

Public Document Pack



Committee: Planning Committee
Date: Thursday 29 September 2016
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

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

Substitutes

Councillor Ken Atack	Councillor Maurice Billington
Councillor Hugo Brown	Councillor Ian Corkin
Councillor Nick Cotter	Councillor Surinder Dhesi
Councillor Carmen Griffiths	Councillor Timothy Hallchurch MBE
Councillor Sandra Rhodes	Councillor Bryn Williams
Councillor Barry Wood	Councillor Sean Woodcock

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 - 8)

To confirm as a correct record the Minutes of the meeting of the Committee held on Thursday 1 September 2016.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. **Pool Farm, Mill Lane, Stratton Audley, OX27 9AJ (Pages 11 - 31) 15/02314/F**
8. **OS Parcel 0070 adjacent and North of A41 London Road, Bicester (Pages 32 - 85) 16/00861/HYBRID**
9. **15 And 17 Milton Road, Bloxham, OX15 4HD (Pages 86 - 99) 16/00892/OUT**
10. **Orchard Way, Heyford Road, Somerton, Bicester, OX25 6LL (Pages 100 - 112) 16/01078/F**
11. **Tudor Hall School, Wykham Lane, Banbury, OX16 9UR (Pages 113 - 122) 16/01443/F**
12. **OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury (Pages 123 - 133) 16/01484/CDC**
13. **OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury (Pages 134 - 144) 16/01485/CDC**
14. **103 & 315 Heyford Park, Camp Road, Upper Heyford, Bicester, OX25 5HA (Pages 145 - 160) 16/01545/F**

Review and Monitoring Reports

15. Appeals Progress Report (Pages 161 - 166)

Report of Head of Development Management

Summary

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

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

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

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 227956 prior to the start of the meeting.

Declarations of Interest

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

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

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

Evacuation Procedure

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

Access to Meetings

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

Mobile Phones

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

Queries Regarding this Agenda

Please contact Aaron Hetherington, Democratic and Elections
aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

Sue Smith
Chief Executive

Published on Wednesday 21 September 2016

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 1 September 2016 at 4.00 pm

Present: Councillor David Hughes (Chairman)
Councillor James Macnamara (Vice-Chairman) - from item 12

Councillor Hannah Banfield
Councillor Andrew Beere
Councillor Colin Clarke
Councillor Chris Heath
Councillor Alastair Milne-Home
Councillor Alan MacKenzie-Wintle
Councillor Lynn Pratt
Councillor G A Reynolds
Councillor Nigel Simpson
Councillor Les Sibley

Substitute Members: Councillor Barry Wood (In place of Councillor D M Pickford)
Councillor Hugo Brown (In place of Councillor Richard Mould)

Apologies for absence: Councillor Mike Kerford-Byrnes
Councillor Richard Mould
Councillor D M Pickford
Councillor Barry Richards
Councillor Nicholas Turner

Officers: Jon Westerman, Development Services Manager
Bob Duxbury, Team Leader (Majors)
James Kirkham, Senior Planning Officer
Nigel Bell, Team Leader - Planning / Deputy Monitoring Officer
Amy Jones, Legal Assistant
Lesley Farrell, Democratic and Elections Officer

64 **Declarations of Interest**

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

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application

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

10. Land adj to Unit 1D, Lockheed Close, 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 Hannah Banfield, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application

65 **Requests to Address the Meeting**

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

66 **Urgent Business**

There were no items of urgent business.

67 **Minutes**

The Minutes of the meeting held on 4 August 2016 were agreed as a correct record and signed by the Chairman.

68 **Chairman's Announcements**

The Chairman made the following announcements:

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. That Planning Officers would host a guided mini-bus tour of some past, present and future planning applications on Wednesday 21 September 2016.

69 **OS Parcel 0070 Adj And North Of A41 London Road Bicester**

The Committee considered application 16/00861/Hybrid, for revisions to the 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. The application further sought outline planning permission for 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 were also included for approval. The application was at OS Parcel 0070, adjacent and north of A41, London Road, Bicester and the applicant was Mr Warren Francis Reid.

The Chairman referred the Committee to the written update in which officers had included a revised recommendation to defer consideration of the application at the request of the applicant to enable further negotiation to seek to overcome the proposed reasons for refusal.

Councillor Clarke proposed that consideration of the application be deferred in accordance with the revised officer recommendation. Councillor Beere seconded the proposal.

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

Resolved

- (1) That consideration of planning application 16/00861/Hybrid be deferred at the applicants request to enable further negotiation to seek to overcome the proposed reasons for refusal

70

The Barnhouse, Mollington Road, Claydon

The Committee considered application 16/00877/F for amendments to planning consent 14/01633/F for the extension to an 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 at The Barnhouse, Mollington Road, Claydon for Mr Peter and Renate Nahum

Mr Gareth Bridge addressed the committee on behalf of the applicant in support of the application.

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

Resolved

- (1) That application 16/00877/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 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.
- 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.
- 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.
- 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.
- 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.
- 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.
8. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority

71

Bacon Farm, Whichford Road, Hook Norton

The Committee considered application 16/01028F a retrospective application for the erection of 1 No. dwelling (alternative to 14/01542/F) at Bacon Farm Whichford Road, Hook Norton, for Mrs Imogen Paine.

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

Resolved

- (1) That application 16/01028F be approved 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.

- 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.

- 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.
- 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.
- 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.

- 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.
- 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.
- 8 The western boundary hedgerow shall be maintained to a height of 3 metres above ground level.
- 9 The former farmhouse identified on the approved floor plans 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 dwelling house and as such shall not be sold, leased or used as an independent dwelling unit.

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Land adj to Unit 1D, Lockheed Close, Banbury

The Committee considered application 16/01060/F for the erection of a building for use as a health and fitness centre within Class D2 and associated physical works at Land adj to Unit 1D, Lockheed Close, Banbury for Kames Capital

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

Resolved

- (1) That application 16/01060/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 details provided by the following plans and documents: Application Form, Location Plan, drawing numbers 14358-102, 14358-103 and 14358-104.

- 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.
- 4 The development hereby permitted shall be constructed to meet at least BREEAM 'Very Good' standard.
- 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.
- 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.
- 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.
- 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.
- 9 The D2 unit hereby permitted shall not be subdivided without the prior written approval of the Local Planning Authority.

73 **Heritage Partnership Agreement (HPA) - RAF Bicester**

The Head of Development Management submitted a report on the Heritage Partnership Agreement (HPA) – RAF Bicester which sought the agreement of the Planning Committee to recommend to the Executive for approval.

Resolved

- (1) That Executive be recommended to approve the Heritage Partnership Agreement (HPA) – RAF Bicester.

74 **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 5.15 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

29 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

	Site	Application No.	Ward	Recommendation	Contact Officer
7	Pool Farm, Mill Lane, Stratton Audley, OX27 9AJ	15/02314/F	Fringford and Heyfords	Approval	Stuart Howden
8	OS Parcel 0070 adjacent and North of A41 London Road, Bicester	16/00861/HYBRID	Bicester South & Ambrosden	Approval	Linda Griffiths
9	15 And 17 Milton Road Bloxham OX15 4HD	16/00892/OUT	Adderbury, Bloxham & Bodicote	Refusal	Stuart Howden
10	Orchard Way Heyford Road Somerton Bicester OX25 6LL	16/01078/F	Deddington	Approval	Gemma Magnuson
11	Tudor Hall School Wykham Lane Banbury OX16 9UR	16/01443/F	Banbury Calthorpe and Easington	Approval	Matthew Chadwick
12	OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow Warwick Road Banbury	16/01484/CDC	Banbury Hardwick	Refusal	Nathanael Stock
13	OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow Warwick Road Banbury	16/01485/CDC	Banbury Hardwick	Refusal	Nathanael Stock
14	103 & 315 Heyford Park Camp Road Upper Heyford Bicester OX25 5HA	16/01545/F	Fringford And Heyfords	Approval	Andrew Lewis

15/02314/F

**Pool Farm
Mill Lane
Stratton Audley
Bicester
OX27 9AJ**

Pond

Oldfields Copse

Track

Pond

Pool Farm

Ponds

Pond

Pond



NORTH

Scale 1:3,500

15/02314/F

Pool Farm
Mill Lane
Stratton Audley
Bicester
OX27 9AJ



NORTH

Scale 1:10,000

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

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

15/02314/F

Ward: Fringford and Heyfords

District Councillor: Cllr Wood, Corkin and Macnamara

Recommendation: Approval

Case Officer: Stuart Howden

Applicant: Mr Christopher Wigmore

Application Description: Permanent use of land as Rally school including use of land for quad bikes, buggies and jeeps

Committee Date: 29 September 2016

Committee Referral: Site area is over 1 hectare

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site is located in an isolated location, approximately 1.2 KM to the north east of Stratton Audley and over 600 metres away from Stratton Audley Park to the west. The site is accessed off Mill Lane which is located to the east of the site.
- 1.2 The site accommodates a detached farmhouse and a rally track is situated to the north east of the farmhouse. A rally use at the site has had temporary planning permission (ref: 05/01926/F) for tuition purposes only and this consent expired on 31st March 2016. This consent restricted the rally school use to only be operated by a maximum of 1 car at a time and the rally school use could only take place on the track and yard area located to the north of Pool Farm.
- 1.3 To the south east of the rally track, the use of the land for quad bikes and 'Honda Pilots' (single seat 4 wheel off-road cars) also had temporary planning permission (05/01927/F) and this consent also expired on 31st March 2016. These vehicles operated on a temporary grass circuit (defined by cones, tyres and bales rather than an engineered gravel track) and the use was restricted to no more than 4 quad bikes and/or 'Honda Pilots' being operated at any one time. Furthermore, the permission did not allow for the use of this land for racing or time trials. This consent was personalised to the applicant in this application, Mr Wigmore.
- 1.4 Furthermore, there are a collection of outbuildings to the west of the main farmhouse with a variety of uses, including the storage, servicing and repair of vehicles associated with the rally school and quad bikes and 'Honda Pilot' use as well as a function room which is used in association with the motor sport use at the site and for parties and wedding receptions. Parking is situated in a courtyard to the west of the farmhouse and the east of the garage used for the repair of vehicles.
- 1.5 The site is not within a Conservation Area and there are no listed buildings within close proximity to the site. The site has some ecological potential as Protected Species such as the wall butterfly, bluebell, common cuckoo and common cudweed have been recorded within close proximity to the site. The ancient woodland of Oldfields Copse abuts the northern boundary of the site and this woodland is also a District Wildlife site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for the permanent use of the land as a rally school and for quad bikes, buggies ('Honda Pilots') and jeeps. There is currently no planning permission for the use of jeeps on the site.
- 2.2 Following discussions between the applicant and the case officer, amended plans and additional information has been received clarifying the areas of land and buildings that are used for the purposes set out in the application, and also specifying the types of vehicles to be used.
- 2.3 This planning application went before Members at planning committee in March 2016 with a recommendation for approval subject to conditions. However the application was deferred to enable further investigation into the noise and dust emissions as a result of the use at the site to ensure that the use did not cause undue harm to neighbouring properties in terms of disturbance and nuisance.

3. RELEVANT PLANNING HISTORY

- 3.1 88/00139/S – Change of use of barn to workshop. Construction of track for testing Rally Cars – Refused as it was considered that: *“The formation and use of the track for testing of rally cars forms a visual intrusion into the countryside to the detriment of its rural character and the use produces noise intrusion of a nature alien to the quiet enjoyment of the rural area and likely to be detrimental to the wildlife of the locality.”*
- 3.2 88/00140/S – Change of use of barn to workshop – Approved. A number of conditions were attached to this permission including a condition stating that at the expiration of 2 years from the date of the decision (22nd January 1988) the use specified in the application will be discontinued and the land restored to its former condition, as well as a condition restricting the use of the workshop for the purpose of rally car repair and servicing only. The permission was also for the benefit of that applicant only (Mr Whiteford).
- 3.3 88/00691/S – Use of land as a rally school from agricultural use – Refused on the grounds that the formation of the track for the use of the rally school would represent a visual intrusion into the countryside to the detriment of its rural character and appearance and that its use would produce a noise intrusion of a nature alien to the quiet enjoyment of the rural area and likely to be detrimental to wildlife of the locality. However a track was constructed without the benefit of planning permission and an enforcement notice was issued on the 18th July 1988. The enforcement notice was appealed by the applicant as well as the refusal of this planning application. As a result, the enforcement notice was quashed by the Inspector and planning permission granted subject to the condition stating that the track shall be taken up, and all rubble, hardcore and other materials used in construction removed from the land, on or before the expiration of two years from the date of the appeal decision (14th June 1989). In addition, planning permission was granted and the appeal was allowed subject to a number of other conditions including that:
- The use shall be discontinued 2 years from the date of the appeal decision (14th June 1989);
 - No motor vehicle shall be driven on the land for the purpose of driving tuition before 0900 hours or after 1700 hours on weekdays nor at any time on Saturdays, Sundays or bank holidays;
 - No vehicle other than a motor car which complies with all relevant requirements of the Road Vehicles (Construction and Use) Regulations for the time being in force shall be driven on land;

- No part of the land shall at any time be used for motor car or motorcycle racing or for any other form of motor sport including tuition, testing, trials of speed and practising for such activities.
- 3.4 90/00252/S – Continued use of barn as workshop (being that barn subject to application 88/00140/S) - Approved. A number of conditions were attached to this permission which were similar to the conditions attached to 88/00140/S (i.e. personal consent, two year temporary consent and the repair and serving of rally cars only).
- 3.5 90/00460/S – Continued use of Barn as workshop (Renewal of CHS. 140/88) – Approved – A number of conditions were attached to this permission including a condition noting that the workshop shall only be used for the purpose of rally car repair and servicing only. A condition noted that on 13th June 1991, the use specified in the application will be discontinued. The permission was also for the benefit of that applicant only (Mr Whiteford).
- 3.6 91/00358/S – Continued use of land as Rally School – Approved. A number of conditions were included, most notably:
- Condition 1 of this consent noted that at the expiration of 10 years of the date of the decision (11th June 1991), the use specified in the application will be discontinued and the land restored to its former condition. This was to enable the Council to review the position at the expiration of the stated period.
 - Condition 2 stated that the Rally School shall only be operated by a maximum of 1 car at any one time in order to ensure the creation of a satisfactory environment free from intrusive levels of noise.
 - Condition 3 stated that no vehicle other than a motor car which complies with all relevant requirements of the Road Vehicles (Construction and Use) Regulations for the time being in force shall be driven on the land in order to ensure the creation of a satisfactory environment free from intrusive levels of noise.
 - Condition 4 noted that the use approved shall only take place on the track and yard area located to the north of Pool Farm and not on any other part of the holding.
 - Condition 7 stated that the track and yard area shall only be used for the purposes of tuition and not for any testing, trial of speed, racing or other practising to ensure a creation of a satisfactory environment free from intrusive levels of noise.
 - Condition 8 noted that the land shall not be used for any temporary uses constituting development whatsoever (e.g. war games, corporate event days, clay pigeon shooting etc.) in order to maintain the character of the area and to safeguard the amenities of the occupants of the adjoining premises and to ensure the creation of a satisfactory environment free from intrusive levels of noise.
 - Condition 9 stated that no motor vehicle shall be driven on the land (other than agricultural vehicles used on the holding) before 0900 hours or after 1700 hours on weekdays, nor at any time on Saturdays, Sundays or Bank Holidays and this was to ensure the creation of a satisfactory environment free from intrusive levels of noise.

However, this consent was not made personal to the applicant.

- 3.7 91/00359/S – Continued use of barn as workshop – Approved. A number of conditions were attached to this permission which were similar to the conditions attached to 90/00252/S (i.e. personal consent for Mr Whiteford and the repair and serving of rally cars only). However, a condition was also attached stating that at the expiration of 10 years from the date of the decision (10th June 1991) the use specified in the

application will be discontinued and the land restored to its former condition. This building has now been demolished and is used as a parking area.

- 3.8 95/01931/F – Relaxation of Condition 1 and 9 of CHS 358/91. Condition 1 vary time limit. Condition 9 vary hours of operation – Approved. This application sought to extend the permission until 2006 and to amend the hours of operation to be from 1000 to 1800 hours Monday-Saturday (excluding Bank Holidays) but accepting a voluntary restriction that it operates no more than three days per week. The application was approved on 7th December 1995 and the use was restricted to three days per week. A condition (Condition 3) was also attached stating that no use shall be made of the rally track when ‘Honda Pilots’ or quad bikes are being used on the adjacent land as permitted under 95/01934/F (see para 5.11 below).
- 3.9 95/01934/F – Change of use of land for quad bikes and ‘Honda Pilot’, together with use of barn for storage, servicing and repair – Approved. This application related to an area of land of approximately 8 hectares on the eastern side of the rally track (edged in green on the site plan submitted with this application). It was proposed that the vehicles operated on a temporary grass circuit (defined by cones, tyres and bales rather than an engineered gravel track) and the principle operation was proposed to be groups coming on appointment. Consent was also granted for the use of a barn within the farmstead for the storage and servicing of these vehicles. A number of conditions were attached to this consent, including:
- Condition 1 stated that at the expiration of 3 years from the date of the permission (7th December 1995) the use specified in the application shall be continued and the land shall be restored to its former condition to enable the Council to review the position at the expiration of the stated period;
 - Condition 2 noted that the area of the site to be used for the use of quad bikes and ‘Honda Pilots’ shall be restricted to that to the east of the rally track to ensure the creation of a satisfactory environment free from intrusive levels of noise;
 - Condition 3 stated that the use of the land hereby stated that the use of the land shall only operate between the hours of 1000 and 1800, Monday to Saturday and shall not be operated at any time on Sundays and Bank Holidays to ensure the creation of a satisfactory environment free from intrusive levels of noise.
 - Condition 4 stated that no more than 4 quad bikes and/or ‘Honda Pilots’ shall be operated at any one time to ensure the creation of a satisfactory environment free from intrusive levels of noise.
 - Condition 5 noted that no racing or time trails shall be undertaken on this land to ensure the creation of a satisfactory environment free from intrusive levels of noise.
 - Condition 6 stated that the vehicles shall be silenced to the manufacturers standard specification and that the maximum sound power level of the vehicles, measured at exhaust outlet height one metre from the vehicle, shall not exceed 75 dB(A) in the case of quads and 100dB(A) in the case of ‘Honda Pilots’ and this was to ensure the creation of a satisfactory environment free from intrusive levels of noise.
- 3.10 97/00421/F – Conversion of granary to form annex to farmhouse for guests and holiday cottage – Approved.
- 3.11 97/01839/F – Relaxation of Condition 1 of 95/01934/F to allow continued use of land for quad bikes – Approved. The application was approved and Condition 1 was varied to state that the use approved shall be discontinued and the land restored to its former condition on or before 24th January 2006.

- 3.12 01/02513/F – Change of use and alteration of existing farm buildings to provide presentations and training accommodation – Approved. Condition 2 of this permission stated that the accommodation permitted shall only be used in connection with the rally school use at the site.
- 3.13 02/01526/F – Variation of condition 2 of 01/02513/F to allow accommodation to be used as function room – Approved. The consent in 01/02513/F restricted the presentation/function room to be used only in association with the motor sport use at the site. The types of functions sought were not made clear in the application, but it was noted that the barn was advertised for use for wedding receptions and parties. Condition 3 of this consent noted that the premises shall only be operated for the uses hereby permitted between the hours of 0900 and midnight.
- 3.14 02/02511/F - Replacement of dutch barn with new wooden four bay building for storage of cars and hay – Approved. Condition 4 of this consent stated that the permission is granted for the erection of a storage building for vehicles in connection with the motor sport use at Pool Farm and/or for purposes of agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990 and for no other uses whatsoever.
- 3.15 05/01926/F – Renewal of 95/01931/F for the relaxation of Conditions 1 and 9 of CHS 358/91 for the continued use of the rally school – Approved. Planning permission was granted to allow the continued use of the rally school for another ten year period from the date of the decision notice (31st March 2006).
- 3.16 05/01927/F – Renewal of 97/01839/F for relaxation of Condition 1 of 95/01934/F to allow continued use of land for quad bikes and Honda pilots – Approved. Planning permission was granted to allow the continued use of the site for quad bikes and 'Honda Pilots' for another ten year period from the date of the decision notice (31st March 2006). Condition 7 of this consent stated that the use shall only be operated on 3 days per week (that is between Monday to Saturday between the hours of 1000 to 1800). Condition 8 noted that the land shall not be used for any temporary uses constituting development whatsoever, e.g. war games, corporate event days, clay pigeon shooting or helicopter rides. Condition 9 personalised the consent to Mr Wigmore (the applicant in this current application).

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1 This application has been publicised by way of a site notice displayed near the site, advertisement in the local newspaper and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. Prior to the application first being presented at Planning Committee on 17th March 2016, comments were raised by third parties and these are summarised as follows:

- Objections were made to the previous applications at the site, but planning permission was granted;
- Noise inappropriate in this rural location;
- Temporary consent should only be given for such uses and these uses should not be made permanent;
- Temporary consent would allow for an investigation and assessment of the noise and disturbance issues and mitigation measures to be undertaken;
- Residential amenity - noise and dust from vehicles as well as noise from

shouting;

- Just because no complaints have been made about the use, this should not be taken as demonstrating that this use operates without causing disturbance;
- Any extension of the use is subject to the condition that the vehicles used comply with the relevant legislation governing road legal vehicles and fitted with silencers;
- The use should not be extended to buggies and jeeps;
- A condition should be attached requesting noise attenuation measures (e.g. mounds and fencing);
- Only one vehicle at a time should use the rally track;
- The use of quad bikes should be more contained closer to the buildings on Pool Farm;
- The rally track should be restricted to weekdays only with further restrictions on times of operation on Saturdays, and no use on Sundays and Public Holidays;
- Should only be used 3 days a week;
- Consent should be personalised as the operator of the business has a large influence on how it is run. The 2006 decision refers to the personal circumstances of the case which were deemed to override the normal planning policy considerations;
- All previous conditions should be re-imposed;
- Should restrict permitted development rights to prevent temporary uses (i.e. shooting) and should be used for tuition only;
- A change in the track surface to prevent noise and dust pollution;
- The local roads are used as a track when people leave Pool Farm causing highway safety concerns and visitors drive into residential properties to turn their cars around;
- Such consent would facilitate the sale of the property to a commercial purchaser who would seek to maximize the commercial use of the property to the detriment of the local area in general;
- The land is being used for corporate events despite conditions restricting such a use of the site;
- The site is being used as a wedding venue without planning permission.

5.2 After 17th March 2016 and before the submission of the Acoustic Report by the applicant on 29th April 2016, comments were raised by a third party and these are summarised as follows:

- The committee report focusses too heavily on the lack of complaint during the period of the temporary permissions;
- Noise levels have reduced since the committee meeting;
- A proper assessment of the matters of noise and dust is required;
- Fencing and mounds would reduce the noise;
- Concerns with the recommended conditions;
- Planning enforcement concerns.

5.3 After the submission of the Acoustic Report by the applicant on 29th April 2016, letters were sent to properties immediately adjoining the site. Comments were raised by third parties and these are summarised as follows:

- The Acoustic Report is biased as it is written for the applicant and should be conducted by the Council;
- The investigation of the noise complaint should be carried out in an independent manner by the Council's officers not just on one day but over a series of randomly selected operational days;
- Concerns raised with the methodology and reasoning in the Acoustic Report;
- In relation to the Acoustic Report, concerns were raised that certain cars were

not driven and vehicles were not driven at the speeds or style that they are normally driven;

- Concerns that the cars were fitted with silencers for the report;
- The investigation should be carried out on a series of operational days and not just one day so that a realistic and representative assessment could be made;
- The Acoustic Report made no reference to any recognised noise standards or guidance. And there is no information on the equipment being used or how or whether it was calibrated;
- In motor sport the LAeq is neither a reliable indicator nor a suitable descriptor;
- The Acoustic Report provided no information on the weather conditions at the time, particularly with regard to the wind direction and speed;
- Dust levels require measuring;
- The use of the function room should be restricted;
- List of conditions given including the fitting of silencers, maximum sound power levels, the use of the turning area only for the start of the return leg of the track, a scheme for the control of dust emissions, and hours of use;
- Since this application came before the Members for consideration at Planning Committee, the experience of the nearby residents is that noise levels from the rallying have fallen considerably;
- If consent is granted it should only be for 12 months to properly trial the effectiveness of the new conditions;
- Residents have not been given enough time to respond.

5.4 The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL

6.2 STRATTON AUDLEY PARISH COUNCIL: **No objections.**

6.3 GODINGTON PARISH COUNCIL: **No objections.**

STATUTORY CONSULTEES

6.4 Environment Agency: **No objections.**

6.5 BBO Wildlife Trust: **No comments received.**

6.6 Highways Liaison Officer: **No objections.**

6.7 OCC Drainage: **No objections**, but ask questions in relation to what arrangements are in place for managing a pollution incident in the event of a rally car crashing and leaking oil. OCC Drainage question if any cars are repaired, refuelled or washed on site and whether the business has implemented any anti-pollution measures to control possible pollution. Furthermore OCC Drainage ask what the risk is of pollutants reaching watercourses and do sustainable drainage systems have a role to play in remediating contaminants if this is the case.

6.8 Anglian Water: **No objections.**

NON-STATUTORY CONSULTEES

6.9 Ecology Officer: **No objections.**

6.10 Environmental Protection Officer: **No objections.**

Before this application went before Members at committee in March 2016 the Environmental Protection Officer stated *“Having visited the area and studied the plans I have no reason to object to the application, however I feel that as there have been no complaints with regards to the use of the site then the conditions on the current temporary planning permission are doing the job they were designed for.”* The Environmental Protection Officer therefore recommended the same conditions to those attached on the earlier permissions at the site (05/01926/F and 05/01927/F).

Following the decision of Committee to defer making a decision on the application pending further investigation into the noise and dust impacts, an Acoustic Report was submitted to the Council on 29th April 2016. After reviewing this information the Environmental Protection Officer advised that the report was not robust as:

- There was no mention of the weather conditions or wind direction at the time of the measurements being taken or any mention of the time.
- There was no unit of time given for the noise readings so it is not possible to assess how long the average was taken for? 1 hour, 15minutes, 16hours?
- There was no discussion of the type of noise (impulsivity or tonality) or the context of the noise.

In particular the Environmental Protection Officer noted that they would most likely recommend putting noise limits at a certain measurement distance from the exhaust so they are kept at a reasonable level for the neighbours. The MSA (Motor Sports Association) Code of Conduct focuses on maximum noise levels at certain distances from the vehicle and the Environmental Protection Officer noted that this should be used as guidance and best practice to enable the Environmental Protection Officer to make a decision on the noise levels required.

However, the Environmental Protection Officer stated that there had been no noise complaints about the rally cars whilst the site has been operating so far and the neighbours have stated that there is an improvement in the noise since the planning application had been submitted. The Environmental Protection Officer also noted that in order to give neighbours some respite from the noise, the times of use could be curtailed from what has been applied for.

With regards to the dust, the Environmental Protection Officer recommended a condition that the track is ‘damped down’ before each session of the use to prevent dust nuisance.

Following this response, the applicant provided more information in relation to the noise report, including weather and wind direction, the unit of time for the noise readings and the type of noise and context of the noise. After the submission of this further information, the Environmental Protection Officer was of the opinion that some information was still required including information on the wind direction.

The Environmental Protection Officer then visited the site and took noise readings on 25th July 2016 and took measurements at locations to mirror those on the Acoustic Report as much as possible. The Environmental Protection Officer noted that: *“The weather was warm, sunny with some cloud. Wind was fairly strong from the south, south west (i.e. towards to Oldfield House). The noise level was barely noticeable - noise readings were taken 45.8dB LAeq (5m) at Copse Cottages and 42.2 LAeq (5m)*

near Oldfield House. In my opinion these levels are acceptable for the days, time of day and frequency of the rallying proposed and would be at the No Observed Effect level in the Noise PPG which I think has come down from Observed Adverse Effect level. In fact the neighbours at both Oldfield House and 1 Copse Cottages have both stated that the current level is a lot lower than previously." The Environmental Protection Officer has requested a number of conditions to ensure that the current reduced noise levels are maintained including:

- Month noise readings are to be taken to ensure that all rally vehicles using the track are achieving the levels set down in the Cass Allen Noise report ref LR01 - 16253 dated 29th April 2016. Measurements should be taken at 0.5m from the end of the exhaust pipe at an angle of 45 degrees with the exhaust outlet. The noise level at this point should initially be measured at the same time as the reading is taken at measuring points N1 and N3 in the report to ensure the reported levels are achieved. The result of this should be reported to the LPA. The monthly noise readings should then be recorded and available to view by an officer of the council on request.
- If the noise level is breached when the test is carried out then that vehicle should be taken out of use until the silencer has been repaired or replaced and new readings taken to ensure that it is achieving the required level.
- If a noise complaint is received from a neighbouring property then this shall be recorded, new noise tests taken and recorded as detailed above and if required corrective action taken. The results of these tests shall be added to the monthly noise reading log.
- That the area of the site to be used for use of quad bikes, "Honda Pilots" and Rally Cars shall be restricted to the areas of land marked on the submitted plan received by the local planning authority on 18th December 2016
- That the use of the land for the purposes hereby approved shall only operate between the hours of 1000 and 1800 Monday to Saturday and not operated at any time on Sundays and Public Holidays.
- The use hereby approved shall not operate on more than 3 occasions per week.
- No more than 4 Quad Bikes and/or Honda Pilots shall be operated at any one time.
- No more than one Rally Car shall be on the rally track at one time.
- There shall be no use of the rally track when the quad bike and /or Honda Pilots are being used.
- The noise levels for quad bikes and "Honda Pilots" - measured at exhaust outlet height one metre from the vehicle - shall not exceed 75dB(A) in the case of the quads and 100 dB(A) in the case of the "Honda Pilots".

