until a tree survey, impact statement and arboricultural method statements (AMS) and details of any reinforcing landscaping has been submitted and agreed in writing with the Local Planning Authority. The development shall

thereafter be carried out in accordance with the approved details and the landscaping shall be provided within a specified timeframe.

Reason - To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy ESD10 of the Cherwell Local Plan Part 1 and Saved Policy C28 of the Cherwell Local Plan 1996.

9 The D2 unit hereby permitted shall not be subdivided without the prior written approval of the Local Planning Authority.

Reason: In order to minimise the impact on the vitality and viability of Banbury Town Centre and to comply with advice in the NPPF.

**CONTACT OFFICER:** James Kirkham

**TELEPHONE NO:** 01295 221896



## Cherwell District Council

### Planning Committee

1 September 2016

#### Heritage Partnership Agreement (HPA) - RAF Bicester

#### Report of Head of Development Management

This report is public

#### Purpose of Report

The present the HPA for the agreement of Planning Committee

#### Recommendations

The meeting is recommended:

- (1) To recommend that the Executive approve the HPA

#### Executive Summary

##### Introduction

- 1.1 The Enterprise and Regulatory Reform Act 2013 sets out the option for a local planning authority to make an agreement (Heritage Partnership Agreement ("HPA")) with any owner of a listed building under Section 26A of the amended Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.2 It was envisaged that this type of agreement would make provision for the granting of listed building consent ("LBC") as well as specifying any conditions to which the consent is subject.
- 1.3 The idea behind the introduction of HPAs was to streamline the often time-consuming and sometime expensive process of obtaining LBCs, especially when the listed buildings are part of a group of similar structures where it might reasonably be anticipated that similar works of repair, for example, would be required.

##### Background Information

- 1.4 The military airbase at RAF Bicester is the quintessential airfield of its age; almost better than any other site it typifies the public perception of the World War II airfield.
- 1.5 The site began life as a Flying Corps aerodrome towards the end of the First World War. Construction of the RAF station we see today began in earnest in 1925. Construction continued through the inter-war years and was still underway at the outbreak of hostilities in 1939.

- 1.6 RAF Bicester was decommissioned in 1994 when the offices and military hospital in use by the United States Air Force in Europe closed its operations.
- 1.7 In 2002 Cherwell District Council (“CDC”) designated the airbase as a conservation area. This area was extended in 2008 to include: the domestic site (west of Buckingham Road); the pre-war married airmen’s housing (adjacent to the domestic site); the former officers’ mess (Cherwood House on the Buckingham Road); the technical site (east of Buckingham Road); the flying field; defence structures (east of the airfield).
- 1.8 In March 2013 the technical site, the flying field and the defence structures were acquired by Bicester Heritage with a view to their conversion into a national centre for historic motoring and aviation excellence.

**Operational Details and Impact**

- 1.9 The aim of the HPA is to facilitate the work of restoring the original RAF buildings.
- 1.10 This HPA has been prepared in order to provide a blanket vision for the technical site and flying field. Given that there are more than 60 existing buildings and structures on the technical site alone (of which more than 30 are listed, or designated SAMs) it will provide an agreed baseline among all stakeholders as to the nature of the repair works and interventions that are possible without the need for a series of LBC applications, which would prove time-consuming for all parties concerned and which, without the HPA, would otherwise be required for each proposal.

**Implementation Options**

- 1.11 Once approved the details within this HPA will be used as the guide to all future building and structure repairs thus alleviating the need for a series of applications thereby freeing up manpower within both CDC and providing Bicester Heritage with an unhindered opportunity to restore the buildings and structures on the site.

**Key Issues for Consideration/Reasons for Decision and Options**

- 2.1 To approve the HPA.

The following options have been identified. The approach in the recommendation is believed to be the best way forward

**Option One** To approve the HPA.

**Option Two** Not to approve the HPA.

## Consultations

Consultation.

None / There has been consultation with other Local Planning Authorities to ascertain how other authorities have implemented similar programmes.