6.11 Landscape Officer: **No objections.**

6.12 Licensing: **No comments received.**

6.13 Recreation and Leisure: **No comments received.**

6.14 Arboricultural Officer: **No objections.**

6.15 Thames Valley Police Design Advisor: **No comments received.**

7. Relevant National and Local Policy and Guidance

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 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 (CLP 2031 Part 1)

PSD1: Presumption in Favour of Sustainable Development

SLE1: Employment Development

ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD13: Local Landscape Protection and Enhancement

ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

C8: Sporadic development in the open countryside

C28: Layout, design and external appearance of new development

ENV1: Development likely to cause detrimental levels of pollution

7.3 Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Noise Policy Statement for England (NPSE) (March 2010)

8. Appraisal

8.1 The key issues for consideration in this application are:

- The Principle of the Development;
- Landscape Impact;
- Residential Amenities;
- Highways Safety;
- Ecological Impact;
- Other Matters.

The Principle of the Development

8.2 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

8.3 Paragraph 28 of the NPPF states that Local Planning Authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Paragraph 28 goes on further to state that to promote a strong rural economy, Local Planning Authorities should

support the sustainable growth and expansion of all types of business and enterprise in rural areas, promote the development and diversification of agricultural and other land based rural business, and support sustainable leisure developments that benefit businesses in rural areas, and which respect the character of the countryside. Furthermore, Paragraph B.38 of the Cherwell Local Plan Part 1 which supports Policy SLE1 notes that: *“The Council will support existing business and will seek to ensure their operational activity is not compromised wherever possible”*. It is noted within the application form that these temporary uses at the site currently employ 5 full-time employees and 2 part-time employees and the continuation of the rally school and quad biking and bugging would contribute in promoting a strong rural economy.

- 8.4 As noted in the planning history section of this report, the rally school and associated track had temporary planning permission until 31st March 2016, subject to conditions, and the site has been used as a rally school since 1989. In addition, the use of the land to the east of the rally track for quad bikes and ‘Honda Pilots’ also had temporary planning permission, subject to conditions, until 31st March 2016 and the site has been used for quad biking and bugging since 1995. Temporary planning permission has been granted more than once for each of these uses therefore the principle of continuing such uses has been considered acceptable in the past. As these uses have operated for a considerable length of time it is considered that it would be difficult to resist the principle of such development, even with the introduction of jeeps to the east of the rally track. Given this and the emphasis in the NPPF on promoting a strong rural economy it is considered that the principle of making these existing uses permanent at the site could be acceptable.
- 8.5 However, the principle of this development is also clearly dependent on it not causing detrimental harm to the visual appearance and the rural character of the landscape, residential amenities, highways safety and ecology.

Landscape Impact

- 8.6 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions. Paragraph 123 of the NPPF states that planning decisions should aim to: *“Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*
- 8.7 Policy ESD13 of the Cherwell Local Plan Part 1 states that: *“Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations.”* Policy ESD13 goes on further to note that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to the local landscape character cannot be avoided. Policy ESD13 also states that: *“Proposals will not be permitted if they would:*
- *Cause undue visual intrusion into the open countryside;*
 - *Cause undue harm to important natural landscape features and topography;*
 - *Be inconsistent with local character;*
 - *Impact on areas judged to have a high level of tranquillity;*
 - *Harm the setting of settlements, buildings, structures or other landmark features: or*
 - *Harm the historic value of the landscape.”*
- 8.8 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“Successful design is founded upon an understanding and respect for an area’s unique built, natural and*

cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.”

- 8.9 Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.10 With regard to the rally track, this is a mud track which does not rise above ground level. This is very well screened from the public highway of Mill Lane to the north west of the site by hedging along this highway. The rally track is well screened from the public highway to the south of the site which runs between Stratton Audley Stud and Pounden due to the topography of the area and hedging along the highway boundary. Furthermore, most of this track is sited within a wooded area. A Public Footpath (371/8b/10) is located to the north east of the site, but the site is screened from this footpath by the woodland of Oldfield Copse, which also contributes in screening views of the track from the north of the site. It is also worth noting that the previous planning permission required a landscaping scheme (91/00358/S) which has been carried out on site and contributes in softening the appearance of the rally track.
- 8.11 In relation to the quad bike, buggy and jeep use, temporary grass circuits are used (defined by cones, tyres and bales rather than an engineered gravel track) to the east of the rally track. This part of the site is also well screened from the public domain due to the same reasons outlined in the above paragraph of the report.
- 8.12 Whilst the use of the land for rally cars, buggies and quad bikes has an effect upon the tranquillity of the rural area, it is worth noting that the continuation of such uses has previously been considered acceptable subject to conditions (for example, but not limited to: the operation of the uses to three times a day (excluding Sundays and Bank Holidays); the hours of the use from 1000 to 1800; the use of the track to one rally vehicle at a time and for tuition only; and the use of the area to the east of the track to no more than 4 quad bikes and/or ‘Honda Pilots’). These attached conditions were considered to be adequate in the previous applications for both uses at the site (ref: 05/01926/F and 05/01927/F) in relation to limiting harm upon the rural character of the area and similar conditions can be applied again.
- 8.13 Given the above, it is considered that the proposal to make the use permanent would not cause significant harm to the visual appearance and rural character of the area, subject to conditions.

Residential Amenities

- 8.14 Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke or other type of environmental pollution will not normally be permitted. Paragraph 10.4 of the Cherwell Local Plan 1996, supporting saved Policy ENV1, notes that the Local Planning Authority will seek to ensure that the amenities of residential properties are not unduly affected by development proposals that may cause environmental pollution.
- 8.15 Paragraph 123 of the NPPF states that: *“Planning policies and decisions should aim to:*
- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
 - *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
 - *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not*

have unreasonable restrictions put on them because of changes in nearby land uses since they were established.”

- 8.16 The nearest residential properties are positioned approximately 130 metres to the west (1 and 2 Copse Cottages), 630 metres to the north east (Stratton Audley Mill, Mill Barn and Oldfield House), and 1KM to the east (Godington Hall) of the site. Mature woodland is situated between Copse Cottages and the rally track and this woodland also bounds the site to the north, whilst the land rises and levels out towards the dwelling to the north east. The use of the quad bikes, jeeps and buggies would be restricted to the east of the rally track.
- 8.17 Significant concerns have been raised from some of the aforementioned properties in terms of noise and dust both in writing and verbally at the previous planning committee meeting. In response to these concerns, Members took to the decision to defer making a decision on this planning application to enable further investigation into the noise and dust levels as a result of the use at the site. This was to ensure that the use did not cause undue harm to neighbouring properties in terms of disturbance and nuisance.
- 8.18 Following that decision, an Acoustic Report was submitted to the Council on 29th April 2016. Concerns have been raised by third parties that the Acoustic Report could be biased as it is written for the applicant. However, the noise assessment was conducted by a qualified professional, who is bound by their own code of professional conduct. The Council has no good reason to doubt the impartiality of the assessment. In any event, the Acoustic Report has been scrutinised by the Council's own Environmental Protection Officer.
- 8.19 After reviewing this information the Environmental Protection Officer did raise concerns about the quality and reliability of the report. This was because there was no mention of weather conditions or wind direction at the time of measurements being taken, there was no discussion on the type of noise or the context of the noise and there was no unit of time given for the noise readings. That said, the Environmental Protection Officer noted that there had been no noise complaints about the rally cars whilst the site had been operating after the application was before Members in March, and that neighbours had stated there was an improvement in the noise levels since this time as the cars had been fitted with silencers.
- 8.20 Further information was submitted by the applicant to address the issues raised by the Environmental Protection Officer in relation to the Acoustic Report. After the submission of this further information, the Environmental Protection Officer was of the opinion that some information was still required including information on the wind direction. The Environmental Protection Officer therefore conducted a noise assessment on 25th July 2016 and took measurements at locations to mirror those on the Acoustic Report as much as possible (i.e. trackside, Copse Cottages and near Oldfields Farm). The Environmental Protection Officer stated that the weather was warm, sunny with some cloud and that the wind was fairly strong from the south/south west (towards to Oldfield House). The Environmental Protection Officer goes on to state that the noise level was barely noticeable and that the noise readings taken were 45.8dBLAeq (5m) at Copse Cottages and 42.2 LAeq (5m) near Oldfield House. The Environmental Protection Officer is of the opinion that these levels are acceptable for the days, time of day and frequency of the rallying proposed and that it would be at the 'No Observed Effect Level' PPG (this is the level of noise exposure below which no effect at all on health or quality of life can be detected). However, a number of conditions are recommended to ensure the noise impact remains acceptable (as outlined in Section 6.10 of the report), some of which are similar to those attached to the previous consents at the site in 2006, in order to protect the amenity of neighbouring residents.

- 8.21 The professional advice provided by the Council's Environmental Protection Officer is considered to constitute a significant material consideration in this case. Furthermore, no technical evidence has been submitted which differs with or undermines the veracity of the assessment conducted by the Council's Environmental Protection Officer. It is also worthy to note again that neighbouring residents have observed an improvement in the noise levels from the use. In addition, significant weight should be given to the fact that temporary planning permission has been granted more than once for each of these uses, which have operated for a considerable length of time apparently without complaint. During the assessment of these previous applications, noise surveys were also carried out on the site by the Council's Environmental Protection Officer.
- 8.22 As noted previously, some of the conditions requested by the Environmental Protection Officer are similar to conditions attached in the previous consents at the site in 2006 and it is considered that the attachment of such conditions is necessary and reasonable in order to safeguard the amenities of the neighbouring properties from intrusive levels of noise.
- 8.23 However, the Environmental Protection Officer also requested the regular measuring and monitoring of noise emissions resulting from the operation of the use and for these to be made available to the Council on request. In addition, with regards to the dust, the Environmental Protection Officer has recommended a condition that the track is 'damped down' before each session of the use. Officers consider that this is best addressed through a noise and dust management plan which is to be submitted to and approved by the Local Planning Authority.
- 8.24 The letters of objection note that if such uses are to be continued, the planning permission should again be for a temporary period. Conditions making both of these uses temporary were previously attached in order for the Local Planning Authority to review the impact and acceptability of the use. However a further temporary consent is not considered necessary or reasonable given that the Environmental Protection Officer considers that the use would be at the 'No Observed Effect Level' with the conditions they have requested. As such officers are satisfied that the noise impacts of the use can be effectively regulated so as to be acceptable.
- 8.25 Letters from third parties have recommended a number of other conditions which make reference to restricting the use on Saturdays and reducing the area used for quad bikes, jeeps and buggies. However, given that these uses have operated since 2006 without such conditions and that the Environmental Protection Officer considers that the use would be at the 'No Observed Effect Level' with the conditions they have requested, it is considered that it would not be necessary or reasonable to attach such conditions.
- 8.26 Whilst jeeps are also now proposed to the east of the rally track as well as buggies and quad bikes, a condition restricting the land to the east side of the track to no more than 4 quad bikes and/or buggies and/or jeeps would result in the same level of vehicles on the east side of the track to what has been previously allowed and it is not considered that the addition of jeeps to this land would result in significantly higher levels of noise than currently experienced. Furthermore, a condition has been recommended which states that the vehicles shall be silenced to the manufacturer's standard specification.
- 8.27 Letters from third parties have requested further noise and attenuation measures, including examples of fencing and mounds. Officers are of the opinion that both examples put forward would not be necessary given that the Environmental Protection Officer considers that the level of noise of the use would be at the 'No Observed Effect Level' (subject to conditions recommended by the Environmental Protection Officer). It is also considered that such features would be undesirable and

potentially harmful, intrusive features in this rural location.

- 8.28 Letters from third parties have noted that if planning permission is granted, then this should be personalised to the applicant so the land is not sold to a purchaser who would seek to maximise that commercial use of the property. Such a condition was attached to the buggy and quad bike use at the site in 2006 and the committee report for this application noted that this was appropriate. The reason in the decision notice for this condition stated that this was attached as the consent was only granted in the view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning considerations which would normally lead to refusal of planning consent. However, such a condition was not attached to the rally school use. In respect of the current proposal officers do not consider it necessary or reasonable to recommend such a condition because the use is more properly regulated through other conditions, for example in relation to the hours and days of the operation, the number of vehicles allowed at any one time and the area in which these vehicles shall be used. Planning permission would be required to vary such conditions should any future owner of the business want to operate the business in a different manner.
- 8.29 Concerns have been raised in relation to noise emanating from people on the site when a picnic tent is set up to the west of the site, but such a matter is not relevant to the determination of this application and whether this constitutes a breach of planning control is a matter for the Council's Planning Enforcement team to investigate.
- 8.30 Thus, having regard to the site assessment and advice of the Environmental Protection Officer, the length of time the uses have operated and the recent comments from neighbouring properties in relation to the reduction in noise levels, it is considered that it would be difficult to resist the permanent use of this site as a rally school and for the use of quad bikes, buggies and jeeps on the grounds of harm to residential amenity. Furthermore, the attachment of conditions which have been discussed in this section of the report can be used to ensure any impact is minimised and kept to an acceptable level.

Highways Safety

- 8.31 The Local Highways Authority has no objections to the proposal. Whilst the site is relatively remote and accessed from a minor road, the use, provided that it is carried out in accordance with the conditions recommended, should not result in a high volume of vehicular movements. The access has appropriate vision splays for the level of use and there is considered to be adequate parking on site for customers.
- 8.32 Concerns have been raised in relation to the manner in which the vehicles which have left the site are driven on the roads in the locality. As this takes place on public highway land, the Local Planning Authority has no control over this matter and this is not a material planning consideration.
- 8.33 As such it is not considered that the use would cause detrimental harm to highway safety or the convenience of other road users.

Ecological Impact

- 8.34 The Ecology Officer has no objections to the continuation of the existing uses at the site. The Ecology Officer notes that there does not appear to be any additional impacts proposed on trees or other vegetation. The Ecology Officer raised a query in relation to lighting, but given the times of the day the use is conditioned to (1000 to 1800), it is considered very unlikely that lighting is required and any permanent floodlighting would also require planning permission. Given the above, it is considered that the permanent use of the land for the rally school and quad bikes,

buggies and jeeps would not cause adverse ecological harm.

Other Matters

- 8.35 A third party has noted that this site is being used for corporate events even though conditions have been attached preventing such a use. Condition 8 of 05/01927/F did state that the land shall not be used for any temporary uses constituting development whatsoever, e.g. war games, corporate event days, clay pigeon shooting. If groups want to visit the site to use the quad bikes and Honda Pilots this does not, however, mean this condition has been breached. That said, after viewing the businesses' website, it appears that this condition has been breached as the land has been used for other uses including shooting and archery. The Council's Planning enforcement team has been made aware of this breach of condition.
- 8.36 A third party has also noted that the site is being used as a wedding venue without consent. Whilst it is the case that one of the barns is being used as a wedding venue, planning permission was granted in 2002 for such a use (02/01526/F). A third party has stated that the use of the function room should also be restricted, but this element of the site is not directly related to the application and such a condition is not necessary to make the application acceptable.
- 8.37 OCC Drainage has raised a few questions in relation to leaking oil and the risk of pollutants reaching nearby watercourses. However, the uses on the site have been considered acceptable in the past (more than once) without restrictions in relation to contamination, and in the absence of evidence to suggest that contamination is an issue, it is not considered reasonable to attach such conditions relating to this matter in this instance.
- 8.38 Concerns were raised by a third party in relation to the 21 day period for responding to the publication of this application after the Acoustic Report had been submitted to the Local Planning Authority by the applicant. However, the Local Planning Authority did not have a statutory duty to re-consult neighbouring properties in relation to this application and in any case a 21 day period is the statutory period in which planning applications are publicised.

Conclusion

- 8.39 Given the above assessment, it is considered that this proposal is an acceptable form of development and that it complies with the above mentioned policies. It is considered that it represents sustainable development and that the potential adverse impacts on the amenity of neighbours as a result of noise and dust can be satisfactorily mitigated through conditions. As such the recommendation is for approval subject to appropriate conditions as set out below.

9. Recommendation

Approval, subject to the following conditions:

1. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:
 - Application Form submitted with the application;
 - Drawing Number 5013/2 submitted with the application;
 - Site Location Plan at a scale of 1:5,000 received by e-mail from the applicant on 25th February 2016;
 - Additional plan outlining 'Rally Stage' and 'Yard' at a scale of 1:5,000 received by e-mail from the applicant on 29th February 2016;

- E-mail from the applicant containing a list of vehicles to be used on the 'Rally Stage' and 'Yard' on 29th February 2016.

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

2. Within 4 calendar months starting from the date of this decision, a Noise and Dust Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the use hereby permitted shall only operate in strict accordance with the approved Management Plan.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise and dust, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. The area of the site to be used for quad bikes, jeeps, and 'Honda Pilots' shall be restricted to the area outlined in green on Drawing Number 5013/2 submitted with the application.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. No more than 4 quad bikes and/or 'Honda Pilots' and/or jeeps shall be operated at any one time.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The 'Rally Stage' and 'Yard' outlined in the additional plan (scale of 1:5,000 received by e-mail from the applicant on 29th February 2016) shall only be used for the purposes of tuition in accordance with the terms of this consent and shall not be used for any testing, trial of speed, racing or other practicing whatsoever.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. No more than one vehicle shall be used on the 'Rally Stage' and 'Yard' outlined in the additional plan (scale of 1:5,000 received by e-mail from the applicant on 29th February 2016) at any one time, and the 'Rally Stage' and 'Yard' shall only be used by the vehicles listed on the e-mail received from the applicant on 29th February 2016.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the

National Planning Policy Framework.

7. There shall be no use of the rally stage when the quad bikes and/or 'Honda Pilots' and/or jeeps are being used.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The use hereby approved shall only operate between the hours of 10:00 and 18:00 Monday to Saturday and shall not operate at any time on Sundays and Public Holidays.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. The use hereby approved shall not operate on more than 3 occasions in any one calendar week.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. The vehicles shall be silenced to the manufacturer's standard specification and the maximum sound power level of the vehicles, measured at exhaust outlet height one metre from the vehicle, shall not exceed 75dB(A) in the case of the quads and 100 dB(A) in the case of the "Honda Pilots".

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) order 2015, the site shall not be used for any temporary purpose or activity, including War Games, Paintballing, Corporate Event Days, Clay Pigeon Shooting or helicopter rides, other than those expressly approved by this permission.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. Motor car or motorcycle racing or any other form of motor sport including testing, trials of speed and practising for such activities shall not take place on the site.

In order to safeguard the rural character of the area and the amenities of the neighbouring properties from intrusive levels of noise, and to comply with Policy

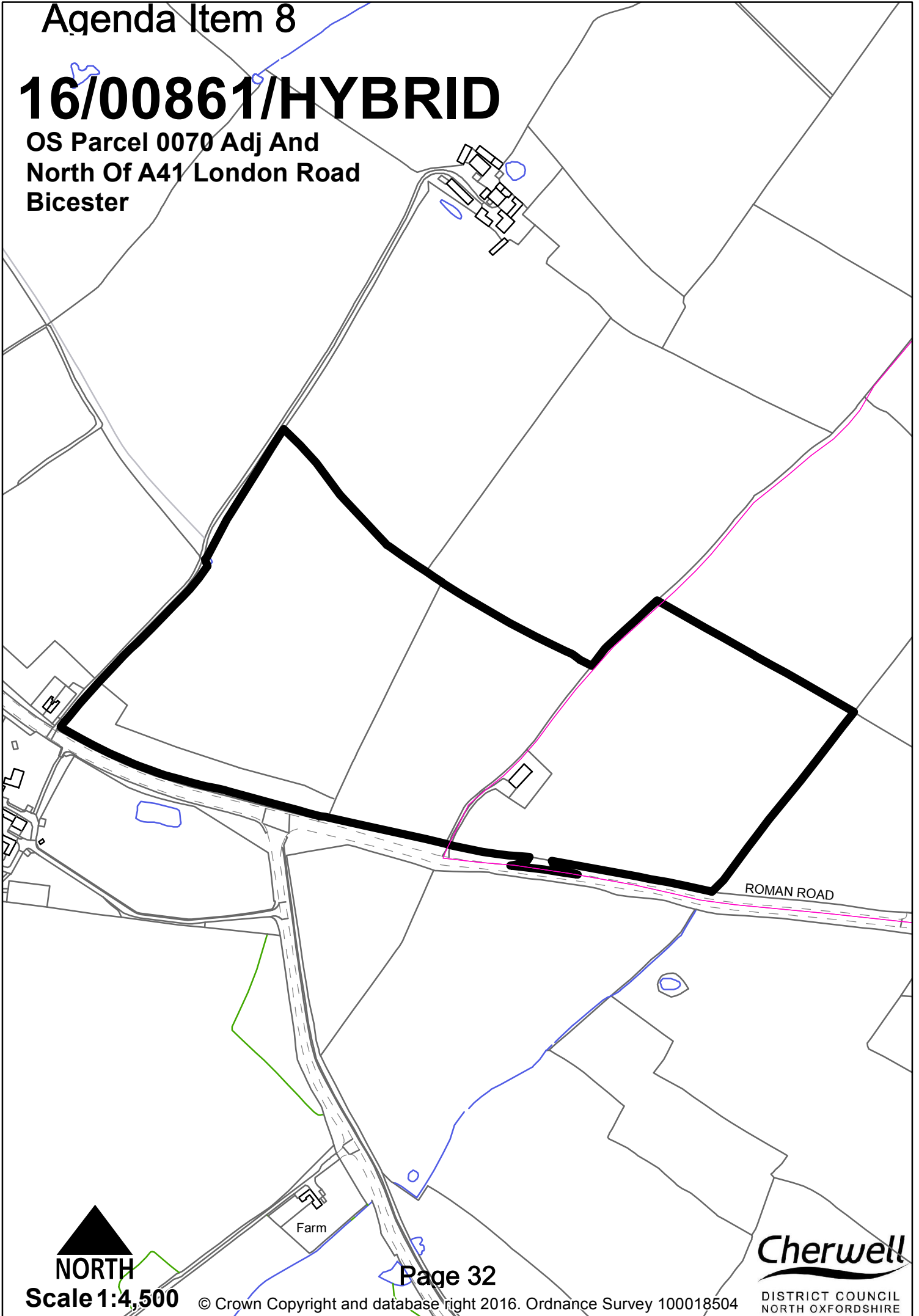
ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. With regard to condition 2, the Noise and Dust Management Plan should include, as a minimum, the following:
 - Arrangements for taking monthly noise readings to ensure that all rally vehicles using the track are achieving the levels set down in the Cass Allen Noise report ref LR01 - 16253 dated 29th April 2016. Measurements should be taken at 0.5m from the end of the exhaust pipe at an angle of 45 degrees with the exhaust outlet. The noise level at this point should initially be measured at the same time as the reading is taken at measuring points N1 and N3 in the report to ensure the reported levels are achieved. The monthly noise readings should be recorded and available to view by an officer of the council on request.
 - Measures to be taken if the noise level is breached when the test is carried out (e.g. the vehicle should be taken out of use until the silencer has been repaired or replaced and new readings taken to ensure that it is achieving the required level).
 - Arrangements for recording noise complaints received from neighbouring properties, and for new noise tests to be taken and recorded as detailed above and if required corrective action taken. The results of these tests shall be added to the monthly noise reading log.
 - Measures to ensure the track is 'damped down' before each session of the use to prevent dust nuisance.
2. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

16/00861/HYBRID

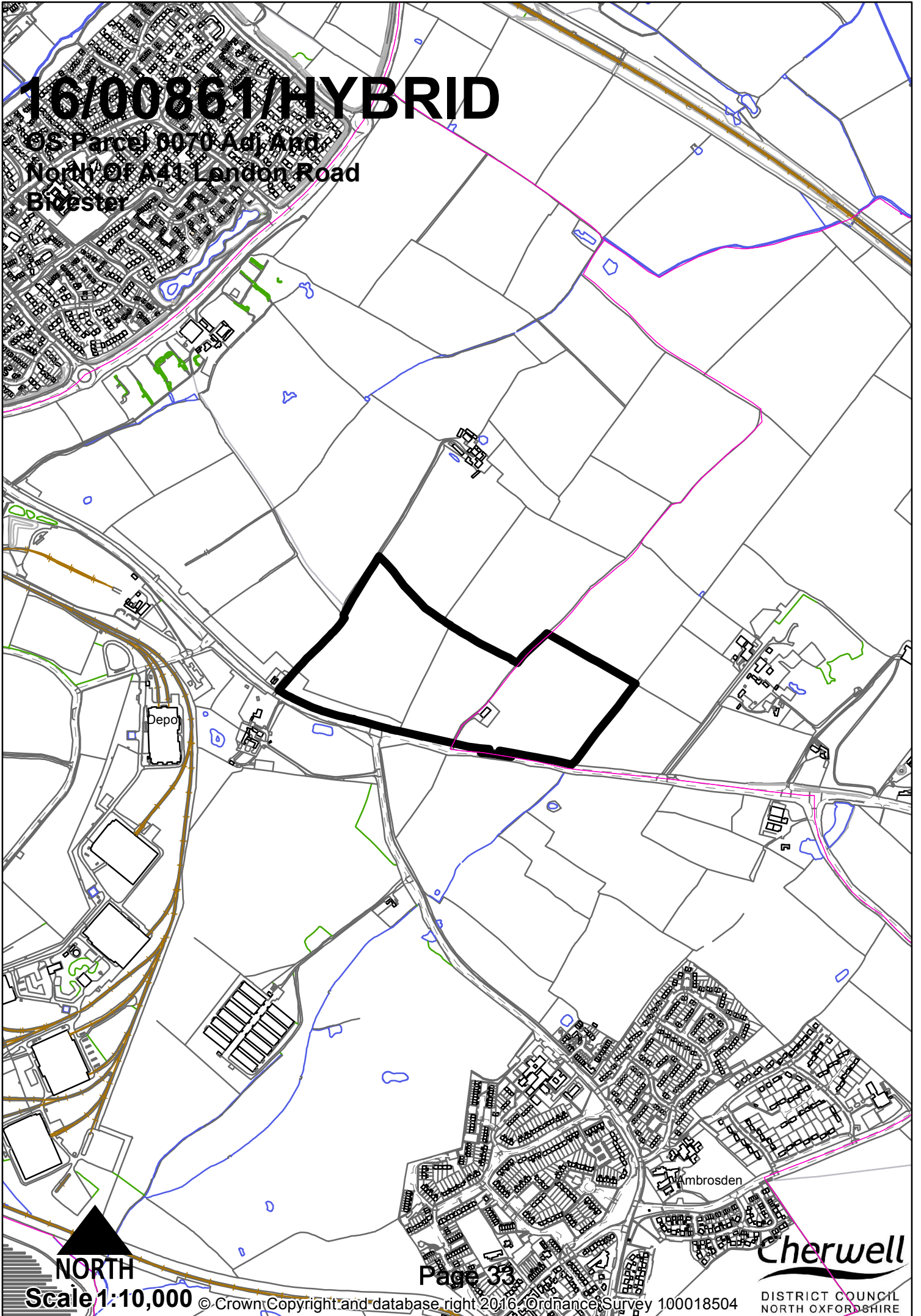
OS Parcel 0070 Adj And
North Of A41 London Road
Bicester



NORTH
Scale 1:4,500

16/00861/HYBRID

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



Scale 1:10,000

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

16/00861/HYBRID

Ward: Bicester South & Ambrosden

District Councillor: Councillors Anderson, Cotter
and Sames

Case Officer: Linda Griffiths

Recommendation: Approval

Committee Date: 29 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 18,394 sqm (198,000 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 44,314 sqm (477,000 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 now seeks consent for 62,709sqm (675,000sqft) of B8 logistics floor space with ancillary B1(a) offices. The application seeks detailed consent for the most eastern section of the site for 18,394 sqm of B8 floor space across two buildings and site infrastructure including lorry parking, structural landscaping and drainage; and outline consent for up to 44,314 sqm 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 northern, eastern and western boundaries.

- 1.4 Members will recall that this application was deferred at the last meeting at the applicant's request in order to seek to address the reasons for refusal.

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.

Update (September)

The amendments are positive for ecology, the northern boundary landscaping is greater with the pinch-point in the SE corner somewhat relieved. The southern boundary is larger allowing more chance for them to function as a coherent habitat that wildlife could use rather than just a strip. The reduction in footprint and hard-standing is a good thing and makes the chance of establishing some areas of habitat much more likely to succeed.

They still need to fit in the proposed ponds in there somewhere but this proposal gives more scope for that. Do they propose footpaths through the boundary vegetation for amenity purposes? Beyond the green footpath/cycleways?)

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 specialist's 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 (August)

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 = 15m³ 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 15m³ 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.

Update (September)

Much of what we see of the revised landscape proposal accords with what was discussed with EDP last week. We now require clarification of the height and gradient of the earth bund proposed for the northern boundary, and a commitment to plant two additional oak trees on this bund to improve the screening to the benefit of PRoW visual receptors. Once these points are clarified the landscape proposals, in my opinion are acceptable.

I have concerns about the planting conditions on the bunds and whether the appropriate de-compaction post construction e.g. sub-soiling and top-soiling prior to planting to facilitate good drainage and aeration for plant root establishment. This issue is to be clarified for the landscape specification.

The landscape management plan must address the matter of future thinning of trees, the 1 plant per m planting density of the alder trees on the bund will eventually require thinning to ensure the spindly, weak specimens are removed to allow for the stronger alders to grow to maturity, otherwise the tree belt will decline.

Update – (13th September)

The proposed height, gradient and planting of the bund to the southern boundary is acceptable (EDP2606 8f). All details on the enclosed drawings – EDP 2606/82h/84h/86h – as previously confirmed.

The generic landscape management brochure should address the issues that are site specific e.g. of the inevitable ground compaction due to construction of bund and swales (general ground formation to designed levels, and management of topsoil (diminishing resource). Compacted, made-up soils, and sub-soils that have been tracked over will not allow water penetration to roots and tree pits will act as sumps. Deep ripping, or subsoil cultivation is important therefore. An assessment of on-site soil is necessary to determine how heavy/friable it is, to allow a determination of sustainable management of this resource, in accordance with BS3882:2015 – Specification for topsoil. Note that some tree pits may require drainage due to the heavy compacted soil and this should be shown on tree pit detail.

In respect of Planting/arrangement, the grouping proposed as 10-15 plants in each group is different to the mix proposed on the drawings. The wording in the landscape document should be specific to the landscape proposals.

3.9 **Business Support Unit:** Neutral. It is estimated that this development has the potential to secure Business Rates of approximately £1,454,441 per annum under current arrangements for the Council.

3.10 **Sustainability Consultant:** Comments as follows
Policy ESD1 – how does the proposal demonstrate mitigation and adaptation 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.

Update (September)

A revised energy statement has been received and Members will be updated on additional comments at the meeting.

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).

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 (22nd 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

Update (September)

Following OCC's response dated 22 August 2016, the reasons for the transport objection to this application have been satisfactorily addressed; OCC's transport objection is now withdrawn for the following reasons:

1. A compromise on contributions has been agreed as follows:
 - a. £210,742.56 to the County Council's proposed South East perimeter road or such other scheme that would also bring relief to the A41 (Boundary Way)
 - b. £150,000 towards improved bus services for a period of five years in the early morning and evenings and in the middle of the day on Sunday
 - c. Commuted sums to cover future maintenance of new works on the highway (included in the draft S278 agreement attached to the UU)
2. The wording in the UU setting out how and when the pedestrian routes and connection points will be delivered to/from the rest of Bicester 12 site is now satisfactory
3. A draft S278 is now attached to the UU

We are awaiting confirmation from the applicant's drainage engineer with regard to the effect of the revised proposals for landscaping (made possible by the reduction in the quantum of development) on the drainage strategy.

All points in OCC's previous consultation responses to this application still stand other than where altered by the comments above.

- 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 (17th 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 (22nd 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 20th 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 29th 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 December/January 2016/17.

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, and the consultation responses, it was considered that there were a number of issues and matters raised within the application submission and the ES which could not be simply conditioned and therefore needed to be addressed as part of this submission. The revised submission now before Members for determination has sought to address all of these issues.

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. The revised submission has sought to address this issue by giving a clear commitment to the identification of footpath/cycle links to the wider Bicester 12 development site.

- 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. The revised submission has sought to address this issue by increasing the width of the boundary landscaping belts and providing a commitment to the provision of 'Green Infrastructure Corridors' to link with the wider Bicester 12 development site.

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 21st 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 applicant has now submitted further information regarding this agreement as part of the revised submission.

- 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

5.36 Traffic Generation and Distribution

This application is for a reduced amount of floor space compared to the previous outline (61,092 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 worst case scenario.

- 5.37 OCC previously raised concerns in respect of the appealed outline submission (15/02316/OUT) 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 now 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 previous 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 considered that the parameters plan and the indicative master plan originally submitted with this application did not go far enough towards complying with the requirements of the local plan for the wider site. These submitted plans appeared 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 to 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 were shown as indicative. Given that these were entirely within zone 2, the outline part of the site, it was difficult to ascertain with any certainty on where, when and how high quality links could 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. The revised submission has now sought to satisfactorily address this issue. The revised plans clearly show a commitment to the identification of footpath/cycle links to the wider Bicester 12 development site, and their provision is now also secured through the Unilateral Undertaking that has been submitted by the applicant and agreed with the highway authority. A condition will also require the detail of these links to be agreed.
- 5.45 In the absence of a comprehensive master plan for the wider Bicester 12 allocation, there was uncertainty about how the requirements of the Policy in terms of cycling and walking connectivity would be complied with. 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. It is considered that securing these links as identified on the revised submission adequately addresses this issue.
- 5.46 Following further discussions with the applicant and their consultants, it has been agreed that consideration will be given to securing integration and connectivity with the remainder of Bicester 12 and the wider Bicester through a the submission of a Unilateral Undertaking, 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, and in perpetuity. The applicant has sent through a draft Unilateral Undertaking which includes the provision of cycle/footpath links. Following on-going

negotiations with OCC, the mechanism for their delivery has now been agreed.

Public Transport

5.47 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, which includes a contribution towards improved bus services and is therefore now acceptable to OCC.

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 is recommended in this respect.

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, OCC 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. The previous objection relating to infrastructure contributions and requirements has also now been removed following further discussions and on-going negotiations with OCC.

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 submitted 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 originally raised significant concerns about the visual impact of the proposed development, largely because of inadequate mitigation planting and landscape buffers. This was of particular concern along the northern boundary of the site in respect of the detailed proposal where the landscape buffer was 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 was likely to be affected by the proposal. Following discussions, the applicant has now agreed to provide a 17m wide landscape buffer along the north-eastern boundary of the site. It is accepted that the provision of a 17m wide landscaped buffer along this boundary would significantly help to resolve the concerns regarding the impact of the development on the open countryside and adjacent public rights of way 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 advised that the original 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. The latest revised plans have addressed this issue by reducing the size of building A2, allowing the built development to be moved back into the site and therefore creating a wider landscape buffer to this boundary, and thereby removing the objection from the council's landscape officer.
- 5.67 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 originally raised additional concerns about landscape impact and advised 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 were not compatible as shown. These amendments were necessary to maximise the overall mitigation/screening effects intended with the higher tree density required. Furthermore, drainage system maintenance and refurbishment may have resulted 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. The revised submission has satisfactorily addressed all of these issues.
- 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. However, the applicant has now sought to further consider this issue and whilst the development does not fully comply with the suggested parameters plan, it now goes a long way to addressing its requirements. The revised proposal is therefore now considered acceptable in this regard.
- 5.69 In conclusion, it is considered that having regard to the above, as amended, whilst the proposed development will be visible, there is now sufficient buffer landscaping proposed 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. The proposal is now considered to be in accordance with Policies Bicester 12, ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and government advice within the NPPF. It is considered that this issue has now been addressed by reducing the quantum of development proposed, setting the development back from the boundaries of the site and increasing the width of the landscape buffers to A41 frontage, northern and eastern boundaries of the site.

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 s 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 Verulanium. 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 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. This revised scheme now goes further, reducing the quantum of development further and seeking to ensure greater landscaping buffers, footpath cycle links and green infrastructure links.

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 revised 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. Although the quantum of development across the site has been reduced by the latest proposals, the maximum size of a building on zone 2 remains unchanged.

- 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 original application included the provision of a landscaped bund along this frontage, it was variable in its width and was 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 due to the narrowness of the landscaping was of concern. The latest revised plans now address this issue. The size of Unit A2 has been reduced enabling the built development to be moved away from the northern and southern boundaries of the site, thereby increasing the landscaping provision. The proposal is now considered acceptable in this respect and the objection of the council's landscape officer in terms of visual impact has been removed.
- 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 originally submitted HYBRID application 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 was considered that the amendments in this application still did 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 stated that these issues could be dealt with by conditions, however, such matters can only be conditioned if there is a reasonable prospect that they can be successfully delivered. The revised submission has now addressed these issues satisfactorily and the landscaping and drainage proposals are now appropriately accommodated.
- 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. Concerns were raised in respect of the original submission 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 was also very high with minimal scope for effective or significant landscaping. Following further discussions with the applicant, these issues have now been adequately addressed and the scheme is now considered acceptable. The quantum of development has now been reduced from the original outline submission of 750,000sqft to 675,000 sqft across the whole site. Unit A1 remains at 88,000sqft as this is for a specific end user, but Unit A2 has been reduced from 128,000sqft to 110,000 sqft, which has enabled the landscape buffers to be increased as specified

previously.

- 5.96 It is therefore now considered that the amended proposal as submitted is acceptable in visual and design terms and because of the appropriate landscaping proposed, would not cause significant harm to the locality and is therefore in accordance with 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.

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 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 3rd 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 were raised in respect of the biodiversity enhancements proposed and whether they could be successfully incorporated into the landscaping scheme for the site. The amended scheme which now incorporates wider landscape buffers and green infrastructure links through the site addresses the concerns raised by the Council's ecologist and the proposal is therefore in accordance with the requirements of Policies Bicester 12 and ESD10 of the adopted Cherwell local Plan 2011-2031 and the NPPF in this respect. Conditions are recommended in respect of ecology and the provision of green infrastructure links in accordance with the submission.

Flood Risk and Drainage

- 5.110 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 were concerned about the limited use of SUDS techniques, especially using soft vegetative SUDS, source control and treatment train approach has been made throughout the site. A concern was also raised about how the proposals will meet water quality objectives to comply with Cherwell Local Plan policy; NSTS and good practice and the provision of hydrocarbon interceptor alone may be insufficient. In terms of the outline proposal a concern was 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 required:

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 now includes drainage pipes, swales and attenuation areas within the landscaped buffers. The Council's Landscape Officer was initially concerned that the two would not be compatible in seeking to successfully provide suitable mitigation screening. The revised scheme now before members which includes increased landscaped buffers to the southern and eastern boundaries of the site now addresses each of these issues and the proposal is now therefore considered to be in accordance with the above mentioned policies and advice in this respect. Final comments in respect of the latest drainage details are awaited from OCC and will be reported at the meeting.

Effect on Neighbouring Amenity

5.117 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 Council's 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. The parameters plan and landscaping plans submitted indicate the provision of a landscape buffer, up to 53m wide between the corner of illustrative building C3 and the boundary at the south western corner of the site closest to the cottages. 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 detrimental 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 was originally 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 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 was assessed by the Council's sustainability consultant who raised concerns about the level of detail and information submitted. In response to these concerns an Energy Statement has now been produced by peter Brett Associates on behalf of the applicant. This will be assessed by the Council's Energy Consultant and Members will be updated at committee.

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 The terms and details of the Planning Obligation have now been agreed between OCC and the applicant. The applicant has submitted a Unilateral Undertaking which following further discussion and negotiation is now acceptable. The following highway infrastructure improvements and contributions towards highway infrastructure works have been agreed 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 £210,742.56 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
- £150,000 towards improved bus services for a period of five years in the early morning and evenings and in the middle of the day on Sunday

5.128 Commuted sums are now included in the UU. A S278 was previously not included within the UU and OCC advised that a S278 could 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. The UU has now been agreed and a draft S278 agreement is now attached to the UU. A bus contribution is necessary to mitigate the impact of the development towards improved bus services has also now been agreed and included within the UU.

5.129 The wording in the UU regarding the pedestrian and cycle connections between this site and the remainder of Bicester 12 was previously 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 as agreed now adequately not reflects this.

5.130 Having regard to the above, the planning obligation offered by the applicant by way of a Unilateral Undertaking is now considered acceptable and therefore the necessary infrastructure directly required as a consequence of this scheme will now be delivered. The proposal is therefore in accordance with Policy INF1 of the adopted Cherwell Local Plan Part 1 2011-2031 and government advice within the NPPF in this respect.

Engagement

5.131 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

5.132 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. The previous concerns regarding the quantum of development of the site and the lack of sufficient landscaping and ecological mitigation, together with the absence of a comprehensive master plan and connectivity between this development and the remainder of Bicester 12 have now been addressed by the applicant to the extent that the application is now considered acceptable. In terms of the original appealed outline application, the proposed buildings were indicated to be 18m in height, these have now been reduced to a maximum of 15.5m, and the quantum of development across the site has been reduced from 750,000 sqft to 675,000 sqft, enabling the landscaping to the site boundaries to be increased thereby successfully reducing the visual impact of the development on the surrounding road network, the adjacent residential properties and the adjacent public rights of way.

5.133 Having regard to the above therefore, the application proposal is considered to be in

accordance with Policy Bicester 12 and the associated Policies within the adopted Cherwell Local Plan 2011-2031, saved policies as above within the adopted Cherwell Local Plan 1996 and government advice within the NPPF. Approval of this scheme will therefore play an important part in the early delivery of sites allocated within the Cherwell Local Plan 2011-2031 thereby enabling the delivery of new employment development to support economic growth and to support the growth in new housing.

Environmental Impact Assessment Determination

5.134 Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires;

24 – (1) where an EIA application is determined by a local planning authority, the authority shall:-

1. In writing, inform the Secretary of State of the decision
2. Inform the public of the decision, by local advertisement, or by other such means as are reasonable in the circumstances; and
3. Make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept a statement containing:-
 - 1) The content of the decision and any conditions attached to it
 - 2) The main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public
 - 3) A description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development, and;
 - 4) Information regarding the right to challenge the validity of the decision and the procedures for doing so

5.135 It is therefore recommended that this report and the conditions and obligations proposed for the development are treated as the statement required by Regulation 24 C (i) – (iii). The information required by Regulation 24 C (iv) will be set out in the planning decision notice.

6. Recommendation

Approval subject to the imposition of the conditions as follows, with delegation to officers to agree the final wording of any conditions, and the receipt of a satisfactory agreed Unilateral Undertaking:

Full Permission

1. A4 – time limit 3 yrs
2. A6 – plans condition
3. B3 – samples of wall and roof materials
4. B15 – external lighting details
5. B18 – boundary enclosure details
6. C2 – carry out landscaping in accordance with the approved plans
7. C3 – maintain landscaping in accordance with the approved management/maintenance plan
8. C7 – retained trees
9. C9 – AMS
10. C11/12 retain hedgerows
11. C20 – tree pit details hard landscaped areas
12. C21 – tree pit details soft landscaped areas
13. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway on the A41, including position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details – the visibility

splay shall be kept clear of obstructions (including trees and other vegetation) between 0.6m and 2.0m.

14. Prior to the commencement of the development hereby approved, full specification details of the site roads and turning areas to serve the development, which shall include construction, layout, surfacing, lighting 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 development, the site roads and turning areas shall be constructed in accordance with the approved details.
15. Prior to the commencement of development in zone 1 hereby approved shown on the approved parameters plan, full details showing car parking spaces and HGV parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of development in zone 1, the parking for that zone shall be constructed in accordance with the approved details. All car and HGV parking shall be retained at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority. Car and HGV parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
16. Prior to commencement of development in zone 1 hereby approved, full details showing space for a minimum of 118 bicycles (98 for staff and 20 for visitors) shall be submitted to and approved in writing by the local planning authority. At least 49 of the staff spaces shall be under cover. The cycle parking shown on the agreed plan shall be provided prior to the first occupation of the development. The cycle parking shall be permanently retained and maintained for the parking of cycles in connection with the development.
17. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk assessment (FRA)(May 2016/32765/3006/Peter Brett), Drainage Design Statement (April 2016/32765/2006/001/Peter Brett), technical note 32765-2004-TN002 and the following mitigation measures detailed within the FRA statement:
 - a) Limiting the surface water run-off generated by the 1 in 100 year critical storm to 5 litres per second so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site
 - b) Provision of underground storage tank and swale as shown on drawing number 32765-2006-001 Rev B
 - c) Provision of flood storage as shown on drawing number 32765-2006-001 rev B
 - d) Hydrocarbon interceptor and wastewater treatment centre as detailed in the Drainage design Statement (April 2016/32765/2006/001 Peter Brett) and technical note 32765-2004-TN002.
 - e) 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.
18. Prior to commencement of development the applicant shall submit to the LPA a SUDS Maintenance and Management Plan for the development. This shall include a comprehensive maintenance schedule; a site plan showing the location of SUDS features and details; maintenance areas, location of outfalls. Responsibility for the management and maintenance of each element of the SUDS scheme will be detailed within the Management Plan. A health and safety plan will be provided where risks are involved in any maintenance activity.
19. Prior to commencement of the development the applicant shall submit to the LPA a Construction Environmental Management Plan (CEMP) in accordance with paragraph 12.7.3 of the approved Flood Risk Assessment (FRA) (May2016/32765/3006/Peter Brett). This will detail the drainage scheme to control surface water runoff during the construction phase and measures to be adopted to mitigate the risk to ground and surface waters from contaminated surface runoff.
20. Prior to commencement of development the applicant shall submit to the Local

Planning Authority site infiltration test results in accordance with BRE365

21. Prior to commencement of development, the applicant shall submit to the LPA a Phase 2 intrusive geoenvironmental ground investigation. This work shall assess the need for any remedial works with respect to soil and groundwater contamination (if present). This may be in accordance with paragraph 12.7.4 of the approved flood Risk Assessment (FRA) (May 2016/32765/3006/Peter Brett).
22. H10 - no extensions

Outline Permission

1. A1
2. A2
3. A3
4. B23 – height limit 15.5m
5. Prior to the commencement of each phase of development in zone 2 shown on the approved parameters plan, full details showing car parking spaces and HGV parking spaces for each phase shall be submitted to and approved in writing by the local planning authority. Thereafter and prior to the first occupation of development in each phase shall be constructed in accordance with the approved details. All car and HGV parking shall be retained at all times thereafter, unless otherwise agreed in writing beforehand by the Local Planning Authority. Car and HGV parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
6. Prior to the commencement of each phase of development in zone 2 shown on the approved parameters plan, full details showing the number of bicycle parking spaces being provided for each phase of development within that zone shall be submitted to and approved in writing by the local planning authority. Thereafter and prior to the first occupation of development within each phase of zone 2, the parking for that phase shall be constructed in accordance with the approved details. At least 50% of the spaces provided for staff shall be under cover. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.
7. 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 LPA. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - a) SUDS (OCC requirements include the provision of suitable vegetative SUDS (swales etc) and source control techniques to meet water quality objectives in a treatment train approach)
 - b) Discharge rates
 - c) (Assessment of the runoff rates and proposed attenuation measures to demonstrate compliance with Defra Non-Statutory Technical Standards for SUDS paragraph S2 and Cherwell local planning policy discharge volumes)
 - d) (Assessment of the pre and post-development runoff volumes to the greenfield condition to demonstrate compliance with Defra Non-Statutory Technical Standards for SUDS, paragraphs S4-S6 and Cherwell planning policy)
 - e) Flood Risk within the development
 - f) (Demonstrate compliance with Defra Non-Statutory Technical Standards for SUDS, Paragraphs S7-S9 and Cherwell policy. This shall include a drawing plan showing exceedance routes through the development and storage areas)
 - i) Maintenance and management of SUDS features
 - ii) Sizing of features – attenuation volume
 - iii) Infiltration in accordance with BRE365
 - iv) Detailed drainage layout with pipe numbers
 - v) Network drainage calculations

- vi) Phasing
 - vii) These matters shall be covered in a comprehensive sustainable drainage statement submitted to the LPA
8. The first reserved matters submission shall also include full details and the precise route and location of the proposed green infrastructure links and footpath/cycle links from this development into the remainder of the Bicester 12 development site. These links shall be a minimum of 10m wide and shall be provided to the boundaries of the site, in accordance with the detail shown on the approved parameters plan, drawing number 4036-015 rev P21 and indicative site master-plan, drawing number 4036-013 rev P26. The development shall be carried out in accordance with these approved details prior to the first occupation of any building in zone 2 and thereafter retained and maintained.

Full and Outline Permission

1. Prior to the commencement of the development hereby approved on any phase of the development, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties adjacent or surrounding the site, together with details of the construction and communication to be carried out with adjacent residents, and to ensure that works do not adversely affect biodiversity, shall be submitted to and approved in writing by the local planning Authority. Thereafter the development shall be carried out in accordance with the approved CEMP. The CEMP shall also include the following matters
 - a) Signage for construction traffic, pedestrians and other users of the site
 - b) Controls on arrival and departure times for construction vehicles
 - c) Piling methods (if employed)
 - d) Earthworks
 - e) Hoardings to the site, including future adjacent development plots
 - f) Noise limits
 - g) Hours of working
 - h) Vibration
 - i) Control of emissions
 - j) Waste management and disposal, and material re-use
 - k) Materials storage, and
 - l) Hazardous material storage and removal
2. Cumulative noise output from any mechanical ventilation or plant associated with the development shall be noise attenuated or mitigated so that it achieves the following levels at 1m from the nearest receptors (listed below):
 - a) Daytime (07.00-23.00)
 - i) Wretchwick Farm Cottages and Wretchwick Farm: 43dB LAeq
 - ii) Little Wretchwick Farm: 34dB LAeq
 - b) Night time (23.00-07.00)
 - i) Wretchwick Farm Cottages and Wretchwick farm: 31dB LAeq
 - ii) Little Wretchwick Farm: 28dB LAeq
3. J13 – land contamination: intrusive investigation
4. J14 – land contamination: remediation scheme
5. J16 – land contamination: carry out remediation
6. Development shall not commence until a drainage strategy detailing any on and/or off 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.
7. Development shall 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 shall

determine the magnitude of any new additional capacity required in the system and a suitable connection point.

8. F8 – archaeology
9. F9 – archaeology
10. Prior to commencement of development, an updated Framework Travel Plan that complies with OCC's travel planning guidance document 'transport for New Developments: Transport Assessments and Travel Plans' for the whole site will be submitted to and approved by the LPA in consultation with the highway authority. Prior to occupation, workplace travel plans for each separate phase of the development will be submitted to and approved in writing by the LPA and consultation with the HA. The plans shall incorporate details of (i) the means of regulating the use of private cars at the development in favour of other modes of transport (ii) how employees can travel to the site by bus in the evening and at night time (7pm to 7am) and (iii) the means of implementation and methods of monitoring site related travel. Thereafter the approved Travel Plans shall be implemented and operated in accordance with the approved details.
11. Prior to commencement of development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the LPA. Thereafter the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.
12. G17 – no outside storage or other operations
13. K8 – protected species
14. K12 – nesting birds, no works between march and August unless agreed
15. K17 – biodiversity enhancement
16. K20 – landscape and ecological management plan

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 9

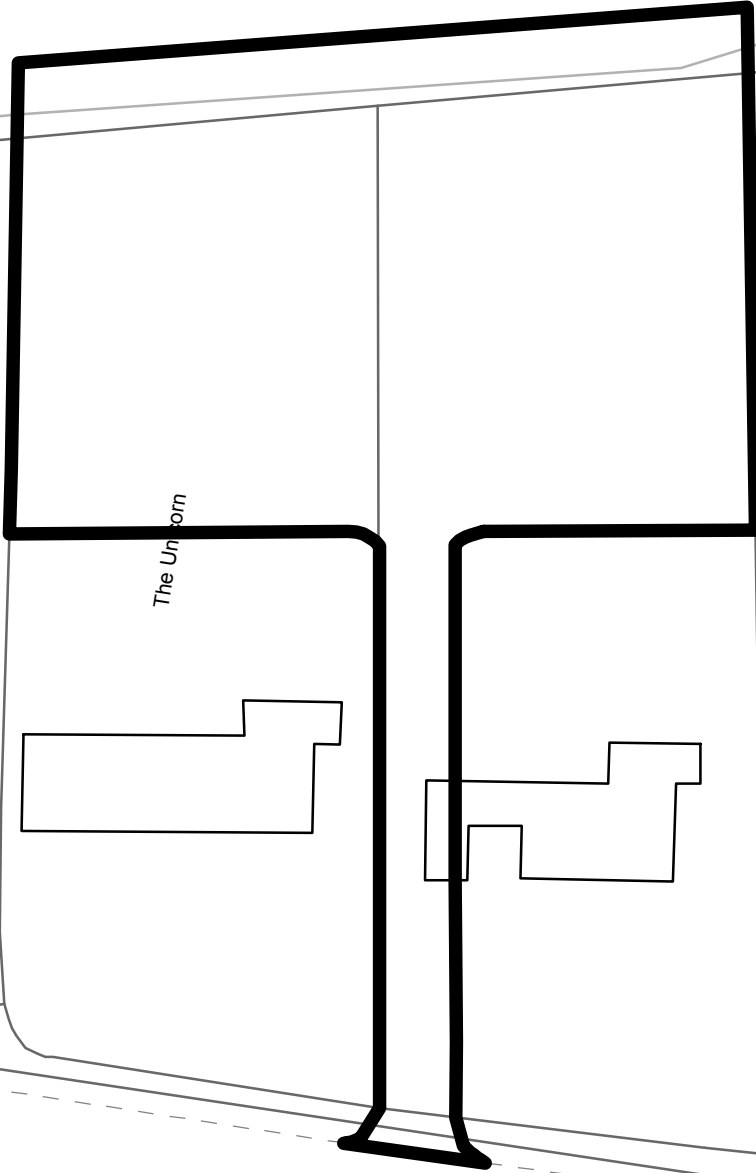
16/00892/OUT


15 And 17 Milton Road

Bloxham

OX15 4HD

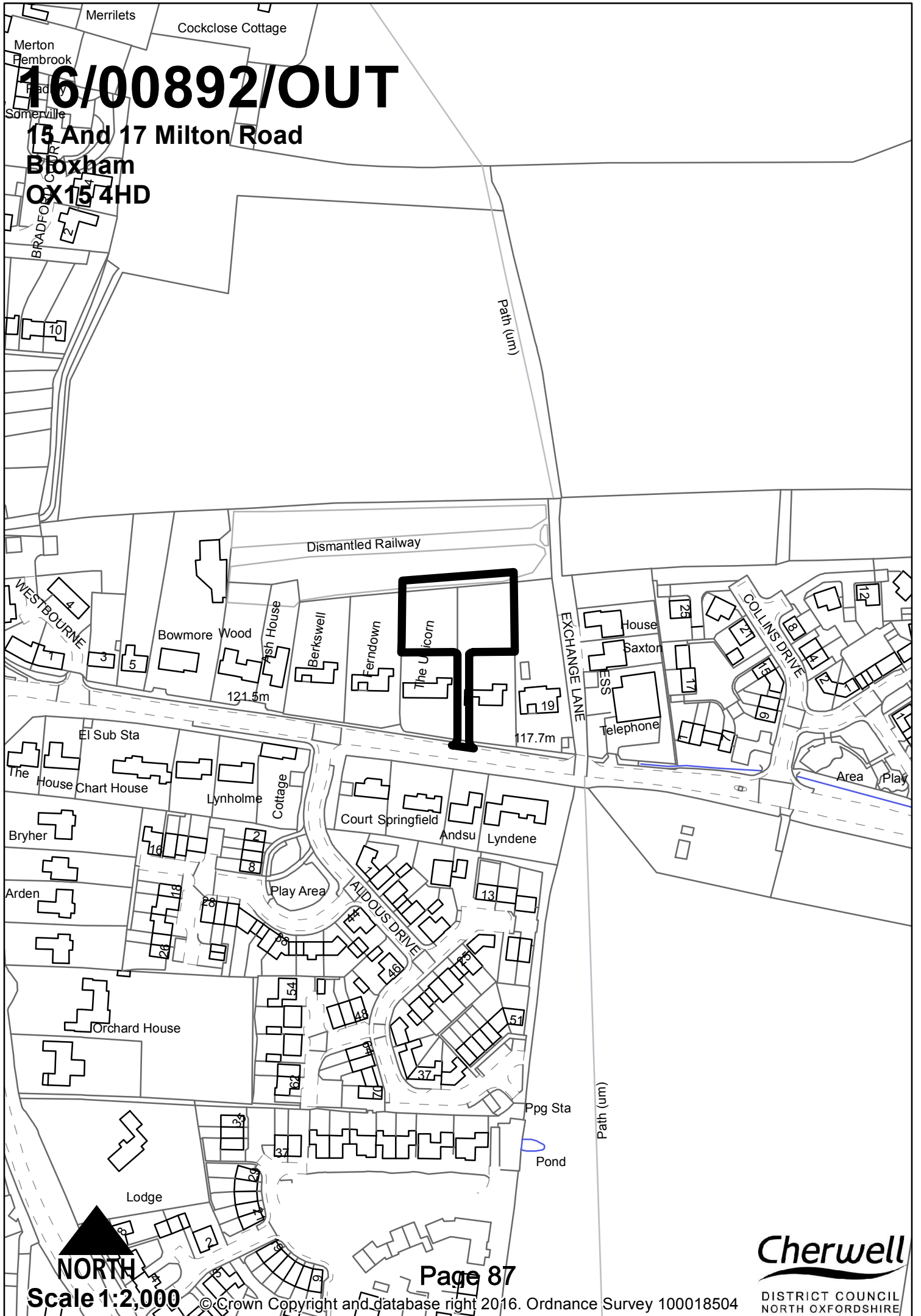
Dismantled Railway



Rowa

NORTH
Scale 1:500

16/00892/OUT

15 And 17 Milton Road
Bloxham
OX15 4HD



15 And 17 Milton Road
Bloxham
OX15 4HD

16/00892/OUT

Case Officer: Stuart Howden **Contact Tel:** 01295 221815

Applicant: Messrs J Barmby and M Howard

Proposal: OUTLINE - 3 No dwellings.