## Implications

- Financial:** None arising directly from this report.  
Comments checked by:  
George Hill, Corporate Finance Manager, 01295 221731  
george.hill@cherwellandsouthnorthants.gov.uk
- Legal:** There are no additional legal implications arising for the Council from accepting this recommendation. The document has been prepared and completed in conjunction with Bicester Heritage.  
Comments checked by:  
Chris Mace, Solicitor, 01327 322125, email:  
[Christopher.mace@cherwellandsouthnorthants.gov.uk](mailto:Christopher.mace@cherwellandsouthnorthants.gov.uk)
- Risk Management:** Lack of heritage guidance undermines the reputation of the Council as the Planning Authority for Cherwell District seeking high design and conservation standards. Without the HPA in place there is a risk of future unsympathetic alteration to the heritage asset.  
These risks will be monitored within the service operational risk register and escalated to the corporate risk register as and when necessary.  
Comments checked by Louise Tustian, Senior Performance & Improvement Officer 01295 221786.

## Wards Affected

Launton & Otmoor

## Corporate Plan Themes

Corporate Theme 6: Protect and enhance the local environment

## Lead Member

Councillor Colin Clarke - Lead Member for Planning

## Document Information

Annex No	Title
None	
Background Papers	
None	
Report Author	Rose Todd, Senior Conservation Officer

<b>Contact Information</b>	01295 221846 <a href="mailto:rose.todd@cherwell-dc.gov.uk">rose.todd@cherwell-dc.gov.uk</a>
--------------------------------	--

## Cherwell District Council

### Planning Committee

1<sup>st</sup> September 2016

#### Appeals Progress Report

### Report of Head of Development Management

This report is public

#### Purpose of report

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

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

#### 2.0 Report Details

##### New Appeals

- 2.1 **16/00422/OUT Land Adj to Corner Cottage, Bignell View, Chesterton, OX26 1UQ.** Appeal by Mr Allmond against the refusal of planning permission for the erection of a single detached dwellinghouse – re-submission of 15/00800/OUT.

**16/00849/F + 16/00850/LB Lower Green Farm, Church Lane, Horton Cum Studley, OX33 1AW.** Appeal by Mr and Mrs Douglas Hoeffler against the refusal of listed building consent to convert single storey storage outbuilding to become part of the lower green farm house, to form an external glazed link to the outbuilding with a new single storey garden room between the existing farm house and the outbuilding.

- 2.2 Forthcoming Public Inquires and Hearings between 1<sup>st</sup> September and 29<sup>th</sup> September 2016.

None.

## 2.3 Results

Inspectors appointed by the Secretary of State have:

- 1) Dismissed the appeal by CPG Development Projects Ltd against the refusal of outline planning permission for 3 No Class A1 (retail); 3 No Class A3 (cafe and restaurants); 1 No Class D2 (gym); surface level car park, access, servicing and associated works. Land South of and Adjoining Bicester Services, Oxford Road, Bicester. 15/00250/OUT (Committee).**

The inspector found that the main issues in this case were the effect of the proposed development on:

- the flow of traffic and safety on the surrounding highway network;
- local infrastructure; and
- the character and appearance of the surrounding area and future development in that area.

The appeal was dismissed and the inspector concluded that:

*'the proposal would have an adverse impact on the character and appearance of proposed future residential development in the surrounding area and a harmful effect on the flow of traffic on the surrounding highway network, which would not be adequately mitigated and could have an unacceptable effect on local infrastructure. It would also fail to accord with Cherwell Local Plan policies ESD 15, SLE 4 and INF 1 in these respects and the development plan as a whole. In addition, it would have severe residual cumulative transport impacts and would not represent sustainable development in accordance with the Framework. Even applying the test given in paragraph 14 of the Framework, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. Therefore, having regard to all matters raised, I conclude that the appeal should fail.'*

- 2) Allowed the appeal and awarded Costs to the appellant. The appeal was by PCC of St Pauls Church against the refusal of planning permission for demolition of existing hall and parts of existing church, erection of replacement new hall and ancillary accommodation providing a direct link between church and new building. Minor alterations to landscaping and relocation of entrance gate. St Pauls Church, Warwick Road, Banbury, OX16 2AN. 15/01104/F (Delegated).**

The proposal was to demolish a rear brick built hall associated with the church and the erection of a large, wrap-around extension including a pitched, glazed façade to Warwick Road. The main issue was considered to be the effect of the development on the character and appearance of the appeal property, with regard to its significance as a non-designated heritage asset.