Expiry Date: 23 August 2016 **Extension of Time:** 30 September 2016

Ward: Adderbury, Bloxham and Bodicote **Committee Date:** 29 September 2016

Ward Councillors: Cllrs Bishop, Heath

Reason for Referral: Application requires a sensitive judgement, having regard to the advice given by officers at pre-application stage.

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

1.1. The site is situated on the north side of Milton Road within the village of Bloxham. The north of Milton Road is characterised by relatively large detached dwellings with spacious rear gardens. The site itself is behind No.15 and No.17 Milton Road and currently comprises garden land serving both of these properties. To the rear of the site the land falls towards an area where a railway line previously ran. The site is not located within a Conservation Area and no listed buildings are sited within close proximity to the site. The site is located on land which the Council's records identify as potentially contaminated. To the rear of the site is a BAP (Biodiversity Action Plan) Habitat comprising of lowland mixed deciduous woodland.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. Outline planning application is sought for three dwellings on the site with all matters reserved. An indicative block plan has been submitted alongside the application, which displays three detached dwellings in a line running east to west. Two dwellings are shown to have large detached garages to their front. The access is shown as being taken from the Milton Road and would run between No.15 and No.17 Milton Road. The access would result in the loss of a garage serving No.17 Milton Road. Whilst all matters are reserved, the Planning Statement and Design and Access Statement submitted alongside the application discuss the principles of scale, appearance, access and landscaping.

3. RELEVANT PLANNING HISTORY

3.1. **13/01426/F:** Detached dwelling and garage – APPROVED on 29th November 2013. A two storey detached dwelling has been constructed on land to the rear of No.19 and adjacent to the east side boundary of the site subject to this current application. This existing dwelling is accessed off Exchange Lane. Whilst the dwelling was proposed to the rear of No.19 the development was not considered to constitute undesirable 'backland' development. The case officer's report stated the following:

“Given the relationship with the two dwellings on the opposite side of Exchange Lane and that the access track is already in place, Officers should consider that a dwelling in the proposed location will not appear incongruous. The principle of the proposed development is therefore considered to be acceptable.”



3.2. **03/02345/F:** Change of vehicular access to property – APPROVED on 19th November 2003.

4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions have taken place with regard to this proposal:

- **15/00125/PREAPP** – Demolition of existing 2 units and construction of 7 new dwellings together with associated access improvements, car parking, landscape works and any necessary ground remodelling and infrastructure – Response sent on 21st July 2015. As noted in the description above, 7 dwellings were proposed with 2 out of the 7 dwellings being replacement dwellings. Whilst the case officer advised that the proposal could be considered acceptable in principle, given that it is minor development in a Category A village, the proposed development was not considered to respect the form of the street scene and was considered to be an overdevelopment of the site. It was also noted that the creation of a separate private access would detrimentally harm the visual amenities of the area. The response concluded by advising that: *“in order for the scheme to be considered acceptable it is likely to require the removal of a significant number of plots from the scheme”*.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.

5.2. The comments raised by third parties are summarised as follows.

- High density which is out of keeping with the rest of this part of Milton road;
- Loss of light to Woodside;
- Highways safety concerns:
 - Access will only allow one-way traffic at a time causing queueing on the access and waiting on Milton Road thus increasing the risk of an accident;
 - There is little parking and manoeuvring space around the proposed houses.
- Garage to front of No.17 would result in a loss of light to No.19 and this garage would also be unsightly.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL

6.2. BLOXHAM PARISH COUNCIL: **Object** to the application:

- CDC has a five year housing land supply;
- The application is contrary to Paragraph 53 of the NPPF;
- The development is not within the built-up limits of Bloxham and is sporadic development within the open countryside;
- Detrimental harm to the visual amenities of the area – does not respect the street scene of Milton Road;
- Harmful impact upon the setting of the of the countryside;
- Density of the development too high and overdevelopment;
- Concerns with separation distances;
- Adverse impact on the views from PROW 136/4;
- Concerns with parking provision;
- Concerns with single car access;
- Clarification as to the legal aspects of a shared drive;
- The site covers a designated BAP Habitat;
- Flooding;
- Contrary to saved Policies H18, C8, C28 and C30 of the CLP 1996 and Policies Villages 1, ESD13 and ESD15 of the Cherwell Local Plan;
- Contrary to Policies in the Submission Draft Bloxham Neighbourhood Development Plan 2015-2031 (Policies BL9, B11 and B12).

STATUTORY CONSULTEES

6.3. OCC Drainage: **No comments received.**

6.4. OCC Highways Authority: **Objects** to the application. The location for the access to serve the three units is positioned too close to the next door property and does not allow for the required vision standard. However, if located centrally within the frontage of No.17 the standards are met. If the access shown in the submission were to remain, the boundary hedge to the frontage of both No. 15 and 17 Milton Road would in part need to be removed and setback to provide the required standard. However, the submission clearly identifies the extent of the site, limited to the area enclosed by the red line.

- 6.5. Thames Water: **No objections** in relation to sewerage infrastructure capacity and water infrastructure capacity.

NON-STATUTORY CONSULTEES

- 6.6. Arboricultural Officer: **No objections** in principle subject to a condition which states that the recommendations within the tree report are adhered to and that arboricultural supervision should be included with regular reports of each phase.
- 6.7. Environmental Protection Officer: **No objections.**
- 6.8. Building Control: **No comments received.**
- 6.9. Ecology: **No objections** in principle. A number of trees are being removed and these should be replaced on site where possible and should not be removed during the bird breeding season. We would also seek biodiversity enhancements. Assurance would be needed as to the set up and management of the northern boundary of the site with housing coming closer to it than present to ensure there is not future encroachment into the tree belt at this point. Any fencing should allow access for wildlife through or under.
- 6.10. Landscape Services: **expresses concerns.** Appears to be an overdevelopment of the plot. A reduction of plots to two from three would be welcome, and so allow for the introduction of landscaping to the frontages and then mitigate views between the site and the aforementioned dwellings.
- 6.11. Waste and Recycling: **No comments received.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. 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 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- C30 – Design of new residential development
- ENV1 – Environmental Pollution
- ENV12 – Contaminated land

Draft Submission Bloxham Neighbourhood Development Plan (2015-2031)

7.3. The Draft Submission Bloxham Neighbourhood Development Plan (2015-2031) has recently passed through examination and, subject to modifications as recommended by the Inspector, has now been approved by the District Council to go to public referendum. Once adopted, the Neighbourhood Plan will form part of the Development Plan for Bloxham Parish.

7.4. Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections, and the degree of consistency with the Framework. As the Neighbourhood Plan remains in draft form, and modifications have been recommended, the weight that can be afforded it is limited at this stage. However it is a material consideration, and the Policies most relevant to this application are:

- Policy BL2 – Sustainable Housing
- Policy BL4 – Parking
- Policy BL9 – Amenity of Existing Residents
- Policy BL11 – Rural Character of Village
- Policy BL12 – Importance of Space and Views

7.5. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell District Council: Home Extensions and Alterations Design Guide for Householder Planning Applications (2007)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of the Development;
- Design and Impact on the Character of the Area;
- Residential Amenity;
- Highway Safety;
- Contaminated Land;
- Ecological Impact;
- Other Matters.

Principle of the Development

8.2. Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

8.3. Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan

should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.

- 8.4. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites therefore the presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 8.5. Paragraph 17 of the NPPF states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. Paragraph 111 states that Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed.
- 8.6. Policy Villages 1 of the Cherwell Local Plan Part 1 groups the District's villages into three separate categories (A, B and C). Bloxham is recognised as a Category A village. Category A villages are considered the most sustainable settlements in the District's rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Within Category A villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built up area of the settlement. Policy BL2 of the Submission Draft Bloxham Neighbourhood Development Plan 2015-2031 (DBNDP) also states that conversions, infilling and minor development will be permitted within the existing built up limits, but this is provided that such developments are small in scale and that the development proposals show proper regard for the other policies in the plan.
- 8.7. In relation to whether the site is within the built up limits of the settlement, the site comprises part of the curtilage of No's 15 and 17 Milton Road. Whilst the submitted plans appear to show the site extending onto the former railway to the north, the case officer observed on site that this appears to reflect the current extent of the gardens. Furthermore, the very rear of the application site would follow a similar boundary line to the rear of the application site for the approved dwelling to east of the site (Woodside ((ref: 13/01426/F)). Thus, it would be difficult to argue that the application site is outside the built up limits of the settlement of Bloxham.
- 8.8. This proposal is therefore considered to be minor development within the built up limits of the settlement of Bloxham, which is one of the more sustainable villages within the Cherwell District. It is therefore considered that the principle, in general sustainability terms, of the 3 dwellings on this site could be acceptable.
- 8.9. However, the acceptability of the proposal is also largely dependent on it not causing significant harm to the character and appearance of the locality. Furthermore, the acceptability of the development is also dependent on it not causing harm to residential amenity, ecology, highways safety or public health through land contamination. These issues are discussed below.

Design and Impact on the Character of the Area

- 8.10. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

- 8.11. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”*
- 8.12. Saved Policy C28 of the adopted Cherwell Local Plan exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.13. Policy BL12 of the Submission DBNDP 2015-2031 states that: *“Development of domestic gardens will not be permitted unless such proposals fully meet all the criteria set out in Policies BL10 and BL11”*. Policy BL10 of the plan relates to the Bloxham Conservation Area and is therefore not relevant in this instance. However, Policy BL11 of the Submission DBNDP 2015-2031 states that: *“All development shall be encouraged to respect the local character and the historic and natural assets of the area. The design and materials chosen should preserve or enhance our rural heritage, landscape and sense of place.”* Policy BL11 goes on to state development should relate in scale, massing and layout to neighbouring properties, be in keeping with local distinctiveness and characteristics of the historic form of the village and make a positive contribution to the character of Bloxham and its rural feel.
- 8.14. Paragraph 61 of the NPPF highlights that securing high quality and inclusive design goes beyond aesthetic considerations and that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 8.15. The built form is linear in nature along the Milton Road from Coton Wood to The Unicorn. The pattern is one of detached properties set in spacious plots, with a strong frontage onto Milton Road. Whilst a dwelling has recently been erected to the rear of No.19 Milton Road (Woodside) and there are two dwellings to the rear of the telephone exchange, these three dwellings are served by an existing access (Exchange Lane) and are considered to clearly relate to Exchange Lane.
- 8.16. Whilst all matters are reserved, the case officer is of the opinion that residential development on the site would constitute undesirable ‘backland’ development. Given the proposed siting of the dwellings to the rear of No.15 and No.17 and that a separate access would be required to serve these proposed dwellings, it is considered that the proposed development would fail to sympathetically relate to the linear built form to the west as well as the development to the east of the site. In particular any development would not have a frontage onto the street but instead would be surrounded on three sides (including to the front) by the rear gardens of neighbouring properties. The proposed development would also be visible from Public Footpath 136/4/10 to the east of the site as well as Milton Road, and would appear incongruous in views from this Footpath.
- 8.17. Whilst layout and scale are reserved matters, it is worth noting that the indicative layout on Drg No 2015-1002-P01 Rev B also appears cramped and contrived on the site due to the large scale of the dwellings in relation to the size of the plots. Such a design approach is considered to be undesirable as it would not relate well to the more spacious character of existing development, but given the limitations of the site it is difficult to see how a more acceptable arrangement could be achieved.
- 8.18. Examples of other sites where ‘backland’ development has taken place in Bloxham have been referred to by the applicant’s agent, but the sites referred to are along Banbury Road. Each proposal must be assessed on its own planning merits, and it is not considered that examples of development along Banbury Road are relevant

given the differing contexts between these existing developments and the current application site.

- 8.19. The Arboricultural Officer has stated that they have no objections to the proposal, subject to a condition that the recommendations of the tree report are adhered to, and such a condition would be attached if the application were to be recommended for approval.
- 8.20. In summary it is considered that the proposal would constitute an undesirable form of 'backland' development which fails to sympathetically relate to the existing development within the locality and would appear incongruous within this location, detrimental to the visual amenities and the overall character of the area. The proposal would fail to reinforce or enhance local character and therefore does not constitute acceptable 'minor development' and is unacceptable in principle. The proposal is therefore contrary to Policies Villages 1, ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Residential Amenity

- 8.21. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Paragraph 17 of the NPPF notes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy C30 of the Cherwell Local Plan 1996 states that design control will be exercised so that new housing development or any proposal for the extension or conversion of any existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority.
- 8.22. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that: *“Development which is likely to cause detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.”*
- 8.23. Policy BL9 of the Submission DBNDP 2015-2031 relates to the neighbour amenity of existing residents and states that all development, shall where appropriate, avoid impinging upon the amenity of nearby residents in terms of noise or light pollution, privacy or access to daylight.
- 8.24. As all matters are reserved, a fully detailed assessment into the impact upon the amenities of neighbouring properties cannot be made. However, it is considered that the properties most likely to be affected by the proposed development would be No's 13, 15, 17 and 19 Milton Road and Woodside on Exchange Lane.
- 8.25. In relation to No's 15 and 17 Milton Road, these properties are to the south of the site and it is considered that suitable separating distances could be achieved between the proposed dwellings and these existing dwellings, that accord with the guidelines set out within the Council's Home Extensions and Alterations Design Guide, so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.
- 8.26. Regarding No.13 Milton Road, care will need to be taken in relation to putting windows in the west side elevations of dwellings, but it is considered that a suitable arrangement can be devised in order to prevent undue harm to No.13 in terms of loss of privacy or overlooking. Whilst the layout shows a proposed dwelling would run adjacent to the rear garden of No.13 to a certain extent, given the orientation of

the site and the overall size and length of the garden of No.13 it is considered that such a layout would not result in undue harm to No.13 in terms of the creation of an overbearing affect.

- 8.27. In relation to No.19 and Woodside, care will need to be taken in relation to putting windows in the east side elevations of dwellings, but it is considered that a suitable arrangement can be devised in order to prevent undue harm to No.19 in terms of loss of privacy or overlooking. It is considered that windows in the south elevations of dwellings could be acceptable if they are set back at an acceptable distance from No.19 and it is considered that such distances could be achieved in order to prevent a loss of privacy to No.19. In relation to Woodside, there are 4 west side ground floor windows on this dwelling, only one of which serves a habitable room (sitting room). That said, this window is considered to be a secondary source of light to the room as it also has a large window on its rear elevation and it is considered that any loss of light to the side window would not be detrimental to the occupiers. There are 3 west side first floor windows on the dwelling, only one of which serves a habitable room (a bedroom over the garage), but this room has two other windows on the rear and east side elevations and it is considered that a suitable arrangement can be devised to prevent a detrimental loss of light to this room.
- 8.28. Whilst it is considered that a scheme comprising of two storey dwellings could be proposed that prevents undue harm to any neighbouring properties in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing affect, the case officer has concerns in relation to the proposed access to the site. The access shown would run between the dwellings at No.15 and No.17 Milton Road and would then run behind these dwellings. Given the close proximity of this track to these properties, any vehicle movements along the access are likely to result in a level of noise and disturbance within these adjacent dwellings and their relatively reduced back gardens, and this would in turn affect the enjoyment of the adjacent neighbours' private amenity areas and therefore harm the living conditions of current and future occupants of these neighbouring dwellings. Whilst it is possible to partially mitigate some vehicle noise along the road way with the installation of acoustic fencing, this would not be completely mitigated and the case officer holds the view that the general disturbance would be significant from the comings and goings associated with residential occupancy of the 'backland' site.
- 8.29. Given the above, it is considered that the proposal would result in unsatisfactory living conditions within adjacent residential properties through the introduction of increased vehicular activity. Thus, the proposal is considered to be contrary to Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C30 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Highway Safety

- 8.30. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should be designed to deliver high quality, safe, attractive, durable and healthy places to live and work in.
- 8.31. Whilst access is a reserved matter, the Council must be satisfied at this stage that an acceptable access can be achieved. The red line which marks the extent of the application site clearly outlines an access from Milton Road which runs between No.15 and 17 Milton Road therefore detailed comments on the access can be made. After reviewing a topographical survey submitted on behalf of the applicant, the Local Highways Authority has objected to the application. The Local Highways Authority has noted that the displayed location for the access serving the proposed three units is positioned too close to the next door property of No.15 and does not

allow for the required vision standard. The Local Highways Officer has noted that if the access were located centrally within the frontage of No.17 the standards would be met. In addition the Local Highways Authority has stated that if the access shown in the submission were to remain, the boundary hedge to the frontage of both No.15 and 17 would in part need to be removed and setback as above to provide the required standard. However, both of these solutions would require amendments to the red line which would result in a process of re-consultation and this is not deemed necessary given the above in principle objections to the proposal that the case officer holds.

8.32. Whilst Bloxham Parish Council has raised concerns in relation to the parking provision and Policy BL4 of the Submission DBNDP 2015-2031 set outs parking standards, it is considered that a scheme for 3 dwellings on the site could comfortably achieve the parking provision set out in Policy BL4, and this could be secured at reserved matters stage.

8.33. It is therefore considered that the access which is currently proposed to serve the site is substandard in vision terms and its use for the purpose proposed will be of detriment to the safety and convenience of other road users, contrary to Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the NPPF.

Contaminated Land

8.34. The Council's records indicate the site is on potentially contaminated land, but the Council's Environmental Protection Officer has raised no objections to the proposal. However, if the application were to be recommended for approval it would be considered necessary to attach a condition which notes that if unsuspected contamination is found to be present at the site, not 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 the Local Planning Authority.

Ecological Impact

8.35. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

8.36. Paragraph 109 of the NPPF states that: *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible."* Policy ESD10 of the Cherwell Local Plan Part 1 echoes Paragraph 109 of the NPPF in relation to the above.

8.37. The Ecology Officer has no objections in principle to the proposed development at the site. The Ecology Officer has sought biodiversity enhancement measures and these could be conditioned if the application were to be recommended for approval.

8.38. To the rear of the site is a BAP Habitat comprising of lowland mixed deciduous woodland. Whilst the Ecology Officer would like assurance that the housing would not encroach further into the tree belt, the trees themselves are not protected and those within the site could potentially be felled without requiring consent at this moment in time.

Other Matters

8.39. The applicant and their agent have made reference to the pre-application advice given by the Council in July 2015, and in particular have stated that the advice given was supportive of the principle of residential development on the site. They further state that they consider it unreasonable for officers to now raise concerns with the acceptability of residential development on this site.

8.40. Government Guidance is clear that pre-application advice cannot prejudice the decision a Council makes on a subsequent planning application. Nevertheless it is a material consideration. In this case the pre-application advice was given in respect of a scheme for 7 dwellings (including the demolition and replacement of 15 and 17 Milton Road), and was clear that the scheme was considered unacceptable in terms of the number of dwellings proposed and the relationship with existing development. Nevertheless the advice did conclude by suggesting that *“for the scheme to be considered acceptable it is likely to require the removal of a significant number of plots from the scheme”*.

8.41. Officers accept that this gives the impression that some residential development on the site could be acceptable. However the current application is for a materially different scheme, and further advice was not sought prior to the submission of the current scheme. Moreover, whilst the pre-application advice is a material consideration, officers do not consider it justifies approving development which is considered unacceptable in design terms and contrary to Development Plan policy, for the reasons set out above.

8.42. That said, officers fully recognise the value and importance of good quality pre-application advice, and further recognise that in this case it was not unreasonable for the applicant to conclude from the advice given that a scheme for a reduced number of dwellings (as proposed) could be acceptable. It is important that applicants and agents have confidence in the Council's pre-application system, and measures have been put in place since July 2015 aimed at improving the quality and reliability of pre-application advice. In the circumstances, if the Planning Committee resolve to refuse planning permission as recommended, officers will arrange for the fee paid in respect of the pre-application advice to be refunded in full.

8.43. Bloxham Parish Council has raised concerns in relation to an increase in the flooding risk, but the site is located within a Zone 1 Flood Plain, i.e. land as having a less than 1 in 1,000 annual probability of river flooding, therefore it is considered highly likely that the proposal would not increase the likelihood of flooding risk to an extent that would justify refusal.

8.44. Bloxham Parish Council has requested clarification as to the legal aspects of a shared drive and the Landscape Officer has also sought clarification of the ownership of the site, but such matters are not material planning considerations and so cannot influence the Council's decision on the application.

9. RECOMMENDATION

That permission is refused, for the following reason(s):

1. The proposed development represents inappropriate 'backland' development as the proposal fails to sympathetically relate to the established linear form and pattern of existing development along Milton Road, appearing incongruous within this location, detrimental to the visual amenities and the overall character of the area. The proposal does not constitute acceptable 'minor development' and is unacceptable in principle. Thus, the proposal is contrary to Policies Villages 1, ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.
2. The proposed development, by virtue of the layout of the access track serving the proposed dwellings, would result in unsatisfactory living conditions within the adjacent residential properties of No.15 and 17 Milton Road through the introduction of noise and disturbance as a result of increased vehicular activity. Thus, the proposal is contrary to Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C30 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.
3. The access which is proposed to serve the site is substandard in vision terms and its use for the purpose proposed will be of detriment to the safety and convenience of other road users, contrary to Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the NPPF.

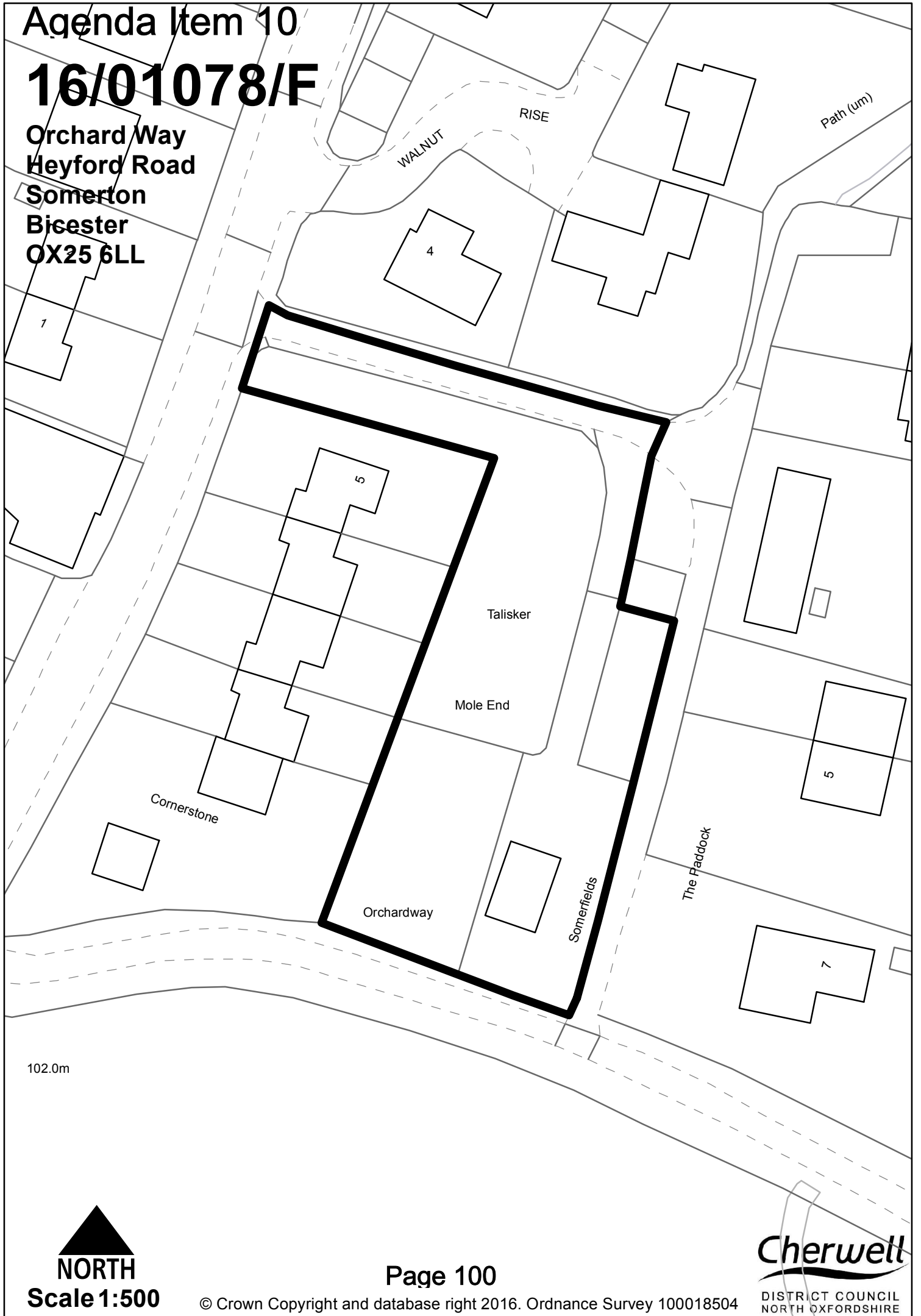
PLANNING NOTES

For the avoidance of doubt, the plans and documents considered by the Local Planning Authority in reaching its decision on this application are: Application Form submitted with the application, Design and Access Statement dated May 2016, Planning Statement dated May 2016, Drawing Numbers 2015-1002-P01 Revision B and Tree Report by Sacha Barnes Ltd dated March 2016 (ref: SB/JS/448) submitted with the application and Drawing Number 4039-01 received from the applicant's agent by e-mail on 8th July 2016.

Agenda Item 10

16/01078/F

Orchard Way
Heyford Road
Somerton
Bicester
OX25 6LL



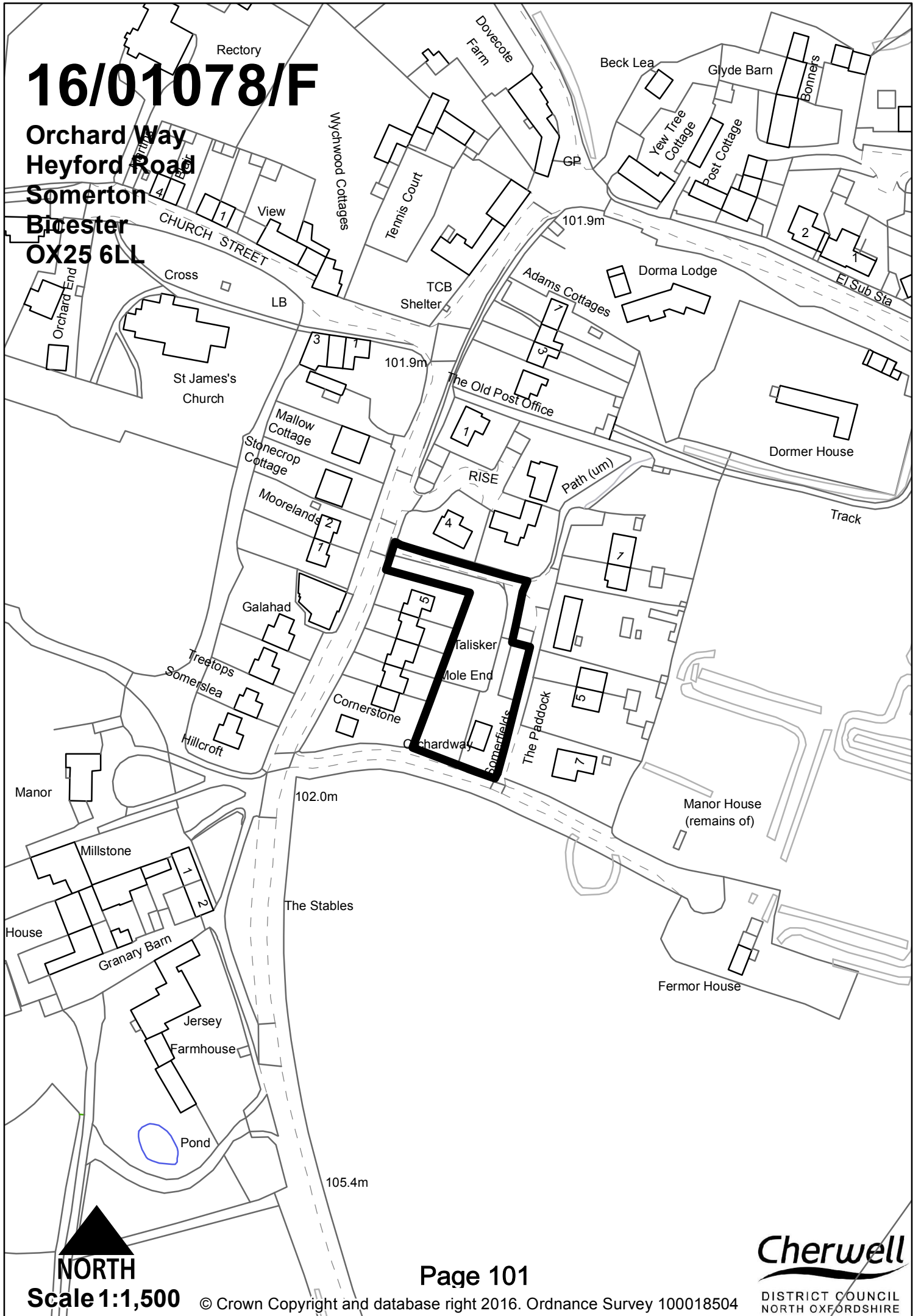
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NORTH
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16/01078/F

Orchard Way
Heyford Road
Somerton
Bicester
OX25 6LL



Case Officer: Gemma Magnuson **Ward(s):** Deddington

Applicant: Cadmonkies

Ward Member(s): Cllr Bryn Williams
Cllr Hugo Brown
Cllr Mike Kerford-Byrnes

Proposal: Alterations to include extension and basement (revised scheme of 15/01895/F)

Committee Date: 29.09.2016 **Recommendation:** Approve

Referred to Planning Committee because previous applications have also been determined by the Committee

1. **Application Site and Locality**

- 1.1 Orchard Way is a detached one and a half storey building situated central to the village of Somerton. The building sits behind link-terraced properties that front onto Heyford Road, and to the front of properties along The Paddock; a shared access track taken from Heyford Road that is also a Public Footpath (ref: FP/349/10). The access to the site is within the Conservation Area, although the building itself is not in the Conservation Area. The building is not listed and the site does not form part of the setting of any listed buildings. The land may be contaminated by naturally occurring Arsenic. The site is of medium archaeological interest. The Common Swift and Brown Long-eared Bat, Protected and Notable Species, have been identified in close proximity to the site, and the Ardley Cutting and Quarry and Bestmoor SSSI's are within 2km.
- 1.2 The building was originally constructed as a detached double garage, then home office, serving Somerfields, a property fronting onto Heyford Road. The home office gained retrospective planning permission on 16 February 2007 under reference 06/02348/F that included the following condition:
- 1.3 The building hereby approved for conversion shall be used for purposes ancillary to the residential use of "Somerfields", and/or to conduct office activities related to the business of the applicant and his wife only, namely office uses that support the operation of an after school instruction academy operated elsewhere and for no other use whatsoever and no other persons shall be employed therein.
- 1.4 Planning permission for the independent use of the building as a self-contained dwelling was granted at Appeal on 12 June 2015 under reference 14/00067/F, subject to pre-commencement conditions that have not yet been discharged. The permitted development rights for extensions to the dwelling and the erection of outbuildings were also removed.
- 1.5 Officers are of the opinion that the use of the building as a self-contained dwelling is not authorised, although the relevant permission does not expire until 12 June 2018, and therefore could still be implemented. For the purposes of the consideration of this application, both scenarios have been assessed; the extension and alteration of a detached home office to be used ancillary to Somerfields, and the extension and alteration of a self-contained dwelling.

2. Description of Proposed Development

- 2.2 The development would involve the erection of the single storey extension that recently gained planning permission following an Appeal against non-determination of application ref: 15/01895/F. In addition, a lean to style porch and basement accommodation is now proposed.

3. Relevant Planning History

- 3.1 96/01695/F – Two storey rear extension and extension of garden and new double garage – granted.

NB. The garage was not constructed in accordance with the approved plans.

- 3.2 99/01840/F – Erection of a double detached garage and change of use of adjoining land to form new access from garage to private access drive (Retrospective) – granted.

The application sought to regularise the works undertaken following approval of 96/01695/F. The application was approved subject to conditions, including condition 5 that removed the permitted development rights for new openings and condition 8 that required the garage to remain ancillary to Somerfields.

- 3.3 02/00497/F – Removal of Condition 8 on 99/01840/F to allow use of garage not in conjunction with or ancillary to 'Somerfields' – refused, on the following grounds:

In the absence of any further information regarding the future use of the garage independently of the property at "Somerfields" the proposed removal of Condition 8 of 99/01840/F would be likely to lead to additional traffic generation using a substandard access which would be detrimental to highway safety and which would have an adverse affect on the residential amenities of neighbouring residents contrary to Policies C31 and TR2 of the adopted Cherwell Local Plan.

The access serving this garage is substandard in vision and geometric terms. Traffic generated as a product of the proposal will result in a detriment to the safety of other road users.

No Appeal was submitted.

- 3.4 06/02348/F – Non-Compliance with condition 5 of 99/01840/F - To change the use from double garage to study, store and loft and insert windows and door (RETROSPECTIVE) with pitched roof over utility room – Granted

The application was approved subject to conditions, including condition 1 that restricted the use of the outbuilding as follows:

The building hereby approved for conversion shall be used for purposes ancillary to the residential use of "Somerfields", and/or to conduct office activities related to the business of the applicant and his wife only, namely office uses that support the operation of an after school instruction academy operated elsewhere and for no other use whatsoever and no other persons shall be employed therein.

- 3.5 10/01719/F – Detached garage/store/log hovel and drive with associated landscaping and external works – refused. No Appeal was submitted.

The application sought consent for a garage to be positioned forward of the building that is the subject of the current application. The application was refused on the following grounds:

The proposed garage/store and access route, by reason of siting, design, materials and scale will result in an unsympathetic and incongruous addition on an undeveloped and elevated important gap of land which forms part of the character of this loose knit settlement and further, the development would fail to preserve, enhance or better reveal the significance of the setting of the Somerton Conservation Area heritage asset as it would be visually prominent and intrusive along a public footpath route no. FP349/10. The development would therefore be contrary to policies BE1, BE6, CC6 of the South East Plan 2009, Policies C28 and C33 of the adopted Cherwell Local Plan and Government advice contained in PPS1 (Delivering Sustainable Development) and PPS5 (Planning for the Historic Environment).

The access from which it is proposed to serve the development is substandard in vision terms and movements generated as a product of the proposal will be of detriment to the safety and convenience of other road users, contrary to Policy T1 of the South East Plan and Government advice contained in PPG13 (Transport).

- 3.6 11/00448/F – Erection of detached garage, store, log hovel and drive with associated landscaping and external works - resubmission of 10/01719/F – refused. No Appeal was submitted.

The application sought to address the reasons for refusal of 10/01719/F through rotating the garage by 90 degrees, although still sitting to the front of the building that is the subject of the current application.

The application was refused on the following grounds:

The proposed garage/store and access route, by reason of siting, design, materials and scale will result in an unsympathetic and incongruous addition on an undeveloped and elevated important gap of land which forms part of the character of this loose knit settlement and further, the development would fail to preserve, enhance or better reveal the significance of the setting of the Somerton Conservation Area heritage asset as it would be visually prominent and intrusive along a public footpath route no. FP349/10. The development would therefore be contrary to policies BE1, BE6 and CC6 of the South East Plan 2009, Policies C28 and C33 of the adopted Cherwell Local Plan and Government advice contained in PPS1 (Delivering Sustainable Development) and PPS5 (Planning for the Historic Environment).

The access from which it is proposed to serve the development is substandard in vision terms and movements generated as a product of the proposal will be of detriment to the safety and convenience of other road users, contrary to Policy T1 of the South East Plan and Government advice contained in PPG13 (Transport).

- 3.7 11/01805/F – Erection of detached garage, store and log hovel – granted.

The application sought to address the reasons for refusal of 10/01719/F and 11/00448/F by positioning the garage adjacent to the building that is the subject of the current application.

The application was approved. The Case Officer for the current application visited the site on 17 November 2015 and the base for the garage was in place.

- 3.8 13/00894/F – Extension to existing outbuilding and conversion to single dwelling house – refused. No appeal submitted.

The application sought consent to join the garage approved under reference 11/01805/F and the building that is the subject of the current application to form a self-contained dwelling. The application was refused on the following grounds:

Somerton is a Category 2 settlement as defined in the Adopted Cherwell Local Plan 1996. Within such settlements, new residential development is restricted to conversions, infilling and small-scale development which can be shown to secure significant environmental improvements. It is the opinion of the Local Planning Authority that the proposed development does not accord with these provisions as it will erode an established gap to the significant harm to the setting of the adjacent Somerton Conservation Area and to the established settlement pattern of the village. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework and saved policies H14, C23, C27, C28 and C33 of the adopted Cherwell Local Plan 1996.

The access from which it is proposed to serve the development is substandard in vision and geometric terms and movements generated as a product of this proposal will result in a detriment to the safety and convenience of other road users contrary to central Government guidance contained within the National Planning Policy Framework.

- 3.9 14/00067/F – Conversion of existing building into a self-contained dwelling with associated Highway Safety access improvement works (re-submission of 13/00894/F) – refused; allowed at appeal 12 June 15.

The application sought to change the use of the existing building to a self-contained dwelling, to include works to access in order to overcome the previous reasons for refusal on the grounds of highway safety. Officer's recommended that the application was approved, although this was overturned by Members at Planning Committee on 07 August 2014 and the application was refused on the following ground:

The proposed development of a new unit of accommodation in this backland location would erode the established settlement pattern of the village, and with the introduction of a domestic curtilage with all the paraphernalia associated with it, the character and setting of the Conservation Area and the character and amenity of the immediately surrounding area would be detrimentally affected contrary to Policy C27 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

An Appeal was submitted and the proposal was subsequently approved on 12 June 2015 subject to conditions under reference: APP/C3105/W/15/3008323. Some conditions were pre-commencement and these have not yet been discharged. The permitted development rights for extensions and outbuildings were removed.

- 3.10 15/00005/DISC – Discharge of Condition 3 of 11/01805/F – granted.

The application related to the approved detached garage to the west of the building that is the subject of the current application. The application form confirmed that works had started on site on 01 December 2014.

The application was approved on 24 February 2015

3.11 15/01895/F - Alterations and erection of extension - Appeal allowed.

The application sought consent to extend and alter the building that was given planning permission at Appeal (ref: APP/C3105/W/15/3008323). Whilst Members resolved to refuse the application, a delay was experienced in issuing the decision and an Appeal against non-determination was subsequently submitted (ref: APP/C3105/W/16/3143988) including an Appeal for Costs against the Council, both of which were allowed on 09 May 2016.

The current application seeks to amend the development approved as part of 15/01895/F.

3.12 16/01078/F – Alterations and erection of car port – due to be considered by Members at the Planning Committee meeting on 04 August 2016.

4. Response to Publicity

4.1 The application has been publicised via neighbour letter, press notice and site notice. The final date for comment is 18 August 2016. No responses have been received at the time of writing.

5. Response to Consultation

5.1 Somerton Parish Council: no comments received at the time of writing.

5.2 Oxfordshire County Council Highway Authority: no comments received the time of writing.

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

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

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

C23 – Retention of features contributing to character or appearance of a Conservation Area

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

6.2 Other Material Planning Considerations:

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

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

7. Appraisal

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

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

Principle of Development

7.2 The application seeks consent to extend an existing building that is used as a home office ancillary to Somerfields, and that also benefits from planning permission to be converted to a self-contained dwelling. In either case, Officers do not consider that there are any site constraints which should restrict the principle of the erection of an extension to a domestic building in this location.

Design, Layout and Appearance

7.3 Government guidance contained within the Framework attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

7.4 Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.

7.5 Saved Policies C28 and C30 of the Cherwell Local Plan 1996 seek to control new development to ensure that it is sympathetic to the character of its context, and that any proposal to extend an existing dwelling is compatible with the scale of the existing dwelling, its curtilage and the character of the streetscene.

7.6 The proposed extensions and basements would be single storey and would not represent disproportionate additions to the building. External construction materials are proposed to match those existing. Indeed the larger of the extensions already benefits from planning permission that was granted at Appeal where the Inspector commented as follows:

7.7 *The Council is concerned that further extension and expansion of the building would increase its prominence and would be harmful to the character and appearance of the adjacent Conservation Area. However, its siting to the rear of Somerfield, coupled with its*

modest size and scale, significantly restricts views of the proposed extension from the public realm. It would integrate well with the existing building and its impact on both its immediate surroundings and the nearby Conservation Area would be limited and insufficient to justify a refusal of planning permission.

- 7.8 *While I acknowledge that the separation between the houses situated on Heyford Road and those situated in The Paddock adds to the overall character of the area, I do not regard the modest extension proposed would alter this in any material way or justify a refusal of planning permission.*
- 7.9 The proposed basement would be underground, with the only visible element being a central light well that would not protrude above ground level.
- 7.10 For these reasons officers consider that the extensions and basement would appear as subservient additions to the building, with a design and appearance that is sympathetic to their host.

Impact on Heritage Assets

- 7.11 Government guidance contained within the Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.12 Officers consider that, due to the position of the extensions to the rear and side of the building, and beneath the ground, and given the presence of surrounding boundary treatments, the development would not result in any material harm to the setting of the Conservation Area.

Landscape and Visual Impact

- 7.13 Policy ESD 13 of the adopted Cherwell Local Plan 2011-2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 7.14 The proposed extensions would be positioned to the rear and side of the existing building. Due to site sitting at a lower level than the public footpath, the development would be largely screened from view of the public domain by the existing close boarded fence, although the roof of the rear extension and flue would be visible. Despite the visibility of the roof, Officers consider that the development would not appear overly prominent or detract from the visual amenities of the area.
- 7.15 The flue would exceed the height of the roof by 60cm, and would be positioned upon the least prominent western roof slope, along with the proposed rooflights. Given the proximity to the Conservation Area boundary, Officers consider it reasonable to impose a condition requiring the flue to be of matt black appearance. Subject to this condition, it is considered that these elements of the proposal would not cause any material harm to the amenities of the area.

Trees and Landscaping

- 7.16 The southern (rear) boundary of the site is currently marked by a hedgerow and some trees, both within and beyond the site. Condition 5 of approved application 11/01805/F relating to the detached garage to the west requires the hedgerow and trees to be maintained at a height not less than 4 metres, and that any hedgerow or tree that should die within 5 years of

completion of development be replaced and maintained in accordance with the condition. The reason for the imposition of this condition was in the interests of visual amenity and to provide an effective screen of the development.

- 7.17 An area of earth would need to be removed in order to construct the rear extension as the hedgerow and trees sit at a higher level than the existing building. As part of the recent Appeal decision at this site the Inspector commented as following with regard to the trees:
- 7.18 *I note the Council's concerns regarding the impact of the proposed development on the trees along the site boundary. While I acknowledge that they make a positive contribution to the visual amenities of the site and its surroundings, I am satisfied that any harm likely to arise can be adequately guarded against by the imposition of a condition requiring the submission of an arboricultural survey and method statement such as that suggested by the Council.*
- 7.19 Officers consider this to continue to be applicable to the scheme and conditions have been recommended accordingly.

Accessibility, Highway Safety and Parking

- 7.20 Government guidance contained within the Framework seeks developments that are located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. Due to the proposed location of the basement and light well the proposed parking area has been relocated closer to the entrance to the curtilage where an application for a car port is currently being considered (ref: 16/01077/F). The proposed development would not, however, result in a reduction of off-street parking within the site. The local highway authority has not provided comments on the scheme at the time of writing.

Effect on Neighbouring Amenity

- 7.21 Government guidance contained within the Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 that states that development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Saved Policy C30 of the Cherwell Local Plan 1996 seeks standards of amenity and privacy acceptable to the LPA.
- 7.22 Officers consider that the extensions are a sufficient distance from all neighbouring properties in order to avoid any harm in terms of a loss of amenity. Two rooflights are proposed, although as the mezzanine floor would be removed these would be high level and no outlook would be obtained. Further, the openings are over 22 metres from the rear elevations of dwellings fronting onto Heyford Road. Officers do not consider that the development would result in an undue or demonstrably harmful loss of privacy.

Drainage

- 7.23 The application was deferred by the 4th August Planning Committee for more information to be sought from the applicant with regard to hydrological and service run issues across the site.
- 7.24 A plan has been obtained from the applicant's agent to show existing services. The plan shows no service runs pertaining to any other property, except a water main running from Emanon across the site towards 5 The Paddock. This water main is shown to stop short of the site's eastern boundary but would appear to be the one referred to by an objector to that which provides 4 and 5 The Paddock and Paddocks End. However, the said water main does not go close to the application building or the proposed below ground element.

- 7.25 If the local planning authority was to take this issue forward, it would require evidence in the form of plans and legal documentation (which the Council would keep confidential) to show the sewage and water supplies mentioned in the objectors' representations.
- 7.26 Notwithstanding the above, there are no known hydrological constraints at the site or in its vicinity, and in the view of officers a refusal reason on this basis could not be substantiated at appeal.

Conclusion

- 7.27 For the reasons set out in this report the principle of the proposed extensions, basement and alterations of the building in this location is considered acceptable. The development would not materially harm the setting of the Somerton Conservation Area, the visual amenities of the locality, highway safety or the amenity and privacy currently enjoyed by neighbouring properties, or hydrological conditions, or drainage in the locality, and thus accords with Government guidance contained within The Framework, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policies C28 and C30 of the Cherwell Local Plan 1996.

9. Recommendation

Approve, subject to conditions:

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, Drawing No's: P/16/103/001 and P/16/103/002

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

3. The natural stone to be used on the walls of the extension shall be of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within The Framework.

4. The slate to be used for the roof of the extension hereby approved shall match in terms of colour, type and texture those used on the existing building.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within The Framework.

5. The flue shall be painted black with a matt finish.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within The Framework.

6. Prior to the commencement of the development and notwithstanding the submitted details, an arboricultural survey, undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of identifying and retaining important trees on the site in accordance with saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

8. The existing hedgerow/trees along the southern boundary of the site shall be retained and properly maintained at a height of not less than 4 metres. Any hedgerow/trees which dies within five years from the completion of the development shall be replaced and thereafter properly maintained in accordance with this condition.

Reason – In the interests of the visual amenities of the area and to comply with Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within The Framework.

9. Prior to the commencement of the development hereby approved, full details of the hardsurfacing, (including material, colouring and layout), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, the hardsurfacing shall be provided on site in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with saved Policy C28 of the Cherwell Local Plan, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

NOTES

1. This permission shall not imply or be deemed to imply approval for details required in order to discharge conditions from application ref: 14/00067/F, the use of the extensions and basement as part of an independent self-contained dwelling, or the retention, or alteration, of the existing access or parking area serving the site. The above matters will need to be

considered as part of an application to discharge conditions, or to vary, or remove, relevant conditions.

2. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council's Environmental Protection Officer.

STATEMENT OF ENGAGEMENT

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

CONTACT OFFICER: Gemma Magnuson

TELEPHONE NO: 01295 221827

16/01443/F

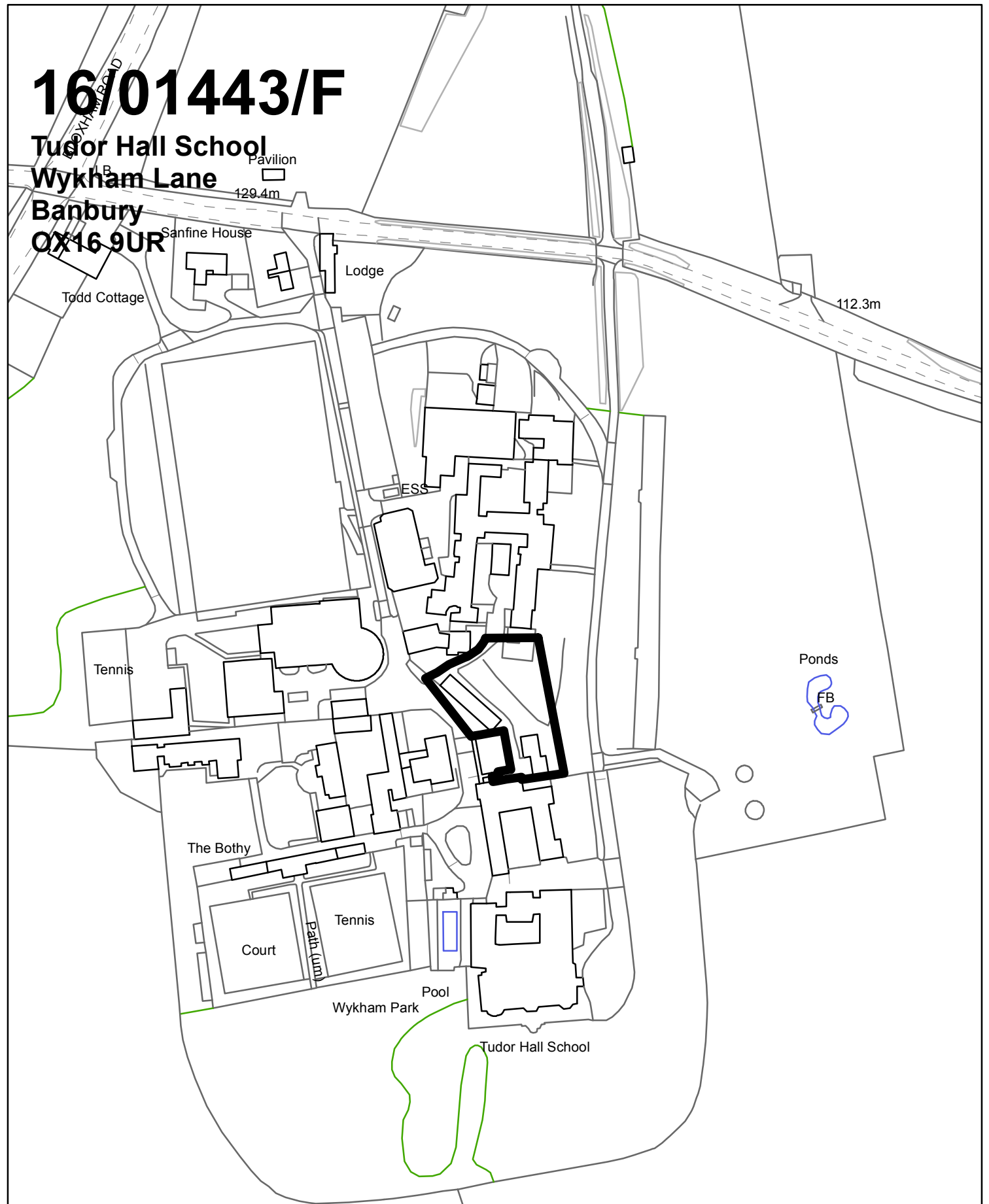
Tudor Hall School
Wykham Lane
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NORTH
Scale 1:500

16/01443/F

Tudor Hall School
Wykham Lane
Banbury
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NORTH
Scale 1:2,000

Tudor Hall School
Wykham Lane
Banbury
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16/01443/F

Case Officer: Matthew Chadwick **Contact Tel:** 01295 753754

Applicant: Tudor Hall School

Proposal: The demolition of existing single storey teaching accommodation to be replaced by a purpose built teaching building consisting of 12 classrooms and an atrium link to an existing teaching building - Blyth. Externally a hard-landscaped amphitheatre which is stepped and ramped connects the new building with the heart of the school.

Expiry Date: 24/10/2016

Ward:	Banbury Calthorpe and Easington	Committee Date:	29/09/2016
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Ward Councillors: Councillor Clarke, Councillor Mallon and Councillor Morris

Reason for Referral: Major application by site area

Recommendation: Approval

1. APPLICATION SITE AND LOCALITY

- 1.1. Tudor Hall is a private boarding and day school for girls between the ages of 11 to 18 years old. There are currently 330 pupils at the school and around 75% of these pupils are full boarders. The pupil numbers have increased 22% over the last ten years. The school is situated to the east side of the A361 between Banbury and Bloxham. The main, original buildings on the site are Grade II Listed and have an outlook over the parkland to the south and east. There are a variety of buildings on the site that serve the school, and as the site has developed through time a number of more modern buildings have been added to the north and west of the original, historic buildings.
- 1.2. Great Crested Newts have been found in proximity to the site, which are a protected species.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning consent is sought for a new teaching block, which would involve the demolition of two single storey 1970s teaching buildings which are no longer fit for purpose or sympathetic to the historic context of the site. The new teaching building would be arranged over two floors and include 12 new teaching spaces, a staircase and lift in a 'pod' and a glazed link to an existing teaching block known as Blyth. Externally, there will be a stepped access to the new buildings which would link the new buildings to the existing parts of the school.

3. RELEVANT PLANNING HISTORY

- 3.1. 12/01225/F: Erection of teaching building with atrium link to existing building. External hard landscaping to create amphitheatre APPROVED 05 February 2013.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.
- 5.2. No comments have been raised by third parties.
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL

- 6.2. BANBURY TOWN COUNCIL: **No objections.**

STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections**, subject to a condition relating to a Construction Traffic Management Plan to be submitted and approved by the Local Planning Authority.

NON-STATUTORY CONSULTEES

- 6.4. ARBORICULTURE: The tree report is more than 4 years old and does not relate to the current British Standard and a current Arboricultural report is required.
- 6.5. ARCHAEOLOGY: **No objections.**
- 6.6. CONSERVATION: No comments received.
- 6.7. CONTAMINATED LAND: **No objections.**
- 6.8. ECOLOGY: No comments received.
- 6.9. LANDSCAPE SERVICES: **No objections.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 7.2. 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 (CLP 2031 Part 1)

- BSC7 – Meeting Education Needs
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

- 8.1. The key issues for consideration in this case are:

- Principle of development
- Design, impact on the character of the area and heritage assets
- Residential amenity
- Landscape impact
- Arboriculture
- Highway safety

Principle of development

- 8.2. Policy BSC7 of the Cherwell Local Plan 2011 – 2031 Part 1 states that the Council will work with partners to ensure the provision of pre-school, school, community learning and other facilities which provide for education and the development of skills. New schools buildings should be located in sustainable locations.

- 8.3. The proposals would involve an extension to the existing school which would be within the existing site. Furthermore consent has previously been granted for essentially the same development (12/01225/F), and there has been no change in planning policy or the site and its context which would justify a different conclusion now. It is therefore considered that the proposed development is acceptable in principle, subject to the other relevant material planning considerations which shall be discussed below.

Design, impact on the character of the area and heritage assets

- 8.4. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”*

- 8.5. Saved Policy C28 of the Cherwell Local Plan 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings.
- 8.6. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority has a duty to give special regard to the desirability of preserving a listed building or its setting.
- 8.7. The proposal would involve the demolition of two single storey buildings which are of no particular architectural merit and the clearance of a group of small trees. These would be replaced by four new buildings which would create new classrooms and would be attached to the existing building named 'Blyth' by a glazed atrium link. Two of the buildings would sit in line with the listed building to the south and the other two buildings would create an angled 'L' shape, with entrance pod linking the buildings together.
- 8.8. The buildings would sit in close proximity to the Grade II Listed Building to the south. The design and scale of the buildings are considered to be appropriate given the context of existing modern school buildings, and would not cause further harm to the setting or significance of the heritage asset. The proposed buildings would also be of an appropriate design given the other existing buildings on the site and would be in keeping with the palette of materials found within the site. The hard landscaped amphitheatre would create a courtyard to the entrance to the buildings and would deal with the change in land levels on the site. Furthermore the current scheme is similar to that of the previously approved scheme from 2012 and the design and the impact on the Listed Building is considered to remain acceptable.

Residential amenity

- 8.9. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 8.10. The application site is not located in close proximity to any residential properties and therefore there would be no significant harm caused by the proposals to the amenity of the nearest residential neighbours.

Landscape impact

- 8.11. Policy ESD13 of the Cherwell Local Plan 2011 – 2031 Part 1 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:
- Cause undue visual intrusion into the open countryside;
 - Cause undue visual harm to important natural landscape features and topography;
 - Be inconsistent with local character;
 - Impact on areas judged to have a high level of tranquillity;
 - Harm the setting of settlements, buildings, structures or other landscape features, or;

- Harm the historic value of the landscape.

8.12. The landscape impact of the development has been considered as part of the Design and Access Statement submitted with the application. Glimpses of the new buildings may be seen from Wykham Lane to the north east, however there are a number of existing mature trees to the north and east of the site that would screen the development. The Landscapes Officer has no objections to the scheme and due to the scale and siting of the development; it is considered that it is appropriate with regard to its landscape impact.

Arboriculture

8.13. A Tree Survey and Arboricultural Method Statement has been submitted with this application. The Arboricultural Officer has commented that the tree report is more than 4 years old and that the report does not relate to the current British Standard 5837:2012 and that a new Arboricultural report should be submitted. The proposals would involve the removal of some trees and shrubs on the site and the comments of the Arboricultural Officer are noted. However, the trees are not protected by a Tree Preservation Order, nor are they within a conservation area so they can be removed without consent. The trees do not have any particular amenity value and the removal of the trees has previously been accepted as part of the consent granted in 2012. Therefore officers remain of the opinion that the removal of the trees in order to facilitate the development is acceptable.