The Inspector disagreed with the Council on the degree to which the appeal proposal would cause harm to St Paul's Church. The Inspector found that, "as a result of its subservience, scale, simple design and positioning, I do not agree that its loss would diminish the overall significance of the church" and, although the proposal has a visually distinct, pitched roof and the western element of the building has a lean-to roof shape, I found that the appeal proposal would be

“similar” to that western element. The Inspector held that, “its contemporary design would provide an appealing contrast with the traditional design of the church building” and, “the larger proportions of glazing in its front elevation would soften its appearance and contribute to its subservient relationship to the church”.

The Inspector also concluded the movement of war memorial in front of the Church raised no issues, and that moving the access from in front of the main Church toward the east making it in front of the proposed development would still allow the Church to remain the dominant feature within the site, not diminishing its significance. Finally, the Inspector found that the complicated-looking roof and windows would not be seen or especially visible from the public realm so did not diminish the building’s significance.

**3) Dismissed the appeal by Mr Churchill against the refusal of planning permission for change of use of land to the rear of Applea Banks to domestic garden. Applea Banks, Lower Street, Barford St. Michael, OX15 0RH. 15/01354/F (Delegated).**

The application sought planning permission for the change of use of land to the rear of Applea Banks to domestic garden. The main issues were the proposal’s impact on the Barford St Michael Conservation Area and the character and appearance of the countryside.

The Inspector noted that the appeal site is land in private ownership, has the appearance of paddock and is adjacent to a wider area of land which essentially forms a village green, and therefore has no relationship with the wider countryside. Historic maps show that the land and the land which adjoins once formed a single field with footpaths criss-crossing it. The Inspector attached substantial weight to the fact that the land was identified in the Conservation Area Appraisal as ‘important green space’, noting its openness and its historic and visual association with the wider area.

The Inspector found that the character and appearance of the land would materially change and the appeal site would no longer retain a visual association with the wider area. The proposal would fail to preserve the character and appearance of the Conservation Area. The inspector concluded that the proposal also conflicted with Policy C33 of the 1996 plan which seeks to retain any undeveloped gap of land which is important in preserving the character of the loose-knit settlement. The Inspector adjudged that the site was sufficiently different to a neighbouring site on which a change of use had been permitted such that it was not directly comparable and did not set a precedent.

**4) Dismissed the appeal by Mr Aylward against the refusal of planning permission for outline erection of 5 residential dwellings. Land South of Little Shotover and East of Cherry Tree Cottage, Horn Hill Road, Adderbury. 15/01384/OUT (Delegated).**

The applicant sought outline permission for 5 dwellings. Access and layout were for consideration in the application.

The main issues were the principle of development and the impact on the character and appearance of the Conservation Area.

The Inspector considered the matter of the extent of the 'built up limits' of Adderbury and agreed with the Council's view that the proposal lay outside the built up limits. In considering this matter the inspector stated: in my opinion, a built-up area is an area that contains a significant amount of built form, and there is no particular need to include all of a residential curtilage. As a result, on edges of settlements, where properties have long rear gardens, the built up limit of a settlement may be considered to include the dwelling but not its rear garden. She also noted that the clear physical and visual links to the open countryside and considered upon entering the site that the impression is gained that the village is being left and the countryside is being entered. As a consequence, and in the presence of a 5 year land supply, the inspector considered the site conflicted with the Council's strategic housing policies (Saved Policy H18 and Policy Villages 1) and would not represent a sustainable pattern of growth. The Inspector also considered that Policy Villages 2 was not applicable in this case as this policy is only applicable to large scale development in villages.

In relation to the impact on the Conservation Area the Inspector noted the strong linear structure of Adderbury and the unifying use of iron stone. The historic agricultural nature of the village is reflected in the fact that open fields on the edge of the village, including the appeal site, were included within the Conservation Area. Whilst these fields are not noted as important green spaces in the Conservation Area Appraisal they still positively contribute to the agricultural heritage and rural character of the edge of the village. Whilst the site is not visible from the road the site is clearly visible from the footpaths and the open rural character of the site makes a positive contribution to the rural setting of the village. The Inspector noted the appeal scheme would result in a significant adverse change in the appearance of the site from a natural, open green space with a rural character to much more suburban environment. Thus the loss of this open land would be detrimental to the conservation area, and would detract from the contribution the site makes to the character and appearance of the conservation area. The Inspector also agreed with the Council that a row of conifers on the eastern boundary of the site were incongruous features in the landscape and their retention was not a positive benefit of the scheme. The Inspector therefore considered they may be removed in the future and agreed that the appellant's reliance on these for screening had underestimated the harm to users of the footpath.