Highway safety

8.14. The Highways Liaison Officer has offered no objections to the scheme, subject to a condition requiring a Construction Traffic Management Plan. Given the location of the school, it is considered important that construction traffic does not clash with the vehicular movements of parents and staff. It is considered that the completed development would not have an adverse impact on traffic and highway safety on the local highway network and the development is acceptable in this regard.

9. PLANNING BALANCE AND CONCLUSION

9.1. The principle of development is considered to be acceptable given that the new buildings would be located within the existing complex of buildings at Tudor Hall School and would support the continued operation and expansion of the school. The design and scale of the development proposed is considered to be appropriate and would not detrimentally impact upon the setting of the Grade II Listed Buildings on the site. The buildings would sit comfortably within the site and the wider context of the area and subject to a condition requiring a Construction Traffic Management Plan, would not have a detrimental impact open the local highway network.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans

and documents: Design and Access Statement dated July 2016, D200A, D202F, D230P, D231P, D232M, D233N, D240M and D241G.

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

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

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

4. Prior to the commencement of the development, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and Policy C28 of the Cherwell Local Plan 1996.

5. 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; and that 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, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and Policy C28 of the Cherwell Local Plan 1996.

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

Reason – To ensure the continued health of retained trees/hedges and to

ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and Policy C28 of the Cherwell Local Plan 1996.

7. Prior to the commencement of the development hereby approved above slab level, samples of the materials to be used for the covering of the roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure 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.

8. Prior to the commencement of the development hereby approved above slab level, samples of the render to be used for the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy 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.

9. Prior to the commencement of the development hereby approved above slab level, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shown on the approved plans to be stone shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure the satisfactory appearance of the completed development and to 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.

10. Prior to the commencement of the development hereby approved above slab level, full details of the doors and windows, including a cross section and colour/finish, together with cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the door and windows shall be installed in accordance with the approved details.

Reason - To ensure 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.

11. Full details of any external lighting required in association with the development shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Thereafter the lighting shall be installed, operated and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development

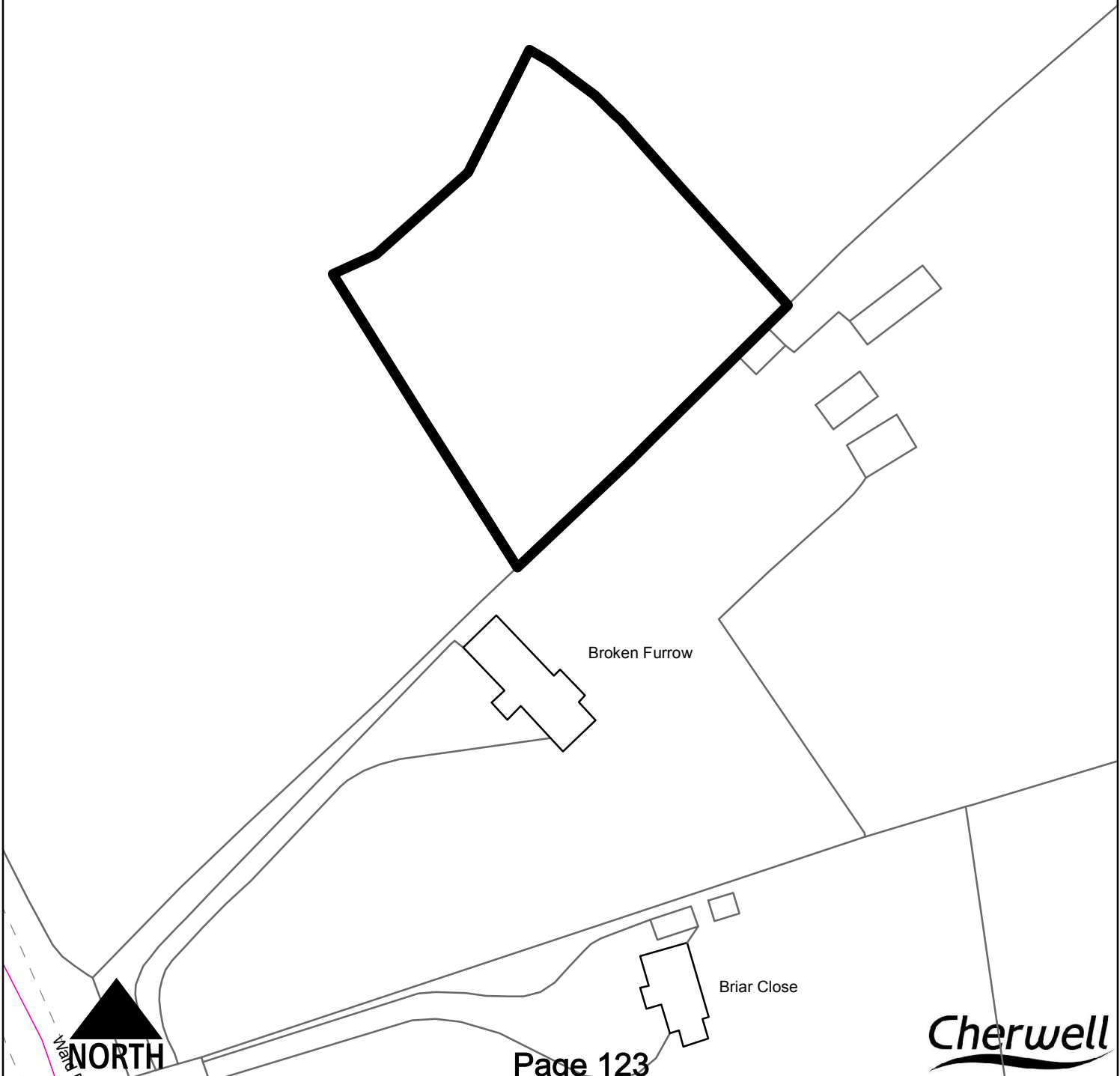
and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Planning Notes

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

16/01484/CDC

OS Parcels 4083 And 6882 Adjoining
And North Of Broken Furrow
Warwick Road
Banbury



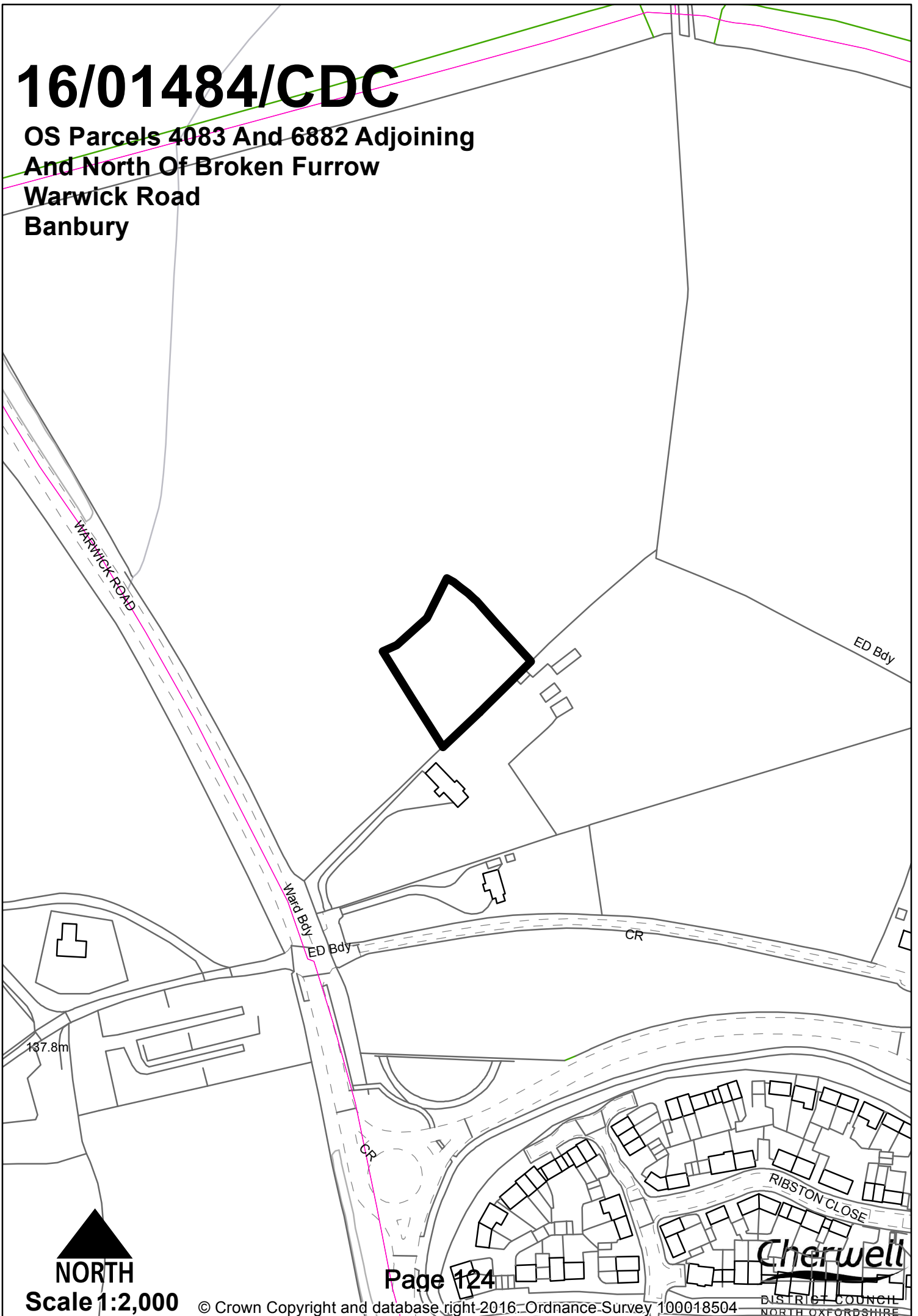
Broken Furrow

Briar Close

NORTH
Scale 1:800

16/01484/CDC

OS Parcels 4083 And 6882 Adjoining
And North Of Broken Furrow
Warwick Road
Banbury



137.8m



Scale 1:2,000

Cherwell

RIBSTON CLOSE

CR

Ward Bdy
ED Bdy

ED Bdy

Case Officer: Nathanael Stock **Ward(s):** Banbury Hardwick

Applicant: Cherwell District Council

Ward Member(s): Cllr Tony Ilott, Cllr J A Donaldson, Cllr Nicholas Turner

Proposal: Erection of single storey building to provide 5 one bed flats for adults with acquired brain injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total) (revised scheme of 16/00515/CDC)

Committee Date: 29.09.2016 **Recommendation:** Refuse

1. Application Site and Locality

- 1.1 The application relates to a small area within the western part of a larger site (approx. 26ha) allocated for development, to which Policy Banbury 5 of the Cherwell Local Plan 2011-2031 applies.
- 1.2 The larger site gently undulates across the two agricultural fields from the Warwick Road to lower points in the south west and north east corners and to higher points to the north between the two fields and to the south east. A significant tree boundary runs along the whole of the north of the application area and to the south of the eastern most field. Trees and hedges also run along the remainder of the field boundaries.
- 1.3 There are two public footpaths that run across the site, one across the western side of the western field from the Warwick Road towards Hanwell and one which runs along the northern boundary of the eastern field for a short distance before turning towards Hanwell. There are records of bats and badgers on the site and there are also notable habitats including lowland mixed deciduous woodland and a broadleaved woodland plantation. Other site constraints include naturally occurring contaminants, a minor aquifer and known records of minerals.
- 1.4 The site's surroundings consist of the site's surroundings consist of the Hanwell Fields development to the south, amenity space, which is not public, to the east (and which falls within the site allocation), agricultural fields to the north which separate the site from Hanwell and agricultural fields to the west, west of Warwick Road.

2. Description of Proposed Development

The applicant seeks planning permission for the erection of a single storey building to provide five, one bed flats for adults with acquired brain injury, plus associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (resulting in six units in total). The building would be laid out in a horseshoe shape, would have a hipped roof, of 2.55m height to eaves and 5.55m overall height. A detached bin store is proposed adjacent

to the garages of Plot 20 to the Persimmon development, and a communal space is proposed to the rear of the building.

Access is gained via road between Plots 20 and 41 of the Persimmon development and which would connect to land belonging to Broken Furrow in accordance with the masterplan for the overall site.

The current application is a revised scheme of 16/00515/CDC. The building itself is largely unchanged from the approved scheme.

The changes proposed in this application are to the parking arrangements and associated landscaping to the front. The approved scheme featured single depth parking to the front, interspersed with pedestrian accesses and some soft landscaping.

The current proposal, a result of subsequent discussion but not fully reflective of officer advice given, shows three accesses, one providing parking for a minivan, one providing access and parking for three spaces including two disabled spaces, and the other providing parking for eight spaces including three disabled spaces.

3. Relevant Planning History

12/00021/SO - Screening Opinion - Proposed development including up to 380 residential dwellings along with associated access, landscaping and infrastructure – EIAYES

12/01789/OUT - Outline application for up to 350 dwellings, together with new vehicular access from Warwick Road and associated open space – granted with conditions

15/00462/REM - Reserved Matters to outline application 12/01789/OUT - 118 dwellings together with new vehicular access from Warwick Road and associated open space (Phase 1) – granted with conditions

15/01589/REM - Reserved Matters application for 232 dwellings dealing with appearance, landscaping, layout and scale (this development forming the 2nd phase of development which received Outline permission under 12/01789/OUT) – pending consideration

16/00504/CDC – Erection of single storey buildings to provide 6 one bed flats for adults with learning difficulties and autistic spectrum condition, associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (seven units in total) – granted with conditions

16/00515/CDC – Erection of single storey building to provide 5 one bed flats for adults with acquired brain injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total) – granted with conditions

16/01095/OUT - Variation of Condition 2 of 12/01789/OUT - pending consideration

16/01210/REM - Reserved matters to outline 12/01789/OUT - Erection of 21 No. houses, associated highways access and parking - pending consideration

4. Response to Publicity

The application was publicised by way of a site notice (16.08.2016) and neighbour notification letters. The last date for comment was 06.09.2016.

5. Response to Consultation

Parish/Town Council:

Banbury Town Council – No objections

Cherwell District Council:

Landscape Services – No objections; Section 106 request, towards informal open space maintenance and mature tree maintenance

Recreation & Leisure – Given the nature of this proposed development and the fact that the units will have their own communal accommodation there is no additional community requirement for this facility.

Oxfordshire County Council:

Highways – No objection subject to condition re drainage. Comments: The application site is an amendment in layout of previously approved application 15/00515/CDC. The application proposals however do not include a Drainage scheme, hence unable to comment fully on how the proposed drainage may affect flood risks both on and off site and residual risks or comment on flooding issues. The amended layout is acceptable and is not envisaged to be detrimental to the movement of traffic and/or highway safety subject to submission of a drainage scheme. From a transport perspective, the proposals outlined herein are acceptable

Archaeology – The above proposals would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to these schemes.

Other External Consultees:

Water authority (Thames Water) – No objection; no conditions recommended

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

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

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

PSD1 - Presumption in Favour of Sustainable Development
SLE4 - Improved Transport and Connections
BSC1 - District Wide Housing Distribution
BSC2 - The Effective and Efficient Use of Land
BSC3 - Affordable Housing
BSC4 - Housing Mix
BSC9 - Public Services and Utilities
BSC10 - Open Space, Outdoor Sport & Recreation Provision
BSC11 - Local Standards of Provision - Outdoor Recreation
BSC12 - Indoor Sport, Recreation and Community Facilities
ESD1 - Mitigating and Adapting to Climate Change
ESD2 - Energy Hierarchy
ESD3 - Sustainable Construction
ESD4 - Decentralised Energy Systems
ESD5 - Renewable Energy
ESD7 - Sustainable Drainage Systems (SuDS)
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
ESD13 - Local Landscape Protection and Enhancement
ESD15 - The Character of the Built Environment
ESD17 - Green Infrastructure
INF1 - Infrastructure
BAN5 - Land North of Hanwell Fields

Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development
C30 - Design of new residential development
TR1 - Transportation funding

6.2 Other Material Planning Considerations:

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

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

7. Appraisal

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

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

- Sustainability and Energy Efficiency;
- Planning Obligations;

Principle of Development

- 7.2 The Framework explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 7.3 The Framework positively encourages sustainable development. Paragraph 17 states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable. Paragraph 111 states that Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed.
- 7.4 The application site is located within the land allocated for developed as 'Banbury 5'. Policy Banbury 5 states that "approximately 544" dwellings will be provided within this larger area. Outline planning permissions issued to date within 'Banbury 5' total 510 dwellings.
- 7.5 The application site forms part of the Persimmon site, which has outline planning permission as part of application 12/01789/OUT for 350 dwellings. Although the current proposal and the concurrent one (ref. 16/00504/CDC) would result in additional dwellings over and above the 350 approved under 12/01789/OUT, these are full planning applications not linked to that outline consent. In addition, they would not exceed the 544 for the overall site.
- 7.6 While it is intended that the remaining approx. 34 of the "approximately 544" would be provided within the land belonging to Broken Furrow (immediately south of the application site) it is clear from the use of the word "approximately" within the policy that this number is not fixed, whereas the extent of land allocated for development is fixed.
- 7.7 The proposal therefore complies with Policy Banbury 5 and is acceptable in principle, subject to consideration against other policies in the development plan.

Design, Layout and Appearance

- 7.8 Policy Banbury 5 requires the layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity, includes new footpaths and cycleways to link with existing networks with a legible hierarchy of routes. Aside from the above, the specific design and place shaping principles listed in Banbury 5 do not apply to the application site by virtue of its size, location and relationship to surroundings.
- 7.9 Since the application site forms part of the Persimmon land, the Design Code approved for that site is relevant to the current application. The Design Code provides detailed guidance on the layout and architectural design approach for different character areas.
- 7.10 Under the Design Code's Regulating Plan (page 34-35), the application site is within a CA2 – Core Housing character area. A medium density is required (page 36), although what medium density means is not defined. Key requirements for this area include: Frontage onto

the street; windows of habitable rooms to provide surveillance; predominantly 2 – 2.5 storeys, variable ridge heights; traditional building details reflecting the vernacular of Hanwell; no blank walls onto the public realm; frontage parking / landscape frontage court; buildings set back 1 – 6 metres from the street; casement windows; vertical panelled doors; with low level landscaping to front boundaries, comprising hedge, low level brick wall or metal railing. Materials are to be varying shades of red brick, with grey/black concrete tiles (page 54).

- 7.11 The originally submitted scheme showed a clear deviation from the Design Code. The amended proposals continue to show some deviation, in respect of frontages (not being onto the street) and heights (the dwellings are single storey only, although form a minor proportion of the overall development is assessed as part of the Persimmon site).
- 7.12 In addition, the amended proposals remove the building 5.0m further away from the highway, and 0.9m further back than the unacceptable original proposals, as well as increasing the amount of hardstanding and parking area to the front of the building. The principle of the revised arrangement as now proposed is supported and has been discussed prior to the application's submission, but the detailed layout results in an inefficient use of space, a car dominated frontage, a lack of legibility and the result is a very poor standard of urban design. The proposal would result in significant and demonstrable harm to the character of the area, in conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the 1996 Plan and paragraph 64 of the Framework.
- 7.13 The LPA accepts that some variation is appropriate given the applicant's brief for supported housing with special needs requirements, and the site is set back from the main highway through the Persimmon site, providing a link through to Broken Furrow, and is small in size relative to the wider Persimmon site. The previous recommendation was made on balance, on what remained a relatively poorly designed scheme. The current proposal is not of a sufficient standard to justify recommending approval.
- 7.14 In respect of the main building itself, the submitted elevation drawings show a simple form of building, and it is to the benefit of the development's appearance that window frames are shown to be symmetrical / balanced and this should be conditional to any approval.
- 7.15 However, the buildings continue to show an institutional character and there remain scope for improvements to be made, including the articulation of the main façade, the organisation and proportions of doors and windows, the lack of focus on the key entrances to the buildings. In addition no details have been provided with regard to the entrance gate. It is considered that conditions may be imposed on any permission given for additional detailing to the front façade of the building, the entrance gates, as well as externally facing materials such as bricks and tiles.

Impact on Heritage Assets

- 7.16 By virtue of the scale of development proposed, and the location of the site, the proposals would not materially affect designated heritage assets, and are therefore acceptable in this regard.

Landscape and Visual Impact

7.17 Similarly, surrounded by the larger part of the Banbury 5 development, the proposals would not have a significant impact on wider visual amenity or the character or appearance of the local landscape.

Trees and Landscaping

7.18 There are no trees protected by Tree Preservation Order on the site or within its vicinity. Several unprotected trees line the site's south-eastern boundary. The proposed development would not conflict with the root protection areas of those trees, and the proposals are thus considerable in this regard.

Housing Mix/Affordable Housing

7.19 The proposed dwellings are proposed not to be market dwellings, but to be available only to those with acquired brain injuries. However, given the scale of development relative to the wider Banbury 5 site, (1) it is not considered reasonable to restrict occupancy by way of legal agreement, and (2) it is not considered necessary for the mix to be fully compliant with CLP Policy BSC4 in this regard.

Accessibility, Highway Safety and Parking

7.20 Under the amended plans, access is off highway, with single depth parking at right angles to the road. Other than one space for mini-van, a total of eleven parking spaces are proposed, one more than previously, of which five are disabled parking spaces. This level of provision is considered acceptable, but it is not clear as to why an extra space is now required. The local highway authority (LHA) has no objections to the revised layout.

Effect on Neighbouring Amenity

7.21 The proposed dwellings would be of single storey in height and sited at a sufficient distance not to materially impact on the living conditions of neighbours to the south-east. Under the amended plans, the proposed dwellings are sited at a sufficient distance for future occupiers not to be significantly affected by approved two storey dwellings in the Persimmon development either through privacy, loss or outlook; and, in turn, those approved dwellings would not be significantly affected by the proposal. It is therefore considered that the amended proposals accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 in amenity terms.

Ecological Implications

7.22 As the site forms part of the wider Persimmon site, it has been subject to previous ecological assessment and is covered by conditions applied to the consent for that wider site. No comments have been received to date from the Council's ecological officer Dr Watkins in respect of the current application but at pre-application stage Dr Watkins advised,

"The badger mitigation plans for the wider site will ...need to be taken into account in the design of fencing, etc.

“A biodiversity enhancement scheme for the buildings and gardens would be expected. This could be conditioned but it is always helpful to have proposals for this up front so we can assess if an overall net gain for biodiversity is likely to be achieved.”

7.23 The Framework advocates a net gain in biodiversity wherever possible. Subject to the above mentioned conditions, which it is considered reasonable to impose on any consent given, the proposals are considered in ecology terms and therefore in accord with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 in this regard.

Flood Risk

7.24 Similarly, the application site has been subject to previous assessment in this regard. By virtue of its size, and having regard to the comments of the water authority, the proposals are considered not to raise significant implications in this regard or to necessitate the inclusion of flood risk or drainage related conditions. It is noted that development will be subject to certain restrictions or requirements under separate legislation, e.g. Building Regulations.

Sustainability and Energy Efficiency

7.25 Within Banbury at the northern edge of Banbury, the proposed development is situated in a relatively sustainable location that will help to reduce the need to travel. It is the intent of Policies ESD2 to ESD5 to reduce energy use, promote energy efficiency, incorporate sustainable design and construction technology and decentralised energy systems, and including renewable energy provision. Although only make a limited provision in this regard, given the scale and purpose of the proposed development it is considered that these issues can be addressed satisfactorily through conditions to any consent given.

Planning Obligations

7.26 Section 106 requests have been made in respect of provide a community arts project with new residents, informal open space maintenance and mature tree maintenance. Given the scale and purpose of the development, it is not considered reasonable to require these contributions.

Engagement

7.27 With regard to the duty set out in paragraphs 186 and 187 of the Framework, an on-going dialogue has been maintained by Council officers looking to address problems or issues that have arisen during the course of both the pre-application discussions and the current applications. It is considered that the duty to be positive and proactive has been discharged through the interaction between parties in bringing forward a scheme that could be considered acceptable to the Authority.

8. Conclusion

8.1 The current proposal would not cause significant or demonstrable harm to neighbour amenity, highway safety and ecology. However, by reason of the layout of its car parking court, the

proposal would result in a very poor standard of urban design that would not contribute positively to the area's character, would fail to reinforce local distinctiveness, would be substantially illegible, and would be incompatible with up to date urban design principles. The proposal would thus result in significant and demonstrable harm to the character of the area, in conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the 1996 Plan and paragraph 64 of the Framework. The application is therefore recommended for refusal as set out below.

9. Recommendation – Refuse, for the following reason:

By reason of the layout of its car parking court, the proposal would result in a very poor standard of urban design that would not contribute positively to the area's character, would fail to reinforce local distinctiveness, would be substantially illegible, and would be incompatible with up to date urban design principles. The proposal would thus result in significant and demonstrable harm to the character of the area, in conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the 1996 Plan and paragraph 64 of the Framework.

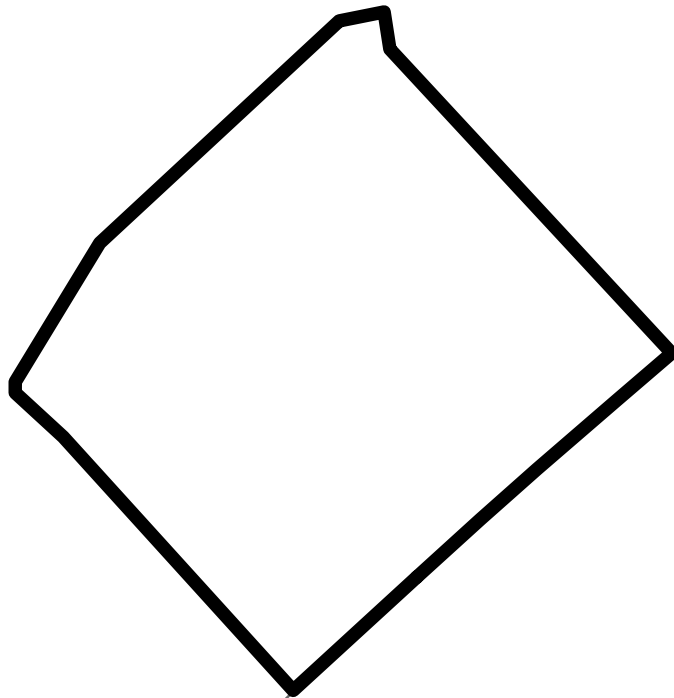
CONTACT OFFICER: Nathanael Stock

TELEPHONE NO: 01295 221886

Agenda Item 13

16/01485/CDC

OS Parcels 4083 And 6882 Adjoining
And North Of Broken Furrow
Warwick Road
Banbury



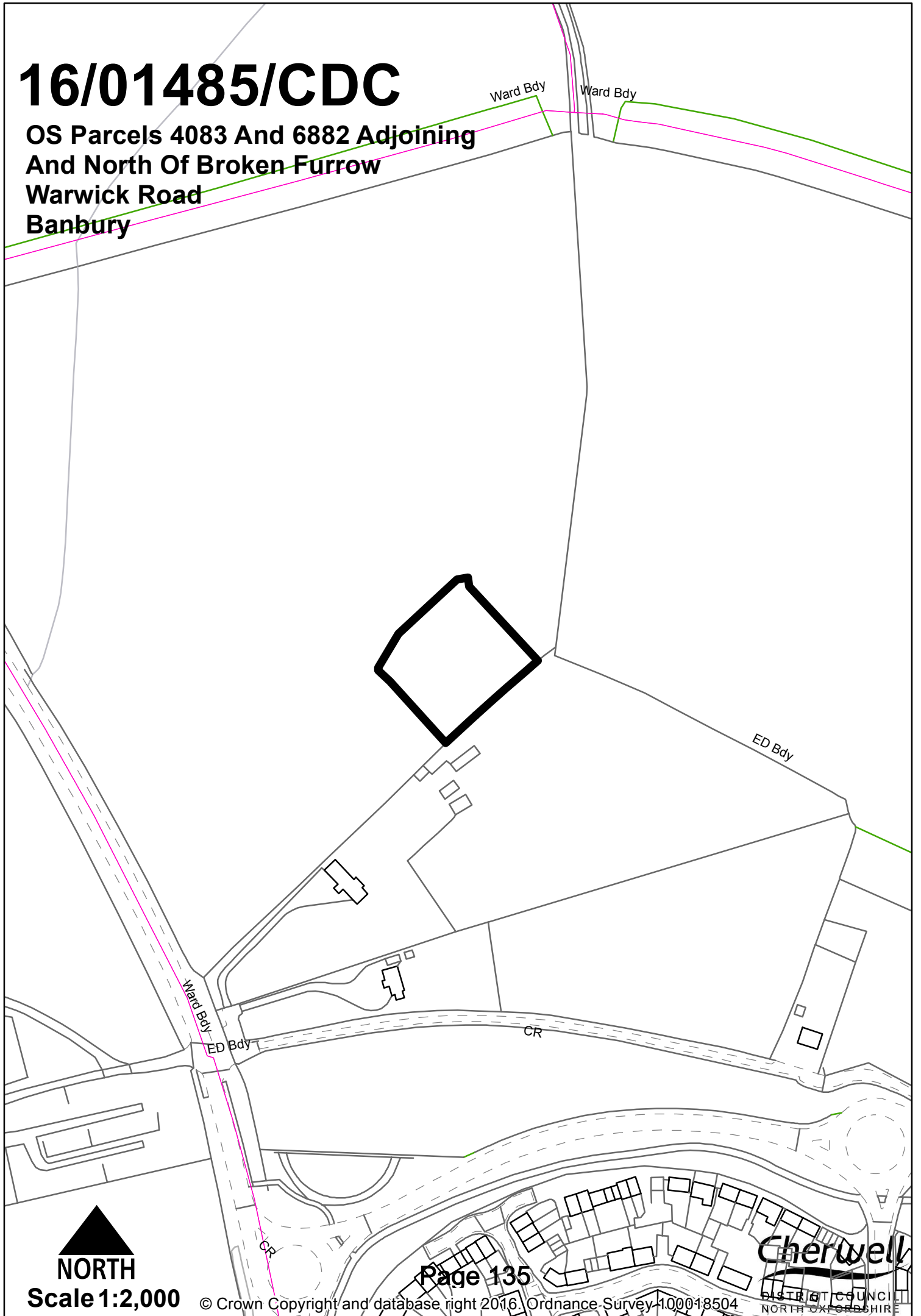
Broken Furrow



Scale 1:800

16/01485/CDC

OS Parcels 4083 And 6882 Adjoining
And North Of Broken Furrow
Warwick Road
Banbury



Scale 1:2,000

Case Officer: Nathanael Stock **Ward(s):** Banbury Hardwick

Applicant: Cherwell District Council

Ward Member(s): Cllr Tony Ilott, Cllr J A Donaldson, Cllr Nicholas Turner

Proposal: Erection of single storey buildings to provide 6 one bed flats for adults with learning difficulties and autistic spectrum condition, associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (seven units in total) (revised scheme of 16/00504/CDC)

Committee Date: 29.09.2016 **Recommendation:** Refuse

1. Application Site and Locality

- 1.1 The application relates to a small area within the western part of a larger site (approx. 26ha) allocated for development, to which Policy Banbury 5 of the Cherwell Local Plan 2011-2031 applies.
- 1.2 The larger site gently undulates across the two agricultural fields from the Warwick Road to lower points in the south west and north east corners and to higher points to the north between the two fields and to the south east. A significant tree boundary runs along the whole of the north of the application area and to the south of the eastern most field. Trees and hedges also run along the remainder of the field boundaries.
- 1.3 There are two public footpaths that run across the site, one across the western side of the western field from the Warwick Road towards Hanwell and one which runs along the northern boundary of the eastern field for a short distance before turning towards Hanwell. There are records of bats and badgers on the site and there are also notable habitats including lowland mixed deciduous woodland and a broadleaved woodland plantation. Other site constraints include naturally occurring contaminants, a minor aquifer and known records of minerals.
- 1.4 The site's surroundings consist of the site's surroundings consist of the Hanwell Fields development to the south, amenity space, which is not public, to the east (and which falls within the site allocation), agricultural fields to the north which separate the site from Hanwell and agricultural fields to the west, west of Warwick Road.

2. Description of Proposed Development

The applicant seeks planning permission for the erection of single storey buildings to provide six one bed flats for adults with learning difficulties and autistic spectrum condition, plus associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (resulting in seven units in total). The buildings, one linear and one L-shaped, would be laid out in a horseshoe shape, would have a

hipped roof, of 2.55m height to eaves and 5.55m overall height. A shared landscaped garden is proposed to the rear of the buildings.

Access is gained via road between Plots 20 and 41 of the Persimmon development and which would connect to land belonging to Broken Furrow in accordance with the masterplan for the overall site.

The current application is a revised scheme of 16/00504/CDC. The building itself is largely unchanged from the approved scheme.

The changes proposed in this application are to the parking arrangements and associated landscaping to the front. The approved scheme featured single depth parking to the front, interspersed with pedestrian accesses and some soft landscaping.

The current proposal, a result of subsequent discussion but not fully reflective of officer advice given, shows two accesses, one providing parking for four spaces including one disabled space, and the other providing parking for eight spaces. The detached refuse building has also been brought forward from its position under the approved layout.

3. Relevant Planning History

12/00021/SO - Screening Opinion - Proposed development including up to 380 residential dwellings along with associated access, landscaping and infrastructure – EIAYES

12/01789/OUT - Outline application for up to 350 dwellings, together with new vehicular access from Warwick Road and associated open space – granted with conditions

15/00462/REM - Reserved Matters to outline application 12/01789/OUT - 118 dwellings together with new vehicular access from Warwick Road and associated open space (Phase 1) – granted with conditions

15/01589/REM - Reserved Matters application for 232 dwellings dealing with appearance, landscaping, layout and scale (this development forming the 2nd phase of development which received Outline permission under 12/01789/OUT) – pending consideration

16/00504/CDC – Erection of single storey buildings to provide 6 one bed flats for adults with learning difficulties and autistic spectrum condition, associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (seven units in total) – granted with conditions

16/00515/CDC – Erection of single storey building to provide 5 one bed flats for adults with acquired brain injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total) – granted with conditions

16/01095/OUT - Variation of Condition 2 of 12/01789/OUT - pending consideration

16/01210/REM - Reserved matters to outline 12/01789/OUT - Erection of 21 No. houses, associated highways access and parking - pending consideration

4. Response to Publicity

The application was publicised by way of a site notice (16.08.2016) and neighbour notification letters. The last date for comment was 06.09.2016.

5. Response to Consultation

Parish/Town Council:

Banbury Town Council – No objections

Cherwell District Council:

Landscape Services – No objections; Section 106 request, towards informal open space maintenance and mature tree maintenance

Recreation & Leisure – Given the nature of this proposed development and the fact that the units will have their own communal accommodation there is no additional community requirement for this facility.

Oxfordshire County Council:

Highways – No objection subject to condition re drainage. Comments: The application site is an amendment in layout of previously approved application 15/00515/CDC. The application proposals however do not include a Drainage scheme, hence unable to comment fully on how the proposed drainage may affect flood risks both on and off site and residual risks or comment on flooding issues. The amended layout is acceptable and is not envisaged to be detrimental to the movement of traffic and/or highway safety subject to submission of a drainage scheme. From a transport perspective, the proposals outlined herein are acceptable

Archaeology – The above proposals would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to these schemes.

Other External Consultees:

Water authority (Thames Water) – No objection; no conditions recommended

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

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

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

PSD1 - Presumption in Favour of Sustainable Development

SLE4 - Improved Transport and Connections
BSC1 - District Wide Housing Distribution
BSC2 - The Effective and Efficient Use of Land
BSC3 - Affordable Housing
BSC4 - Housing Mix
BSC9 - Public Services and Utilities
BSC10 - Open Space, Outdoor Sport & Recreation Provision
BSC11 - Local Standards of Provision - Outdoor Recreation
BSC12 - Indoor Sport, Recreation and Community Facilities
ESD1 - Mitigating and Adapting to Climate Change
ESD2 - Energy Hierarchy
ESD3 - Sustainable Construction
ESD4 - Decentralised Energy Systems
ESD5 - Renewable Energy
ESD7 - Sustainable Drainage Systems (SuDS)
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
ESD13 - Local Landscape Protection and Enhancement
ESD15 - The Character of the Built Environment
ESD17 - Green Infrastructure
INF1 - Infrastructure
BAN5 - Land North of Hanwell Fields

Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development
C30 - Design of new residential development
TR1 - Transportation funding

6.2 Other Material Planning Considerations:

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

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

7. Appraisal

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

- Principle of Development;
- Design, Layout and Appearance;
- Impact on Heritage Assets;
- Landscape and Visual Impact;
- Trees and Landscaping;
- Housing Mix/Affordable Housing;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Ecological Implications;
- Flood Risk;
- Sustainability and Energy Efficiency;
- Planning Obligations;

Principle of Development

- 7.2 The Framework explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 7.3 The Framework positively encourages sustainable development. Paragraph 17 states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable. Paragraph 111 states that Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed.
- 7.4 The application site is located within the land allocated for developed as 'Banbury 5'. Policy Banbury 5 states that "approximately 544" dwellings will be provided within this larger area. Outline planning permissions issued to date within 'Banbury 5' total 510 dwellings.
- 7.5 The application site forms part of the Persimmon site, which has outline planning permission as part of application 12/01789/OUT for 350 dwellings. Although the current proposal and the concurrent one (ref. 16/00504/CDC) would result in additional dwellings over and above the 350 approved under 12/01789/OUT, these are full planning applications not linked to that outline consent. In addition, they would not exceed the 544 for the overall site.
- 7.6 While it is intended that the remaining approx. 34 of the "approximately 544" would be provided within the land belonging to Broken Furrow (immediately south of the application site) it is clear from the use of the word "approximately" within the policy that this number is not fixed, whereas the extent of land allocated for development is fixed.
- 7.7 The proposal therefore complies with Policy Banbury 5 and is acceptable in principle, subject to consideration against other policies in the development plan.

Design, Layout and Appearance

- 7.8 Policy Banbury 5 requires the layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity, includes new footpaths and cycleways to link with existing networks with a legible hierarchy of routes. Aside from the above, the specific design and place shaping principles listed in Banbury 5 do not apply to the application site by virtue of its size, location and relationship to surroundings.
- 7.9 Since the application site forms part of the Persimmon land, the Design Code approved for that site is relevant to the current application. The Design Code provides detailed guidance on the layout and architectural design approach for different character areas.
- 7.10 Under the Design Code's Regulating Plan (page 34-35), the application site is within a CA2 – Core Housing character area. A medium density is required (page 36), although what medium density means is not defined. Key requirements for this area include: Frontage onto the street; windows of habitable rooms to provide surveillance; predominantly 2 – 2.5 storeys, variable ridge heights; traditional building details reflecting the vernacular of Hanwell; no blank

walls onto the public realm; frontage parking / landscape frontage court; buildings set back 1 – 6 metres from the street; casement windows; vertical panelled doors; with low level landscaping to front boundaries, comprising hedge, low level brick wall or metal railing. Materials are to be varying shades of red brick, with grey/back concrete tiles (page 54).

- 7.11 The originally submitted scheme showed a clear deviation from the Design Code. The amended proposals continue to show some deviation, in respect of frontages (not being onto the street) and heights (the dwellings are single storey only, although form a minor proportion of the overall development is assessed as part of the Persimmon site).
- 7.12 In addition, the amended proposals remove the building 4.0m further away from the highway, as well as increasing the amount of hardstanding and parking area to the front of the building. The principle of the revised arrangement as now proposed is supported and has been discussed prior to the application's submission, but the detailed layout results in an inefficient use of space, a car dominated frontage, a lack of legibility and the result is a very poor standard of urban design. The proposal would result in significant and demonstrable harm to the character of the area, in conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the 1996 Plan and paragraph 64 of the Framework.
- 7.13 The LPA accepts that some variation is appropriate given the applicant's brief for supported housing with special needs requirements, and the site is set back from the main highway through the Persimmon site, providing a link through to Broken Furrow, and is small in size relative to the wider Persimmon site. The previous recommendation was made on balance, on what remained a relatively poorly designed scheme. The current proposal is not of a sufficient standard to justify recommending approval.
- 7.14 The improvements between the original submission to 16/00504/CDC and the plans ultimately approved were as follows:
- o Reconfiguration of the buildings to provide frontage onto the street. This has helped the buildings have a more positive relationship with the public realm and will provide a greater sense of privacy to future residents
 - o The improvement in parking configuration, removing the duplication of hard standing and increasing the area that can be given to landscape elements
 - o Movement of the refuse buildings to less prominent areas of the scheme, without impacting on the functionality of these spaces
- The current proposal loses the second and third of these improvements.
- 7.15 In respect of the main building itself, submitted elevation drawings show a simple form of building, and it is to the benefit of the development's appearance that window frames are shown to be symmetrical / balanced and this should be conditional to any approval.
- 7.16 However, the buildings continue to show an institutional character and there remain scope for improvements to be made, including the articulation of the main façade, the organisation and proportions of doors and windows, the lack of focus on the communal entrance to the buildings. It is considered that conditions may be imposed on any permission given for additional detailing to the front façade of the building as well as externally facing materials such as bricks and tiles.

Impact on Heritage Assets

- 7.17 By virtue of the scale of development proposed, and the location of the site, the proposals would not materially affect designated heritage assets, and are therefore acceptable in this regard.

Landscape and Visual Impact

- 7.18 Similarly, surrounded by the larger part of the Banbury 5 development, the proposals would not have a significant impact on wider visual amenity or the character or appearance of the local landscape.

Trees and Landscaping

- 7.19 There are no trees protected by Tree Preservation Order on the site or within its vicinity. Several unprotected trees line the site's south-eastern boundary. The proposed development would not conflict with the root protection areas of those trees, and the proposals are thus considerable in this regard.

Housing Mix/Affordable Housing

- 7.20 The proposed dwellings are proposed not to be market dwellings, but to be available only to those with acquired brain injuries. However, given the scale of development relative to the wider Banbury 5 site, (1) it is not considered reasonable to restrict occupancy by way of legal agreement, and (2) it is not considered necessary for the mix to be fully compliant with CLP Policy BSC4 in this regard.

Accessibility, Highway Safety and Parking

- 7.21 Under the amended plans, access is off highway, with single depth parking at right angles to the road. Other than one space for mini-van, a total of ten parking spaces are proposed, of which five are disabled parking spaces. This level of provision is considered acceptable. The local highway authority (LHA) has no objections to the revised layout.

Effect on Neighbouring Amenity

- 7.22 The proposed dwellings would be of single storey in height and sited at a sufficient distance not to materially impact on the living conditions of neighbours to the south-east. Under the amended plans, the proposed dwellings are sited at a sufficient distance for future occupiers not to be significantly affected by approved two storey dwellings in the Persimmon development either through privacy, loss or outlook; and, in turn, those approved dwellings would not be significantly affected by the proposal. It is therefore considered that the amended proposals accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 in amenity terms.

Ecological Implications

7.23 As the site forms part of the wider Persimmon site, it has been subject to previous ecological assessment and is covered by conditions applied to the consent for that wider site. No comments have been received to date from the Council's ecological officer Dr Watkins in respect of the current application but at pre-application stage Dr Watkins advised,

"The badger mitigation plans for the wider site will ...need to be taken into account in the design of fencing, etc.

"A biodiversity enhancement scheme for the buildings and gardens would be expected. This could be conditioned but it is always helpful to have proposals for this up front so we can assess if an overall net gain for biodiversity is likely to be achieved."

7.24 The Framework advocates a net gain in biodiversity wherever possible. Subject to the above mentioned conditions, which it is considered reasonable to impose on any consent given, the proposals are considered in ecology terms and therefore in accord with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 in this regard.

Flood Risk

7.25 Similarly, the application site has been subject to previous assessment in this regard. By virtue of its size, and having regard to the comments of the water authority, the proposals are considered not to raise significant implications in this regard or to necessitate the inclusion of flood risk or drainage related conditions. It is noted that development will be subject to certain restrictions or requirements under separate legislation, e.g. Building Regulations.

Sustainability and Energy Efficiency

7.26 Within Banbury at the northern edge of Banbury, the proposed development is situated in a relatively sustainable location that will help to reduce the need to travel. It is the intent of Policies ESD2 to ESD5 to reduce energy use, promote energy efficiency, incorporate sustainable design and construction technology and decentralised energy systems, and including renewable energy provision. Although only make a limited provision in this regard, given the scale and purpose of the proposed development it is considered that these issues can be addressed satisfactorily through conditions to any consent given.

Planning Obligations

7.27 Section 106 requests have been made in respect of provide a community arts project with new residents, informal open space maintenance and mature tree maintenance. Given the scale and purpose of the development, it is not considered reasonable to require these contributions.

Engagement

7.28 With regard to the duty set out in paragraphs 186 and 187 of the Framework, an on-going dialogue has been maintained by Council officers looking to address problems or issues that have arisen during the course of both the pre-application discussions and the current applications. It is considered that the duty to be positive and proactive has been discharged

through the interaction between parties in bringing forward a scheme that could be considered acceptable to the Authority.

8. Conclusion

- 8.1 The current proposal would not cause significant or demonstrable harm to neighbour amenity, highway safety and ecology. However, by reason of the layout of its car parking court, the proposal would result in a very poor standard of urban design that would not contribute positively to the area's character, would fail to reinforce local distinctiveness, would be substantially illegible, and would be incompatible with up to date urban design principles. The proposal would thus result in significant and demonstrable harm to the character of the area, in conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the 1996 Plan and paragraph 64 of the Framework. The application is therefore recommended for refusal as set out below.

9. Recommendation

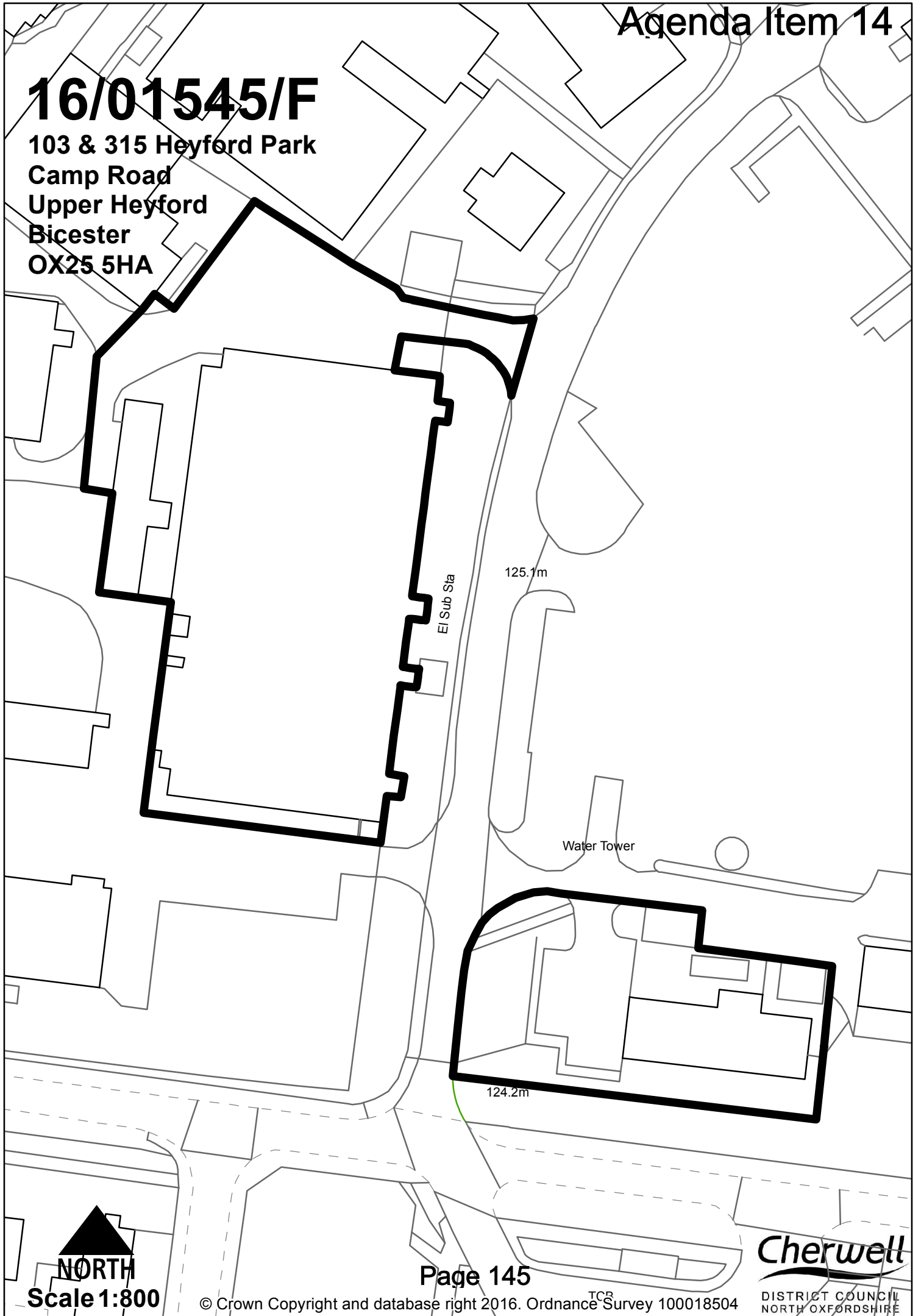
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CONTACT OFFICER: Nathanael Stock

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16/01545/F

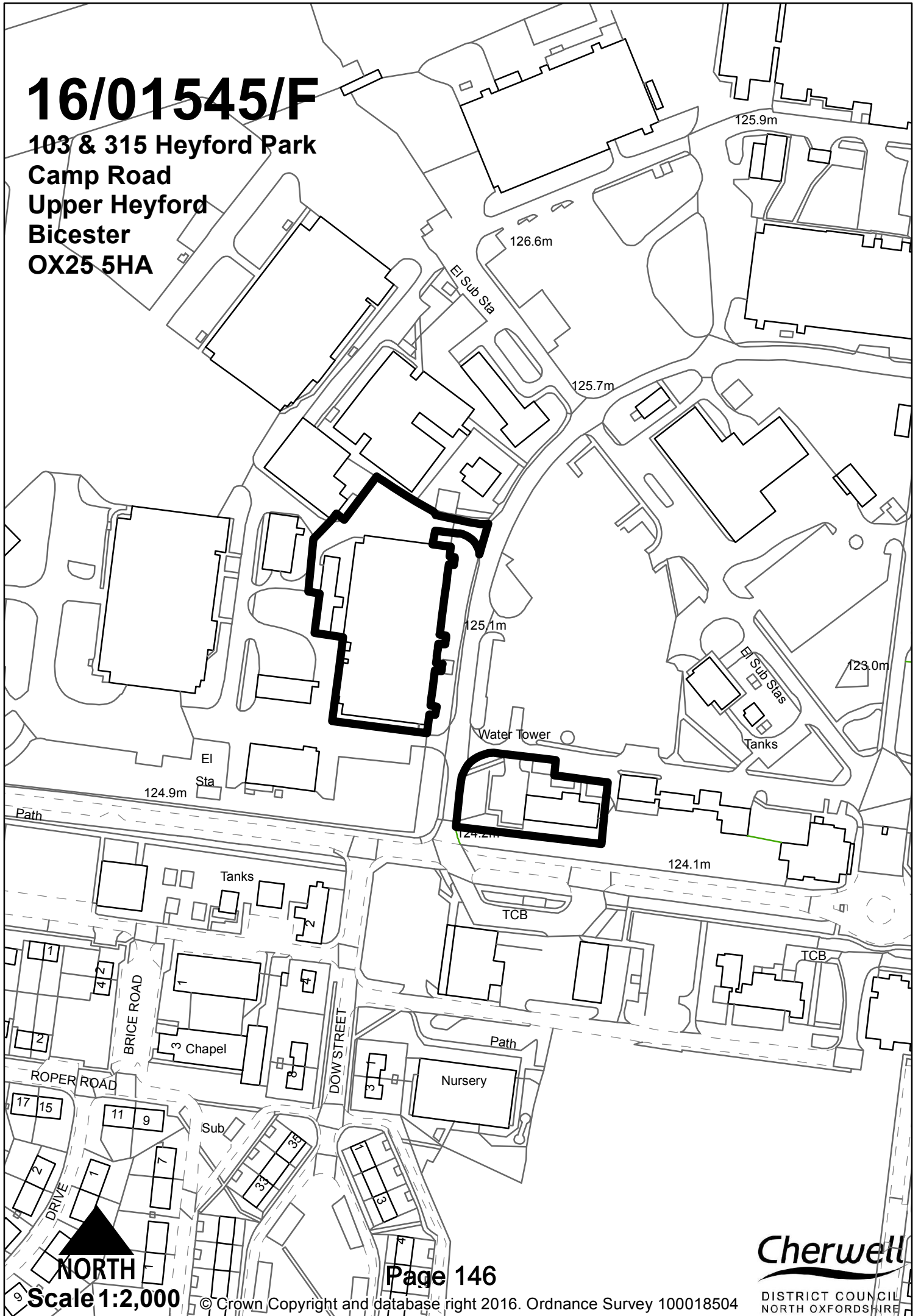
**103 & 315 Heyford Park
Camp Road
Upper Heyford
Bicester
OX25 5HA**



Scale 1:800

16/01545/F

103 & 315 Heyford Park
Camp Road
Upper Heyford
Bicester
OX25 5HA



NORTH

Scale 1:2,000

103 & 315 Heyford Park
Camp Road
Upper Heyford
Bicester
OX25 5HA

16/01545/F

Case Officer: Andrew Lewis **Ward(s):** Fringford And Heyfords

Applicant: Heyford Park Estates Limited

Ward Member(s): Cllr Ian Corkin, Cllr James Macnamara, Cllr Barry Wood

Proposal: Change of use of Building 103 to A Heritage Centre (Use Class D1) and Building 315 for storage and distribution (Use Class B8) and associated works.

Committee Date: 29 September 2016 **Recommendation:** Approve

Reason for Committee Referral: Floorspace created over 1,000sqm

1. Site Description and Background

- 1.1 The application site for this proposal is part of the former RAF/USAF Upper Heyford base. In terms of the uses on site, the military use ceased in 1994. Since 1998 it has effectively been under the ownership first of the North Oxfordshire Consortium and for the last few years by the current applicants, the Dorchester Group. Over the last 15 years numerous applications have been made seeking permission to either develop the whole site or large parts of it and numerous of them have gone to appeal. The most significant was application ref 08/00716/OUT. Following a major public inquiry that commenced in September 2008 the Council received the appeal decision in January 2010 that allowed "A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08)." This permission included the flying field, and the uses and development permitted upon it at the appeal have been implemented under the appeal permission. Building 315 was consented for non-residential institutional use and in an accompanying unilateral undertaking specifically a Heritage centre. Building 103 was permitted for commercial use, Class A1-A5.
- 1.2 The development of the settlement and technical areas was delayed as the site was acquired by the new owners who decided to refine the approved scheme. As a result, a new masterplan was drawn up which, whilst similar to the one considered at appeal, has been modified. The main reason for a fresh application arose from the desire of the applicant to retain more buildings on site. Apart from that, the most significant changes are a new area of open space centred on the parade ground (the northern boundary to this site), the retention of a large number of dwellings including 253 bungalows, and more of the heritage buildings, the demolition of which was previously consented. The retention of these buildings at their existing low density has meant the masterplan has expanded the development area west on to the sports field.

- 1.2 The revised masterplan was submitted as part of the outline application for “Proposed new settlement for 1075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure” and was granted permission on 22nd December 2011 (ref 10/01642/OUT). The planning permission included a number of plans with which compliance was required including a masterplan, a retained buildings plans and other plans showing layouts all of which included the retention of Buildings 315 and 103, the latter still being proposed for a commercial use.
- 1.3 The base was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. The nature of the site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the Cold War landscape are preserved. This application is within the Technical Area and in the conservation appraisal; the character of the Technical Area is described as:
- “... characterised by the ‘campus’ layout of deliberately sited, mix function buildings, in an open setting with organised tree planting. The variation in building type is both a function of their differing use and the fact that there has been continual construction within the site as part of the different phases of development within the airbase. The setting of the 1930s aircraft hangers in an arc on the northern edge of the site provides a visual and physical edge to the site. The access to the Technical Site is dominated by Guardroom (100) and Station Office (52). To the east of these is the impressive 1920s Officers’ Mess(74) set within its own lawns. The style of these 1920s, red brick, RAF buildings is British Military.”
- 1.4 Building 315 is one of the A-frame hangers dating from about 1926 that circle the technical area and border the flying field. These were the first permanent end-opening aeroplane sheds for RAF stations in the interwar period. A total of 34 were built at 17 sites between 1925 and 1940. Upper Heyford is unique in having six, the largest collection of Type ‘A’ hangers in the country. These buildings were identified as contributing to the identified character areas of the proposed settlement that appear capable of re-use due to their nature and scale and could make a positive contribution to the character and appearance of the conservation area.
- 1.5 Building 103 is constructed of red brick under a gabled slated roof. Built in the late 1920’s it is one of the oldest remaining buildings on the base although its history is not as well documented as others. It has served as a power station and housed emergency vehicles. For several years it was used by a company who repair, upgrade and convert narrow boats who have now relocated to their main base at Enslow.
- 1.6 Neither building is statutorily protected; in fact only two buildings are in proximity to the site. They are buildings 126 and 129, the Battle Commend Centre and the Hardened Telephone Exchange and both are Scheduled Ancient Monuments. They are located in the Technical Area just outside the application site. Both are indirectly affected by this application which is explained below.
- 1.7 Within the technical area there are a number of established businesses undertaking a wide range of operations. The major A type aircraft hangers are used for general industrial and storage, primarily for car processing, but other buildings contain more modern high tech

offices with research and development. There are also a wide range of workshops in some of the smaller premises.