Given the strong linear form of the village the Inspector also considered that the depth of the proposed development and fact that development would have no street frontage would conflict with a key characteristic of the Conservation Area. Whilst there are other examples of backland development in the Conservation Area these are uncommon and they were permitted in a different policy context. Furthermore she agreed these were harmful examples and did not set a precedent.

In respect of the layout, the Inspector considered that the dwellings would be on generous plots dominated by access roads and parking and would be more akin to the modern housing to the south rather than the properties in the Conservation Area. The Inspector also noted that that the orientation of the dwellings would be out of keeping with the pattern of development. The Inspector therefore considered the proposal be out of keeping with the prevailing pattern of development in the village which face onto the street. The Inspector also considered the works required to upgrade the existing rural track would be harmful to the Conservation Area as an important gateway. In relation to the



setting of the listed building adjacent to the site the Inspector noted there was not historic link between these properties and the application site and there were limited visual links given screening and levels. The development was therefore not considered to adversely impact the setting of these buildings.

The Inspector concluded that the proposed development would result in less than substantial harm to the Conservation Area and the limited public benefits associated with the development would not outweigh this harm.

**5) Dismissed the appeal by My Allen against the refusal of planning permission for a proposed two bedroom detached dwelling – re-submission of 15/01416/F. 13 The Glebe, Hook Norton, OX15 5LD. (15/02084/F) Delegated.**

The proposal sought permission for a single detached dwelling on the side garden of 13 The Glebe. The main issue was the impact of the proposal on character and appearance of the area.

The inspector noted the area was characterised by a regular pattern of development and uniform appearance of dwellings. She noted a strong and consistent front building line with reasonably wide plots. Whilst the inspector considered the plot was large enough to accommodate a dwelling, the set back position from the established front building line and the fact it would not overlook or have a positive relationship with the street would be out of character with the area. The width of the frontage of the existing and proposed dwellings would also be uncharacteristic of the street frontage. It would therefore be out of character with the prevailing pattern of the development in the vicinity.

The inspector considered that whilst public views of the site would be limited it would still be perceptible from the frontage. She considered the dwelling would appear cramped, contrived and squeezed into the corner plot given the tapered shape of the plot and siting of dwelling in relation to neighbouring properties. Overall the proposal would therefore conflict with Policy ESD15 of CLP 2011-2031 and Policy HN-CC1 of the Hook Norton Neighbourhood plan.

The inspector also considered the design of the proposed detached dormer bungalow would be out of keeping with the 2 storey semi-detached properties in the street.

Whilst acknowledging Hook Norton is a sustainable village for 'minor development', the inspector noted that the supporting text makes it clear that the acceptability of development will be considered against Policy ESD15. As the proposal conflicted with Policy ESD15 of the CLP it was also considered to conflict with Policy Villages 1 of the CLP.

**6) Allowed the appeal by Mr Nicholls against the refusal of planning permission for a proposed extension and alterations to dwelling. 4 Warborough Court, Mill End, Kidlington, OX5 2EG. 15/02313/F (Delegated).**

The proposal was a two-storey front extension. The main issue was considered to be the proposal's effect on the character and appearance of the surrounding area.

The existing dwelling is a two storey building, faced in reconstructed stone with a tiled roof, the end building in a terrace of four. The four houses show a variety of designs but importantly the existing property is the furthest set forward of the four, and the extension would come very close to the highway. It is also noteworthy that the site is adjacent to the Church Street Conservation Area and is in close proximity to a number of both Listed Buildings and locally listed buildings.

The Inspector noted that in many circumstances a front extension of the scale and massing proposed here would result in a visually obtrusive form of development, which would upset the rhythm and balance of the street scene and cause significant and demonstrable harm to the character and appearance of an area. However, the inspector felt that, as 4 Warborough Court is at the northern end of the terrace dwelling which has irregular building lines, with matured vegetation and a closed boarded boundary fence to the front, and noting the single storey garages immediately to the north, the proposal would not have such an effect.