- 1.8 Under the planning permission for the development of Heyford for a new settlement granted at appeal in 2010 (ref 08/00716/OUT) Building 103 was permitted as a Public House (Class A4) and 315 as a Heritage Centre. In October 2011 planning permission was granted for different uses of a number of buildings at Heyford, 103 was to be general industrial, B2, which is its last authorised use although it has now been vacant for at least 3 years. It has operated under a number of temporary permissions to “fit out narrow-boats” although the last permission expired some time ago. In the latest application for a new settlement, Building 315, and 126 and 129, are proposed as a Heritage centre. Building 103 is proposed to be retail within the new commercial centre.
- 1.9 The current application is seeking permission to change Building 315 to storage and distribution (Class B8) and to make Building 103 the Heritage Centre. It is in fact a renewal of permission 11/01428/F granted in March 2012 which has lapsed before being implemented.

2. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
96/01145/F	Change of use building to be used to fit out new Narrowboats from bare hulls delivered to the premises.	PER
98/01676/F	Renewal of temporary Planning Permission 96/01145/F, to continue the use of the building to fit out new narrowboats from bare hulls delivered to the premises	PER
03/00503/F	Continued use of Building 103 for fitting out of new narrowboats	PER
06/02176/F	Continued use of Building 103 for fitting out of new narrowboats	PER
08/00716/OUT	OUTLINE application for new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).	Approved at appeal
08/01000/F	Continued use of Building 103 for fitting out of new narrowboats	REF

10/01642/OUT	Outline - Proposed new settlement of 1075 dwellings including the retention and change of use of 267 existing military dwellings to residential use Class C3 and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure	PER
10/01778/F	Change of use of former Military Buildings to Business (Class B1), Industrial (Class B2), Storage and Distribution (Class B8), Retail (Class A1), Nursery/Training Centre (Class D1) (as specified in the submitted Schedule of Potential Planning Uses	PER
11/01428/F	Change of use to heritage centre (Class D1) - Building 103. Change of use to storage and distribution (Class B8) - Building 315	PER

3. Response to Publicity

The application was publicised by way of neighbour notification letters and notices displayed on and near to the site. One comment was received and is summarised as follows:

Form needs correction to employment, hours of operation and floorspace of 103

This application cannot be approved as para 132 of NPPF says, "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." A proposal to reduce the heritage centre by nearly 90% would have to be based on an assessment of 'significance' which showed that the potential of a Cold War instructional monument had reduced by that amount in the last 8 years? In fact the centre and the management plan need to be based on the feasibility studies expected since the Structure Plan was approved in 2005. This is in the context of a potential World Heritage Site designation.

The justification suggesting that "Building 103 is of a more appropriate size to accommodate the scale of potential collection available for display;" is completely reliant on visitor and heritage feasibility studies having been carried out.

That the use can be implemented "readily" cannot be taken seriously given the inordinate delay which has, fortunately, provided the opportunity for the assessment to be carried out properly. Reliance on the HASs in the QRA implies that these SAMs are given D1 use and that access would be made readily available.

The heritage potential has not been reduced by 90%. Building 315 would not provide greater potential and a move to 103 would have to come with guarantees about expansion. In the US Cold War stories, just from that side, is included in at least ten Presidential Libraries.

315 is said to define the Cold War area and is well related to 126 (such that commercial traffic would affect its statutorily protected setting) and 103 is tucked away and makes no visible impact. This is not an proportionate way to treat the Cold War.

The application cannot be approved until the public access has been sorted out. If, as suggested, it comes from the west, some of the justifications fall away. The centre must be part of a comprehensive plan for the whole site. The staffing, hours of operation and the Cold War Park, all merit reassessment in the context of the studies of the heritage potential.

No weight can be given to claims being made about sustainability and viability without any financial appraisal. CDC would need to know the value and (negative) impacts of the developments approved since 2010 to assess whether in fact the conservation of the Cold War heritage should be increased or reduced.

4. Response to Consultation

Parish Council: No comment received Heyford PC. No objection from Middleton Stoney PC

Cherwell District Council:

Head of Strategic Planning and the Economy: No objection.

The Planning Policy Team's main observations are:

Appendix 7 of the Local Plan 2015 shows that policy Villages 5 replaces policy H2 of the Oxfordshire Structure Plan 2005 which was a saved policy. Considering the uses proposed in the application there are a number of references in policy Villages 5 which are particularly relevant:

- The development description in the policy allows for appropriate community, recreational and employment opportunities with approximately 1500 jobs on the site in classes B1, B2 and B8.
- The policy states that any additional employment opportunities further to the existing consent should be accommodated primarily within existing buildings within the overall site where appropriate or on limited greenfield land to the south of Camp Road.
- A neighbourhood centre or hub should be established at the heart of the settlement to comprise a community hall, place of worship, shops, public house, restaurant, and social and health facilities. Proposals should also provide for a heritage centre given the historic interest and Cold War associations of the site.
- New and retained employment buildings should make a positive contribution to the character and appearance of the area and should be located and laid out to integrate into the structure of the settlement.
- Proposals must demonstrate that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements will be achieved across the whole of the site identified as policy Villages 5.

The policy requires a comprehensive integrated approach.

The planning application should be considered against all relevant policy criteria.

The map on page 358 of the Local Plan 2015 identifies the Former RAF Upper Heyford Airbase and Areas with potential for additional development identified under Policy Villages 5. Building 103 and building 315 are both located outside this area.

Previous application proposals for the wider airfield specified the location of particular uses. The Upper Heyford Assessment Interim final report (August 2014) identifies both buildings as non-listed buildings of local significance, building 315 as Heritage Class D1 and building 103 as a mixed use local centre. However policy Villages 5 is not prescriptive in terms of identifying specific buildings for the accommodation of employment or leisure uses.

The uses proposed for the conversion of the buildings in the application, and their impacts, close to the area with potential for additional development should be a consideration as this area will contain new homes. However as these buildings are outside this area and proposals are for conversion of existing buildings at a relatively small scale their development as proposed is unlikely to be inconsistent with the implementation of policy villages 5 in terms of achieving a comprehensive approach, a sustainable settlement and satisfactory living environment. The relatively small scale of the building proposed to be used as a heritage centre is noted but the suitability and potential of the building will be important.

Paragraph B.1 of the Local Plan states that the Plan aims to support sustainable economic growth in the District. Paragraph B.42 explains that very careful consideration should be given to locating employment and housing in close proximity. The proposals will contribute towards providing jobs at the former airbase and within existing buildings as the policy specifies.

Other relevant documents include:

- The Former RAF Upper Heyford Revised Comprehensive Planning Brief – SPD (March 2007)
- RAF Upper Heyford Conservation Area Appraisal (April 2006)
- RAF Upper Heyford Conservation Plan (September 2005)

These documents and the application should however be considered in the context of recent planning permissions at the former airbase, including the one relating to the application referred to above for the same buildings (11/01428/F), and Local Plan policy Villages 5 which is part of the adopted Development Plan.

Subject to consideration of the impact of proposals on the buildings and surroundings including on the historic and natural environment and traffic generation the proposals are considered generally consistent with policy Villages 5.

Oxfordshire County Council (Transport):

At present insufficient information is received. If CDC grants permission conditions are requested to secure satisfactory parking and a construction travel plan (although no construction is proposed)

Transport Strategy:

The principle of development has been permitted for this site through planning application 10/01642/OUT and in the approved Heyford Park Design Code. However, it is not clear why this application has been submitted as a full application, as opposed to a reserved matters application. If it is a departure from 10/01642/OUT, I would have expected a Transport Statement to accompany the application, assessing the proposal against the granted outline permission and the emerging development framework.

Assuming that this is not the case and that it is effectively a reserved matters application, Transport Strategy has no comment relating to this application, subject to it complying with the transport conditions contained within the Decision Notice, transport obligations contained

within the agreed Section 106 and compliance with the approved Heyford Park Design Code, relating to application 10/01642/OUT.

However, the application does not appear to provide a sufficient level of detail for Transport Development Control and Road Agreements colleagues to be able to fully assess the application (no vehicle tracking for emergency vehicles from Camp Road, for example). Clause 14 in the legal agreement for 10/01642/OUT dated 22/12/11 sets a ceiling of 1075 dwellings (or 1,135 as varied by the agreement for 13/01811/OUT). Any development over and above this ceiling will be expected to contribute to a transport mitigation package for allocation covered by Policy Villages 5. Moreover, a comprehensive masterplan that sets out the transport mitigation package required to mitigate the additional growth should be in place prior to the determination of applications that will exceed the ceiling.

Access

Vehicular access is proposed via the main entrance to Heyford Park via Camp Road. However Drawings **HEYF-5-SK280**, **HEYF-5-SK281** and **D.0341_107** accompanying this application appear to suggest an access off Camp Road west of the Heritage site. The application suggests that a further access may be available in the future to the west of the Heritage Centre as development of Heyford Park evolves. Whilst this is not yet implemented, all proposals herein should refer to the existing road network including accesses.

This ambiguity needs to be addressed by showing that the link road west of Building 103 is currently a no-through road in the layout drawings.

Pedestrian access will also be available utilising this route. Considering the fact that a bus stop is in existence along Camp Road south of the Heritage Centre, it would be unattractive getting pedestrians to walk further east along Camp Road to access the site through the Heyford Park main entrance. I would suggest that the applicant considers a pedestrian access across to what is currently a closed gate to make walking and/cycling more attractive. Layout The layout plan for the heritage centre and car parking area is inconsistent with future plans for the village centre, on which Highways has been consulted informally. There is a need for the northern part of the village centre (north of Camp Road) to be considered as a whole, taking into account all types of movements and parking needs. The layout as shown could prejudice the comprehensive planning of the village centre from a transport perspective.

The Heritage Management Plan submitted in support of this application has made reference to the site's suitability to accommodate school children. Besides a show of lecture/presentation rooms, no other information has been provided on how the site would accommodate large groups such as school children. I would have expected to see on the layout plans provision for bus/coach parking for occasional group visits.

The proposed parking layout is unacceptable. The perpendicular parking bays behind footways is not considered safe in terms of pedestrian safety and a risk of conflict with other road users. These are denoted by H9-H17 to the west of the Heritage Centre. Perpendicular parking north of the Heritage Centre is also deemed unsafe as it is assumed that parking related movements here would interfere with the movement of traffic along these roads as well as safety of road users. It should also be borne in mind that the roads surrounding the site will be heavily trafficked and shall also be used by buses serving the wider Heyford Park.

Parking Provision

The application proposes 20 car parking spaces for Building 103 (Heritage Centre) and 18 parking spaces for Building 315. Parking associated with Building 315 has been indicated to lie west of the building but the precise details have not been provided. It is a requirement for the applicant to provide these details.

I have noticed that the 9 parking spaces south of Building 315 and the 12 spaces north of the Heritage Centre as shown by drawing no **HEYF-5-SK280** are outside of the application site area. The parking that lies outside of the redline application area shall not be taken into account in this assessment until such a time that the applicant demonstrates ownership of this area.

From the same drawing it can also be seen that some parking spaces provided are of insufficient dimensions. Some bays along the access road are shown to have 2.3m widths which is below the required OCC parking standards. The minimum standard dimensions for a parking space as required by OCC are 2.4 x 4.8m.

Tracking

Drawing No.**HEYF-5-SK280** shows the site layout and tracking in relation to building 103 for a car and building 315 for a 16.5m articulate lorry. Tracking for a car appears very tight in some parking bays which shall not be acceptable particularly those areas along the access road.

It is unclear whether the area marked for vehicle manoeuvring associated with Building 315 is sufficient for HGV's. This needs to be demonstrated with scaled plans that track the swept path of a HGV lorry entering, turning around and exiting the site in forward gear.

Trip Generation

It is likely that the proposal could be an intensification of use on site compared to the where the number of visitors may exceed the provisions outlined within the approved Outline application 10/01642/OUT. In traffic generation terms, it is felt that the proposed development would have a detrimental impact on the link roads in terms of traffic flow and congestion.

The developer will be required to demonstrate through a transport statement that the expected trips can all be accommodated safely on site without risk of visitors having to park on link roads within the wider Heyford Park designation.

Refuse Servicing

No servicing details have been submitted – which is required to be shown. Tracking for a refuse wagon shall also be required.

Drainage

Surface water run-off is proposed to discharge into the main sewer. In line with SUDS principles, any new areas of hard-standing must be SUDS compliant and there must no increase in surface water discharged from the site compared to the current levels.

5. Relevant National and Local Planning Policy and Guidance

5.1 Development Plan Policies:

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

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

VIL5 - Former RAF Upper Heyford

ESD15 - The Character of the Built Environment

ESD13 - Local Landscape Protection and Enhancement

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD1 - Mitigating and Adapting to Climate Change

ESD2 - Energy Hierarchy

ESD3 - Sustainable Construction

ESD4 - Decentralised Energy Systems
ESD5 - Renewable Energy
ESD6 - Sustainable Flood Risk Management
ESD7 - Sustainable Drainage Systems (SuDS)
ESD8 - Water Resources
SLE1 - Employment Development
SLE4 - Improved Transport and Connections

Cherwell Local Plan 1996 (Saved Policies)

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

5.2 Other Material Planning Considerations:

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

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

RAF Upper Heyford Conservation Appraisal 2006 (UHCA)

Adopted Supplementary Planning Document the Revised Comprehensive Planning Brief 2007 (RCPB)

6. Appraisal

- 6.1 The proposed development raises a number of issues but in particular heritage and conservation, employment, access and compliance with the masterplan.
- 6.2 Whilst neither building is nationally listed they are both of local importance. Building 315 is well documented in the RCDB and the UHCA Appraisal. However Building 103 is possibly of more significance because of its age and construction providing a window back to the early part of Heyford's history as a military base. No physical changes are proposed to 315. Those proposed to 103 are minimal, for example, inserting full height glazing into the existing end wall openings.
- 6.3 In broader heritage terms, the importance of the site stems from the preservation of many of the Cold War buildings and the layout that evolved from the development of the military base. To help interpret the importance of the site and to comply with Policy H2 of the Oxfordshire Structure Plan (now replaced by Policy Villages 5 of the CLP 2031) the appellant at the public inquiry offered to provide a Heritage Centre and a Management Plan to go with it. This was secured by means of a unilateral undertaking. The Heritage Centre Management Plan set out that Building 315 would be "the centre" although other buildings would also be incorporated into its use to explain and show the history of the base. Doubts at the Inquiry surfaced about the suitability of 315 as the main centre because of its size and problems with its conversion. As a result the UU does allow for other buildings to be used as such.

- 6.4 Building 103 has been inspected by the County Council's Museums Development Officer accompanied by the Director of Banbury Museum, Conservation Officers and the proposed operators of the Centre. All consider the building eminently better suited than 315 for the proposed use. This is to include displays, archive facilities, areas to study, lecture room, refreshments and toilets. It is also in close proximity to the other Scheduled Buildings, 126 and 129, that will form the main hub of the public facility for visitors. It is also a higher profile, more accessible building both in terms of the site fronting Camp Road and linking into the proposed commercial centre of the proposed Heyford Park settlement. It therefore varies the masterplan slightly but in the Officer's opinion is an improvement. It is a requirement of Policy Villages 5 that a Heritage centre is provided.
- 6.5 In terms of the uses and their compliance with the masterplan for Heyford, Building 103 has permission for commercial use as part of its ancillary connection to the retail centre of Heyford Park. The proposed hybrid nature of the proposed community/museum/café/display use is entirely in keeping with its location and juxtaposition to other heritage and commercial buildings. Although there is technically a loss of employment use that is not particularly significant in the wider scheme to develop the base.
- 6.6 The use of Building 315 would be an effective and efficient use of the buildings and in line with the thrust of economic strategy nationally and at a local level, Policy Villages 5 expects the site to provide an additional 1500 jobs. It is eminently suitable for warehouse and distribution use and precedents have been allowed at appeal of the other A frame hangers.
- 6.7 It not considered to conflict with, as its use as a warehouse should not generate a high level of traffic. Policy Villages 5 does refer to re-using existing buildings identified as contributing to the identified character areas of the proposed settlement area that appear capable of re-use due to their nature and scale and could make a positive contribution to the character and appearance of the conservation area which reflects the Council's previous policy set out in Development Guidelines for Heyford. The application is for change of use so minimal details are included but necessary details can be secured by condition e.g. car parking.
- 6.8 Warehouse use of Building 315 will generate little traffic in its own right. Use will be made of the existing access and entrances and circulatory route, as will existing hard surfaces for parking. Further requirements or conditions are appropriate to impose a travel plan and routing agreement, and require a parking layout. When the masterplan is implemented Building 103 becomes highly accessible in terms of fronting the new access road through the settlement.
- 6.9 In terms of the settlement masterplan, both approved schemes retain Buildings 315 and 103. There would be a modest change of use if this scheme is granted permission but it will not significantly depart from the land use parameter plans.

Engagement

- 6.10 With regard to the duty set out in paragraphs 186 and 187 of the Framework, problems or issues that have arisen during the application have been largely resolved. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application and the pre-application engagement that preceded it. It does need to be recorded that the applicant has followed our normal procedures and protocols and engaged in pre-application discussions.

7. Conclusion

- 7.1 The buildings seem entirely appropriate for warehouse and Heritage use respectively and to keep them will preserve the character and appearance of this part of the conservation area. This seems to be the view of the Inspector who did not authorise their demolition and saw them in a balanced light where the conservation of heritage and environmental improvements had to be weighed against economic benefits, as required at the time by OSP H2 and now by Policy Villages 5. The appeal decision in this case has to be given significant weight. To permit this application will contribute significantly towards resolving the issue of a lasting arrangement at Heyford. It will also provide a base for the study and interpretation of heritage at Heyford in Line with the existing UU.

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 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered:
D0341 -107 Site Location Plan
6002.02.D Proposed Arrangement(Building 103)
UPP/85/315/AB1 Floor Plan (Building 315)
- 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 That prior to the commencement of the development hereby approved, an access phasing strategy shall be submitted to and approved in writing by the Local Planning Authority, showing the transition of the access to the site in accordance with the long term strategy for the site.
- Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework
- 4 Unless otherwise previously agreed in writing, the development shall be undertaken in accordance with the routing agreement approved under schedule 20 of the Unilateral Undertaking dated 23rd January 2009.
- Reason. To limit the number of journeys by private motor car and reduce the pressure for car parking in the locality.
- 5 No part of the development shall be commenced until a detailed green travel plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the

planning process to secure travel plans" and the emerging Oxfordshire County Council guidance on Developer Travel Plans, including an HGV routeing agreement, has been submitted to and approved in writing by the Local Planning Authority.

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

- 6 This permission shall exclude the details of parking layout shown on the submitted drawings and development shall not commence until a revised plan showing car parking provision for vehicles to be accommodated within the site of each building together with any areas for manoeuvring, has been submitted to and approved in writing by the Local Planning and such parking and manoeuvring facilities shall be laid out, surfaced, drained and completed in accordance with the approved plan before either building is brought into use.. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of satisfactory car parking, to ensure the development is in keeping with and conserves the special character of this part of the Conservation Area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan, and to comply with Government guidance contained within the National Planning Policy Framework

- 7 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 to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

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

- 8 All new works and works of making good to Building 103 shall be carried out in materials and detailed to match the adjoining original fabric except where shown otherwise on the approved drawings.

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

- 9 All plant, machinery, mechanical ventilation equipment and ducting, other than that shown on the approved plans, shall be installed internally. No other plant, machinery, mechanical ventilation equipment, flues or ducting shall be placed on the outside of the building without the prior written permission of the Local Planning Authority.

Reason: In the interest of visual and residential amenity.

- 10 Prior to Building 315 being brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the building or its adjacent service area.

Reason - Due to the proximity of building 315 to residential development, to ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within

the National Planning Policy Framework.

- 11 That no goods, materials, plant or machinery shall be stored repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan.

- 12 Neither of the buildings shall be occupied until screened provision for the storage of refuse and recycling facilities has been made in accordance with details as submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be retained solely for their intended purpose and refuse and recycling items shall be placed and stored only in this storage area.

Reason - In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan.

- 13 Details of any proposed external lighting shall be provided before it is erected on either building. The development shall be undertaken in accordance with the details as approved

Reason - In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan.

- 14 No signs or advertisements shall be erected on either building unless a signage strategy has previously been submitted to and agreed in writing with the Local Planning Authority. Any proposed signage shall comply with the terms of the signage strategy

Reason - In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan.

- 15 Prior to the occupation of Building 103, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 16 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape

operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

- 1 The Applicant is reminded that the premises should be made accessible to all disabled people, not just wheelchair users, in accordance with the provisions contained within the Disability Discrimination Act 1995. This may be achieved by following recommendations set out in British Standard BS 8300: 2001 - "Design of buildings and their approaches to meet the needs of disabled people - Code of Practice", or where other codes may supersede or improve access provision. Where Building Regulations apply, provision of access for disabled people to the premises will be required in accordance with Approved Document M to the Building Regulations (2004) - "Access to and use of Buildings", or codes which contain provisions which are equal to or exceed those provisions contained within Approved Document M.
- 2 Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has worked positively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>.

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Cherwell District Council

Planning Committee

29 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 **16/00042/F 42 Grimsbury Square, Banbury, OX16 3HP.** Appeal by Mr S Hussain against the refusal of planning permission for two storey extension and conversion to form four flats.

16/00291/F 25 Eden Way, Bicester, OX26 2RP. Appeal by Mr Dunford against the refusal of planning permission for change of use of land to residential curtilage and erection of new fence.

16/00413/F Airlie Hill, Banbury Hill, Shutford, OX15 6PE. Appeal by Mr and Mrs Stubbs against condition 4 imposed on the planning permission.

16/00567/F Land at Third Acre, Shutford Road, Balscote. Appeal by Mr Heapy of Farmia Properties Ltd against the refusal of planning permission for the erection of 1 no. dwelling with associated parking and garden (resubmission of 15/01996/F).

16/00619/F Land West of Horn Hill Road, Adderbury. Appeal by Mr Gough against the refusal of planning permission for a residential development of a single

dwelling with associated landscaping and land for an extension to the existing village burial ground – Resubmission of 15/01048/F.

16/00626/F + 16/00201/EUNDEV, Withycombe Barn, Wigginton Heath, OX15 5HH. Appeal and enforcement notice appeal by Mrs MacPherson against the refusal of planning permission and serving of enforcement notice for retrospective erection of one bedroom self-contained annex above existing store rooms.

16/01128/F 4 The Stables, Launton Road, Stratton Audley, OX27 9AX. Appeal by Mr and Mrs Roberts against the refusal of a single storey rear extension.

16/01294/F 55 Croft Avenue, Kidlington, OX5 2HT. Appeal by Mr Barakzai against the refusal of planning permission for the replacement of existing porch and concrete roof over bay; demolition of garage and erection of single storey rear and two storey side extension.

2.2 Forthcoming Public Inquires and Hearings between 29th September and 27th October 2016.

None.

2.3 Results

Inspectors appointed by the Secretary of State have:

1) Dismissed the appeal by David Wilson Homes (Mercia) against the refusal of discharge of condition 4 Drainage Strategy of 13/00301/OUT. Land North of Gaveston Gardens and Rear of Manor Farm, Banbury Road, Deddington. 16/00137/DISC (Delegated).

Condition 4 required the submission of a drainage strategy detailing drainage works for foul and surface water. The submitted drawings provided details of the proposed sewers and a surface water storage lagoon.

The Inspector found that the main issue in this case was whether or not the proposed foul and surface water drainage schemes would be acceptable.

The Flood Risk Assessment (FRA) provided with the outline application included a preliminary assessment of ground conditions and states that sustainable drainage measures are proposed. No details of such measures were provided with application 16/00137/DISC but condition 5 of the outline permission requires specific details in this respect. The Inspector found that, whilst the FRA does include preliminary drainage calculations, Oxfordshire County Council's comments were made without sight of the FRA. Whilst the County Council requested further detailed information it is not clear to what extent the information in the FRA would satisfy that authority. The Inspector further advised that the FRA states that the proposed development would give rise to a design flow of 3.7 litres per second and that Thames Water would need to determine an adequate point of connection to the existing foul water system. Thames Water had raised concerns that the existing sewer at Horse Fair was unlikely to have

capacity to take the flows from the development and requested the submission of an Impact Study to ascertain the effect on the existing foul water infrastructure.

The Inspector considered that there was no further information which demonstrated the acceptability of the proposed drainage works. Given the objections from the County Council and Thames Water, it was concluded that the proposed foul and surface water drainage schemes have not been demonstrated to be acceptable. The appeal was dismissed.

2) Allowed the appeal by David Wilson Homes (Mercia) against the refusal of discharge of condition 10 Landscaping of 13/00301/OUT and condition 18 Landscaping of 14/02111/REM. Land North of Gaveston Gardens and Rear of Manor Farm, Banbury Road, Deddington. 16/00141/DISC (Delegated).

The Inspector found that the main issues in this case were whether or not the landscaping scheme would be acceptable having regard to the character and appearance of the area.

The Inspector stated that the reasons for refusal included insufficient information regarding the existing trees and hedgerows on the land, together with measures for their protection during the course of development. It was considered that the details of tree protection measures were secured through condition 20 of the Reserved Matters. Furthermore, Condition 11 of the reserved matters approval requires the submission and approval of details of hard surfacing to roads and footpaths and the Inspector found that the absence of these details from the applications did not prejudice the achievement of an acceptable scheme.

The Inspector states that the site is in a prominent location (at the entrance to the village) but is surrounded by tree belts which would substantially screen the development from view across the wider area (the tree belt along the northern boundary of the site is protected by a group Tree Preservation Order). The development would include a central public open space (which is to include a LEAP) and an open area with a surface water storage lagoon (which would be in the corner of the site next to the main road and behind the tree belt).

In regard to the details submitted, the inspector considered that the trees around the boundaries of the site would provide a strong landscape structure and that the proposed landscaping scheme would also provide structure within the site (by including trees along both sides of the main access road and around the public open space). Furthermore, the landscaping around the lagoon would be less formal including trees and a wildflower/grass mix and the proposed dwellings would be built close to the road frontages, leaving little space for trees or specimen shrubs (but shrub mixes would be planted in front of the dwellings).

Having taken into account the concerns expressed by the Council's Landscape Officer (including the suggested improvements in terms of bulb planting densities, shrub mixes and the planting of more specimen shrubs to provide additional structure), the Inspector considered that the proposed landscaping scheme would be sufficient to achieve a suitably high quality design as required by the National Planning Policy Framework. The appeals for applications 16/00141/DISC and 16/00143/DISC were allowed.

- 3) Dismissed the application for costs by David Wilson Homes (Mercia) against the refusal of discharge of conditions 4 and 10 of 13/00301/OUT and condition 18 of 14/02111/REM. Land North of Gaveston Gardens and Rear of Manor Farm, Banbury Road, Deddington. 16/00137/DISC, 16/00141/DISC and 16/00143/DISC (Delegated).**

The costs applications were made on the basis that the Council refused the applications for approval of details within a short time scale (without first giving the applicants chance to provide additional or amended details) and that the responses received as a result of the consultation process were not passed on to the applicants. The Council believes that it determined the applications within the statutory periods that the additional information required was complex and that it would have been unlikely that this could have been prepared and submitted within the remaining part of the statutory periods.

The Inspector considered that the Council's decisions were based to a large extent on the amount of information submitted. The separate submission and approval of an Arboricultural Method Statement may indicate that the Council's defence of its refusal on the basis of a lack of information regarding tree protection was unreasonable. The Council also refused the landscaping details having taken the advice of its Landscape Planning Officer, but did not offer the applicants a chance to amend the scheme within the remaining part of the determination period which would have been reasonable.

The Inspector allowed the appeals concerning the landscaping scheme but dismissed the appeal concerning drainage. It was considered that the resolution of the matters subject to the appeals could have been achieved through discussion between the parties and submission of further information. For these reasons, the submission of appeals was not the only realistic course of action available to the applicants. The Inspector concluded that whether or not there was unreasonable behaviour on the part of the Council, this would not necessarily have resulted in unnecessary or wasted expense in submitting appeals. For these reasons it was considered that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance had not been demonstrated. All three costs applications for the award of costs were refused.

- 4) Dismissed the appeal by Mr Grimes against the refusal of planning permission for the erection of a two-storey building which will contain 1 one studio flat, 2 single garages, a bicycle and bin store and associated parking. Land to Rear of 181 and 183 The Moors, Kidlington. 16/00529/F (Delegated).**

The Inspector concluded that the main issue in the appeal was the effect of the proposed development on the character and appearance of the area.

The Inspector noted that taken in the context of the modest scale of the building, the three proposed dormers would be bulky and dominant with a somewhat crowded appearance. The Inspector went on to note that the dormers would not align with the ground floor openings and there would be a lack of unity in this respect. The Inspector stated that the proposal would jar visually with the

remainder of the development and would not provide a high quality design as required by Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1.

The Inspector concluded that the proposal would unacceptably harm 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.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

5.0 Implications

Financial and Resource Implications

5.1 The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Denise Taylor, Group Accountant, 01295 221982,
Denise.Taylor@cherwellandsouthnorthants.gov.uk

Legal Implications

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

Comments checked by:

Nigel Bell, Team Leader – Planning, Law and Governance, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

Risk Management

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

Comments checked by:
Nigel Bell, Team Leader – Planning, Law and Governance, 01295 221687,
nigel.bell@cherwellandsouthnorthants.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Tom Plant, Appeals Administrator, Development Directorate
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