Rather, the Inspector found that the existing dwelling resulted in somewhat weak and incongruous termination to the development in longer views from the south in Evans Lane, and that the appeal proposal would form a 'visual stop' and provide for some improvement to its contribution to local visual amenity, also noting that it would be set back 1 metre from the front boundary and its set down in height from the existing dwelling.

The Council had no issues with the principle of the proposal and agrees with the Inspector on the benefits of the principle of such an extension. Rather, the Council's concern had related to the proposal's massing and its awkward relationship with its surroundings.

**7) Dismissed the appeal by Mr Smith against the refusal of planning permission for the erection of three dwellings and associated works. Land Adj to 2 Ardley Road, Fewcott. 16/00082/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 the appeal proposal would result in a building which would be wider and taller than the adjoining semi-detached dwellings on the same side of Ardley Road and would result in a development which would be close to both side boundaries of the site. The Inspector stated that the resultant effect of the development is that it would appear cramped on its site compared to the surrounding development and would result in a significant massing of building. The Inspector stated that the proposal would therefore be out of character with the general arrangement of dwellings on the north side of Ardley Road, where two storey properties are generally off-set from the boundaries by much greater distances. The Inspector also noted that, the height of the dwellings would give rise to a significant harm to the character and appearance of the area.

The Inspector stated that as the development was not a conversion and could not be classed as infill development, it would also conflict with Policy Villages 1 of the Cherwell Local Plan (2011-2021) Part 1. Whilst a residential development

has been approved on the site in the past, the Inspector noted that this consent had lapsed without implementation and that no material circumstances had been presented which would outweigh the provisions of the development plan.

The Inspector concluded that the development would lead to unacceptable harm to the character and appearance of the area, contrary to Policies ESD15 and Policy Villages 1 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**8) Dismissed the appeal by Mr and Mrs Smith against the refusal of planning permission for a rear extension, part single and part two storey extension (revised scheme of 15/01958/F). 28 Grande Park, Steeple Aston, OX25 4S. 16/00349/F (Delegated).**

The proposal was a part single and part two storey rear extension. The main issue was the effect of the proposal on the living conditions of the occupiers of 30 Grange Park, with particular regard to outlook.

The Inspector noted that the flank elevation of the appeal property is a short distance from the rear garden boundaries of 29 and 30 Grange Park and situated on higher ground, as a result of which the gardens of those two neighbours are relatively enclosed. The Inspector agreed with the Council that the proposal would reduce outlook to four neighbours but that three of these neighbours would retain adequate outlook with the appeal proposal in place. The Inspector agreed with the Council, however, that the appeal proposal would result in a noticeable and harmful level of enclosure to No. 30. The Inspector found that the advice of the Council's Home Extensions Design Guide (2007) was not directly comparable to the relationship between the appeal proposal and No. 30 and so gave it limited weight.

**9) Dismissed the appeal by Mr Tibbetts against the refusal of planning permission for a single storey extension to ancillary building with garage and garden store (revised scheme 15/01513/F). The Gables, 4 Westbourne Court, Milton Road, Bloxham, OX15 4HD. 16/00526/F (Committee).**

The proposal was a part single, part two-storey extension to an existing outbuilding. The main issue was considered to be the proposal's effect on the character and appearance of the surrounding area.

The Inspector agreed with the Council that the proposal would occupy almost the entirety of the strip of land between the outbuilding and the field boundary wall and result in a building with a footprint that far exceeds that of the house and all nearby properties, and which would be the size of an average detached house. The Inspector also agreed with the Council that the gap between the single storey element and the site's northern boundary was not sufficient to allow the provision of adequate natural screening. The Inspector concluded that the two-storey element would result in an overly prominent and dominant addition to the street scene, and that the proposal as a whole would have an urbanising effect on the character and appearance of the countryside.

### **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

Appendix No	Title
None	
Background Papers	
None	
Report Author	Tom Plant, Appeals Administrator, Development Directorate
Contact Information	01295 221811 <a href="mailto:tom.plant@cherwell-dc.gov.uk">tom.plant@cherwell-dc.gov.uk</a>